

## **Closed Caption Log, Council Meeting, 01/26/12**

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>> Cole: good morning.

I am austin mayor pro tem

[10:06:00]

sheryl cole.

We will begin today with the invocation by pastor steve manning from the sweet home missionary baptist church.

Please rise.

>> Let me first say, sweet home missionary baptist church is in historic clarksville.

Sweet home recently hosted our fourth annual peace through pie celebration and we will also host a celebration this sunday night.

All are welcome and all are invited.

Let's bow for prayer.

Our father, we pray that you bless this meeting.

Give our leaders and indeed each of us a mind to work.

Let us proudly discharge the duties of this city.

Our manager recognizes that we are public servants who take responsibility.

Lord, teach us to work together, diverse yet inclusive.

Oh, god, we give you praise and thanks this morning.

In jesus' name we pray, amen.

>> Cole: thank you, pastor.

Please be seated.

A quorum is present so i will call this meeting of the austin city council to order on thursday, january 26, 2012.

We're meeting in council chambers, austin city hall, 301 west second street.

The time is 10:07 a.m.

The mayor is traveling on city business and will not be in attendance today.

I will not be announcing his absence in each vote.

I want to remind everyone that if you parked in the garage at city hall, please have your parking stub validated or you will be required to pay the parking fee upon exiting the garage.

There is a desk just outside in the atrium setup to validate the parking stub.

Okay, council members, we will begin with the following changes and corrections.

2 is postponed to

[10:08:00]

february the 9th, 2012.

7 is postponed to february 2, 2012.

17 and 45 will be time certain.

46 is postponed to 62 is withdrawn.

Our time certain items are 59, an austin energy quarterly briefing, and item 60 is a briefing on the new city hall web site demonstration.

00 noon we will take up our general citizens communication.

00 we will take up our zoning matters.

we will have our public hearings.

30 live music and proclamations, and our musician today is johnny gray.

So the consent agenda is items 1 through 48 -- 1 through 58, with some exceptions, but there are no exceptions for appointments by city council members.

The one exception is item 41 that will stay on consent but it is a waiver due to residency.

The items that have been pulled off consent are 38 by council member riley and several items have been pulled off consent with speakers who will have a total of three minutes.

One is clay defoe, pat johnson, will mcLeod and scott johnson, and the qlms items that have been pulled for two or more speakers no. 43.

[10:10:01]

And now I will read item no.

41 Into the record.

Approve a waiver of the residency requirement in section 2-1-21 of the city code for cassandra taylor's service on the community development commission.

I read 43.

Okay.

Thank you.

Those are all of the speakers that we have signed up to speak on the consent agenda.

I will entertain a motion for approval.

>> Spelman: mayor pro tem?

>> What about 12?

>> Council member spelman.

I'm showing 7 speakers signed up to speak on item no. 17.

We may want to pull that one off the consent agenda as well.

I believe we already did.

I pulled off and set for 17 and 45.

>> Spelman: apologies.

and council member spelman, those are your items.

Do you have anything to add about them?

Okay.

So we will let people know that those items will not be heard until 3:00 p.m.

Okay.

We have a change on item pulled off the consent agenda by council member riley.

20 will be pulled by council member riley, and 38 will stay on consent.

And we also will pull item 12 for a few questions by council member tovo.

Colleagues, is that all the items we have pulled?

Council member martinez.

yeah, I just want to leave it on consent but want to postpone item

[10:12:00]

no. 46.

We have some language amendment that we need to incorporate, so we're just going to postpone it till next week to get it all right and bring it all back.

>> Cole: great.

46 is postponed to february 2, is what I have.

clay defoe, are you here?

You are signed up to speak on item no. 11.

And you have a total of 11 and 42.

defoe in the chambers.

20 with mr. pat johnson.

I know I saw you earlier today.

>> [Inaudible] council member riley?

Item no. 20?

>> That's pulled, so we'll table that later.

council member riley, would you like to wait for mr. defoe?

Okay.

Yes --

>> it's on consent so it will come up later in the day.

20 Is pulled off.

so we called defoe, we called pat johnson --

>> [inaudible]

>> cole: mr. mcleod.

mcleod, is he in the chambers?

Boy, we're going to get done by 1:00.

Mr. mcleod?

You're signed up on item no.

39 And 40, if you come, please let you know.

Scott johnson, you are signed up on item no. 53.

Mr. johnson, are you here?

[10:14:02]

Pat johnson on item no. 38?

There you are.

Please come.

Come to the special -- so i can you, item 38.

>> Item 38, this is on the multiple use agreements between the city and the txdot on i-35.

I would like to request, based on the history of the towing contractor that's being used currently an amendment be put into this agreement that the only towing company that's going to tow off from underneath the bridges when they have to clear the parking areas 00 so they can sweep the bridge is the city towing contractor south side, because j & j towing who's doing it right now, we get zero money.

This item is on the agenda is a revenue generating item.

We get zero from j & j.

J & j has convicted felons working for them, wrecker drivers.

They had numerous complaints through apd enforcement unit for people's vehicles being damaged from towing.

In all these negative issues it's come to light -- this has been coming to light recently -- this has been going on since they've been towing from underneath the bridges, and my concern is people come to our community, they pay to park, they might not get back over there and their cars get toad and then when we get -- towed when they get to j & j and find their car damaged the public leaves with a sour taste about our city.

So I would request that an amendment be placed on this item so any towing that's done from underneath those bridges be done by south side wrecker, the apd towing contractor, that we have no complaints on and they don't hire convicted felons.

Now, you know in our community we've had a lot of crime involving people's vehicles getting

[10:16:01]

burglarized, by women getting raped, people getting murdered in their homes and those offenders that are committing these crimes are convicted felons.

So by allowing a convicted felon to tow your car and you get to your car and you find out somebody has been in your car or you're missing something in your car, there is a thought in your mind, well, who's been in my car?

Why did you unlock my car?

We see them over there in the morning hours with slim jims unlocking cars so they can move them around or they drag the cars away from the curb instead of having the right equipment to load them up on the road vac and take them to the storage facility.

So I would just ask that you all strongly consider adding an amendment on this item t towing tun di the city of austin, the parking division, specifically goes to the city contractor.

We had that problem here at city hall but city hall in the mac using south side for towing impounding of the vehicle off city parking lots.

So I just ask, please, for the sake of the public and for the integrity of what we're trying to do here, that this is maintained by using a towing company that does not hire convicted felons.

Does that make sense?

And I asked some members from the wrecking [inaudible] to come down here today.

>> Thank you, mr. johnson.

>> -- To let you all know that information the number of arrests versus convicted felons working for j & j and south side.

>> Cole: thank you.

Again, council, on the consent agenda is items 1 through 58 and also items 11, 42, 39, 40 and 53 because we did not have any speakers on those items, although they had signed up.

The items that have been pulled off the consent agenda by council members 20 by council

[10:18:02]

12 by council member tovo.

And the items that have been pulled off consent due to speakers is item no. 43.

17 And 45 by council member spelman for a time certain of 3:00 p.m.

Now, I will entertain a motion for approval of the consent agenda.

We have a motion for approval of the consent agenda by council member tovo and a second by council member spelman.

All those in favor say aye.

>> Aye.

All those opposed say no.

The consent agenda passes by a vote of 6-0.

Thank you.

Now we will call up the item pulled by council member riley no. 20.

thanks, mayor pro tem.

20 is the award of a 60 month revenue contract with ampcos system parking that relates to parking facilities here at city hall and across the river at one texas center.

I would like to get staff just to briefly comment.

I just want to confirm and clarify some discussions that we've been having with our -- with our parking staff.

Maybe steve grassfield could confirm my understanding of where we are on those.

Parking continues to be a problem for many people in the central city, especially in the area just south of the river along south congress and in the area where one texas center is located.

We've done a good job of increasing the revenue we're getting out of city hall parking garage, and that doesn't just mean milking people for money.

That actually has entailed reducing the cost of parking at city hall, making better use of the parking resources that we have here, and making parking more convenient.

More people are making use of it and in the process the city is -- it is actually generating more revenue.

So we've been looking at one

[10:20:00]

texas center to see whether we are doing the best we can with that parking resource in that area of high demand, and so we've had discussions with both ampc and our parking staff, and they have advised that they will continue to work with us on this.

And I'd like staff to just confirm where we are on that.

We have a memo from staff that sets out some steps that may be taken in the short-term, and those would include pilot reductions in the parking fee at one texas center during special events, and publicizing that lower parking rate, lower actually than palmer events center, for people coming to events at palmar or long center, it should be less and should cost less, and we should publicize that.

The second opportunity is to meet with local restaurants around there to see whether we can enter into agreements.

We currently have an agreements with thread gills to accommodate their parking after hours and there may be other parking needs in the area as well.

And then thirdly we'll be conducting an ongoing parking spot checks on non-special event evenings and first thursdays to see if there's any spill-over parking and to evaluate garage capacity, and the idea there, there are a number of ideas that have come up about ways that we could be using that garage during special events.

We've talked about the possibility of having shuttles where people could park at one texas center and take a shuttle to the first thursday -- the first thursday, but the idea, as i understand it, would



be to use the resources of the city, especially the expertise of the city's parking enterprise to work cooperatively with this contractor, ampc, to make the best use of our resources, so parking would be better for our citizens, and that we would be making

[10:22:00]

the most of the assets that the city has so that we'll be responsible stewards of those assets.

Is that a fair summary of where we are on the -- on parking for one texas center?

>> Yes.

Eric stockton, building services officer.

That is actually -- I don't think I could summarize it any better.

>> Riley: okay.

>> That's our understanding.

I know there have been concerns about -- especially with respect to revenue coming out of the -- out of one texas center and especially the convenience of parking for patrons of the long center and palmer events center, that we might be able to do better to serve the needs associated with events at those facilities by better management of the garage there the a one texas center, and do you see opportunities for improvements there?

>> Yes, I think some of these short-term steps will help us evaluate, you know, what else we might be able to do in the immediate future but also sort of set the stage for long-term evaluation areas that we need to look at strategically as the whole area matures in economic development.

so this isn't just a one-time approval of a contract.

This will actually be an ongoing working relationship where the city will be continual limon tring the usage at our facilities and making sure that -- monitoring the usage at our facilities and making sure we're being responsible stewards of those assets?

>> Yes, sir, we will be working closely with transportation to try and keep our finger on the pulse of what's happening in the area, and look for opportunities to use that -- the asset of that garage, particularly in the evening, on a daily basis to increase utilization.

I very much appreciate staff's efforts on this and I'll look forward to continued improvements in the way that we manage those facilities.

>> Thank you.

and with that I'll move approval of item 20.

I'll see, and stockton, I had a

[10:24:00]

question.

Echo the comments by council member riley about this parking facility and our overall system especially with respect to the long center.

Is it included in our parking facilities master plan?

>> It would actually -- yes, I believe that it is, but actually transportation would be better equipped to answer that question, to confirm.

>> Steve grassfield, parking enterprise manager, and just to clarify your question, our overall parking plan, yes, ma'am.

>> Cole: okay, good.

Okay, council, we have a motion by council member riley and a second by mayor pro tem cole.

Is there any other discussion?

All those in favor say aye.

>> Aye.

>> All those opposed?

That passes on a vote of 6-0.

Thank you.

Council member tovo, item no. 12.

I have a few questions -- I know we talked about this at our work session on tuesday but there were some follow-up items.

As I understand the arrangement, there are still some costs that will be assessed to aid for the use of the drill field and the instructors associated with that.

It's my understanding, and thank you so much to your department for providing us with information over the last few days.

It's my understanding that aid has a grant to pay for about 90% of those charges, and I wondered if you had an amount for us of what is remaining.

>> Thank you.

Rhoda may kerr, the fire department, the chief -- and with me is assistant chief doug fowler who is over that program and is liaison with aid.

And our costs that we estimated that we charge in fees are approximately \$8,400.

And that's the use of our facility, different parts of our facility, training facility, approximately 12

[10:26:01]

times a year, schedule into their program.

>> Tovo: okay.

>> So 10% of that 8400 would be \$840.

I hate to take my chances and do my math in public.

>> Tovo: great, thank you.

And it's my understanding that those -- that we can use our fee waiver budgets to help -- help support aid in this matter.

If there are other council members hold like to do that, I would like to use some of my fee waiver budget to offset some of that cost.

I don't know if we can do that under today's motion or if we would need to come back.

let's call up legal to get some advice on that.

City attorney, do you -- you're looking at the posting?

>> I think the way this is posted, it just relates to the interlocal -- let me see if I can pull up the backup to see what that talks about but I think what I'd recommend is you bring an actual fee waiver back because you're actually waving a provision of the city code, which I don't believe that this particular posting contemplates giving notice to the public of.

I'd be very happy to do that and if you would just convey to aid that we hope to offset some of that cost, and maybe we can talk in our work session about whether some of the other offices are willing to come forward with some of their fee waiver budget.

So thank you, council member, martinez, i appreciate t thank you very much, I think this is an important use for our community and our city and for the fire department.

So I'm really excited to learn more about it.

Thank you very much.

any further questions?

I'll entertain a motion.

>> [Inaudible] council member tovo moves approval of item no.

12 And council member spelman makes the second.

[10:28:01]

All those in favor say aye.

>> Aye.

all those opposed say no.

Item 12 passes on a vote of 6-0.

Thank you, council, i believe that we are --

>> [inaudible] 42 that had speakers that were pulled off.

Are any of those speakers present?

42 --

>> 43.

>> Cole: 43.

Fir gus pena.

Are you here, gus?

You do not need to speak.

Starting to get my gnaw up [inaudible] up here.

Scott johnson signed up neutral.

Wish to speak?

Yes.

Scott, are you here?

No.

Clay defoe?

Signed up wishing to speak against.

Are you here, clay?

No.

Ed cargo -- carvo?

Signed up wishing to speak neutral.

Thank you, ed.

>> Good morning, signed up and stuck around.

Good morning, mayor pro tem, good morning, good council members.

My name is ed cargo.

I'm president and manager of yellow cab austin.

I signed up neutral on this

[10:30:00]

agenda item.

We support the idea of a surcharge but not the recommended amount.

In addition to that we've also presented an alternative.

I distributed that to you will after your offices throughout this week, and i have copies here if anybody needs them, any of the guys in the [inaudible] department or we have copies here so I can make sure i get those before you this morning.

The way this proposal came about was kind of outside of the standard procedure for rate increases.

The way this they come before you all, so, you know, we're here today to discuss it.

This alternative benefits the independent contractor drivers, passengers, and it meets the desires of the city council to entice more independent contractor drivers to work at night.

50 to the drop as a surcharge, at night, I'm asking you to consider a solution that is more consistent with what other cities do.

It's consistent throughout the industry, and it gives equal consideration to all consumers taxicabs.

Our recommendation is to add a charge of \$1 per passenger 00 p.m. and 4:00 a.m.

It's similar to what san antonio and houston do.

They add a dollar at a night surcharge.

It's consistent with what galveston does.

They do an additional dollar per passenger.

De las does an additional \$2 per passenger after the -- dallas does an additional \$2 passenger -- for the passenger and beyond, they do \$2 per passenger.

The reason that we're kind of -- we kind of focus on 05 number is that essentially doubles our drop rate at night.

It would make us the be highest charge at night on a so that's a pretty big jump for the consumerment and if you do it in addition to the drop or the surcharge, the passenger still sees that

[10:32:03]

15 as their initial fee to sit in the cab.

Our concern is that people on fixed incomes, lower to middle income folks and students who rely on cab services would seek and find cheaper or alternative modes of transportation.

Not all trips, even between and originate in the downtown area.

We have folks that are leaving work, maybe folks that are going out to the movies.

So we feel that the dollar per passenger is a more equitable distribution 50 as a surcharge or in addition to the drop between and 4:00 a.m.

The benefits of going to a dollar per passenger are it does create greater financial incentive for the independent contractor drivers, because you're still doing it at a dollar per passenger, so they could get up to \$4 if a group of four rides.

It doesn't place as great a burden on the single passenger.

There are safeguards that currently exist to ensure -- thank you, mr. cargo.

>> If you guys have any questions I'm available to answer.

council member martinez.

cargo, can you finish what you were trying to relate to us, please?

>> Thank you very much.

There are safeguards that exist to ensure fairness.

Dispatch trips don't communicate how many passengers are in that party, so drivers can accept and reject space based on that.

Cab stands are first come -- stands are first come first served for the driver, so it's the first passenger in.

The first trip of the day, they're driving down the road, if a single passenger flags them down and there's a group of 4 standing two blocks away or standing down the street, the likelihood of them passing up that passenger is not very high because they realize that the single passenger could be a \$70 trip to round rock as opposed to that group of four being a short trip around the corner.

And then there are ordinances that exist to RESPOND TO ICDs WHO REFUSE Service.

And posted messages would be

[10:34:01]

in all of the vehicles to communicate to passengers at night what this additional dollar per passenger surcharge is.

Last but not least, unfortunately we will be back here before you guys in early 2013, coming and asking for a scheduled rate increase.

50 now that's added to the drop and then we're back here in 2013 asking for more on the meter, which would be to the drop and to the mileage, you know, we have concerns that we would be pricing ourselves out of the market.

And so we want to help the drivers make more money, that's really important to us, but we want to remain competitive and make sure we keep enough market share for them to make more money.

So raising the price is an incentive for the drivers, but if we don't take the consumer into consideration, you know, we really start to worry about you're charging more but you have fewer passengers and that's a concern that we have on behalf of the city, the drivers and the consumer.

carve -- council member martinez.

>> Martinez: I'm sorry.

When we went through our last -- roundabout fair increases and the drop charges, if you guys are willing to accept a minor increase in the drop fee based on a per passenger basis, did you bring this forward during that last discussion?

And if so, what were those conversations?

>> There was limited conversation at the time.

This is -- we're going back to 2010 when we were talking about rate increases.

You know, one of the things that we always want to consider is the sticker shock and the number of trips that you're going to lose just by raising the rates.

So we didn't want to add all of this at the same time.

But there was some limited conversation about how to encourage people to come out and work at night.

The solution that was suggested at that time and has since been implemented is that on the cleanup fee, to encourage more drivers to work at night, there's an additional dime per trip

[10:36:01]

that's already built into the drop, and there was some math done on that that that would, you know, bear out to be about \$440 per year, so that if an accident happened in the cab twice, you know, that money was already accumulated to encourage drivers to work at night.

But, you know, the discussions were to not push for this specific piece at that time, so that the prices weren't running up all at once.

And that was in conjunction with the ground transportation department.

We actually came -- presented a rate increase that was a little bit higher than what was approved because, you know, it was right after 2008 and really taking the consumer into consideration.

so let me ask the main sponsor and co-sponsor, does this language -- could it contemplate a proposal such as this that's being made today or, you know, is it pretty rigid that we move 50 fee -- council member morrison.



the language actually is an ordinance that implements the 50 drop fee, but I do think that one possible scenario is for us to go forward with this but to explore the possibility that carvo is suggesting as an alternative.

That would allow us to get something in place for the time being, which I think is important because we have a heavy taxi season coming up that we really do want to be encouraging the peak hour trips, and I think that the recommendation we're hearing is an interesting one but would require, really, some more study.

So I think one possibility would be to go with this but with direction to staff to start a conversation and studying this proposal.

council mem tovo.

I think that -- this is a proposal just -- by way of con tech, this is

[10:38:00]

a proposal that was brought to us by the taxi drivers association.

I know this is something they have been advocating 50 additional drop amount, and, you know, as we know from reading the monday report there is an unmet need during the peak hours, and i think we do need to figure out ways to incentivize drivers to get on the roads during those times and serve the customers who are requiring taxicabs, and i agree that, you know, if this presents unintended consequences we can certainly go back and evaluate it.

It's my understanding that our transportation department has done some initial estimates of the dollar per passenger fee 50 increased drop charge, and perhaps drur can share those with us.

>> Good morning, gordon drur, assistant director of the transportation department.

We understood this proposal.

There had been an initial proposal from the taxi driver association to raise the flag drop to \$5.

So we felt it was more appropriate to talk about a surcharge on the existing 50 plus 10 cents for cleanup fee plus a nickel for fuel.

So in anticipation of the report we were doing on february 9 we were looking at the data provided in the monday report, and to try to make an estimate of what the potential impact was to the different groups, stakeholder groups.

So with a lot of caveats, and I apologize for this, but based on an average fair of \$16 from the monday report, estimating from the data collected in the monday report, about 25% of the taxi trips right now occur 00 a.m. of the total day.

50 would roughly work out to about a

[10:40:02]

4% increase in fares that would be collected by the drivers.

Let's say there's a whole spectrum of how drivers drive their taxis.

Some work primarily at the airport, some work primarily during the day, some work primarily dispatch.

So overall as an average of the whole system, it would be roughly -- if 25% of the trips occur in the evening, 00, it would be about a 4% increase.

One of the previous proposals had been a dollar per additional passenger after the first.

That works out to be about a 2% increase, with the -- if you assume that we have equal number of trips with one, two, three and four passengers, that works out to be about 2%, we don't have a data set that could tell us what the distribution is between those so that we could tell you.

In theory, if we had that equal distribution, about 2% before -- after the first rider to get a dollar.

If it's a dollar per passenger, it would be on 50 if you assume the distribution is equal between the four sizes.

So anecdotally there will be more parties that were less than that, so would -- it would be somewhat below that 4%.

Another option we'll be presenting to you on the 4th is there are some cabs that have more than four seats, but under our current ordinance we say you cannot carry more than four passengers.

If we were to remove that restriction so that the vans could hold more than four people, that would also be an incentive to get larger vehicles -- more vans on the road, so that might be another way to implement that as a desirable aspect of our taxi fleet.

So without a complete data

[10:42:01]

set, the best estimate I can give you is roughly what it would accrue to the average independent contractor.

So -- well, thank you for that.

And I understand that it is a limited data set and you had to make some assumptions to come up with that, but the bottom line is if we're trying to incentivize drivers to drive during peak hours,

they'd do better, they fare better, so to speak, under a 50 increase in the drop fee versus a \$1 per passenger increase.

So thank you for doing that initial work, and I know we're evaluating lots of things about taxis right now, and again, you know, we can reevaluate this, but i do think that moving forward with this today will meet our goal of incentivizing drivers during peak hours.

council member morrison?

dirk, can you tell me is there any way -- on the issue of getting a data set or not having a data set, that tells us what the number of passengers is and the distribution of that?

Is is there any way, in your mind, to actually collect some data like that or to get some better estimate besides just assuming it's equally --

>> [inaudible] franchise owners we could request that drivers keep that information.

I don't know of any direct way that we can actually get auditable data sent, if -- set, if you want to go that far, but I'm hur yellow and lone star would help us by asking their drivers to collect information and we'd probably get a partial data set.

that was going to be my next question to mr. carbo.

>> If you guys will please forgive me.

It's my understanding that we're working outside the normal procedure.

In the normal procedure we would have stakeholder meetings to discuss, you know, getting to that point.

Unfortunately we didn't have

[10:44:00]

that.

But to answer your question, all three franchises support the additional dollar per passenger.

I think it's something the consumer would defeat behind.

When we presented that at the utc there was support from them.

Another reason this works better is that the data you're asking for can be collected in an easier manner doing a dollar per passenger instead of doing a 2.50.

If do you a dollar per passenger, on the meter for every passenger that gets in, the driver would have to click the button to add a dollar, and so the data would be collected electronically as opposed to well before my time here in austin, the system was drivers kept logs, and they report how many passengers per trip.

Well, that was very cumbersome and the city decided to go away from that.

50, all you're 50 to the drop.

You're giving the sticker shock to the passenger and you still don't have a good way of collecting information.

So if you go a dollar per person you can collect that data, you can use it a month from now, six months from now, a year from now and apply it.

At the end of the day if you 50 and that drop doubles, from the passenger's perspective -- if we come back and say we need to roll that back, that's harder to do in terms of the expense of communicating that to the market loss as opposed to making it a dollar per passenger and then if the data comes back and says we need to do something dollar to what dallas does and make it \$2 per passenger, we can accommodate for that at that point in time and we can do that in as short a span as a month, three weeks, you know, six months, whatever time frames you guys want to get that information back.

We do inspections on the vehicles on a monthly basis.

We read the meters at that time.

We report that information to the ground transportation department.

They could have that ready for you guys to say, is this working, within a month span, and then we can go from there.

I understand that you guys potentially have the authority to make changes to

[10:46:00]

50 at this time and implement this alternative so that we can track and then make decisions going forward, and it's best for the consumer, for the drivers and for the city's purpose of encouraging drivers to work more at night.

thank you very much.

carvo, I have kind of a simple question.

You heard staffer and i understand that all three of the cab companies support an increase, but less than the one that is currently on the table.

But I want to make sure that regardless of the increase, you are capable of calculating that electronically and providing it to us.

Is that --

>> yes, it's much more feasible to have -- if you set the meter to the point where the driver has to -- for each passenger added, click the button to add the dollar per passenger, and that would be communicated to the passenger -- communicated to the passenger.

You put stickers in the car -- you get folks get in the car and they're watching the meter and every time the driver pushes a button they want to know what they're doing.

You communicate that effectively to the passenger as the driver pushes that button.

They don't have it keep a log.

They're not self-reporting.

It's a lot less cumbersome for them and a lot less time consuming.

We read the meter on a monthly basis.

We're able to gather that data, report it to the ground transportation department as we currently do and then you guys could make decisions with that data.

Outside of -- if you do 50, you don't get the how many passengers are riding on each trip.

and did i understand you correctly that you have not had any stakeholder meetings?

>> No, we have not had any stakeholder meetings regarding this specific issue because of the way that it was presented.

It was kind of presented in reverse order of what we normally do in the industry when we request rate increases.

okay, thank you, mr. cargo.

May pro tem?

I want to point out in december when we had our first discussion about -- i believe it was december --

[10:48:00]

about increase the number of permits and looking at other considerations, there was an intent, or an interest in making a motion regarding the drop fee from the dais, and we were not able at that

point to move forward, so we have had -- you know, there has -- I think all of the stakeholders, you know, knew that this was in process.

So I would say from december on it's certainly been an increase, and I see that we have some people -- or certainly has been a subject of discussion, and I see we have some people in the audience who I hope will come and talk from the taxi drivers association perspective, but I believe that this is something that has a risen in the past as well.

>> Cole: thank you.

Thank you, mr. cargo.

>> Thank you.

next we have solomon casar.

Solomon, please come up.

>> Morning.

Solomon casar, president of lone star cab company.

I'm supporting the surcharge, but not in the way as presented because of the concern from the majority of my drivers, i come through them, and most of them prefer the \$1 per passenger charge rather than the 2.50 dropoff charge.

And basically the reason is it discourages the rider and maybe the riders prefer taking alternative transportation.

And that -- in other words, 50 -- when the rider gets in and sees a \$5 charge -- casa, can I ask you to speak up a little?

We're having trouble.

Or bring the mic a little closer.

>> Sorry.

Generally I'm in support of the surcharge, but in a

[10:50:01]

different way than has already -- was already described by ed from yellow cab, and when this comes up I congregate the majority of my drivers and the majority of my drivers support the \$1 surcharge instead of the 50 drop, simply because a single driver -- I mean, a single passenger may look for alternative.

And in other words, if there are four passengers in a cab, the driver still gets 50, and I am suggesting the dollar surcharge including a single passenger.

That way drivers, two passengers, still they can get \$2.

With three passengers they get \$3, and this is what I'm trying to say.

Thank you.

thank you, mr. casa.

Next we have dee ann johnson.

Present but not wanting to speak.

And I saw --

>> [inaudible]

>> okay.

Council member morrison?

johnson, i do have a question for you.

I know you work -- you work on the airport commission and also with the taxi drivers.

And I wondered if from either of those perspectives you have any comments on the 50 flat surcharge or a \$1 per passenger.

>> De.

Ann johnson and I represent the taxi driver association and I'm a member of the airport commission.

The taxi drivers are in support of an increase of this fee.

Actually there was discussion in taxi working groups about this at length on barton springs office, and we had a taxi working group, and the idea of an additional dollar per passenger was raised when the fare increase discussions happened a couple of years ago, and that was rejected.

[10:52:01]

So we did not feel that the 50 was a disincentive for people to take a cab because the demographics of who's 00 00 and generally where the drivers are going to be in the downtown area, that it's less of a disincentive for people.

As a legal aid attorney we of course were concerned about the impact of an additional drop fee on low income people, but we don't feel like, you know, folks are going to the doctor or the grocery store between , so I had less concern about that as an issue or a disincentive for people to take a cab.

So on the dollar drop fee we also thought that was an alternative, but we support whatever can get in place as soon as possible with the idea of possibly setting what these other options might be.

Certainly if you're going to do the \$1 drop fee, we like the dallas model, that is a \$2 increase per passenger.

So if all of that is on the table, that would be more similar to a 4% increase by adding the per person fee.

So.

thank you, ms. johnson.

>> Tovo: prayer pro tem?

council member tovo.

thank you, mayor pro tem.

I have a couple questions.

I assume that the taxi drivers based on their experience had a sense of what the different options were and that their experience led them to believe that they would do better economically with a 50 fee, so rather than a dollar per passenger fee, would you -- since they brought this proposal to us --

>> I think we did not bring forward the additional passenger fee because it was rejected in the fare discussions from 2010.

So that what they thought was a potential incentive for the drivers to work those peak hours was a better alternative than yellow cab's suggestion that you put 100 peak permits on

[10:54:01]

the ground, peak time permits on the ground.

So the drivers came up with a number of alternatives.

I think that one just wasn't included because it was rejected by staff.



The franchises actually opposed it also when we discussed it in 2010.

and to be clear, those are the taxi -- how did you describe them?

What was the name you used for those work groups?

>> There was a taxi stakeholder meeting that lasted for some length where we discussed a number of different things, in december, or november, i think.

>> Tovo: okay.

So that included the franchise holders --

>> the peak time permits was definitely discussed, yes.

okay, as well as drivers.

So it was an opportunity to get different stakeholders involved in this discussion.

Okay.

>> Gordon nurion.

We met on december 28 with all the franchises and the drivers to discuss potential -- after the council action on september 15.

We've subsequently held meetings at the transportation commission and I think there was participation from all of the groups to talk about all of the options that are really on the table.

thank you, ms. johnson.

Council member spelman?

let me be sure i understand.

When the taxi drivers did not reject the dollar per passenger fee or any other fee two years ago, but they did not consider the additional passenger fee during peak hours because it had already been rejected by the staff and the franchise holders, is that right?

>> Yes, I think that's why it wasn't included.

They submitted about eight different alternatives to handle the peak time problem for a couple of hours, so they made a number of suggestions on what the alternatives were and the increase in the drop fee was one of those.

>> Spelman: okay.

And it's your understanding or it's your impression that most of the drivers would support some increase in the drop fee during peak hours, whether it's a dollar a passenger or 2.50 per trip?

[10:56:02]

>> Yes, oh, definitely, they would.

I just want to be sure.

>> Yes.

[Laughter] but the \$2 per person is better than the \$1 per person.

I understand that.

At least from the taxi driver's point of view.

>> Yes.

>> Spelman: thank you.

council member morrison?

and I just want to get -- I'm a little confused about whether your sense is that the taxi drivers have a preference of the flat fee versus a dollar per passenger.

Are you saying [inaudible] information?

>> I think that this wasn't fully discussed because the alternative that yellow cab brought forward to you guys this week wasn't fully discussed with a membership meeting of the taxi drivers association, but there is support either way for an alternative, whatever can go into place most quickly, considering what -- because march is about to come here, and that will be a busy time, to incentivize the drivers to work those nights.

and was there any part of the discussion that addressed whether or not -- the numbers that drur had thrown out, in 50, would look at -- would accumulate a larger increase in the drivers' pockets?

>> We did not have that information at the time the alternatives were discussed.

okay, thank you.

And I do want to just comment, you know, when we had the -- passed the resolution last december about adding some additional permits, one of the balancing acts there was to find a way to very quickly and in parallel ameliorate the situation in terms of any possible impact to the drivers with greater demand, so I think this is a critical element of that.

>> Thank you.

thank you, ms. johnson.

scott

[10:58:00]

johnson --

>> -- I'm sorry, toaf johnson, one more -- question.

I think I understand from what you're saying the drivers favor any kind of increase.

>> Yes.

and that's understandable.

>> You didn't need me to answer that question.

[Laughter] based on your experience, are they typically on peak hours carrying three passengers or more, because that's the only way they'll do better, with a per passenger charge than with the 2.50.

With the data we've got and the estimates we got from drur suggests they will do better financially with a 50 drop fee, but they have -- you know, the cab drivers have more experience -  
-

>> and it's only anecdotally and I think that varies at any different time of the year.

On new year's eve you've got big groups that are out together, after football games you might have big groups, maybe on the other weekends you have two.

It was probably his -- durs's analysis of equal distribution between the number of passengers is a reasonable analysis, i think.

So it would be better for the drivers based on that analysis to have the 2.50.

>> Tovo: okay.

Thank you so much.

thank you, ms. johnson.

scott johnson.

Signed up neutral.

You have three minutes.

>> Good morning, mayor pro tem, council members, staff.

My name is scott johnson, I'm her speaking on my own behalf, and I'm not speaking for or against this proposal, but it appears that it's a good opportunity to talk about the issue of taxicab drivers earning more money.

One of the reasons why i believe those that work for a long time as a cab driver don't earn more money is in part the vehicles that they choose to purchase.

If you'd choose a crown victoria, you're going to get in city traffic 12 miles per gallon.

That's one issue.

Another opportunity, and this is being done worldwide, is that other cities have changed to compressed natural gas.

The advantage there is that it's 20 to 40% less expensive, it has lower ozone forming and carbon emissions, and the vehicles last longer running on compressed natural gas.

The challenge here in iews austin is that there are only two filling stations, i-35 and ben white and one at the airport.

However, those folks that are dedicated to run airport runs could be using that filling station that opened last year.

One of the things that is going to happen, partly due to grants that are available through the tceq, and it may come from the private sector, is that there will be a filling station at some point in the future in north austin to facilitate taxicabs filling up, to facilitate city vehicles that run on cng, compressed natural gas.

This is something I hope the staff and council will get involved with to try to foster at least a pilot project to see what can be done.

In dallas yellow cab has retrofitted to dedicated cng vehicles upwards of 100 of their cabs and they're seeing cost savings at this time in the 30% range.

Secondarily, I see an opening to say that when the council gives the licenses or renews the licenses for taxicabs, this is the time to ask taxicab drivers, as all of us should be, to follow traffic laws closely.

Don't cover the crosswalk as an intersection.

I had an issue with one taxicab driver one night and he gave me a lot of grief about t and he's breaking the law.

Don't run stoplights.

Don't run stop signs.

Get after these folks who are driving a lot of miles within the city when you have the opportunity.

You have the reins.

You're the ones that renews the licenses for the cabs and gives out new licenses.

I'll be happy to answer any questions.

>> Cole: thank you, scott.

Council member morrison?

thank you, scott, and thank you for the reminder for all of us to obey traffic laws, anybody using the road.

But also I wanted to comment that the resolution that we passed last december did specifically ask for a discussion about alternatives for developing a more sustainable fleet.

So I hope that you have had an opportunity to share your yts with utc.

-- With utc.

>> I have, but there haven't necessarily been people asking me questions when I've gone to their meeting.

I see ask council member martinez's staff about the sustainable fleet item within the warehouse, and as far as he knew that idea had not been pursued.

There's no pilot project unless gordon can tell me different -- there's no pilot project to try to dedicate a natural gas vehicle.

I hope that I'm wrong.

>> Morrison: mr. drur?

>> I think that we're looking at that within the menu of what we're bringing to you on february 9.

>> Morrison: great.

So it will be something under consideration, so thank you for that.

>> Thank you.

mayor pro tem, I would -- council member morrison.

I would like to go ahead and move approval of this item.

I believe that we have -- with additional direction to explore the per passenger option in the meantime.

council member morrison moves approval of item no. 43.

Is there a second?

>> Tovo: yes, I second that.

and that has been seconded by council member tovo.

Any discussion?

Council member riley?

yeah, I am not going to be able to support this motion.

I think some serious concerns have been raised by cardbow, and those concerns also can be found in the report we received from dr. monday.

monday, who has been mentioned several times, did not recommend a peak hour surcharge.

In fact, he urged us to keep taxi drivers as low as possible and he noted the overall effect of a taxi rate increase hits low income and transportation disabled members of a commu the hardest.

With this amendment we will have the highest base rate for a single rider in texas.

I just want to repeat that.

With this amendment, austin will have the highest base rate for a single rider in texas.

We are doing that -- we would be doing that on the heels of a consultant reminding us that an increase hits low income and transportation disabled members of the community the hardest, and I have serious issues with that.

I think the idea of shifting to a per passenger approach has merit.

It is consistent with practice in other cities, and so I would offer a substitute motion that we -- that we -- in lieu of the language that's been proposed, we strike the 50 and replace that with \$1 per passenger, and -- well, two other things.

Number one, I understand there's currently a cap on passengers and vans, and i would suggest that we eliminate that cap so as to encourage the use of vans, which of course would be more efficient.

And secondly, I would also suggest that we pass this on first reading only to allow the urban transportation commission to consider this and take action at its next meeting so that before final passage of this there would be an opportunity for further discussion with stakeholders at the urban transportation commission and we would actually have a resolution from the urban transportation commission expressing their position on this.

So to summarize, I would propose that we go with a -- on first reading, we go with a \$1 per passenger fee 50 flat fee, and that we also remove the cap on passengers and vans and that we approve -- we approve this on first reading only to allow for consideration of this item by the urban transportation commission.

council member riley has made a substitute motion that we approve only on first reading a change 50 amount to the dollar per passenger so that this motion, if passed, would read "between the 00 a dollar per passenger peak hour surcharge will be added to the additional rate of "

is there a second?

I'll second for purposes of discussion.

and that motion has been seconded by council member spelman.

Discussion?

mayor pro tem, i have a question.

If we send this back to the urban transportation commission, when will the next meeting of urban transportation will and when will be the next opportunity for us to pass this on second and third readings?

>> We have scheduled a special utc meeting for the 31st, so next week so that we can present the report we're going to bring to you on february 9.

So we could discuss that with utc on next week.

>> Spelman: okay.

And that means we could actually consider this at our next meeting on the 2nd of february?

Is that correct?

Okay, so we're only talking about a week's delay here.

council member spelman, I believe we're having some comments from listening.

Legal e we'll let them way in on that, the time period.

>> The agenda for next week will be posted this friday, so you could put the item on and then wait for the utc recommendation.

>> Deborah thomas with the law department.

We can do everything except the removal of the cap because what we did post for today was a change to the a -- peak hour surcharge but we don't post anything about changing the cap.

So if we limited it to -- didn't include the cap, we could go ahead and vote on first reading today.

If you want to do the cap, perhaps we could bring the whole thing back next week.

You know, if first reading for basically a whole new item, is what we have.

council member spelman, did you have any further questions?

no, i understood, actually, council member riley's discussion of the cap to be direction to staff rather than actually a formal -- let's go to council member riley.

I would suggest based on the input of council, I would suggest that for purposes of the motion, that we -- eliminating reference to the cap from vans, of course the urban transportation committee commission meeting next week they would have an opportunity to consider that and when we post this for our next meeting we could post it to include that measure, so next week -- next time we come back to this we would then have an opportunity to do both items, to do the per passenger fee and removing that cap, and we would have the benefit of the input from the urban transportation commission.

>> Cole: thank you.

I'll just say that we have had an extensive discussion over the last six months to a year about our transportation of taxicabs and other vehicles, and i think at our last meeting one thing that became clear to me is the need for it to go to the utc so that we could take a comprehensive approach to this and also have all the stakeholders involved so that we get buy-in because this is one of the few business enterprises that we actually do -- are in charge of.

So I will be supporting the substitute motion.

Any further comments?



Council member tovo.

I had a question for you.

Did the utc consider -- you know, we have been talking about this increased drop fee since december, is this something -- and it's been posted on the agenda.

Did the utc address it at all at their last meeting?

>> Yes, it was presented to them -- we presented eight or 2012, something like that -- twelve, something like that, different options something like removing the cap on the number of passengers and making it the number of seatbelts in the vehicle, as something we could bring to you on the 9th to address -- look at balancing the stakeholder interests.

So yes, they did look at it.

They did discuss it.

so they have had an opportunity to discuss the drop fee, the increased drop fee.

I just want to make a couple quick comments.

I've already spoken in favor of the ordinance -- the original ordinance, and i just want to point out that it is -- it's a little tricky comparing base rates.

You know, base rates is only part of the equation.

I'm looking, for example, at dallas, which as we've heard charges a \$2 -- \$2 fee per extra passenger, considerably more than the substitute motion council member riley has proposed.

They also have a depart surcharge for love field, a 60 depart fee for dfw, a \$2.60 dropoff fee.

So without -- I think if we're going to make comparisons to other municipalities we need to factor in those other fees too because it's not just an issue of base rates.

Sometimes the surcharges in the other towns and cities add up as well.

And the other thing I'd like to point out, I know we've all used -- not all of us but I have cited the monday report and we've all cited it in different ways but I'm also very attentive to some of the concerns we've heard from the drivers themselves that the monday report didn't take into full account their experience as drivers and the economic conditions that they face, and so with all due respect to monday and to the report and the work that he did do that I think is valuable, i do think we don't necessarily get a very clear picture of -- from the drivers' perspective in that report.

And, you know, if we want to incentivize drivers to go back out during peak hours, I think we do need to listen to them about the need for that to be financially viable -- a financially viable option for them and a financially appealing option to them.

So I'll be supporting the original motion.

council member morrison?

I want to make a couple of points.

I think that if it goes back to the utc and we wait for a week, I guess my first question would be to legal, are -- when it comes back will we also have the opportunity to -- if we accept -- if we approve the amended motion, will we also have the opportunity to amend it yet again and make it a 2.50 flat surcharge?

>> We will post -- when it comes back the second time, a broad posting for addressing rates of fare, and if we do that and don't limit -- instead of saying peak -- we can say a peak hour -- if we just say broadly rates of fare, that would leave it totally open for the council to do what it needed to do -- but actually it sounds to me like the motion was to approve this ordinance as amended on first reading, so actually you would post it under transportation as a -- as an ordinance with a broader posting than we have here?

Is that what you're talking about.

>> [Inaudible] the broader posting if you wanted to then go back to the 2.50.

But we would bring an ordinance back that the council member -- if the council proves that, we would bring that ordinance back but the posting would be broad enough, if council wanted to do something different.

I guess this is a technical question, but why wouldn't we just keep it under items from council because right now it's an ordinance under items from council.

>> I just mean we would broaden the posting.

That's all.

>> Morrison: okay.

And then I have a question durr, and that is, if we take a week, there are two important elements for me that that discussion should incorporate, and that is the taxi drivers' voice.

So it would be important for me to get a strong understanding of the taxi drivers' perspective on the difference between a \$1 per 50 flat fee.

Is there -- would that be possible?

That's not necessarily just a utc meeting.

>> We can certainly see if we can set up a meeting over the next week.

And with reference to the previous discussion, i believe a year and a half, two years ago when we were talking about fare increases, we weren't talking about segmenting the day.

So when that previous discussion of additional dollar per passenger, that was 24 hours and not particularly to incentivize, so I think that's the change condition from what the previous discussion had been.

But we can certainly set up a meeting as soon as possible to get feedback from the drivers.

okay, good, I'm getting a nod from ms. johnson in the audience.

And then the next piece that would be important for me to have integrated into the discussion is the question of the riders between -- who are the taxi fares between 00 because council member riley had mentioned impact on low income folks, which I think, you know, everybody on this dais is concerned about, but on the other hand we've johnson mention that between the hours of 9:00 p.m. and 4:00 a.m.

Maybe we're looking at -- we're not looking at low income folks going to the grocery store or to the doctor, so if there's some way to get a sense of that -- I don't know if you have any data on that or if there's some way that we can have -- get some information on the table instead of just batting that argument back and forth.

[One moment, please, for ]

>> answer that specific question, when we did our franchise renewal in 2010, we submitted a page that showed, this was 24 hours a day, where trips originate around the city.

Most trips are not in the downtown area.

We will go back and have our it department run the data from to demonstrate not all trips are downtown.

It's not the doctors.

You've got people that work late coming home.

You've got people going to the movie theatres and other stuff, we will make sure we try do consolidate that data as quickly as possible.

>> Between nine and four, thank you very much.

With those -- with that understanding of the kind of conversation that we have and it will come back next week , I think I can support the motion.

>> Any further comments?

Okay.

We have a substitute motion on the table, and a second.

And the vote is on the substitute motion.

We have all those in favor say aye.

>> Aye.

>> All those opposed say no.

We -- we have a motion that passed on a vote of five-one with councilmember tovo voting no.

Thank you.

Okay.

Next we'll have our briefings.

Austin energy quarterly briefings.

Go ahead and get started.

>> Excuse me.

Good morning, mayor pro tem, council members, deputy city manager, city attorney, I'm larry weiss, general manager of austin energy, the municipally owned utility.

I will be presenting our quarterly report this morning.

The -- as we've done in our past quarterly reports, I'll be talking about some year-end financial performance, key performance indicators and strategic initiatives, generation plan in particular.

I don't have to remind everybody that 2011 was a very warm -- excuse me -- i went back -- a very warm year, but our highlights, as we have a rate review in progress, so I think everybody knows that.

We have our energy resource plan to 2020 adopted with the affordability goals in 2011.

We have purchased power contracts for 291-megawatts of wind energy.

The 30-megawatt solar farm at webberville is online in december 2011.

We converted from a zonal to a nodal market within ERCOT, we maintained excellent reliability, our customer care center is online in 2011, new customer service center in north austin was opened and we maintained credit ratings for the year.

In some detail here, some revenue numbers for the year, we had exceptional sales because of the warm weather in june, july, august and september, but we also had an associated cost with that, and that is the orange bar, the middle one is our cost associated with it, so the net is the green.

And that's reflected in our financials throughout the presentation and our financials for the year-end.

The financial results, then, with that, we are demonstrated -- shown on this page, we have added something to this chart.

I think you've seen this chart before, but down the fund, the operating fund balance, we put down there in the strategic reserve fund balances down there.

The strategic reserve fund is funded once.

It's kept there until it's used.

We don't fund it back to operating fund, however, is where we are in trouble on our financing and you can see where that ending balance I'll go into that in a chart here coming up.

This is the chart I'm talking about.

In these operating fund balance and unrestricted reserves, the red, the top one, and we have some other funds that are in there which I won't specifically talk about, but the red ones, the most important one, that is our strategic, and then we have the blue is our operating fund, and as you see there, it's been drawn down over time, and that's where we have a rate problem or a revenue problem is with that 38 million that resides in there today.

Our system performance, and please, if you have some questions in the middle of these, or we can go back to them, whatever your pleasure, our system performance for the year is very good.

We have a system average, interruption frequency index and we have a goal and we've exceeded that and we have our system average interruption duration index and we've done that, and we did this with an extremely warm summer this year, which has -- can be -- represent a lot of reliability problems.

Our generation type for 2011 is in this chart.

I won't read it through there, but we have coal, natural gas, nuclear pretty well balanced on portfolio.

You will see numbers in a minute where we're driving our renewable portfolio up considerably.

In ERCOT we bid our generation in, used it out, put it in and bring it out and we also do a lot of transactions with all of these resources in the marketplace.

Our transactions were 3 million-megawatt hours 3 purchased to meet our needs.

We want to have a reliable generation fleet and our goal is 95%.

We had some difficulties in the hot weather this summer, in particular the south Texas project had an outage -- unplanned outage in November of 2009, and then our STP unit one, spring of 2011 had a planned outage that went longer than expected, so that was -- and we also had a coal outage during the year but this is just STP.

Some other things that we're doing to mix it up a little bit, we're putting smart street lights in the entire service area.

The -- we have 12,000 street lights that are automated.

They're installing photo cells that communicate wirelessly with a web-based product the next phase is 2012.

Austin Energy averages 800 plus work orders a month for malfunctioning lights.

The benefit is that we allow our crews to go where we know those lights that are out rather than having to patrol so consistent with the industry, what we have is we have crews who are basically assigned to maintain the lights.

We get calls but we also patrol.

This eliminates that need, will eliminate that need when it's fully functional, so this is a smart grid application, if you want to look at it that way.

This is something that works and this is a really good example of it.

Our generation plan update, we have -- I'm going to go back to the front slide.

I want to highlight that -- you'll see this in here.

We have in there new generation plan, and meeting our goals, we will be at 25% renewable with our new wind resources that come online, and that's a real good thing to talk about.

We have struck some really good wind contracts, I think as you know, the Spanish firm, we could not get to the -- cross the finish line on that one due to the markets in Europe.

They were disappointed.

We were disappointed.

I'll talk about what our next steps are in that.

Our plan to ensure operations to reduce green house gas emissions is required of austin's climate protection plan is a corner stone over a generation plan.

Initially adopted in april of 2010 and approved by the affordability tool in 2011.

Review annually and report on the performance against goals and reassess in public forum every two years.

Every major resource decision and plan change taken to council for review and authorization.

The wind acquisitions that we acquired this year are from duke energy generation services, and from map royalty.

Here are the numbers of those acquisitions.

The -- determine the contracts up to 25 years, therefore the numbers get pretty big on terms of the cost.

These are very attractive to our portfolio.

Frankly, they were less than what we had forecasted our wind costs to be, so they're great acquisitions.

This solar goal -- and before I leave wind, I want to say that we've been asked several times about what's our next step on a wind acquisitions.

Part of what we have to do is get transmission belt to west texas.

That is part of the crez operations that will go out there.

The city owns land out there in west texas that we would plan to build a wind farm, so that is one of our next opportunities and it also factors into our next solar opportunity that we might do out there.

So we really need to have the infrastructure belt in cooperation with ercot in order to look to west texas for some of our renewable.

Oops.

Our solar goal is 200-megawatts, excuse me, by 2020.

The strategy and the timing right now, on our whole solar goal, is to evaluate the webberville project out there, find out how it works.

How -- you know, operationally and everything, prior to looking at another utility scale project, and as I talked about the next build out of the crez transmission in 2013 will allow us to look to west texas perhaps as our next acquisitions for utility scale solar and also some more wind energy.

The federal tax credits for solar expire in 2015.

The current solar pricing under ten cents per kilowatt hour is higher than other renewable energy, so we have to fit this into our portfolio very effectively so we can make sure the economics are right.

We're considering roof top leasing and community solar as programs.

We are so busy with rates work right now and everything else that we're doing, that we get a lot of questions about these two areas, but we are working on them, I assure you, and we're investigating solar leasing to customers.

The utility scale solar project that we just put online has numbers that look like this.

The price is \$164 a megawatt hour, and utility scale projects that are coming online now are cheaper.

At the time we struck this deal was quite awhile ago and we brought it online, so we're looking forward to the solar industry getting the prices down, and making the utility scale solar more cost effective.

Consumer solar incentives is a large focus of our work right now.

They are not connected to the rate work that we're doing.

They're independent.

But they are, as you know, the communications and the comments all come at the same time about a lot of our issuings, the photovoltaic incentives, we have a rebate for residential and performance based incentive for commercial and multifamily.

The consumer may supplement ae incentives by tax credit, they get a credit up to 30% of installation cost for new system and that expires in 2016, and there's a pecan street solar rebate for the community out there.

We have solar hot water rebates in our residential commercial program.

The residential photovoltaic rebate, these are roof top residential systems.



They have a rebate currently 50 per watt and a cap of \$15,000 per year and \$50,000 per customer.

Applicants are required to make their home fully energy efficient before they can participate in the program.

The commercial performance base incentives currently are 20kw, 14-cents per kilowatt hour for ten years and changes that we're considering in raising the size element limit to 200kw and implement a megawatt based of around 10-megawatts.

These are under consideration at the moment.

The ramp down schedule, and I'll show you these charts in a minute, are very common in the industry.

They are a residential goal in our solar plan, ten megawatts, we're currently at 5.

The reduced residential solar rebate, the rebate programs were all designed to stimulate the solar industry and once it got on its own feet and the economics were down, that the industry would be self sustaining.

It's -- hasn't reached the potential that it can and that is one of the impediments to it.

The rebate level decreases, more megawatt must be achieved per rebate.

6 in megawatts per 25-cent reduction in a rebate level, so we've seen an increase in the number of megawatts even though our incentive has gone down at this point.

Here is a chart that demonstrates that.

You -- looking at this chart, we show where the rebate amount is, and the megawatt target that's on there.

And this is capacity installed.

So on the capacity installed at the rebate megawatt level, and the rebates in dollars.

The next chart says it another little way.

You can look at it, the 15-megawatts that we want to get to.

We have a ten megawatt goal, but we're looking at it for a 15, and we're looking at the dollar amounts for rebates in the charts demonstrated currently.

We're at 250.

So that rebate amount will go down as we get more megawatts in the system, and it seems counter intuitive that you would run a program this way, but this is very consistent with what the industry is -- has been operating with other utilities do, and in my opinion this program is right in line with some of the most progressive solar programs in the country by other public utilities.

The value of solar, with our new program, we're going to be operating new program a little differently.

The new program will use this value of solar.

So we establish a value of distributed solar using a consultant who -- and we have a study that's done for us.

It was done a few years ago.

We just had it update.

In 2006 it was first done, updated annually, and the results are that the bottom line is the value of solar for a fixed 30° system is 12.8 centss a kilowatt hour.

That's the predominance of the system, we will be using that when we establish our new rate for solar, and in a home what will happen is the customer will pay their normal electricity rate, and monthly we will do the account balancing on their account to credit the generation from their solar 8 centss a kilowatt hour, and against their bill, at the went of the year, there will be a difference there, and if there's any money owing the customer, then we have a -- we clear the book, if you will, at the end of the year with each customer.

And I think I touched on most of this, these points on the photovoltaic.

Another big project that we've been undertaking, and I know we've had customers that have had a lot of concerns about their bills, because we've had some problems as we've cut into a new system, but it's continuing to get better and better and has the capability to build based on proposed rate structure, so most important we will require a building system adjustment to set up a new rate structure, input new rates, convert customers from old classes to proposed classes with our new rates and the question was asked, and I was going to bring it back today, that it would take 90 days after council approval rates that we could have our system set to do whatever schedules that we have.

So it's 90 days.

We have a meet exchange requirement for any customers that are on time of use.

So any rate schedules that we adopt with time of use we will have to do a meter exchange, put in different technology out there, and make sure that that communication is all set up, so that's a key component of cutting our new building system into handle our rates.

So I went by that pretty fast, and -- but I know some of you saw some of this yesterday, at audit and finance, so I'm available for any questions.

>> Thank you, Larry, and some of us did see some of it yesterday, but we're going to have to see it again and again before we land on what we're going to do.

Questions colleagues?

Councilmember Riley?

>> Riley: Thanks for the presentation.

First I want to congratulate you on the utility successes in 2011.

It was a remarkable year, and we achieved an awful lot, and I think you're to be congratulated on that.

First, on wind acquisitions which you addressed in slide 13, as you noted we had given approval to do three contracts, and one didn't work out, the one where they withdrew their proposal.

That was another coastal wind contract, isn't that right.

>> Yes, it was.

>> There had been some discussion pursuing coasting wind contracts.

Is there still any hope of getting an additional wind contract this year from based on west Texas wind -- or rather coastal wind?

>> We're continuing to work with some of the parties that were -- as you recall, we did a request for proposal in the springtime, and we're continuing to work with some of those parties that were on our proposal list that were, you know, as we went through that process that have coastal wind.

At this point in time, we do not have any contract negotiations going on or any authorization to engage in any discussions with any other party.

>> The prices, as you've noted, were impressive, down to 3 and a half to 4 and a half cents per kilowatt hour, and I understand the tax credits that help enable these purchases may be expiring at the end of this year.

Would it be worth considering any opportunities for additional wind contracts?

Would additional direction from council be helpful on that.

>> Well, frankly, I think you hit it right -- you know, right on the key issues.

Tax credits.

So the projects that we're doing, the timing was we needed to have those machines operating, the owner needed to have those machines operating before the tax credit expired.

Now, with the uncertainty of those tax credits, the developers of those wind projects really need to have a wait-and-see, so I expect with whatever congress will do with respect to the tax credits, and reauthorizing them as you probably know, they've reauthorized them several times, they expire, they reauthorize them, if they reauthorize them for the next tax year, I'm assuming that we're going to see a -- another more development, more development, so that would bring our opportunity.

Right now, because of the tax credits going away, the door is kind of shut for right now, because we needed to get these machines -- in fact, working with aberdola, the -- I went won't into into what happened in the spanish economy, but basically, they were very disappointed too, but they had to get their order in for their turbines and get them in the ground before the tax year to make the deal work, and with the difficulties in the european financial market, they just couldn't guaranty that and couldn't do it.

So they couldn't sign to the deal.

>> Riley: I appreciate all of your efforts on that, and confident that you'll continue to be on the lookout for any opportunities as circumstances change, if there are additional opportunities to get wind contracts at those prices, i think it will certainly help as we strive to meet those goals in our generation plan.

Shifting over to solar.

You're right, we did have that lengthy discussion about the solar program in our committee meeting yesterday.

One issue that we discussed in regard to the value of solar calculation was the -- was the elements that are -- that comprise -- that go into the rate on that, which of course, as you mentioned is now -- it's now set at 12.8 cents a kilowatt hour.

One I asked about was the economic considerations in the value of solar.

I understand there have been studies in the past, and in fact there have been suggestions that the value could be set significantly 8, and what we heard yesterday from staff was that it would be up to council to provide some policy direction about the value at that we would want to attach to that component of the value of solar calculation.

Can you offer any suggestions as to how we might go about considering that issue and adjusting the value of solar rate to reflect the value that we attached to economic development?

>> I think probably the first place that I would start is by looking at some of our peers nationally that are very involved in solar, and see what they would do.

I would -- I heard this asked before, so we're going to be looking at that.

I already asked or will be asking the staff to start looking at some of these other attributes.

The professor hoff who is the clear power research who determines that, I think we will have to go to him and see if their company has done any of this type of research.

That's probably the next step we would take.

>> And a related issue is the relation of our decisions on solar programs generally, and the value of solar in particular, in regard to the rate proposal that's currently under consideration, and what we talked about yesterday is they're not necessarily connected.

They are -- they have been parallel processes, but we could go ahead and approve the rate package and then give some more thought to the solar programs including the value of solar calculation, is that --

>> yeah, that's correct.

I would characterize the solar program as more connected to the budget rather than the rate.

So it's really about what we budget for rebates and that ..

>> And in fact there is some urgency in regard to the rate package, and that's -- and that's really what i wanted to get to finally.

As you know, the chair of the electric utility commission has reminded us about a december 2011 letter to austin energy raising -- pointing out that the need to take some action fairly soon on rate package in order to ensure that -- that there's no adverse impact on our bond ratings.

And I just wanted to see if we can get from you a better sense of exactly what the timetable is that we should have in mind in regard to the need to act timely on the rate proposal in order to avoid any adverse impact in our -- on our bond rating.

Obviously, with the proposal as significant and complicated as the rate proposal, we would like to have as much time as we reasonably can to get a good understanding of it and to hear from the community and to work cooperatively toward improvements in the rate package, but we have to balance that against the need to act timely to ensure the financial integrity of the utility.

So as we try to strike that balance, can you offer any guidance as to -- as to the time frame that we should have in mind as to when we really need to act?

>> Well, my opinion is that we need to have these rates in effect this year.

Now, having said that, I just told you there's a 90 day lead time on just getting our billing system to do it.

There's going to be a lot of discussion that we are going to have and are having.

We're not hard and fast on dates ourselves, you know, looking we realize there's going to be a lot of discussion, a lot of decisions and a lot of work that has to be done.

I have a meeting with the city manager tomorrow, and we're going to strategize on, you know, what we're going to bring forward next, and what the timing is.

You know, the direct answer to the question on a financial basis is you want to have them in a place before the summer, because that's predominance of our revenue, and as I've stated several times, it's really important that we're looking at two things, we're looking at a rate design which is really independent of how much money it generates, so the rate design's fundamentally important and then the revenue that we generate is the big piece, the big business piece, and so we would like to have ideally staff at Austin Energy, we would like to have the rates in effect before a majority of the summer revenue season.

>> So -- and that means having the rates in effect by what, June.

>> Right.

>> Riley: And we need to back up 90 days from that.

>> Right.

>> Riley: So we're talking March, we really need to have -- okay.

Well, I appreciate your consideration on that, and your ongoing assistance as we try to sort through the issues associated with the rate case.

I know we will have many more discussions about that before it's wrapped up.

So thanks again for all of your work.

>> Councilmember Spelman?

Councilmember Morrison.

>>

>> Morrison: Yesterday seemed to be Austin Energy day here because we had our folks here during the audit and finance as well as our emerging technology.

I want to thank them for coming down and talking about solar and what's going on with the work there, and just to piggy back on what councilmember riley has noted, I think that bringing in the - - one of the things that I thought was very interesting that was said by your staff yesterday was that you, in terms of solar, and in terms of trying to, you know, make the most of it, and capacity, and job creation, and, you know, really helping to move along a great industry that we want to encourage, that we can look at incentivizing rates or rebates or working through egrso and being very explicit about incentives for job growth, and so i think that I'm looking forward to having that sort of broader conversation, and certainly one thing that was made clear by some of the folks that spoke was that for our industry to grow, we need to here in austin, the solar industry, we need to make sure that we as a council can demonstrate what our long-term commitment is so they can work their business plans within that, and so I think that the conversation that we're having with regard to the budget, but looking at those different components of rebates, rates and working through egrso is something that we can work on really pulling all together, because I definitely agree with you that it's counter intuitive that we would be ramping down our rebates because, I mean I sort of have to ask a naive question and how could there be too much roof top solar in this city, and what does that really mean in terms of what we want to do to incentivize it?

I thank you for your work and for your staff supporting our conversation yesterday, and I think that we have laid the ground work for some good on going discussions.

>> Thank you.

Councilmember tovo?

>> Tovo: Thank you very much.

And I had the opportunity to attend your presentation -- one of your presentations yesterday and got a lot of my questions answered so I'm just going to focus on the billing system right now.

We have heard from some constituents who are encountering some challenging with the billing system, for example, they may not have received bills and then they get, you know, a bill that is very high, so I wondered if you could give us some sense of what the range of issues are.

Are bills getting to all of our customers now, and if not, how soon -- I know you're working very hard to resolve all of those issues.

>> Yes, I can in a general way.

I can't give you the specific statistics because I don't have them, but when the new system went into place in october, we immediately had our largest problem was the online portal where you could get online, and pay your bills, and set that all up, and this is a building system for all of the city of austin, this is water, wastewater, electricity, everything.

Some customers obviously have electricity and don't have those.

So it really impacts the whole city, you know, significant issue putting this new system in line.

I don't want to -- I don't want to just say this generally that there aren't any problems, because there are, but -- but when you turn these new systems on, these new cis systems, which is what our industry call them, which is called ccmb, customer care and billing, there are always difficulties when you put these new systems in, from our understanding they were having quote, unquote the norm problems when you do this.

Now, the portal was a problem.

We've gotten that fixed and stabilized and then we've had individual cases where the bank account numbers and the account numbers on bills don't match up with some folks' electronic payment systems and we're working through those one by one with customers, so we continue to have through the city manager's office, we get those requests, through my office we get those requests, through your offices we get those requests and we have been narrowing those down and working on those one by one, and I assure you that we're going to have them cleaned up and our billing system stabilized this year.

But you have to recognize also that our old billing system still had some of these problems too.

We still have this on going difficulties with customers and electronic billing, and it's because of account numbers and probably all of us have had that happen, when addresses change and other things happen, we have to work with our customer -- our customer care people do a very good job.

They reach out a lot.

They've been working really hard this year with those customers to try to accomplish all of these problems.

So we have a process set up to handle these customers, one by one, and to get their problems resolved.

And my understanding in the briefings that I've had my staff and I give to the city manager, and to the other teams that run the other -- like water is that the problems are becoming fewer, the system is becoming more stabilized.

It isn't going as fast as our it professionals might want it to go, but we're getting it there, and that's the high level report on that.

>> Tovo: Okay.

Thank you for that.

I appreciate the work of your customer care representatives.

I know they've assisted my office in working with individuals so I appreciate all of their hard work.



>> Larry, you have done a phenomenal job of coming before us a number of times and trying to lay out the case for the rate proposal and just understanding what's going on with austin energy in general.

But I still want to ask you some questions that may seem kind of simple, but I think we have to get it in simple terms just because we have to explain what we're considering doing to the public.

Now, we've talked about the revenue number and how we justify it and how we came up with it, but I know that a piece of that number is the reserves, and I just want to focus on that, because you mentioned it earlier.

On -- on our handout, you talked about the strategic reserves and the operating reserves.

Now, why did you focus on those two?

>> I'm going to have to get elaine up here in a second, our cfo up here in a second, but I focused on those two because our operating fund reserve is the critical piece that funds our capital programs and all of our operations, so that reserve is really important piece of -- that's where we're really having the problem.

The strategic reserves, the ones --

>> so when you talk about our capital program, you're talking about what?

>> I'm talking about building poles, wires, sub stations --

>> the hard equipment that you see?

>> All the infrastructure that we put into the system and ought to operate the system and the growth that we have with austin energy.

Austin energy is fortunate.

We have a lot of growth.

But it costs money to build new wires and poles and operate.

So that's what we use it for.

We're about a 50-50 split between funding it from cash and funding it with debt service, and the strategy of using debt service plays into this, and we've heard about that, but we just like these renewable projects that we just acquired, these ARE PPAs, THEY'RE PURCHASE Power agreements.

We're not using capital to acquire these new resources, so the next time we would have a large capital project come along, let's say for example, if we did a big wind project or a solar project,

we would have to cross that decision point about whether we want to issue debt for that and whether that makes more sense or whether we -- you know, do some other kind of business arrangement.

>> Then why would you want that choice?

Why would you tell us that we have to have some -- 50-50 ratio to be able to operate effectively that way this.

>> The credit rating of austin energy independent and the city, they work hand some of the debt is together.

Some of it is independent.

Focusing it from an independent debt, that is a lien against the revenues of austin energy and how it works.

That credit rating is so important, because the long-term cost of borrowing has a huge dollar -- it's a big dollar amount.

For example, if you're doing a \$300 million wind project, the interest rate difference between those two over that time period could be significant if your credit rating is not high enough.

So when we go to rating agencies, and I know you talked yesterday that you've been this, and been in those discussions, they look at your cash position and how much cash you're using for your capital program as a credit strength.

If you don't have enough cash and you're borrowing for everything, that's a credit weakness.

So it's a balance between the two.

And the financial advisor, our staff, and the financial advisor for the city, i think is a real important element in determining what that right balance is.

>> Okay.

Now, tell me how the strategic reserves play into this analysis.

>> The strategic reserves are -- is a fund that we don't touch.

It is a reserve there for so many working days of funds on an emergency basis, and an operating basis.

We don't go in and tap those funds unless we have the significant issue.

One's contingency, the other is so many working days of cash.

>> What would be a significant issue?

I mean if people are looking at this number and saying i don't want my bill to go up, let's tap it.

>> Significant issue could be some kind of legislative issue, some type of disaster, some type of a loss of a big generating unit, south texas project was never going to run again, like an incident that happened in japan or something like that, that we would have a significant issue.

>> So is this the type of reserve that figures into the analysis of our bond rating and how strong we are as a city also?

>> I'm sorry?

>> I'm trying to figure out if this is also a type of reserve that is used by our bond rating agencies to evaluate how strong we are as --

>> absolutely.

Absolutely.

Absolutely.

>> Okay.

>> And I'm going to be on tuesday I think we're going to have a work session.

>> We are.

>> And I recognize there are several -- I would call them buckets of information we need to talk about, and i think that this is one that we really need to talk about because that's a real fundamental strategy to how we operate the utility is to have these reserves.

And we will compare our reserves with other publicly-owned utilities, municipally owned utilities in the united states.

We have some real good examples and we're getting the data on it right now to show you.

For example, jacksonville electric in florida, I can name off several that are utilities just like us, owned by the city, part of the city operations, department of the city, if you will, and that we're going to show that so you can see what others do, and so when rating agencies look at that, they're comparing us with other utilities, so as a group across the country, the municipal bond ratings, they're looking at how we compare to these other utilities, well, one of the other largest municipal utilities in the country is just down the road at cps, you know we get compared to cps a lot, because it's owned by the city of san antonio.

So we have to look there, and we're looking at some others.

>> Okay.

We're getting real close to citizens communication, but I did want to make clear to my other colleagues that I sit on audit and finance that we had a presentation from the auditors on energy rates and we did not get to customer assistance, but I felt real strongly that the discussion related to the energy rate audit needed to be heard by all of us, and the information was very, very helpful, and they looked at at least 7 other utilities both publicly-owned and privately-owned, and gathered a lot of information that I think will be helpful to our analysis, and Larry did not have an opportunity to respond to that, so this is one of the reasons I'm asking this line of questioning today, but I've also want to make sure that we ask the auditor, and I'm doing it right now, to make sure that you get a copy of that presentation before Tuesday, and I have set it for the work session, and one of the directions that we gave was that we really wanted to focus on just the financial aspect from the auditor, from that time, and in particular trying to talk about the debt equity ratio, the reserves, the transfer policy, the bond rating, and just really try to use that time for all of us to get on the same page about what financially is at issue for the city so that we can talk to the public about that and make sure we're all there, so we're planning on doing that on Tuesday.

Councilmember Spelman?

>> Spelman: Thank you, Mayor pro tem, because of what you just said and I think a lot of our discussion is going to be about with regard to the audit report, I've got two questions for you.

One of them, Larry, you said a few minutes ago what the bond rating agencies do, and more general what the industry does is comparing each utility to other utilities in similar position, I know the auditor staff did is try to find something like ten or 12 utilities which were roughly our size, and had the same bond rating as we did, double A, to compare us to, and wondered whether those were the right -- right utilities to compare our situation to.

>> At first glance I think they had a difficult job to do that because it's a -- you know, kind of a unique industry that we're in.

I -- I believe that there are some reserve funds that were held by some of those other public utilities that they did not capture.

There is no standard for publicly-owned utilities, municipally owned utilities of what they call those reserve funds and what they do.

That's a policy set by council some years ago as far as Austin Energy's fiscal policy.

So it's very difficult to compare sometimes.

For example, somebody will call -- some utility will call a strategic reserve fund and the other utility call it days of cash on hand, and establish many different funds for different reasons.

>> Spelman: Sure.

>> So we'll do our best to do the comparison.

>> Spelman: Actually, i had two questions.

That was my follow-up question, whether or not you had -- some of your staff people expressed some concern that the numbers presented by the audit staff did not include all of those reserve funds and i wondered whether or not on tuesday we could have some updates or alterations to that.

>> Yes.

>> Spel OKAY.

And second, the broader question, ten or 12 utilities, do those look about the ten or 12 utilities around the country, regardless of the numbers that would be the best to ourselves to.

>> I don't think there was any utility in there that i would flatly reject as a good comparison, but there some better ones that we can put in there.

20 Largest publicly owned utilities in the country.

About probably half to three quarter of those are municipally owned, so that is a very good comparison for us.

>> Spelman: Municipally owned utilities are important, the amount of cash reserves the utility would need to retain at any given time would probably depend on whether regulatory ..

>> Right.

If you have hydro generation, you have a lot of contingencies, because what if you don't have any water, and so that -- that's different than a utility like us where our CONTINGENCIES, STPs VERY Reliable, our cole is pretty reliable, gas, we don't have to forecast that with the weather, so we have to compare ourselves to a like-type utility that has the type of thermal generation that we do, and we'll go through that analysis and we'll present that, we'll try to focus you in on the utilities that we could look most like in that analysis.

>> Spelman: Great.

I look forward to seeing that on tuesday.

One last screening question just to help me focus and get myself ready for tuesday.

There's been a lot of discussion, as you know, about that cash-to-debt ratio for funding capital improvement projects, i wanted to get a sense for the scale of that relative to the size of utility and the size of the increase that we're talking about here.

What kind of capital improvement project budget are we talking about for next year, the year after that?

I'll use a three-year moving average to forecast this stuff.

About what kind of numbers are we dealing with.

>> I would have to get back to you on that.

I would have to get elaine up here to recite that, but I would generally tell you that we have -- you know, i know that you're all familiar with the commercial paper program that operates so what we do is we take that, a lot of the smaller capital projects, we put those into that program, and then we do a refunding of that.

And that's -- that's also very typical of publicly-owned, municipally-owned utilities.

>> It sounds like we need to come back to this.

>> The short answer is i need to look through your footnotes to find it, and that's okay.

And I'm happy to hear more about it on tuesday.

>> Okay.

Great.

Okay.

Councilmember spelman said he could hear more about it on tuesday.

Before we start with citizens communication, councilmember tovo will be off the dais with other council business during citizens communication, but she does plan to watch the communications later.

So our first citizen is james o'brien.

James, are you here?

>> I am terrified.

>> Okay.

>> Every day I wake up in fear and I know I'm not alone.

For the past decade our nation has fought a battle against terrorism.

I tell you now, guns and bombs are not going to solve this world's problems.

I think you know this.

The real terror are the do i pay rent or buy groceries?

When will I find a better-paying job so that i can begin to pay off all my loans and debts, this hole that I've dug for myself?

I want to be liberated.

Liberated of these toils.

I want to help you, this council, help me.

I am privileged, yet i recognize that we, all of us, are afraid; however, i think that we can work through any trial if we work together, and from what I've experienced over the past four months, I can honestly say that I believe the city of austin truly desires to work through its problems, but we need direct action, rapid, decisive implementation.

My primary desire from this council, strive to encourage this community to work with you.

You hate the thought that one in ten people voted in your past election?

Ask those other nine what can you do for them.

I do not believe the austin citizens are convinced your position actually serves them.

I myself question whether you are working for the few or the many.

We've come to a time in history where we must recognize that the sheer number of constituents that representatives are supposed to be accountable for is simply unreasonable and furthermore, even with our massive technology, simply impossible.

There are not enough hours in the day to conceivably consult all pertinent channels before proceeding with decisions.

This council must address the city as a whole, what problems we need to solve right now before catering to the future growth, address the decay of our present communities.

Use the mass media, word of mouth, snail mail, e-mail, use every channel available.

Reach out to the people to work together with you.

It is your duty to prompt your constituents, all 7 million of the greater austin area, to engage in their community on a level playing field.

repeal the proposed energy increase.

Remove fluoride from our drinking water.

Enough people have said that.

Reevaluate where our current central library is.

Do not take it from the east austin.

Do not give to the rich.

>> Thank you, mr. o'brien.

>> And occupy austin demands the best from bank of america, invest in a local credit union.

Drop all criminal charges and ask the attorney to desist further prosecution and overhaul camping prohibition to allow camping from sunset to sunrise.

>> Thank you, mr. o'brien.

Ms. linda green.

>> Thank you.

>> The facts of adding fluoride waste to our water supply.

Okay.

The farce and facts of adding fluoride waste to our water supply.

I looked up in my webster's dictionary the definition of "farce", a ridiculous and empty show.

Another definition is a mockery.

I would say that it's a ridiculous and empty show that you don't consider putting a warning label on our water bill for a product which is a hazardous waste product that you add to our water wh flouridated tooth paste has a warning label on it.

You persist saying our water bill does not need a warning label.

Sodium fluoride, the pharmaceutical grade type of fluoride found in dental products like tooth paste, has approval from the , the food and drug administration, however, on flouro sylliciac acid.



You're all well aware of this, for three years I've been coming to you, sharing information from the government itself.

It's contaminated with arsenic and other toxins, it is not approved by the f.d.a.

says there's no nutritional requirement for fluoride, and the type of waste that they add to your water is in fact never been safety tested at all.

City councils and states like louisiana and arkansas, which mandate and enforce fluoridation of our public and god-given water supply are making a mockery of the clean water act.

In addition, you're practicing medicine without a license.

That in itself is a mockery.

The definition of medicine, of substance or preparation used in treating disease.

And you're saying that one size fits all for the medication that you're adding to our water.

This is not over the counter.

It's not naturally-occurring calcium fluoride which is a little bit more digestible and yet still causes crippling arthritis and fluoride disease, and just before I run out of time, i want to let you know that just a recent report last week says that the national cancer institute says that over the last decade we are now -- have thyroid cancer as the fastest increasing cancer that we have, and you, sir, and I have fluoride disease, so why would you be adding a fluoride waste to our water that has increased cancer as well as other crippling diseases?

[Buzzer sounding]

>> thank you.

>> I'm going to give you your resolution one more time.

>> Thank you.

>> Elizabeth gardener?

And then after that, we have michael waitland.

.. camille.

Sorry.

Now we have elizabeth gardener.

Oh, camille is next.

Oh, I'm sorry, camille.

>> My name is camille job and I'm president of austin rowing club, I want to bring you up to negotiations for management contract for waller creek boat house which scheduled to be substantially completed this week.

Arc is very surprised to receive a directive from staff requesting a best and final offer after we we perceived to be the most productive negotiation meeting thus far.

We've submitted the best offer we can possibly responsibly make on tuesday january 17th and have not yet received any response.

Despite our optimism that the negotiations approved by council in november would move forward in time to open the facility upon its completion, the following series of events give us frustration and certain regard -- concern regarding the positive outcome for the city of austin.

On the monday following the council meeting on NOVEMBER 14th, OUR Attorneys were summoned to the assistant city attorney's office for a urgent meeting.

They were presented with a written term sheet that departed from a tone of negotiation and increased the financial portion of the city's previous position by 67%.

Despite our dismay, with this surprising change of tone, arc provided detailed proformas and operation information in the hope that negotiation process would fruit an agreement that would give our city a facility it could be proud of while allowing the businesses within to thrive and provide services and revenue for the city.

The city staff has indicated that arc's revenue and expense numbers appear to be reasonable and can find no flaws in our numbers yet we are continually asked to meet revenue demands that would endanger the viability of the the business in the proposal.

We were simply told we think this facility needs to generate more money.

To put this in very plain terms, the types of businesses and operations we propose for the facility simply will not support the revenue being demanded by city staff and there are no precedents in the united states that support staff's financial position.

Period.

We understand that this is uncharted territory and that the city staff has a very positive vision for moving our parks system forward.

We're 100 percent behind that vision and want it to succeed.

We need your help and guidance to make that happen.

As we demonstrated in november, council meeting, the city of austin stands to gain substantial tax revenue annually through our events and services, terms being demanded are placing the future of these events and services at risk.

We ask to be placed on the next city council agenda for discussion and vote so that this new facility can start being used by the citizens of austin upon its completion.

Thank you for your time and consideration.

>> Thank you, camille.

Councilmember morrison, once second, camille.

>> Morrison: Could you just give a little context, you're talking about the revenue expectations.

Was there something from your perspective in the request for proposal in the first place that had a revenue expectation, a level that was set that you were working to?

There was no set level by the request for proposal.

We made an offer and we've increased, continually increased that offer through the negotiations, but it doesn't -- it still doesn't seem to be enough.

>> Thank you.

>> Thank you.

Elizabeth gardener?

>> My name is elizabeth gardener, I'm the former president of austin rowing club and chair of several regatas that austin rowing club has been solely responsible for convening over the last decade.

I've been involved in attracting and retaining rowing teams that come to austin and utilize our facilities and stay in our hotels an purchase austin's food.

I'm here to highlight that the staff during negotiations have explicitly stated they do not give credit or value to the economic impact of proven arc activities on the city as a whole.

Just because that money is not going to part is not acceptable rationale for staff to dismiss the value activities bring to the economic health of our cities businesses and tax base.

This is a short sighted view that fails to capitalize on the long-term value that the waller creek boat house could bring to the city.

Arc organizes three national regatas each year which brings a total of 3 6 million spending by out of town guests.

In addition, those same volunteers help throughout the year with local regatas to promote rowing and bring more people to add I bird lake, but again, as volunteers dedicated to rowing and creating a nationally recognized rowing center who spend the time to make these activities happen successfully.

No other rowing center on the lake organizes and sponsors regatas and for good reason, the other centers do not have a 400 plus volunteer base committed to making rowing to anyone who would like to participate and works with pride to make our city shine during these regatas, other centers have customers utilize their facilities and in exchange for payment expect to have boats available.

Customers are not going to show up to organize and implement a regata voluntarily, all I would ask that park staff properly acknowledge that it's not just about concession fees, that it is bigger and involves building a nationally recognized boat house that in the long-term would generate returns for the city as a whole, more and more out of town guests utilize the facility and participate in regatas, we do not know of any reason to continue to ignore the impact that arc alone can deliver to the city.

Thank you for your consideration.

>> Thank you, mayor pro tem, councilmembers, michael walen on behalf of arc.

They asked to go forth and return with a deal for the city council to evaluate and vote upon, we left with high hopes that resolutions of many issues would be achieved quickly and we would be able to present at least by today a contract for your approval.

SINCE NOVEMBER 10th, 2011, The arc has improved its proposal including the addition of a guaranteed minimum that would be provided to the city, a guaranteed percentage of revenue.

In response, the park staff, without any rational foundation has simply stated that this is insufficient and we need more money.

The we is a park staff that ignores the complete economic picture or the reality of other nationally recognized boat houses.

The arc stands ready to bring to this city more than just rentals on kayaks, row gondolas.

Please instruct the city manager to bring forth at the next city council meeting a contract that is as close to the ymca model as possible with the financial terms that we have presented so that there can be a full discussion and debate on the contract proposal.

We can talk about why it is the best responsible offer from a proven organization, and we can bring an end to a process with a vote on that contract.

I want to emphasize that we are as close to the ymca model as one might imagine.

Both cases involve buildings built with bonds and both entities are proven nonprofits.

We know that what we are proposing is better than what exists elsewhere in the country.

We have done the research.

In contrast, the examples advanced by pard staff are either heavily subsidized with taxpayer dollars like the oklahoma city venue or do not provide any rowing services as all.

Frankly we were flabbergasted when staff pointed to the boat house restaurant in central park as an example of a model that would work here.

The boat house in central park is a restaurant that has exclusive rights on that body of water and has no rowing facilities, unless you can consider row boats AN VENETIAN GONDOLAs AND I Will bring you the venetian gondalier as what you're looking forward at that location.

We have the utmost respect for her personal candidness during negotiations, we do not believe her staff has considered models for creating a nationally recognized boat house, the proposal we have presented is one that is responsible and is in the best interest of the industry of the city.

We would urge this be placed on the next city council meeting agenda, february 9th since a draft agenda for february 2is already out, an item for council up or down vote, a full discussion, so we can begin operating the waller creek boat house which is now substantially completed.

Thank you for your time and consideration.

>> Thank you, mr. walen.

Next we have -- oh, walen, councilmember morrison has a question.

>> Morrison: From your understanding, would you say that the only disagreement at this point is about amounts of money, or are there other issues still --

>> I think in essence it is.

And it's about not gross revenue that is generated by the boat house, we've given them all the proformas, they've had them for months, it's about the percentage they're trying to squeeze out of this facility without giving any recognition, any, zero, they've been can did it about it, to no recognition in terms of what we're doing to economic development, which is why the oklahoma city facility was by the university for the nonprofit and why they don't give revenue back to the city, because they recognize the huge impact they have nationally for them.

You will not get regatas if you don't have 400 plus volunteers ready to serve.

You will not get them.

Like I said before, we will burn those boats.

By the way, I'm here obviously because I can't lobby, I would encourage anybody watching us to remember that the anti lobbying ordinance is in full in effect.

>> Thank you.

>> Thank you, mr. walen.

Robin truesdale.

>> Good afternoon.

I'm the development director at austin rowing club.

You've heard from my colleagues today about the financial concerns of this negotiation.

I would specifically like to address council's request at the november tenth meeting to address the parking situation created by the new waller creek boat house facility, today I'm requesting that the city manager find some parking for public use and for the staff that will be managing and operating this facility.

As requested, arc has made a strong effort with the help of staff to find a variety of public parking solutions for the boat house, a boat house that was designed, approved and constructed with no plan for accommodating users.

It is our understanding that the intent of such a public facility is to welcome and provide for all of the citizens of austin.

We've met with the mac board, mac staff, the convention center parking manager and all other private and -- private parking lots and garages this our area.

The private lots and garages are unwilling to negotiate with us until we have a management contract in hand, and have said that even then it's unlikely that they would be able to provide any guaranteed spaces considering their current loads on those facilities.

The mac staff is willing to discuss options but the mac board is unwilling to designate regular parking spaces, not even ten spaces, for the staff of another pard department, and pard facility.

The convention center can provide spaces in off-peak times but cannot provide any discounts unless they're directed to do so by the council.

The cost of providing a full day staff person of the boat house parking in the convention center garage for one month is estimated around \$200.

This is a significant cost and there will be no guaranty that there's going to be a space available at that time.

We ask you today to please direct the city manager to take a closer look at city-owned property and to find public parking and ten guaranteed available spaces for boat house staff.

We will gladly continue to work with our neighbors to augment this parking plan.

Our primary concern is to make sure that this new facility is a viable place for the public to frequent with ease.

The success of the waller creek boat house depends upon it.

Thank you for your consideration.

>> Thank you ms. truesdale.

>> Mayor pro tem?

>> Councilmember morrison.

>> Morrison: I wanted to ask staff, I think it's important that we address the issues that have been raised because there is an urgency to getting on with this contract and getting the boat house up and running, and also with regard to the parking.

But I wonder if staff could respond to the issues about where we are in the contract negotiations and what is it going to take for us to be successful.

>> Sarah hensley, director of parks and recreation.

Well, we haven't closed negotiations.

We did ask them, they're absolutely correct, for their best and final offer, because we felt like it might be best if we said give us your best shot, give us, you know, your best numbers and what we've been doing over the last week or so is try to go through those numbers working with the purchasing and with the city attorney's office, but we're not saying that we're completed yet, and actually in regards to parking, I'm still trying to work on that as well.

I attended the mac board as they're correct, it wasn't received as well as we had hoped, but I'm still working on some things, actually assistant city manager sue edwards has been helping here in that avenue that we might have a small break through, but we're not saying negotiations are over by any means.

>> What is the process that we have in place?

Did we approve negotiation and then the contract will compaq for -- the exact wording was to go out and negotiate -- go into negotiations and byron, you watched it on tv, but I'll let byron tell you, because he went and watched it specifically.

>> Byron johnson, purchasing officer.

As the parks director stated, the motion was to direct staff to go out and work on a negotiations with arc including some of the other companies such as trc and see if we could work out a contract, and so that's where parks is and that is the current review process.

>> Okay.

Because I think at some point, you know, if there -- if staff recommendation or position is that a certain amount of revenue or a certain construct is appropriate, and it doesn't -- it doesn't comport with what the arc feels like they can do, at some point it would make sense, I think, for council to take a look at that, because if we're talking about revenue requirements, and all, we're talking about budget, and an overall vision of how we need to be able to maintain the parks department.

Would you see a step in the process of coming back to council even if it -- even if there hadn't been agreement from both parties.

>> We see the next step would be to go to the parks board, and so then the answer would be then we would get direction from both parks and the parks board as to the final contract, and then the disposition would go to council.

>> You know, frankly, I'm just asking if there's not an agreement, if you're still --

>> yes.

>> If you're still separated by some numbers.

>> The answer is yes.

>> It would still come to council.

>> Yes.

>> What time line do you think we're looking at on that?

>> We are currently on a timeline that we anticipate that something would come to the council on the 9th of february.

>> Okay.

>> We obviously couldn't make the 2nd's agenda.



There's a parks board meeting tentatively planned for next week and that would give us some direction as to going forward in time to make an item ready for the 89th.

>> That's tentatively what we're shooting for so we can stay in line with the opening of the boat house and the final construction.

>> And there's an update from parks if you want to know the status of the boat house, they can give you that.

Other than that, we're kind of limited to negotiations as to what we can talk about and what --

>> all right.

>> Whatnot talk about.

>> Terrific.

And could we get a two-sentence update on the boat house?

We're excited for that.

>> We -- I talked to watershed protection public works, the boat house is not completely ready.

They're doing a lot of punch list items and other things, we have two or three weeks, a little bit of a lead here to help us, and certainly we want as much as I know they do to end this and move on, one way or the another, and I think the 9th is pretty reasonable and will get us where we need to be as far as a drop-dead date, come before council and allow council to weigh in on this.

It also affords the opportunity for you to hear from your citizen representatives at the parks and recreation board which is special-called meeting on monday.

>> Okay, great, we'll see YOU ON THE 9th.

>> I have a couple of questions for you guys.

Don't go away, sarah.

I recognize that this is the first project on waller creek and it is very significant for all of us.

And so -- and I'm not pleased that the process has taken so long, but sometimes that's how you get closer to a better end result.

When -- how long is this contract that we're negotiating supposed to last?

>> Right now we're looking at that as a negotiable point, somewhere between five and seven years is looking at the initial term of a contract.

>> Okay.

And the reason I ask that is because I was -- wasn't sure if we would come up with one answer, if we approached it from a very short-term position, and another answer if we approached it from a very long-term position.

And the reason I'm asking about the long-term position is because I haven't heard any other department be involved in these negotiations and I know that there have been resolutions passed to deal with the parking situation with rainy street, and I also know that there have been recent developments in terms of private developments in the rainy street area that other departments would deal with and know about.

So when councilmember morrison asked, well, is there a budget deficit, what can we do, or what else is being planned, I don't want to see us look at this in a silo, and at the same time i want arc to be at the table to do all the fine things they do for economic development.

We absolutely need that, but at the same time we have to consider the whole area for what we're anticipating to do.

So I want to put those two ideas on the table to come back maybe not only with the short-term solution, but also with a long-term solution dealing with the other departments and to fully let council know what is it going to take to make the boat house be a signature destination at the mouth of the creek and lady bird lake where we also have the mac and other facilities.

And what are we going to do to deal with the parking in light of not only the public facilities, but also the private facilities and that just gets so pigeon-holed into the boat house and the rowing club.

>> To answer your question, staff is looking at the options including term.

You have to look at kind of a different approach if you're looking at a short-term contract, as austin rowing will tell you.

There's a fairly large investment, so if you're looking at a return on investment on a short-term contract, you would look at it styling at a little bit different on the contract.

You would try to do things a little bit different than what we did in the rfp.

The rfp really looked for a total solution, and so if we were going to do a short-term solution, we would probably either look at a different process and another rfp, because you really can't make an investment of a large figure with sub contracting, and build-out, and then not be able to return the investment both from the city's expenditure of the 3 2 million and then whoever the contractor we select is, their expenditure to be able to get it.

So we're looking at that, and regards to the parking, staff has talked about it, that is a negotiation point, we're look at it.

The parks director as she said met with the mac.

They've scheduled meetings had convention center look at it and work done in the areas.

>> I would definitely prefer a longer term solution, but I just wanted to throw that out there.

Thank you.

Thank you.

Next we have peggy macio, new city website evaluation.

> We don't see peggy?

Peggy, are you in the chambers?

No.

Okay.

What about rosie darby?

Rosie, are you here?

There you are, rosie.

Hi.

>> I'm here today to talk about the family and community health and informational fair that will BE HELD ON FEBRUARY 18th, 2012, At 6401 fm 969 and i brought the director to speeg on it.

His name is craig henderson.

>> I'm craig henderson, volunteer director of the family life center, inc.

The baptist church is response sorg and hosting free to the public a family and community health and information fair.

The purposes provide free services to the community by way of health information, screenings, nutrition, presentations by distinguished speakers relating to empowerment, encouragement, community information pertaining to public services, vaibilities and ask a further.

The the date of the event will be february 18th of 2012 from 9 a.m. to 1 p.m.

And the location is mount giliad baptist church on farm to market 969 as rosie mentioned.

Additionally information will be provided about the newly formed family life , a nonprofit organization that is educational that empowers the community and provides assistance for disadvantaged children and youth and ensure that basic needs are met and provides self reliance.

So we really are excited about the event to be able to be offered free to the public.

We appreciate the mayor and the mayor pro tem and the city council for allowing us to make this particular announcement.

>> Thank you.

Thanks for coming.

>> Thank you very much, ma'am.

>> I'm looking forward to it.

Carlos leon?

>> Thank you, mayor pro tem.

My name is carlos leon and I'm here to speak for what's right, because the austin city library system is not yet had sufficient time to respond to my concerns, policies, I'm going to focus on the austin chem trails update this morning, this afternoon.

Last month, december 2011, i spoke to the city council for the second time about the dangers of the poisonous chem trails that sometimes appear in our austin skies.

Since then, the number of these chemical attacks again austinites appears to have diminished.

Between then and today, january 26, 2012, in austin there have been a few clear sunny days like today so far and there have been other few days where only a few god-made clouds in the sky, so I thank the city council for whatever part you played in starting to return our skies and air to their natural un -- healthy unmolested states.

There have been other days where the long often crisscrossing chem trails have again appeared, cutting the sky and bleeding their contents into the air, land and ground water.

In addition, started implementing a new strategy to attempt to confuse and mislead the public.

What they do is send two jets in the air at the same time, one goes one way, one goes the other, one going one way doesn't spray anything.

All you see is a small white crisp con trail behind that jet.

That's normal.

The other jet going the other way, that's the one with the long wispy wide chem trail, that's the one spraying the chemicallings.

You have to be aware enough of the difference, it's a new strategy they're trying to use to confuse the public.

You should also know that word about chem trails is spreading here in austin.

Chem trails is one of the cover stories for the january 2012 edition of weird magazine.

And last week a brave new books weird magazine screened the documentary, chem trails what in the world are they spraying.

I thank weird magazine and brave new books for informing fellow austinites about these on going airborne chemical attacks against us in our own city.

Bottom line, I'm unaware of us austinites ever having granted the city council, the texas government, the federal government, or any private enterprise explicit permission in writing to spray us human beings with chemicals even once, much less over and loafer and over again over a period of time.

Therefore, this immoral, inhumane and illegal chemical spraying which should never have started in the first place must cease immediately.

I urge the austin city council to exert its full power an influence, to completely and permanently stop the chem trail spraying here the austin, texas.

Thank you.

>> Thank you, mr. leon.

The last speaker is gus pen.

Pena, he has a host of issues that I'm sure he will cover.

>> Gus pena, proud native east austinite.

I would ask council, mayor and council, city manager staff to work heavily with the austin rowing club.

BACK IN THE '60s, I'M A Proud graduate of johnson high school, we had what is called ram river club, we used to row, this sleek body used to actually row.

We're in support of the austin rowing club, get together with them, I trust michael walen, if he says there's inconsistencies or problems with the proposed contract, there are.

I respect the man and austin rowing, we heavily support it.

Anyway, please recognize small businesses like the pie society, the owner is trying to make a go in the business community.

Please recognize melissa martinez the office of sustainability for helping educate the community about green initiatives.

She's a great worker and she has been in communication with a lot of people.

Thank you for that, ms. martinez.

Please support the millennium use, vanessa is on the board itself, I was on the planning board back in 1995 when mayor brustad was the mayor.

Used to be called central city entertainment center.

Don't change the makeup of the center.

Leave it alone like it is.

It benefits the community.

It's good for the community.

Also like to recognize james silas, if you remember him, former probasketball player for the san antoniospurs, the founder of midnight basketball, working in conjunction with other users, working to keep the youth and young adults off the streets.

He's a benefit, we commend silas in effort with midnight basketball.

Support them also.

Let's make austin affordable for all.

This town is becoming unaffordable for a lot of those people.

A lot of those natives, a lot of people coming, they think is going to be a good paying job here, really is not, and it's not 8% unemployment, people have given up, the people who do not show up, please me guys, we have a lot of veterans that are homeless, a lot of veterans unemployed.

Not good for us, I would like to ask respectively the city council to expand and increase the funding for summer job programs for youth.

A lot of adults working at mcdonald's, wendys, whatever, they're not able to work now because they're fully staffed.

Let's have some job initiatives for our youth during the summer, keep them occupied off the streets.

Last and foremost, I just want to say we're coming into election year, let's vote appropriately, let's be respectful of one another.

I'm trying to be respectful in the new year, and I know my -- the kids that I work with in the community, east side neighborhoods, schools, they're watching me, let's keep it clean and professional.

Let's keep this town affordable.

Society's worth is measured by less fortunate.

Work with arc, we support austin rowing club.

Thank you very much, have a good day.

>> Thank you, mr. pena.

That concludes our list of people for citizen communication.

So without objection, the city council go into closed session to take up three items.

071 of the government code, the city council will consult with legal counsel regarding the following items.

Item number 61 to discuss legal issues related to the southern walnut creek hike and bike trail.

Number 63, to discuss legal issues related to approval of a zoning determination and site plan for dream city, also known as promised land church.

Item 73, to discuss and consider an ordinance amending city code 25-1-21, and chapters 25-4 relating to requirements for flag possibilities.

Is there any objection going into executive session on the items announced.

Hearing none, the council will now go into executive session,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,, [rumbling]  
Announcer: What if a disaster strikes without warning?

What if life as you know it has completely turned on its head?

What if everything familiar becomes anything but?

Before a disaster turns your family's world upside down, it's up to you to be ready.

Get a kit. make a plan. be informed today.

[illegible]

>> we are out of closed session.

We took up legal issues related to item 61 and 73.

No action was taken.

Next we will consider our 2:00 zoning items.

Mr. guernsey, come forth.

00 items that we can offer on the consent agenda.

The first item is item 64, case c14-2011-0047, 801 south lamar.

This is change to general commercial services.

This is ready for consent approval on second and third reading.

Items number 65, c14-2011-0153 for the property at 807, 809 and a portion of 811 south lamar boulevard to rezone to multi-family and that's ready for approval on second and third reading.

Item 66, c14-2011-0154, to rezone the property to multi-family density.

Highest density, combined district zoning and this is ready for consent approval on second and third readings.

On item 65 and 66 we have received an educational impact statement and I know the applicant is here if you have questions regarding the private agreement with the neighborhood.

>> Cole: Are there any questions?

>> Mayor pro tem, councilmembers, at the first reading we said we would do an educational impact statewide and we did and aid last determined it has no adverse impact on the schools.

The three schools in the area, the elementary school, zilker elementary, I think we are maybe bringing up the capacity of that school, it's about 75% now.

Within the next five years, plus our project, I think it goes up to 82% capacity.



On the middle and high school, I think both of those are pretty well ended right now and we bring up the capacity a little bit but only raise the attendance by about a percent on each of those and both of those are in the 95% asking range probably ultimately.

Maybe even the high school is a little more than that down the road.

So we did the study and I hope it's helpful to city staff and to the school district in looking at that.

And then also just a reminder, we are entering the prior to restrictive covenant with the neighborhood that deals with adoredability.

We are doing 10% of total units, the mf-6 too.

10% Of the total units affordable.

60% Of those will be affordable at the 60% mfi level and 40% of those will be affordable at the 80% mfi level.

We're doing a private restrictive covenant with the neighborhood on this which will be recorded at closing.

If for some reason a closing doesn't happen, we agree with the neighborhood we would initiate a case to roll zones past.

>> Cole: Any questions, comments?

Councilmember tovo.

>> Tovo: I appreciate your willingness to go forward with that.

Do you have a sense of what the school district used in terms to calculate the numbers they did?

And this may be a discussion that we need to have off line.

>> I'm not sure.

We submitted our numbers, which is the number of units, the estimated amounts the units would rent for, estimated size of the units and I think they do analysis of that and determined based on the cost, the size of the units, how close they are to schools and other facilities, how many students that will produce.

I don't think it's an exact -- I don't think they have an exact formula.

>> Tovo: That's my guess.

I'll talk with them more about what the considerations were.

My guess is the bedroom count played into that because you are looking at one and two bedrooms, is that right?

And not very many three bedrooms.

>> Right.

>> Tovo: The second thing i wanted to ask you about, you went through the points of agreement with regard to the restrictive covenant and i just want to spend a moment on the last one.

So if -- if the sale does not close to the owner you are representing, you have committed to the neighborhood that you would initiate a case to roll the zoning back?

>> Bring it back to where it is, status quo.

>> Tovo: And the current owner is comfortable with that?

>> They have agreed we have cause the current owners to do.

That we're not the current owner.

>> Tovo: Very good.

Thank you for your additional work on that.

It just says on consent.

>> Cole: guernsey, i believe you have offered 64, 65 and 66 on consent second and third reading where the public hearings are closed.

Is that correct?

>> That's correct.

>> Cole: I will entertain a motion.

An emotion made by councilmember morrison and seconded by councilmember spelman.

Is there any discussion?

All those in favor say aye.

All those opposed say no.

That motion passes on a vote of 6-0.

guernsey, we're ready for 00 hearings where we can public hearings and possible action.

>> Thank you, mayor pro tem and council.

These are items I would like to offer for consent.

03 for the property located at 7401 west highway 290.

This is a neighborhood plan amendment.

As yet to be arrested -- excuse me, the planning commission has considered but staff would like to postpone this item so it can be brought forward with the zoning case.

Staff has requested post FEBRUARY 9th.

Item 68, npa-2010-002.04.

This is to change the oak hill combined neighborhood plan to reflect a mixed use and multi-family use on the property.

The planning commission recommendation was grant mixed use and multi-family and ready for consent on all three readings.

Item 69, case c14-2011-148 for the property located at 14926 north fm 620 road.

Staff is republican -- requesting postponement to february 23.

Case c14-2011-0054, 8004 two coves drive, zone to rural residence or rr district, combined district zoning.

The zoning and platting commission's recommendation was to grant rural residence, conditional overlay combining district zoning and this is ready for consent approval on all three readings.

Item 71, c14-2011-0157, staff is requesting postponement of this item to your march 22 and then finally item number 72, case c14-2011-0162, the property located at 4406 merle drive, to zone to family residence or sf-3 district zoning.

The zoning and platting commission recommendation was to grant and this is read for consent on all three readings.

Correction, item 69, mayor pro tem and council, staff is requesting postponement to MARCH 1st.

>> Cole: Thank you, mr. guernsey.

guernsey has offered item number 67 for postponement by staff until FEBRUARY THE 9th.

Is there any discussion or comment?

I'll entertain a motion.

Councilmember martinez moves approval.

Councilmember tovo makes a second.

All those in favor say aye.

All those opposed say no.

That motion passes on a vote of 6-0.

We have offered item number 68 for consent on all three readings.

We also have offered number 69 for postponement to march the 1st.

We also have item number 70 moved for approval by consent on all three readings.

We have item number 71 postponed by staff to MARCH 22nd.

And finally we have item number 72 offered by consent on all three readings.

I'll entertain a motion on all items.

And close the -- I'll entertain a motion and all items for the consent agenda and also to close the public hearing.

Councilmember spelman moves approval on the items we have presented for consent and also the items that we have presented for postponement, and councilmember morrison seconds that motion.

Any discussion?

All those in favor say aye.

All those opposed?

That motion carries by a vote of 6-0.

>> Thank you, mayor pro tem and council, that concludes the zoning map amendment we'll be looking at this evening.

>> Cole: Thank you, mr. guernsey.

Next we will call up items number 17 and 45 and without objection we'll hear on either 17 or 45 for a total of three minutes.

Is there any objections?

Hearing none, the first speaker -- councilmember martinez.

>> Martinez: I just want to clarify what that means.

Many of you have signed up on 17 and 45.

So what the mayor pro tem just did by waiver of our rules is combine the two and you will be able to speak on both items when you come up for your three minutes.

So if you signed up on both items, just come up and you will be speaking on both at the same time.

>> Cole: Thank you, councilmember martinez.

The first speaker is jonathan fan.

Jonathan, are you here?

Mr. signs is not here.

Next we have aaron lou who is signed up for and does wish to speak.

Aaron, are you in the chamber?

Thank you, aaron, come down.

Go to the mic.

>> Do you have ron walker?

I think he's the first speaker.

>> Cole: He's the third speaker signed up, but with he's definitely on here.

So he will follow you if that's okay.

>> Thank you.

Good afternoon.

My name is erin lou and I'm attorney with the liberty institute, a public interest law firm that works to protect first amendment rights.

The liberty institute along with former texas supreme court justice raul gonzalez and david little represent the roman catholic diocese of austin, catholic charities of central texas, the pregnancy resource center and the south austin pregnancy resource center in a lawsuit over city of austin over chapter 10-9 which regulates pregnancy resource centers.

I submitted my written testimony to you this morning.

Chapter 10-9 is unconstitutional.

Three federal courts across the country have enjoined the similar ordinances and found they violate the first amendment.

The new ordinance the city is proposing fails to cure the constitutional defects of the current ordinance.

It is a blatant violation of the first amendment.

>> Cole: I'm sorry, I wanted to tell you that you do, i believe, have nine minutes as long as mary wall?

The chamber.

Mary, are you here?

Mary?

And morey zin.

They both donated time to you of three minutes.

Are they not here?

>> Not to my knowledge.

>> Cole: We'll give you back the time that I was wrong.

>> Thank you, mayor pro tem.

A federal court in new york struck down as unconstitutional a similar ordinance that contains an almost identical disclosure to the disclosure the city is considering enacting today.

If the city even acts a proposed ordinance, the pregnancy centers will continue to assert their constitutional rights in federal court.

Litigation will continue.

If the centers prevail in the litigation and a court finds the ordinance to be unconstitutional, as three of our federal courts have regarding similar ordinances, the city of Austin will have to pay the center's attorney fees and court costs because this is a civil rights action which will cost the city hundreds of thousands of dollars.

Not only is the ordinance unconstitutional, it is completely unnecessary.

In the documents I've submitted to the city, you can see that all of the pregnancy centers currently disclose to their clients they are not medical facilities.

Additionally, all of the centers refer their clients to medical facilities for pre-natal care.

If there are not any questions, I thank you for your time and consideration.

>> Cole: Thank you.

Next we have deacon Ron Walker.

>> Thank you Mayor Pro Tem and Councilmembers.

I'm Deacon Ron Walker, Chancellor with the Diocese of Austin.

The Bishop asked me to appear on his behalf and thank you for your consideration.

Of course, we urge you to follow the staff's recommendation and repeal the ordinance and not substitute any other ordinance similar to it.

We have obviously learned attorneys who have heard the legal arguments and constitutional arguments to you and I think you've had good presentations on those and I will defer to those persons to articulate those for you.

The practical issues I would like to ask you to consider when you consider both of these items before you are really four basic considerations.

The first, of course, is the economic reality that faces new terms of having to defend a potentially unconstitutional ordinance, which it's reasonable certainty with opportunity that currently exists is unconstitutional.

The proposed substitute ordinance as we understand it also has serious questions built.

I think there would be a better use of the public's funds before moving forward with any ordinance to be absolutely sure with regard to the constitutionality of it, and, of course, we know you want to be good stewards of public funds and ask that you take that into serious consideration.

The second is the political reality that I asked you to consider.

As members of this council, many times you have to decide whether or not an issue is proper before you or should it be placed before another forum.

No matter how one play color this debate, this is the debate about the abortion issue.

And you as councilmembers have either knowingly or unknowingly entered into the larger debate about the abortion issue.

And I think it's well settled that this particular issue is not going to be settled on a local level but rather on state or national level.

And therefore I would ask you to place it back into the forum on the state or national level.

I say that with all due respects to everyone's rights to participate in this debate.

I think this debate is properly before the state or national level and not before the local level where you can actually allocate your resources and times for other matters that are important to this city.

Thirdly I ask you to consider the reality that this type of ordinance has with regard to message it may send to the nonprofit organizations that work out in the city.

It sends sort of a chilling message out there.

The nonprofits, as you know, do a lot of great work, good social work for this community.

Most of those nonprofit organizations usually are borne out of or related either directly or indirectly related to faith organizations.

And so when a city comes in and says, well, the good work that you do can only be done a certain way or we're going to impose additional regulations, especially issues that raise constitutional questions that is correct sends a chilling effect in terms of being able to perform the good services they do in their faith conditionss and concerns and i ask you to respect those.

>> Cole: Thank you.

Appreciate your comments.

Steven casey.

You have three minutes.

>> I requested greg and I just swap?



>> Cole: You want him to go now?

Greg, are you here?

>> Thank you very much, mayor pro tem.

>> Good afternoon.

My name is greg terr, an attorney with the pro-life organization founded to handle pro-life litigation in texas.

On april 8th this body unanimously passed an ordinance entitled chapter 10-9 which we subsequently filed a lawsuit against.

Shortly before the vote on that date my chief counsel steven casey and I appeared before this body and we warned councilmembers that the ordinance was unconstitutional and if passed would be challenged with a lawsuit, but the city council disregarded these warnings and unanimously passed it anyway.

Then we handed two letters to the austin city attorney warning her of the blatant unconstitutionality and asking to notify us in writing it would never be enforced.

On october 6 of last year when she denied to respond to either letter we filed our letter in federal court in austin on behalf of austin life care, one of several pregnancy centers affected by the unconstitutional ordinance.

On november 13th litigation against this original ordinance was stayed or postponed by the court, the federal court until early february of this year.

And the city of austin agreed to not enforce the ordinance for the same period of time to allow time tore the city to consider whether to appeal or repeal the original ordinance.

Today the city council will likely decide to repeal chapter 10-9 and replace it with 10-10.

But not before our combined legal teams have already accrued tens of thousands of dollars in legal fees which we intend to pass along to the city of austin and therefore austin taxpayers.

Now the council considers and is considering whether to replace the old ordinance with chapter 10-10, let me be very clear that this new ordinance is equally unconstitutional for reasons detailed in a letter that our chief counsel sam casey with the law of life project in washington, d.c.

Delivered to the attorneys representing the city earlier this week.

Please understand that if this ordinance is passed, our legal team intends to amend our current lawsuit and continue the fight in federal court and we have no doubt that we will prevail in the end.

>> Cole: Thank you, greg.

Steven, are you ready yet?

>> Good afternoon, council, mayor pro tem.

I also represent austin life care.

I've submitted several items for the record.

The third item is a notice by pro choice texas sent out before 24 january to its mailing list.

A notice which was obviously aware of the set time motion introduced and submitted only this morning.

This gives me as a citizen serious due process concerns about with whom the councilmembers are giving private notice.

Certainly there have been no calls to my office or to my client.

One of only four centers in the city that the ordinance addresses.

An expected courtesy especially since there is an ongoing lawsuit.

[One moment, please, for change in captioners]

>> just from tccl is over \$0,000.

That does not include the other three centers.

Austin residents have a great reason to reject this.

It's been found unconstitutional, and to reject the members who vote for this at the polls.

We've been very, very reasonable about this, and you're not responding.

If you pass this revised ordinance, this suit will continue.

You made a decision and wasted taxpayer dollars for the personal anti charity, proabortion agenda waged against a volunteer center working to help women and babies and unexpected pregnancies.

You need to consider this personal agenda before you spend taxpayer dollars to pass this.

Thank you for your time.

>> Thank you, steven.

>> Mayor pro tem?

>> Councilmember spelman?

>> Spelman: Mr. casey?

casey, I'll bill spelman.

>> Yes, sir.

>> The person you were speaking about a few moments ago.

>> Yes, sir.

>> Did you call my office in the last couple of days.

>> No, we have not.

>> You have not called me the last couple of days.

>> The calls sent to your office by austin life care.

>> We did not know it was going to be set for motion.

They had made it known it was at 3 o'clock, no courtesy was given call to us if you had already decided that.

>> Nobody made any decision.

No decision could be made until earlier today at city council meeting.

It's a decision that can be made by the entire council, not by me.

However when naral called me a couple of days, I said i thought it would be a better idea if we could have this rather than at some point in the morning some time in the afternoon.

I didn't say I could make that happen.

I said I thought that was a good idea.

>> Okay.

>> Spelman: If you had called me, I would have given you the same courtesy, sir.

>> Thank you very much.

>> Spelman: Sure.

>> Thank you mr. casey.

We have mr. bart waxman.

waxman is david wax man.

>> I'm one in the same.

David bart waxman.

>> You still just get three minutes, do you know that --

>> I signed myself up not realizing he had already done it.

My name is bart waxman along with the texas center for defense of life, we represent austin life care, in the current litigation.

It's not really that important, but I did call spelman's office, my question was regarding the proposed legislation, left a voice mail, didn't get a call back, called back later that day, explained why i was calling.

Didn't get a call back.

Just thought I would throw it out there.

I want to second everything that greg tera and steven casey have said, they're right that the law that we've sued is obviously unconstitutional is and the one that replaces it is no better.

The question was asked to spelman what do you think about the fact that those suing this lawsuit say they're going to go forward if you pass this replacement ordinance.

And spelman said something along the lines of austin gets sued all the time.

There's about 100 lawsuits.

There makes 101.

This is no different.

To paraphrase.

Obviously this is different.

You're considering repealing the first ordinance.

You know it's going to be a very expensive case and one that you're not likely to win, and I'm not just saying that because of the legal analysis we've done.

I'm saying that because of the orders that have come down from federal judges saying this is not commercial speech.

It does not regulate professional speech.

This is strict scrutiny, and you need compelling evidence.

And no such compelling evidence has been given.

Two different meetings where different evidence has been submitted.

Austin life care has only as we said, it was a pretty positive statement.

And misinformation has been -- the word misinformation has been thrown around a lot, but a lot of these same things, the naral report itself admitted that a lot of this claimed misinformation is information that is required in texas's right to know law.

So there's no compelling evidence that has been given and it's a very high standard to meet strict scrutiny.

The first ordinance obviously didn't do it and replacing the required signage now that no longer discusses abortion, that doesn't change things.

Other ordinances with similar disclosures about whether or not you're a medical facility has similarly been struck down.

They don't meet strict scrutiny.

And I will lastly add that life care is providing a free service to the community, and as stephen casey said they should be commended and not targeted with burdens on their free speech.

>> Mayor pro tem?

>> Councilmember spelman?

>> Spelman: Thank you for coming down, mr. waxman.

I appreciate it.

My apologies if my staff didn't give you a call back.

I regret the oversight.

Quick question.

You're representing austin life care.

>> Yes, sir.

>> Spelman: Does austin life care receive fund from the state of texas to offset the cost of services.

>> I believe they receive ten percent or less from the texas state program.

>> Spelman: It does receive texas state funds?

>> Yes, sir.

>> Spelman: Thank you, sir.

>> Ms. dina calae?

Hello, thank you.

>> Good afternoon, I'm dina calae and I'm here in support of agenda item number 45.

I am an attorney in private practice and have volunteered for the process hotline which counsels teens about their legal rights.

I've done this work for about ten years.

I've spoken to many teens about their lives and about their pregnancies.

I've helped girls get judicial bypasses for abortions and have helped girls stand up to family members who were trying to stop them from getting abortions when they wanted to have these babies.

I work hard to ensure that teens are getting accurate information and that is what is most important to me and what I do.

Most of the girls I talk to have very limited access to transport, they must arrange rides through friends, boyfriend's moms or cousins.

For them, having to guess at what a clinic they're going to or an entity they're going to will offer them medical services they seek will just result in their pregnancies being more advanced if and when they decide to have abortions.

The longer you wait to have an abortion, the more costly it becomes, and waiting may affect what kind of procedure you can have forcing girls to have more complex abortions than if they had access to a clinic sooner.

Thinking they were true medical clinics and being harassed, lied to and shamed about their decisions.

The sign requirement can do nothing other than heptene girls and women who are facing crucial time sensitive decisions.

Finally as an intellectual property lawyer who deals frequently with first amendment issues, I'm confidence this ordinance will survive scrutiny in its amended form.

While there have been statements about other statements that are similar not pasting muster in court that is not entirely accurate because statements in one county in particular was upheld as constitutional.

If there are no further questions, thank you, i appreciate it.

>> Thank you.

Next we have jennifer almond.

Jennifer almond.

Jennifer, you're not in the chambers?

Maria seal.

Maria seal.

Not to speak.

Okay.

Julie wheeler?

We usually don't do that.

Why don't you come down and give your response.

You have only one minute.

>> I believe it was said that part of the marilyn law was upheld as constitutional.

Part of that law was struck down as unconstitutional and the other part was withheld for a later stage.

It was not knocked down at preliminary injunction, but it was not upheld as constitutional and all of the wording about that in the law said this is strict scrutiny, not commercial speech, not professional speech, and it wasn't ruled constitutional or unconstitutional.

Sarah wheat?

You have several people donated time to you.

Sarah wheat.

You have sarah cleveland who has donated time to you, and susan penchosopea.

Are you here?

Are you both here, susan and sarah?

Yeah.

Okay.

So sarah, you have a total of nine minutes.

>> I'm going to try to keep it much shorter than that.

Thank you.

Good afternoon, mayor pro tem and city council members.

My name is sarah wheat, thank you for taking time out of your busy agenda today to address this issue.

Before I jump in, I just want to say this my husband and I are proud austinites and we're proud to raise our three sons in a city with recognized leadership on all sorts of issues and progressive values.

I'm here today on behalf of the staff and the board of planned parenthood.

Since 1938 planned parenthood has been a nonprofit partner in this community in providing health care and education to uninsured central texans, our three health centers today we see 33,000 client, most of our clients are uninsured, they're living paycheck-to-paycheck and paying out of pocket for the health care exams they came in for.



More than 7,000 hiv tests, more than 18,000 screenings and treatments for sexually transmitted diseases and birth control for more than 27,000 central texans.

As most of you know today, most american women spend about 20 years trying to not get pregnant, and most of us spend about five years trying to get pregnant and carrying a pregnancy, birth control is a key part of services that we provide.

We also provide pregnancy tests and we can provide our clients with the proof of pregnancy they need to and medicaid and other government funded programs to receive pre-natal care.

We profit with nonprofit adoption agencies to provide referrals to our clients who seek resources and information about adoption, as planned parenthood staff I'm acutely aware of how vulnerable many of our clients are and how important it is that they're getting trusted and accurate information about their health and about their pregnancies.

As a mom I know how sensitive and how personal it is when you're seeking information about your own pregnancy.

Crisis pregnancy centers have been at the center of controversies for years and were the subject of a congressional report that spotlighted 87% of them providing inaccuracy -- many medically inaccurate information to their clients.

I think this is largely because some times the billboards and web presentations are not in sync in what is actually offered in the centers.

Sometimes from the billboards web ads it looks like crisis pregnancy centers might provide the full range of medical reproductive services, when some provide faith based counseling.

A former texas attorney general sued crisis agencies over their ads in the yellow pages, he wrote regardless on where one stands on the legality or morality of abortion the practice at issue here are about whether we have a right to lie to another human being.

Flash forward to today where I saw a recent news story there was a new online strategy in texas that violated google policy to bring up search ads more quickly for some of these centers for services that they may not provide.

Having a sign posted that states whether the center provides licensed medical care is an important measure to ensure women know whether they're medical clinics or faith based counseling center.

Austin women are free to choose whatever services they seek, whether it's faith based counseling, birth control options to prevent a future unintended pregnancy, but they should not be misled or misinformed about what might be available or offered at a particular center.

Young women deserve to know what care is available and should not have to guess what they might receive.

As a local taxpayer i appreciate your careful, close attention to the 2010 ordinance and your revision of that ordinance to reflect the outcomes of litigation and steps that other cities and counties have taken and I appreciate your efforts and continued leadership in being good stewards of public funds.

We support the revised ordinance today and urge your support of the ordinance that's being considered today.

Thank you.

>> Thank you, sarah.

Next we have catherine waters.

And after catherine, we have genevive van clease.

>> My name is katy waters.

I'm a representative from ut student organizations, voices for reproductive justice.

I'm also a ut healthy sexuality peer educator and a social work student.

I'm here in support of agenda item 45.

A billboard on 8th and ih-35 that I read on my way to talk here reads pregnant?

Scared?

You're not alone.

This billboard is advertising a crisis pregnancy center.

A cpc is an unlicensed nonmedical facility that appears to be a medical center.

Women experiencing unintended pregnancy, unintended pregnancy, remember they're scared undoubtedly have the impression that a visit will involve a full range of pregnancy counseling.

At a real medical facility full range means information on pre-natal care, adoption, abortion and birth control.

Earlier court rulings have found that laws requiring doctors to give truthful, nonmisleading and relevant information are reasonable regulation.

In fact chief judge edith jones just ruled in favor of a sonogram law.

She states the point of informed consent laws is to allow the patient to evaluate her condition and render hurricane irene best decision in difficult circumstances.

We agree, please do not let the cpc truth in advertising ordinance be repealed.

Thank you.

>> Thank you.

Catherine.

And after catherine, we have genevive.

There she is.

>> Thank you, all.

I want to thank you for standing up for women.

You did it in 2010.

And you have another opportunity to do it today bypassing agenda item 45.

In 2011, the texas legislature made our state a much more dangerous and restrictive place to be a woman.

From the punitive sonogram law to the crippling cuts to women's health care program, it is clear how lit the super majority of the texas legislature values texas women, children and families.

You have an opportunity today to lead.

You have an opportunity to let not just the rest of texas know, but the nation know that women have a right to be treated with respect, trust, and dignity.

Beyond respect, trust and dignity, consumers in austin deserve to know what the businesses they walk into offer.

Think of it this way.

When I walk into a nail salon, there's a license behind the cash register for all to see and review.

As a consumer, I know that the nail salon has to live up to a certain level of professionalism to keep that license.

As consumer, I know what I'm going to get.

Cpc should at least have the same standard as nail salons.

What services do they offer?

What services don't they offer?

What can I expect as a consumer when I walk through the doors of a cpc in austin, texas?

Not only can the government require truth in advertising for health care providers.

The government should do so.

Regardless of whether someone decides to provide unlicensed health care for profit or for ideological reasons, consumers have a right to know whether someone is providing health care without a license.

Please vote to pass agenda item 45.

Stand with us and we will continue to stand with you.

Thank you for your support.

>> Thank you, genevive.

Next we have blake rucap.

Blake, are you here?

There you are.

Good afternoon, madam mayor pro tem, councilmembers, my name is blake rucap, I'm the legislative council for prochoice texas.

I think for all the reasons that the previous speakers have discussed, this ordinance was a good idea in april of 2010, and it's a good idea now.

The -- the message it sends is that organizations must be truthful and transparent about the services they offer, about whether they're licensed or not, whether they're offering medical care or something else.

And regardless of your position on abortion, we should all agree that that ordinance reinforces this core common sense value of having people not be misled about what kind of services they may be provided with.

If in fact each of these centers already tell their clients that they're not medical centers, they don't have a great first amendment case for compelled speech.

The attorney from dc who testified said, well, all of our clients already tell that people that they're not a medical -- well, then, they should haven't a problem with the proposed ordinance that is agenda item 45.

Not only should they not have a problem with it.

They certainly don't have a case about compelled speech if it's something they're already saying.

You know, the manner in which the council would like them to say it is so the burden placed on them is so small it's hard to see how that rises to the level of first amendment infraction.

I won't take up any more of the council's time, but i think that agenda item 45 has been crafted narrowly to respond to the federal courts from baltimore and montgomery county in new york about what is allowed, and my understanding is that, you know, the council has good, legal advice from the city attorney's office about what those opinions are, and can rely on that advice as far as the constitutionality of the amended ordinance as proposed in number 45.

Thank you.

>> Thank you, blake.

Next we have brent grady.

Brent, are you here?

And after brent we have larami grobett.

>> Thank you, hello, my name is brent grady.

Thank you for your time.

I come in support of the item numbers, I come speaking as an attorney and a civil rights advocate.

Briefly I stand for the empowerment of women.

I have a genuine concern .. women who are in a poor position and are suddenly finding themselves in need of pregnancy services are in certainly in a position of weakness, they are coming to places looking for information.

They have a right to know that wherever they visit its qualifications, its agendas, they have a right to know about the short comings of services that they're seeking.

I'm concerned, also, about what these crisis pregnancy centers abusing any sort of privilege.

As an attorney I'm licensed.

I have to answer to the bar.

If I do anything untoward.

Doctors as well.

I stand for the support of this amendment based on my concern that these limited services pregnancy centers are unlicensed.

I'm concerned about any position of power that they might use, perhaps.

I certainly stand here today to encourage this council to push forward, break new ground.

Don't give in to any sorts of threats about lawsuits, the cost of money.

This is where progress is made.

I would certainly advocate to stand strong.

Thank you for your time.

And do indeed protect, empower these women who you stand for indeed.

Thank you.

>> Thank you, blent.

Brent.

Larami gorbett?

I'm an advocate and volunteer in the austin community.

I've worked with many different populations including the homeless and domestic violence and sexual assault survivors in different capacities.

Women here in austin have many barriers to receiving health care, especially reproductive health care.

Women deserve the facts, and they deserve the facts to be delivered to them by trained, medical professionals.

Crisis pregnancy centers do not have trained medical professionals that deliver the facts.

I just got back from a trip to uganda where I was working with refugee women.

I saw firsthand how dangerous it is when women do not have access to reproductive health care, and when women do not have access to the facts.

Women in austin and women all over the world deserve to have the facts, and they deserve to have reproductive health care.

So please continue your support for ordinance 45 and continue your long support of women here in austin.

Thank you.

>> Thank you.

And larami, you were the last speaker signed up in favor, and the last speaker wishing to speak, and if there's anyone else out there that signed up wishing to speak that I've missed, please raise your hand or come forward.

Okay.

I'm going to read the names into the record of the people who -- and their positions but they signed up not wishing to speak.

Druscilla tigner signed up for and wishing not to speak.

All of the following signed up in favor and did not wish to speak.

Brenda collier, roger collier, maria person.

Aaron morris, stephanie lablah.

Sue roberts.

Amy chamber land, amanda stephenson, emily choice.

Talina coulds, virginia jones, ellen richards, martha maria louisa.

Pamela hazen, cynthia rough, daniel walls, chad brock, kathleen green, lily houseman, joe hammel, andrea smellen.

Margaret kelsey, aaron fells, daniel burton, joe freeland, kelly tagel, mark pearlman, sarah jensen, susan McClean.

Maria seal.

Francis patch.

Oh.

Maria seal was against.

Now we're going back to for.

Francis patch.

Ryan riddle.

Corine jones.

Addy alexander.

Christina whitt.

Ambrosia ortiz prentiss.

Roberta leah, emily williams, edward espinoza.

Judy frederick.

Carol karl.

Lucille atkins.

Suzanne moses.

Leslie nichols.

Amy analamus.

Leah fansworth.

Laura jennings, hockey wong.

Kara ewing.

Sarah montabol will.

A, shiela miller.

Sonia -- santana.

Blaze callaghan.



Kathleen douglas, carmen gallow, courtney smith.

Nancy malloy.

Ada santana.

Ellen gibbs.

Ruth walker. alice london.

Christine gunn.

Allison james.

Corey bobco.

Beverly more.

Lauren cuthnick.

Suzaa mad drawn know, lydia hernandez.

Tina hester.

Paul criskoski is against.

Jana robertson is for.

Daniel deedman is poor.

Julie patton is for.

Michelle gibson is against.

Carol martin is for.

Megan antoinette alford is for.

Catherine henson is for.

Elizabeth gonzales is for.

Robby osly is for.

Joanna close is for.

Charles wallace is for.

Bobby sawyer is for.

Deedra anderson is for.

And kitchen is for.

Julie russell is against.

And I believe that's it.

Is there anybody whose name I did not call who has signed up?

Were you -- will you please stand and give your name to the clerk?

You're just wanting to sign up and be recognized?

Why don't you come forward and get into the mic and then we'll go to the clerk.

Just say your name for the record, and your position, and you do not wish to speak, is that correct?

Okay.

You've got to come all the way to the mic.

>> I'm sorry.

My name is phillip reyna, I'm a supreme representative for the knights of columbus here for the austin diocese and I'm of course against.

>> Okay.

We'll give the clerk that information.

>> This is simply for the record whether you want to be on the record or not, it's just totally your choice.

So I believe there are others.

Give your name.

>> I'm kelly ramsey.

I'm from wells arch church and I'm a strong advocate for women's rights and i need to give my name to him, because I didn't know we were to sign up.

Thank you.

>> Okay, thank you.

>> My name is polly manier, and I would like to be on the record as for.

>> Thank you, polly.

>> Patricia ryan, strongly in favor.

>> Diane johnson, strongly against for babies' rights.

>> Thank you.

>> Susan wampler, I'm against.

>> Thank you.

Okay.

I believe that is all the speakers we have.

And we're going to call the items separately for a vote for consideration.

First we'll call up item number 17.

Is there any discussion?

Or a motion?

Councilmember spelman.

>> Spelman: I move approval of item number 17.

>> Second.

>> Councilmember spelman moves approval of item number 17.

And councilmember martinez seconds.

Now, there is discussion.

>> Spelman: Mayor pro tem?

>> Councilmember spelman.

>> Spelman: Somebody has got to discuss, let me discuss first.

>> Go ahead councilmember, spelman.

>> Spelman: Item number 17 was repeal of an ordinance we passed two years ago based on the best information as to what the federal law said we could and couldn't do.

I think everybody on this dais believed this is a consumer choice issue, this is a consumer protection issues and it was not at all unreasonable to require unlicensed pregnancy service centers to put a sign up saying what it is that they did and didn't do inside the center.

Subsequent to our passing of that ordinance, we have now found more and more assembled federal records as to what it is that we can and can't do.

And it is fairly clear at this point that all of the things that we asked to be on that sign two years ago in good faith, probably we shouldn't try and do.

They're probably inconsistent with what federal judges have found to be appropriate in other places.

So it's only appropriate that we change our ordinance so that it is consistent with federal law as best we understand it, and I'm happy to repeal a law which is no -- law which no longer represents our best understanding of the federal law.

>> Any other further comments?

Okay.

I'll just add a little bit of context.

Back in april 2010, this particular ordinance passed on a 7-0 vote.

So I think it's pretty clear -- and it was with this council.

And so it was pretty clear that we wanted to send a strong message in terms of our -- what I consider a public health and safety issue.

Some people call it a consumer choice issue or a transparency issue.

But then we met with groups of lawyers and had strategy discussions and decided that this would be -- I decided that this would be a dangerous precedent to set, and so I am going to be supporting the motion because I believe that that is the best strategy for us to support womens rights and transparency and public health and safety.

Any other comments or discussions?

So we have a motion by councilmember spelman and seconded by councilmember martinez.

All those in favor say aye.

All those opposed say no.

That motion passes on a vote of 6-0.

Thank you.

Now we will call up item number 45.

Councilmember spelman?

>> Spelman: If a motion is in order, mayor pro tem, i move approval of item 45 on all three readings.

>> Second.

>> Councilmember spelman moves approval on all three readings of item number 45, and councilmember martinez has seconded that motion.

Is there any further discussion?

>> Spelman: Mayor pro tem, just a word if I could.

>> Couilmember spelman.

>> Spelman: Again, we -- i understand, I believe all of us understand that the original version of this ordinance which we passed two years ago was though longer appropriate and needed to be -- needed to be repealed or replaced with a better ordinance which would be appropriate.

I believe that the ordinance before us now, item 45, is entirely appropriate.

It protects women's rights.

It protects women's abilities to make informed decisions on extremely important issues and i believe it is completely constitutional.

If I may, mayor pro tem, i would like to ask our clark, to answer a couple of questions on that issue.

>> Absolutely.

Please state your name.

>> Good afternoon, mayor pro tem and council, I'm sarah clark.

>> You may want to raise the mic up a little closer.

Thank you, sarah.

Some people came by earlier and stated that this is blatantly unconstitutional, item 45 is blatantly unconstitutional.

I wondered if you could tell us something more about that.

Is there reason to believe that this is constitutional.

>> I don't -- I don't believe that it's unconstitutional at all.

I think that cases that have been decided in the other federal court regarding ordinances like this one support the form of the ordinance that is before you today.

lou suggested that this was almost identical to the new york law which in new york state court apparently struck down at least in part.

I want you to tell us whether or not this is identical to the new york law.

>> It is not identical.

The new york law that the new york court struck down as unconstitutional required the centers in new york city to place signs in the entrance of the centers in any area where clients wait to receive services in any advertisement promoting the services, and orally, so it was an extraordinarily broader speech issue in that case as far as what the ordinance required the centers to do.

And in that case, the court actually supported the notion that something like what we're requiring, a sign in english and spanish outside each facility stating that there are no medical personnel on site would notify women that medical care was unavailable at the facility, and so i think that the evergreen versus new york city case actually supports the current form of the ordinance as well.

>> So this is a judge that said had the sign said only restricted itself to there are no medical personnel on the site, that would have been sufficient.

That would have passed constitutional muster?

>> Language the court used leads to that conclusion, but it's not as direct as that.

>> Spelman: Yeah.

Fair enough.

Last question, sarah, if i could.

If a center provided medical services but insured that all medical services provided in the center were under the direction and supervision of a licensed health care provider, would they need to put up a sign?

>> [Inaudible]

>> Spelman: I understand.

Yes, ma'am.

If what we have -- if a pregnancy service center, licensed, unlicensed, whatever, if a pregnancy service center provided medical services but only did so under the direction, supervision of a licensed health care practitioner, would they need to put a sign up?

>> No, sir, the ordinance would not apply to them.

>> Spelman: Does not apply to them.

How come?

>> Because the definition of unlicensed pregnancy service center in the ordinance before you means an organization or facility that the definition includes does not have a health care provider that is licensed by a state or federal regulatory facility maintaining a practice on site.

>> Spelman: Whatever medical services are provided in the center are provided under the supervision and direction of a health care practitioner there would be no need for a sign because they would not fit into this ordinance at all?

Terrific, thank you very clark, i appreciate your help.

All we're doing is asking people to tell the truth.

If you're providing medical services and you're providing it under the supervision and direction of a health care practitioner at all times, there's no need for a sign.

If you are not, if you're providing medical services without the supervision and derek of a health care practitioner, you would need to put up a sign just saying that.

That's all we're asking for.

clark, can I ask you a couple of questions?

We have had quite a bit of testimony about the premise that this is unconstitutional, and that if we go to court, we're not going to prevail.

Will you talk a little bit about the stages of the appeals process?

So where would we be in court first?

>> You're already in federal court in judge lee aple's court.

That has been stayed pending finding out what you are going to do today.

We would go back to judge aple's court, you're saying if you pass the amended ordinance, it's my understanding the plaintiffs will likely seek an opportunity to amend their pleadings and join the ordinance [inaudible] on up to the fifth circuit court of appeals and eventually the united states supreme court.

>> During that process will we have an opportunity to no longer litigate the issue?

I guess I'm -- I'm trying to take the argument that we heard today that you're going to lose, and if we do lose, is it required that we go any further?

>> No, you could repeal the ordinance.

>> Okay.

So we have that option?

Yes.

>> Okay.

Thank you, sarah.

We've -- no, I'm done.

I was trying to recall if councilmember spelman made a motion, and you made a second.

Okay.

Then let me just add that i heard loud and clear from both advocates and -- that we are making a financially prudent decision, and a lot of the discussion since 2010 has been about whether we should take this course of action or not, and -- or whether this action actually not only is it not financially prudent, but it may not be a good strategy move for what we're trying to accomplish even in terms of transparency and public health.



But what is clear is that we get to visit that decision at different stages along the way and we'll get to consider that as a council, and so given that, I am -- will be supporting the motion.

Councilmember martinez?

>> Thank you, mayor pro tem.

>> Martinez: I want to thank everyone.

I want to thank councilmember spelman, glad to be a cosponsor with him on this item again.

To the folks that came down and spoke against us taking this action, I really do appreciate your input, and it's certainly not unheard of folks not from austin try to stand here and speak they're from austin, but not a single person that spoke against this action was actually from austin, except maybe the deacon, who i couldn't -- I'm talking about the speakers who signed up and spoke.

Okay.

But the point I'm trying to make is that we represent all of austin, not just certain segments of austin.

And regardless of, you know, our personal up bringing, regardless of what church we belong to, we have to represent the entire community, and what we believe is in the best interest of the community.

You know, someone sent me an e-mail earlier saying that i of all people, because I was raised catholic and because my mom is extremely devout catholic, you know, that i should get this, and my mom would be ashamed of me.

I'm going to tell you something, my mom might be prolife, but she's promike martinez way before anything else.

[Laughter] and that's why stood in front of hundreds of people and introduced me and was proud to introduce me for running for this office one more time.

You know, everybody has different value sets.

This is -- to me it's just a basic, basic premise of women's rights.

Womens health care right, information rights.

That's all it is.

I know it will go to court.

I know it will be debated much more in the future, but I think when I look at all of the factors, this is what's best for austin, and that's why I'm proud to sponsor this, regardless of my upbringing and regardless of what my mom might tell me tomorrow when she comes over to visit.

But, you know, this debate is far from over.

We know that.

But we have to take -- make decisions and sometimes we make decisions, you know, that potentially have some legal risks and that's okay.

That is part of what we do as a body.

It doesn't mean that it's okay, that I'm saying that it's okay to put ourselves in legally precarious situations, but sometimes you have to make a decision based on principles and values as well, so I look forward to supporting this and we'll see what happens down the road.

Thank you.

>> Councilmember morrison?

>> Morrison: Thank you.

I am going to support this motion, and I want to thank councilmember spelman for pressing this issue forward.

But also, councilmember martinez, but also councilmember -- or mayor pro tem cole for her comments because this is a complicated issue, and there are some complex pieces of it in terms of strategy and all, but -- so those are important considerations, but what's most important in front of us here today is the fact that I do believe it is this council's concern, women's right to information, transparency, medical information, however you want to look at it, and the welfare of women in this community, and I think that that's what this is about, so that's why I'll be supporting it.

>> Councilmember tovo?

>> I want to thank my colleagues also for bringing forward this motion.

I wasn't on council for the original motion so I didn't have the opportunity to support this, but I do plan to support today's, and as our speakers, and I want to thank all of you for coming down and for e-mailing us.

I know we received lots of correspondence for and against over the last several days.

And I certainly have read all of it, but I'll just cite a few of the comments earlier that I think are best explain my rationale, and that is the city's interest in making sure that groups do not mislead or misinform.

And I think that is very important.

I think every person in this community, and certainly the women who go to facilities have a right to trust accurate information as one of our speakers said, so i will be supporting today's motion.

>> Councilmember riley?

>> Riley: Well, I will support the motion as well.

I recognize that very serious interests are at stake here.

I also believe that austin has a compelling interest in protecting women's health, and ensuring that women have access to accurate information about health care decisions in general, and about pregnancy-related decisions in particular.

And I think this ordinance seeks to serve that interest in a manner that is within the law, and that is reasonably calculated to meet the needs that have been presented to us by an overwhelming number of people within the community, and so I think this is a reasonable effort to serve very compelling public policy needs, and for that reason I will be supporting it.

>> Thank you, councilmember riley.

>> Spelman: Mayor pro tem?

I would like to thank councilmember riley for mentioning compelling words which I forgot to mention in my statement, in addition to thanking him for mentioning that, I agree there's a compelling state interest for providing women with access to the information whether any medical services they will be getting at a crisis pregnancy center or anywhere else is under the care of a licensed practitioner.

We have information in the backup to this motion which I think all of us had access to for several days documenting this is so in many crisis pregnancy centers in austin texas and this has posed significant number of problems for women for long period of time.

>> Thank you, councilmember spelman, and that's what we've been doing in the revision and the repeals and the discussions thus far is trying to make clear that we do have a compelling state interest, and also we heard your testimony.

We are definitely not trying to perfect an ordinance where we I guess lose the battle, lose the war and we end up paying for it.

That is definitely not what we're trying to do and we think we've gotten there now.

And we'll get to evaluate that along the way.

So we have a motion on the table, and a second.

All those in favor say aye.

All those opposed say no.

That motion passes on a vote of 6-0.

Thank you.

[ Applause ] okay.

I believe we have a staff presentation on the new city website that we'll take up next.

Okay, please clear the chambers, so that we can hear our presentation, mr. elkins, are you ready?

Okay.

>> Mayor pro tem, council, thank you for having us today, I'm steven elkins, the chief information officer.

Today we are officially announcing the launch of the city of austin's new website, and so we thought it was important today that we come and do a brief presentation and brief demo of the new website.

So not to go into way back to when this project first started, but to the recent history, in 2010, there was a requirements gathering session that took place that lasted until october of 2010, in which we gathered all requirements using a third party consultant to help us reach out to the community, gather input, look at best practices at other websites around the country and then also take into consideration all the input that was gathered prior.

And so with that information, we put together , put it out for solicitation to try to hire a vendor to develop the website based on the information that was gathered.

It was decided after the -- we received the responses that the city should in turn do the website internally, and so as of march 5th of this year, of 2011, we had our official kickoff to start developing the website internally at the city of austin, and we had various releases.

First release was in july which had the framework of these -- the new website design.

Release two had content added.

Release which was in november of 2011 had internal/external focus groups to demo the site, provide input, allow us to make corrections, and then DECEMBER 19th, 2011, WE Had what

we called our beta release, which the site was then open to all citizens, the whole -- anybody who had interest in going to the city's website and providing feedback on how we could improve the website, make adjustments to the website, so what changes from going to the beta to the official launch?

For the most part the website has already been out there, folks have looked at it, provided feedback.

We've made changes.

And for the most part nothing changes.

We're still going to be gathering feedback.

One of the messages that you will hear me say, as well as doug matthews and chief of staff anthony is that by no means are we done with the website.

The way we look at it is that we're just starting the website as far as what it -- what it will end up being, and so -- so we had the beta -- the beta release.

Our plan was to have our official launch on JANUARY 12th.

We figured out that the time we did our beta release was during the holiday season.

We didn't get as much feedback as we would have liked to have received so we extended the beta period to allow us to gather more feedback before having the official launch.

So today is what we're now declaring the official launch of the city's website.

Here's some feedback from the press that we received since going live with the website from the statesman just to point out some things that was said.

In their statement it says that the site is cleaner, more modern design.

Kut lists that, you know, you don't want a website to be intimidating and that the city succeeded in that piece and then from government technology, which is a national publication, it talks about the city's using a new content management system, open source system, as a -- as the vehicle for our city's website.

This -- on each web page there is a feedback tab, and so here is the feedback that we've been receiving from the feedback -- the feedback tab.

Majority of the feedback, repeat users find it -- finding content on the old site is challenging.

The new navigation is search familiarity, and some functionality issues are things that we're getting reported, and you can see how it breaks down, the bugs, at the time we ran this report, 126 of the items received were bug-related.

The biggest area was could not find what we were looking for.

And the reason for this is we believe twofold.

Number one, people got comfortable with going to a specific location on the old site to look for information, and then the other piece is that not all the content migrated over to the new site, and so as you'll see, in one of the next few slides is that we're continuing to add content to the new website, so what we've done is we added the information that was most frequently searched initially and we're continuing to add content, and so this is the feedback that we've been receiving from the community.

Some of the things that we've done, that we resolved, we fixed a lot of the links that were broken, due to moving to a new system.

We fixed some of the duplicate and confusing navigation and some of the content features.

We know that -- we know that there's still some links that need to be repaired and we're continuing to work on those as those items are reported to us and we continuing to update and add content as I mentioned.

So there's also some known issues that we're continuing to work on which is the search optimization.

And then also customizing the navigation.

This is a -- an example of a report that's published weekly on the city's website that just identifies the items that were reported.

We tried our best to remove most of the duplicates out of the -- off the list, but we capture all the items, we show that on here, if the item is being reviewed, if it's still open, or if it's closed, and if it's closed, we list what the solution was for closing the issue.

And so this is -- this is published weekly, and what we've done is -- we'll demonstrate -- on the feedback tab now we added a line that allows us to gather e-mail information from the individual submitting the information so we could actually communicate directly with that individual.

This is a -- just a line -- a chart to show the trending of issues.

So the message here is that early on we were getting a lot of issues reported.

While we were early in the beta stages and as we get closer to today, the issues reported are less, and we are resolving those issues.

One of the things I would like to say is that between december 19th and some time last week, we had 100-bug items still open.

As of today we have less than ten bug items that are reported that are still open.

As issues are being reported, we're addressing those issues and fixing them.

And then the only other piece that I will mention before I turn it over to doug matthews is that we were in constant communication with the emerging -- councilmember emerging tech.

We gave frequent updates and then also the citizens communication technology and tele-com organization, we gave frequent updates to that commission as well.

So I'm going to turn it over to doug matthews to click through the website, show some of the features, some of the enhancements and why we believe the website is better than what we had prior.

>> Thank you, councilmembers, doug matthews, chief communications director for the city.

We've really been working in partnership on this, steven on the technical side, us on the ui and the content side.

Most of you had an opportunity to see the site if not all of you had an opportunity so I really wanted to keep this part of it pretty high level.

In terms of the navigation, one of the things that came out in the first phase of the process was that we've got a very diverse and very divergent group of users that are on the site, and those preferences are representative of that when it comes to the navigation.

What we've tried to build is something that gives you multiple points of entry into the site based on your own personal preferences.

That's the reason that you see right there in the middle that search is as prominent as it is because so many people have gotten used to just deferring to google when they want to find things.

One of the things that we'll demonstrate in a second is some of the refinements that the technical team has been making to make that search more productive.

We feel like that's a critical item for the success of the site.

But you'll also see up at the top, we've got what the technical team has referred to, what we refer to as the brand bar up at the top and those were some of the city brands that are either in a competitive industry or when we looked at other organizations, and in our interviews with community members, there was -- there was an expectation, or at least there wasn't a disconnect in seeing, for instance, we're looking at library now, that libraries might have a little different look than the rest of the site.

But we needed to have a way to bring people back and to demonstrate they were all part of the organization.

As you move your way down the page, we've got a universal navigation which really connects folks to the high level services and information.

It's also a point of entry for folks that want to get directly to something.

For instance, the 3-1-1 link.

Also the department's link was important.

You know, we -- when we did our studies, we found that probably about 20% of our users were either city employees, or other government employees.

Most of those folks tend to go straight to the departmentallists because they know specifically what department it is they're looking for.

If you go back to the main home page, you'll see that we've also got a set of drop downs that includes departments.

The taxonomy for those, meaning the way that we've named those, is slightly different, and there's a very specific reason for that.

It's because this is designed for somebody that knows that they're looking for -- and we'll use e.m.s.

As an example, they're looking for e.m.s.

They don't know that it's austin travis county emergency medical services.

If you go to the main department list, they will see the full name of the department.

Here we want to get folks directly to what they intuitive might be looking for.

One of the other big features that we talked about throughout this process was defining a home page based on a user group, and right up there at the top we define five specific user groups.

You've got your residential group.

You've got your business users.

Your development users.

Government.



And then folks with environmental interests.

Each one of those home pages presents information that's directly relevant to that interest group.

And if they prefer, they can book mark that and make that the home page that they go to by default.

Moving further down the page, you'll see the feature space there is really designed for timely and relevant information that we can swap out on a fairly regular basis.

So those will be events, news items, critical information.

Those will rotate through that banner space.

One of the -- I will tell you one of the challenges that we have on the content side in working with the departments is to their credit, every department believes their information is the most important information they have in the city.

And everybody wants a piece of that home page.

You've got a challenge in doing that, because either you include everything or you come up with some ways to accommodate without completely overwhelming the viewer when they come to the home page.

That banner space is kind of designed to do that.

We can swap that out.

When a department has a timely event, we can make sure that it gets featured.

A couple of other items on the home page and then i wanted to touch on search real quick.

You see the headlines on there?

You also see the calendar.

The calendar is one of those things that was critically important for us.

We had a number of different calendars on the old site.

What this does is kind of compress everything into one space.

The types of meetings are color coded and then as you move down, you can see the actual text information for any meeting that is happening on any day.

You can choose to add it to your calendar through the ical function, and then you can link to it and you can find the additional information for that meeting.

Based on the feedback that we got, that was something that was pretty important to the users.

Skipping all the way down to the bottom, you'll see our footer information, some of these are -- some of the dynamic features that we've got on the site.

So get there from here is actually -- that changes that changes based on what people visit most often on the site.

And that's the way to make sure that regardless of what we've hard coded into the system, that we've got some things in place that are pulling that most used information up to the top for folks.

You've also got a best managed section there, a social media section, and then our latest tweets.

And that really gives a high level look at what the home pages are.

I did want to touch on search, because that's one of the things that's been -- one of the most challenging, also one of the most important for us.

We want the search to be able to get folks directly to things that are relevant to them.

The search engine, much like google and the difficulty is google has had a big head start on us, they aggregate their search results over time based on what people go to look at.

Well, this search engine does the same, which means that the search results will refine themselves over time based on what people are visiting.

Well, what we're trying to do is do some things to jump start that process by either tagging, adding key words, doing some other things to help refine the results, but you also see that we've added some filters.

One of the early challenges was that when you search for something, a lot of the results that you ended up getting right at the top were counsel agendas, agenda items, department, not necessarily informational pages.

So we've added some filtering opportunities for folks to be able to kind of refine what it is that they're looking for as the search tool continues to refine itself.

With that, I don't know if there's anything else, steven, that you wanted to .. oh, yeah.

Up at the top, you'll see we've got an open government tab.

This is where we've got a lot of our open government resources, austin finance online, but we've also got our data portal.

This is one of those things that was very important to the open source community, was very important to the app development community.

We worked with departments to add several dozen data sources in the first round of this, but the advantage of this -- the contract that we have is we can add as many of these data source as we want, and we're actively working with the departments to continue to grow that set of resources.

Part of that is a little bit of changing behavior.

On the old site you really didn't have the opportunity to have dynamic data, so what you found was a department would have really great data, and they would printout their excel spreadsheet and then they would run it through the copier as a pdf then they would put the pdf up online, well, that is not readily consumable and usable by somebody who may want to create an app or may want to aggregate that data.

Councilmember spelman can speak to some of the analytics and things like that that you can do.

This allows you to not only view the data.

You can create your own charts.

You can cross reference various groups of data.

We see this as a real valuable tool in that open government space over time.

So with that, I think we want to take a little bit of a look at what we're doing moving forward, if we want to go back to the -- oh, yeah, I'm sorry, one more piece, and that's the mobile piece.

Now, one of the challenges that a lot of web developers have, you've got your website and then you've got to create a mobile version of your website.

Well, using some of the tools in droople, we basically created a smart site that actually recognizes the width of your screen and it modifies the way it presents the content based on the width of your screen.

If you're viewing on an ipod, you will get a certain view of it.

If you're viewing it on your phone, you will get a different view of it.

Each one of those views is optimized for the device that you're on.

So you have access to virtually all of the content that's on the site without having to visit a separate and independent mobile website which we think was a pretty big win.

So with that, why don't we talk a little bit about forward and then we'll open it up to questions.

>> We're going to have a little more presentation, is that right?

>> We have a couple of more slides.

>> Okay.

>> So as steven mentioned, this is really just the beginning of the process.

There are certain things that you can do in a -- in a back of the house environment that you simply can't do when you've got active users in the system, and that is both on the front end and the back end.

One of the biggest advancements and enhancements that you don't see is you this is a fully complex management system which means in an environment like ours where we have a lot of departments that have things they want to add to the site, it's really a distributed information environment.

This puts the control back in their hands to be able to add, modify and enhance their own content over time.

We did limit the content at the very beginning of the process and that was for a couple of reasons.

One was we wanted to prioritize the content that we knew that folks were using and the other is we wanted to be able to test the site and make sure that everything was stable before we loaded up the remainder of the content over time.

So we've been getting feedback and we continue to track that and we continue to respond to those issues.

As steven mentioned, that list gets -- seems to get shorter over time and we anticipate that it will continue to do so.

We're seeing same thing if you look at the google analytics.

One of the things that we want to do moving forward is create a little bit more of a dialogue so we're going to keep the feedback tool up on the site so that when somebody is on a page and they want to copy that url and send it and say here is the issue that I'm having, in addition their e-mail address is now one of those form fields so that we'll be able to respond to each one of them.

We're also going to create a speak up austin forum where we can create a little bit more of a dialogue about the bigger enhancements and functional improvements and changes that we want to see on the site over time.

Another advantage of being in that droople space, open source space.

(One moment, please, for ..)

>> Cole: Councilmember riley.

>> Riley: Yeah.

I really appreciate all the work that has gone into this effort.

I know it has been a long process and it is stillion going.

I especially appreciate the feedback tab and I want to thank all the citizens that have taken the time to provide input so that we can continue with our efforts towards ongoing improvement.

I want to ask -- I see the feedback there on the page that we're looking at now, on the mobile site -- i wasn't -- I didn't see a feedback tab.

How does somebody using the mobile site provide feedback?

>> Right now that's one of the features that actually goes away on the mobile device.

>> Riley: Okay.

>> Do we have a plan on --

>> we do have a plan that we can add that into the footer of the content and that does stay with the mobile version.

And we'll add that.

>> So we will be adding that?

Okay.

Great.

Thanks.

>> Cole: Councilmember morrison.

>> Morrison: Thank you.

I want to thank you all for all the work that you've done and getting us this far.

I know there's been a lot of interest in the community in this new website and I think having -- I appreciate you're going to be doing a speak up forum that will give folks the ability to actually have a dialogue.

Because I think there's more conversation to be had.

I know there have been some comment.

It's interesting.

We have so many people that were so used to our old website.

They could do it in their sleep.

And probably some people did, which was a little sad.

So I think that in terms of the discomfort that folks are feeling, I think that some of it falls on the side of having to learn a new thing, but on the other hand, it should be very easy to learn.

We don't want people to have to learn our new website.

And I do think a couple of comments that I made yesterday when we got our briefing in the emerging technology committee is i really do think that a certain point down the road it would be good to step back and do a measure of usability and just take a fresh look to make sure that we shouldn't -- we might need to recalibrate or whatever.

And it would be after we get people familiar, after people get familiar with that, although there shouldn't be too much time that is needed.

And then also we could -- i know you've been doing work on optimizing performance of it, but in awhile I think we should also look at is it really performing and responding as quickly as we expect it to.

And I know I've run into it a few times when it hasn't and I know something special might have been going on, but I know we would want to fix that completely.

And then the third thing that I think is an important thing to keep an eye on, as you all described, a lot of this website is going to grow by each of the departments, adding their own pages.

And I think we seriously need to think about what would belong in a set of standards for each department to follow so that we don't end up getting really desperate in a feel.

We want them to be free to use all the qualities that droople adds, but there should be some kind of set of standards and whether it's a large set or a small set, I do think that we need to address that.

But to echo what councilmember riley said, this -- I want to thank all the citizens that have taken time to respond.

This is a bit of a crowd sourcing effort basically.

I don't know that -- there's been frustration that people have run into, but that's the fact of the matter is it is the community that's getting us to this point.

Thank you all.

>> Cole: I want to echo the comments of my colleagues in thanking you for all of your work and also to recognize mayor leffingwell in his absence for taking a leadership position on this.

I know it has been on the radar for a very long time.

And to also congratulate you on putting up a feedback tab on the government section because I get the most comments about difficulty of navigating that particular section.

And that really shows that you recognize that.

So I think that's great.

Any further comments, colleagues?

>> Mayor pro tem?

>> Cole: Do you want to come to the mic?

You are at the mic.

Go ahead.

>> I just want to take this time to commend the staff, particularly on the leadership of project management under doug and steven, but more importantly not only the staff folks that are behind us here tonight, they have worked really hard gauging the citizens, while good, bad and ugly they have stayed focused on bringing forward this project.

I want to say that we're so very proud of the work, but we know that a lot of work is ahead of us and we're ready to make sure that this is a product that you guys will be proud of as we move forward.

>> Cole: We are proud of the product and we are proud of all of you.

>> Spelman: Mayor pro tem, I can't let this moment go by without mentioning how proud I am of the very weirdness that we can translate the entire website into latin and that the headline in the website I'm looking at now is (speaking latin).

And if you have a problem with that then you need to contact (indiscernible).

Where else but austin, texas, would you know to contact them if you have a vicious dog problem?

I think it's a wonderful thing at work.

Thank you.

>> Cole: Thank you, councilmember spelman.

Any other comments?

Thank you, gentlemen.

Next we'll take up our final public hearing, item number 73.

zapalac to do a presentation?

>> Thank you, councilmembers, mayor pro tem.

We have a powerpoint to come up in just a second.

Item 73 is to conduct a public hearing and consider an ordinance amending city code section 25-1-21 and chapter 25-4 relating to requirements for flag lots.

A flag lot is defined in the current city of austin subdivision regulations as a lot that abuts a street by means after strip of land that is not less than 15 feet wide and is used for access.

15 Feet as opposed to the normal lot width of 40 to 50 feet.

And at the bottom you see an example of a flag lot that has a narrow driveway, narrow lot going down to the street where the driveway is located.

And then the bulk of the lot is located behind another lot at some distance away from the street.

Here is a typical example.

The two lots on the top here are flag lots.

As you can see they are shaped like a flag on a pole and the bottom lot is just a more conventional rectangular lot.

A flag lot is required to meet the minimum lot size the same as a standard lot, without considering the land that is in the flag pole.

So it has to -- the rear portion of the lot has to meet all of the minimum site requirements and all of the setbacks and all of the zoning regulations without including the land that is located in the flag pole.

There are a number of benefits to flag lot design.



For one thing it allows for the redevelopment of long narrow lots that otherwise could not be subdivided under the normal subdivision regulations.

Flag lots support infill in the urban area.

They allow for utilization of land that might otherwise not be developed.

They may reduce some of the costs of redevelopment because they can share driveways between two or more units.

And in that way they may increase the affordability for inner city lots.

They also allow for individual lots that could be sold for home ownership.

If the lot cannot be resubdivided it may still be -- you may still be able to build a duplex on it that would be a rental structure, but by using a flag lot you can create separate lots that can be sold for home ownership.

This is an example of a typical flag lot.

As you can see there are four different lots that were created in this one subdivision here.

If you had to follow the normal lot pattern, you could have four very long, narrow lots that would not be as efficient to develop.

By using flag lots you can create lots that are more square in shape and can be used more efficiently.

There are some potential problems with flag lots, however.

They create a different lot pattern than -- may create a different lot pattern in the existing neighborhood.

The lots are not all up against the street, so some buildings are located behind others.

There may be some difficulties in establishing utility easements because of the narrow width of the flag pole that leads to the lot and there may be some problems in providing driveway access because of the need for long driveways and trying to accommodate a driveway in the narrow flag pole.

And this can result in problems for emergency vehicles.

The changes that are before you tonight have been under discussion for some time.

The zoning and platting commission formed a taskforce back in 2009 to begin looking at this issue when -- after they had dealt with a number of subdivisions involving flag lots and heard a number of concerns raised by the community.

So the taskforce that they formed had representatives from neighborhoods as well as the commission members and they received input from the planning staff as well as the law department, fire department and public works.

And spent several months discussing the whole concept.

They ultimately recommended some changes to the zoning and platting commission and the zoning and platting commission forwarded those to the full planning commission, which then also spent several months looking at this whole issue before they came forward with the recommendations that are on your agenda tonight.

The ordinance that is in your backup reflects the planning commission's recommendations; however, the staff has recommendations which differ from the commission's.

As part of the interdepartmental review of this proposed ordinance, an affordability impact statement was prepared on this ordinance by the neighborhood housing and community development and the results indicated that the ordinance as recommended by the planning commission would increase regulatory barriers for housing development and therefore the cost of housing.

So what is before you are some modifications to the commission's recommendations.

Their first recommendation was to change the requirement that the flag pole must be used for access.

The reason for this is that sometimes the flag pole is used simply to provide legal frontage for a lot, but the driveway access may be taken to the rear or the side or some other location.

And so the flag pole itself is not always used for access and so the commission felt it was appropriate to change this requirement in the code.

They also recommended increasing the minimum width from 15 feet to 20 feet in order to better accommodate driveways and utilities.

The staff recommendation is slightly different as a result of the affordability impact statement.

We do support changing the requirement that access may take place outside the flag pole.

And we agree that if you have a single flag pole flag lot that the minimum lot width should be increased from 15 to 20 feet in order to accommodate the driveways and utilities.

However, if you have two lots together that share access or that are able to take their access at a different location, then we think the existing requirement of 15 feet is sufficient and would not create a problem for driveways or utilities.

The commission's second recommendation was the residential flag lots must include a driveway and utility plan so that the developer can identify how the lot will be accessed and how it will be served by utilities and that we don't encounter problems later in the process when they come in to get a building permit.

And staff supports this amendment.

The third recommendation was that addresses for residential flag lots must be displayed at the street, and staff supports this requirement as well because it would improve information for emergency responders and result in safer access.

The commission also recommended that the flag lot designs should not be approved if they are in violation of private deed restrictions against resubdivisions.

And staff does not support this provision of the commission's recommendation because private deed restrictions are contracts between individual, non-governmental persons or groups.

These private agreements may be inconsistent with city policies and regulations and therefore staff does not feel comfortable in supporting these private agreements.

And the final recommendation of the commission was that all residential flag lot designs with three or more flag lots must be constructed with a fire lane.

And staff does not support this recommendation as well.

There are already requirements in the fire code that if you're serving three or more units with a single driveway or street, you would have to provide a fire lane.

If the driveway or the structure is located more than 150 feet from the street and the purpose of that is that the fire hoses are 150 feet long and so if your structures are located farther than that, the hoses can't reach the building.

But the planning commission's recommendation would require a fire lane any time you have three lots, regardless of the length of 150 feet that is specified in the fire code already.

We think this would be an unnecessary increase in cost of construction because a fire lane has to be constructed with thicker pavement and more substantial materials to support the weight of a truck.

It also has to provide a turnaround at the end so the truck can get back out.

And transferred it would significantly increase the cost for a small number of units.

The fire code already requires this for the structures are more than 150 feet away.

We think that is the appropriate requirement and would not recommend extending this regulation to all flag lots.

That concludes my presentation.

I would be happy to answer any questions.

>> Mayor pro tem?

>> Councilmember tovo.

>> Tovo: I do have a couple of questions.

The first is related to the affordability impact statement that is in our backup.

I thought I heard you say -- I'll say what the one I'm looking at says.

It does say that it increases the impact on regulatory barriers to housing developments, but when asked whether it increases, decreases or has no impact on land use and zoning opportunities for affordable housing development, it -- no impact box was checked.

And in terms of the impact on the cost of development and the impact on production of affordable housing, both of those were indicated as no development.

However, the one I have in front of me doesn't have a signature.

So I don't know if it was revised in some way that it looks like the housing department at least initially did not believe that these had any impact in terms of a cost or the production of affordable housing.

Am I misreading something?

>> You're correct on two of the items were checked increasing the cost.

They felt it would increase regulatory barriers to housing development and increase the cost of development, but they do not determine -- identify an impact on opportunities for affordable housing housing development or production of affordable housing.

They did go on to recommend some -- the changes that i mentioned to allow for the 15-foot flag lot in certain cases, and they did not support the requirement for the fire lane.

So we did take that recommendation, incorporate those into our staff recommendation, but you are correct that they did identify no impact on affordable housing per se.

>> Tovo: I appreciate councilmember riley showing me the one he has is dated december 2011 and it does show that there's an impact in the way that you've just suggested.

The one that I had a copy of -- and I'm not sure where I got it from, maybe the planning commission, was dated november 2011.

And again, it doesn't have a signature on it, but it does say no impact.

So apparently they shifted their recommendation.

>> They did do a draft statement and then a final statement.

December 21 is the final statement that they made.

>> Tovo: Because they did -- in november they did say that they were supporting these, yet they were not supporting the private deed restriction provision or the fire lane, but at least in november they didn't feel that the requirements of this ordinance had an impact in terms of the cost of production.

But that is -- they apparently shifted by december and decided that it did have a cost.

Is that accurate?

>> Yes, they did.

>> Tovo: Okay.

Well, handy have a question -- and I did have a question, let's see, about that affordability impact.

Comment.

There was a comment that says allow lots -- alternative language to maximize affordable housing opportunities and this again is on my november statement.

Allow lots to use the existing 15-foot flag pole if the applicant can demonstrate access through another route via easement or agreement.

And I wondered if you could explain what that means.

I know it's apparently proposing an alternative to the fire lane.

>> Yes.

In some cases access to a lot may not come through the flag pole.

It may be possible to access from the rear of the lot, from the side of a lot or even through another lot.

That is not part of the flag lot development.

And so they are suggesting that if that is the case, then it's not necessary to increase the width of the flag pole from 15 to 20 feet.

And that the existing 15-foot width would be sufficient and the planning staff concurs with that.

>> Tovo: Okay.

Thank you.

And I have -- I think we have some representatives from the fire department here, but if you want to --

>> Cole: We also have speakers.

Do you want to call up --

>> Tovo: It's up to you.

Maybe the speakers will reference things that we can then --

>> Cole: If we can have the speakers and then we'll see what questions councilmember tovo has for the sergeant.

Clay dafoe.

We haven't seen clay today.

Allen mcmurtry.

Come on down, allen.

>> My name is allen mcmurtry.

I appreciate the opportunity to speak.

And I appreciate y'all's service.

It's nice to be able to come down here and give my views.

I'm actually one of the five members of the zap subcommittee that started this process.

And I'd like to kind of go over it real quickly.

First of all, I believe that the 15 feet is too narrow.

I think you're going to need a wider lot in order to get or fire down there under the proposals that are further down in this document.

An aerial fire truck, by the way, weighs 40 tons and needs 38 feet to turn around.

That gives you a little idea of the scope of something that might show up at one of these houses to put up a fire.

I'd like to read something from the city code.

This is from the austin city code, section 212.014.

The replat after subdivision or part after subdivision may be recorded and is controlling over the previous plat without vacation if it does not attempt to amend, remove any covenants or restrictions.

This is the state law that is adopted in toto into the austin municipal codes.

The city is objecting to flag lots that in their resubdivision process have to meet the deed restrictions.

The reason that this is in state law is because in 1928 when we came up with the state statutes for resubdivision, in order to resubdivide everybody in that subdivision had to approve the resubdivision.

In 1981 it was decided that it was too restrictive, so that a certain percentage of people would be required to approve a resubdivision.

So the state legislature gave to the citizens of austin the right to have their voice heard in a resubdivision.

A flag lot is always a resubdivision.

So I think that it is imperative that we keep c as is, with the exception that I would recommend that we drop the last two words off of that.

That the deed restrictions cannot be amended or removed or violated if -- in the resubdivision process of a flag lot.

So if the minimum frontage is not correct, if the lot size is not correct, if the total square footage or the lot length is incorrect or if there's a provision in the deed restrictions allowing owners of lots to approve any resubdivision, that that must be done prior to the city approving this.

The fourth thing that i would like to talk about is item d, which is the fire lane.

We have a significant -- [ buzzer sounds ] moral hazard here that i think -- [ buzzer sounds ]

>> Cole: Can you kind of wrap is up, mr. mcmurtry?

>> I will.

I listened to the debate over notice of health for reproductive services.

We are building homes for people.

The firemen that came to discuss with us, I asked him specifically would you allow your mother to live in a flag lot?

He said no.

There were two other senior fire officials there.

None of them said anything.

We are looking at a house that will take 20 minutes, according to testimony given to our subcommittee, to drag, hand drag the fire hose back to those houses.

Without a fire lane we are setting people up to buy a home which they think will be covered by fire as easily in the home and front, and that's absolutely not the case.

So I will continue to argue for a fire lane, not for three, but for two lots because of the danger and the fact that people will buy a home and resell it and nobody will know that they do not have the coverage from the fire department that everybody else along their block has.

So I would appreciate it if you would consider those small changes.

>> Cole: Thank you.

>> Thank you very much.

>> Cole: Councilmember morrison.

>> I have a question for you regarding the fire lane.

You said that you really thought that it was needed if it was two flag lots.

But what about -- why is it that one flag lot wouldn't need a fire lane, according to your logic?



>> Well, by that I mean if you have a single flag lot -- I mean, I had read that as three or more being the front, the second and the third.

Maybe the city is reading it as the front, second, third and fourth.

>> Morrison: Okay.

So you're counting the first as a non-flag part as well as a lot that has --

>> exactly.

>> Morrison: Okay.

zapalac to clarify that.

Thank you.

I'm glad I got that straight.

Mayor pro tem, I'd like to zapalac if he --

>> Cole: Go ahead.

>> Morrison: When you're talking about three together, three -- is it three flag lots together or two flag lots and a regular?

>> It would be three flag lots that are served by one driveway.

So yes, the examples i showed is you had one lot in front that was not a flag lot, it would not be it was three lots that are all flag lots.

>> Morrison: They're all behind one another.

>> Yes.

>> Morrison: And why not -- how did you come to that recommendation?

>> Well, that's the current fire code.

It draws a distinction between two units and three units.

When you get up to three units and you're over 150 feet from the street, that's when some of the existing requirements for fire lanes are triggered already.

More so if you're two units that are more than 150, right now you're not required?

>> Correct.

>> Morrison: Okay.

Maybe I could ask a representative from the fire department if they might comment on the rationale for that.

>> Ralph castillo, engineer with the fire department.

>> Morrison: So I wonder if you might be able to -- we're talking about the issue of a fire lane is required if there are three houses that are -- three residences that are part of -- that are flag lots that a fire lane is required in that case.

And I wonder if it's more than 150 feet back?

So I'm wondering what the rationale might be for those two things.

One, it's 150 feet back and zapalac said your hoses are 150 feet.

So that's why it would be required if it's more than that.

And then my next question is, why for three, but not for two?

>> Okay.

To answer your first question regarding the 150 feet, that is the fire code standard for fire department access to any commercial building that follows under the jurisdiction of the fire code.

Single-family homes generally don't.

They fall under the international residential code.

Until you start having more than two single-family homes accessed by a single fire lane.

And the 150 feet is a number that's been out for a long time and it's based on just operational experiences that numbers in the fire code are the results of committees deciding where you draw the line in the sand as to how safe you want to be.

We actually carry quite a bit of hose on each engineer.

We can pretty quickly deploy about 250 feet of hose, but you have to take into account that you don't go straight from the engine to the back corner of your bedroom.

There's twists and turns.

You go around trees and cars and through the house or around the back of the house and through a window and up the stairs and etcetera.

So the 150-foot is just a long-standing, arbitrary distance that we're used to working with and that is the community standard for how much you should have to travel from an engine to the exterior point of a house.

The fact that the rules change from two to three is also a fire code limitation that's been in place for a long time.

And it goes from the extreme that if you have a single-family home you're allowed a certain amount of risk assumption on your own.

And if there's two homes, the fire code assumes the same thing, two homeowners can assume their own level of risk.

At three, people that wrote the fire code determined no, now you have to go with the community standard of minimum access or maximum access.

And when you subdivide a flag lot, they were saying earlier about it doesn't necessarily mean you will have a home more than 150 feet from fire department access.

Some flag lots, every home on the flag lot will still be within 150 feet access.

That's one reason some of these rules were sort of general in that they may apply to situations where there is no access problems.

But in a case where do you have a very long, narrow lot, and you put three lots -- say four because the one on the front has street frontage.

The three could very well be five or 600 feet from a roadway where you can park a fire engine.

That's why we asked for and have the authority to require a fire lane to take us to within 150 feet of any of those homes.

>> Morrison: I see.

I appreciate that.

It's helpful to get a little better sense of things.

Could you also comment -- we mcmurtry, he made the comment that it could take 20 minutes to be able to get your hose back to a fire if you had to go back 150 feet.

Is that your experience?

Is that just a normal --

>> it wouldn't take 20 minutes to go 150 feet, but there are flag lots that in the extreme situation where you could have a flag lot that I think that I've seen some 600-foot deep lots in town where it could possibly take up to 20 minutes to get your hose from an engine.

We can pretty quickly -- the default bundle of hose that we would deploy at a standard residential fire is about 250 feet.

That comes off the engine without them having to connect or disconnect or rearrange or think or load.

So if they had to double that, say you had a 600-foot hose lay distance, it could take quite a bit of time.

Purr.

>> Morrison: As you mentioned, sometimes you don't go straight to where you're going.

Sometimes it's around trees and through --

>> around trees.

>> Around corners.

>> An unlimited number of things that could slow you down.

>> Cole: Any further comments?

Councilmember tovo?

>> Tovo: I think it covered most of my questions, but I didn't know if you had an estimate of what a fire lane would cost.

To me the safety issues are very compelling, but we have heard that the main objection that I hear from -- in terms of the staff recommendation that it's costly.

Do you have a sense of how much additional cost it adds to the project to have a fire lane?

>> I do not.

>> Tovo: I'll ask mr. zapalac.

Maybe he does.

We also received some other information along the same lines from people who participated in the stakeholder process who cited fire department representatives as saying things like suggesting that your ability to put out a fire is diminish odd flag lots without fire access.

And I know you've covered this to some extent, but would you say that those reports that that we've received are accurate?

That some of the representatives did indicate that their access on flag lots --

>> it could.

Once again there's a wide variety of flag lots.

Some of them it wouldn't impact you any more than -- what have you to realize is a lot of these flag lots go into large lots that, say, you make a flag lot out of a lot that's 100 feet wide and 500 feet deep.

That lot could have a single-family home on it in the back and that single-family home would have the same access distance, 500 feet to the back of the house, that we would be able to regulate under a flag lot, but not as a single-family home.

So there are single-family homes that would take us 20 minutes to lay our hoses to because that's where people want to live.

But in answer to your question, yes, there's some flag lots would take an extraordinary large amount of time to get a hose to the back corner and some of them couldn't take any longer than any other lot.

>> Tovo: But if you were dealing with a situation where there was a house at the front and then three behind it, I would assume your access would be vastly improved if you had a fire lane.

>> Yes.

>> Tovo: Thanks for being here.

I know you had to the way awhile until this item came up.

Thanks very much.

>> Cole: Okay.

We've heard all the speakers, we've heard mr. zapalac.

I'll entertain a motion.

Councilmember morrison?

>> Morrison: I wonder if we could have -- I know we've had an opportunity to discuss with staff the concern about the deed restriction line in the draft ordinance, and if there's an alternative that might be suggested.

I'm thinking about lloyd.

I suppose you're on the same page as him, mr. zapalac.

>> Brent lloyd, assistant city attorney.

We think that as an alternative, if council wants to allow for greater discretion and considering the compatibility of flag lots with existing development patterns in neighborhoods that requiring that their creation be approved through a variance process would be legally a legitimate way to proceed.

And for reasons that we've mcmurtry and I have had spirited discussions on this issue as well, we strongly recommend against the current proposal to require explicit compliance with deed restrictions.

>> Morrison: So with that approach, does that mean that the ordinance would actually prohibit flag lots, but allow, say, a waiver process to go through the land use?

Land use commission?

>> I think there are a variety of approaches.

You could look at certain types of flag lots being allowed out right and having others trigger a variance or you could require that any creation of flag lots trigger a variance.

I think there would be a variety of approaches.

Definitely if we receive direction, you know, from council, we'll work with staff to look at kind of what other cities have done, look at what would make sense for a variance process and we can come back with something.

>> Morrison: Okay.

With that I would like to make a motion that we postpone this item and ask -- but with direction to staff to go and to work on developing a variance process.

I guess I -- I think my motion is going to say a variance process that prohibits flag lots, but considers a waiver process.

If there are -- I'm afraid we've been through so much discussion at this point, it not clear to me if there's any common ground on when they're absolutely acceptable, but I'm certainly open to that.

But I would start with that.

And the variance process would consider criteria that the land use commission would consider criteria.

Certainly the things that are recommended as requirements in the ordinance here, and also i would like to add a few because I had an opportunity to get some input from some of the folks that worked on the taskforce, and that is to consider fire safety and perhaps also include specifics about that, like distance to hydrants, water pressure, whether there's a fire lane, and proximity to the urban wild land interface.

I'd also like to out of consideration or criteria for the situation with trees on the lots.

And lastly, to consider a criteria to take into account whether or not or have discretion to consider whether or not there are deed restrictions that prohibit flag lots.

Or if staff would also like to offer some other language that actually captures something similar in terms of how prohibitive flag lots would impact compatibility of neighborhood character, i would like to hear that too.

That's my motion.

>> Cole: We have a motion on the table by councilmember morrison.

Do I hear a second?

>> Tovo: I'm going to second for the purpose of discussion.

I have a couple of questions.

So as I understand it, this would postpone it and what would be the next step?

The staff go off and rework these things and then come back here?

Or are you envisioning that it will go back through the boards and commissions process?

>> Morrison: Thank you for bringing that up.

I did intend to ask that staff make the recommendation and get input from the planning commission and zap because they've worked on it quite a bit.

And I also know that I think we need to have a -- we may need to have a firm date so that we don't have to send out additional notice.

Is that correct?

City attorney?

Or to a date certain.

So I would want to ask staff what would be a reasonable date certain.

>> Tovo: Yeah.

I would like -- I think that serves the other purpose.

Since those boards and commissions have been working on it for quite awhile of keeping this moving to a final resolution, which I think is important and valuable.

My second question is we have before us an ordinance with several requirements, and it wasn't clear to me in how you talked about it, are these going to continue to be requirements?

In addition to the variance process?

So that if a flag lot is approved under the variance process they would be required to fulfill the requirements that we have before us today, minimum width of 20 feet, a driveway plan and a utility plan requiring addresses to be displayed and requiring a fire lane.

And then the only piece of it that is now being handled through the variance process would be the deed restrictions.

So the deed restriction would go away, but be a consideration in the variance.

>> Morrison: I would certainly support that if that's possible in a variance process.

To have requirements as well as criteria to consider.

I might ask the legal department if that's possible.

>> Tovo: That would be my preference in terms of voting on it, that certain things be considerations in the variance, but that if the variance is granted they be held to certain requirements, which I think we've got some significant consensus around from our land use commission.

>> Cole: Let's see.

We've got a motion on the table and we have staff here.

And councilmember morrison and councilmember tovo are debating it.

So why don't we clearly, succinctly restate our motion and get our questions on the table in terms of what we're trying to accomplish.



>> Morrison: Okay.

So the motion is to recraft the language of the ordinance so that --

>> Cole: We're making a motion to postpone.

>> Morrison: A motion to postpone --

>> Cole: With added direction to --

>> thank you.

With added direction to staff to recraft the ordinance so that flag lots are allowed only through a waiver process, through a waiver process and approval by the land use commission.

>> Cole: Okay, councilmember.

Is it a waiver process or a variance process or both?

>> Morrison: It's my understanding it actually has to be called a waiver.

But maybe variance.

>> Cole: You better get up here because we're making up some law here.

>> I'd suggest using the term variance.

The commission -- it's a subdivision variance and that word is used in connection with the subdivision process.

So think subdivision variance would be appropriate.

>> Morrison: All right.

So it would be a variance.

Subject to approval by the land use commission.

Whereby the land use commission would consider fire safety with specifics to hydrants, water pressure and proximity to the urban wild land interface.

>> Cole: Are you closing the public hearing?

>> Morrison: I'm not quite through yet.

>> Cole: Go ahead.

>> Morrison: Impact on trees.

And if flag lots are prohibited by deed restrictions or alternatively I would like for staff to offer an alternative to that language that could capture it without referencing specific -- capture the subject matter, but not specifically referencing deed restrictions.

And in addition the flag lots, if they're approved, would be subject to ab and d as written in the current draft ordinance.

And we would close the public hearing and postpone -- no, we would not close the public hearing.

And postpone to a time that I would like to ask staff recommendation on.

>> We would request 90 days.

>> Morrison: 90 Days from now, which would -- we'll look at the calendar.

>> Cole: Did you get that?

Let me ask you a question, councilmember morrison.

Exactly what are you doing with the language with respect to deed restrictions?

>> Morrison: The deed restrictions will be a criteria whereby that can be considered in the approval or denial of a request for a variance.

But alternatively I've asked staff to propose language that doesn't reference deed restrictions, but instead captures the concepts of compatibility that a deed restriction might impose.

>> Cole: I need to ask a voting question.

zapalac, I think I heard lloyd say that you were strongly opposed or object to having to comply with deed restrictions.

Is that correct?

Maybe that was mr. lloyd.

>> That's correct.

I think our concern is that if we had to -- if we were bound by the deed restrictions, there may be a way to craft some language to consider the existing development pattern in the area or the existing character of the neighborhood or the lot arrangement in the area or something to that effect that would sort of get at the concern without specifically tying it to deed restrictions.

>> Cole: So I'm understanding the language that councilmember morrison has proposed does not make you have to comply with the deed restriction, that you could craft other language that gets at her concern, but not run afoul of your concern.

>> What I've heard said is that there are two -- with respect to this issue there would be two possible alternatives that would be brought back to council.

And one would be criteria that would make mention of deed restrictions as one factor that could be looked at.

Not binding, but considered.

And alternatively there would be some additional language that would be directed more specifically to neighborhood compatibility issues and wouldn't directly refer to deed restrictions.

And I think that the direction is -- if I'm hearing is correctly, is sufficiently clear for staff and law to work up some language and come back in 90 days with an ordinance.

>> Cole: Okay.

Councilmember morrison, april 26th is 90 days from today.

Is that fine with you to bring it back.

April 26 is a council meeting day?

>> Morrison: Just one clarification.

What I heard was staff not recommending the language about deed restrictions in the draft ordinance.

I did not hear staff not recommending considering deed restrictions as a criteria in a variance.

Just to be clear.

>> Cole: lloyd, is that what you said?

I believe it is.

>> I believe we've provided fairly thorough advice on this issue subject to privilege, and certainly we stand by that advice.

But I think that for purposes of bringing back an ordinance that council can look at, we're comfortable with what I hear the direction to be.

So we'll bring back two alternatives that will address that issue and that we'll do all the other things that were outlined in the motion.

>> Cole: Okay.

We have a motion and a second on the table.

Is there any further discussion?

Councilmember riley.

>> Riley: George, I wanted to ask you, since we currently have an affordability impact statement that addresses concerns about the impact of this proposed change on the production of affordable housing, would you expect that there would be a revised affordability impact statement associated with different approach that we would be seeing in 90 days?

>> Yes, there would.

>> Riley: Okay.

Great.

I'll just say I -- I'm not going to be supporting the motion.

If we're going to pass anything on this subject, i would prefer something that more closely resembles staff recommendations on the current proposal.

So I'll be voting no.

Thanks.

>> Cole: Councilmember tovo.

>> Tovo: I wanted to ask councilmember morrison if she -- I think when she talked about what would be included and considered as requirements, speak she had a, b and d.

And I wondered if she also intended to include c, which is to have the addresses available at the front for emergency responders.

And if not, if you would consider that a friendly amendment.

>> Morrison: The draft that I'm looking at has addresses in b.

And so I think -- and only c was left out.

>> Tovo: Okay.

Thanks.

I was looking at the backup instead of the ordinance itself.

So I think we've got everything in there that i had hoped to find.

>> Cole: Okay.

Having heard the testimony and generally of the opinion that our land use process is complex enough barring some other overwhelming reason to make a change to it such as a variance or we called it a waiver process, I do not think I will be supporting the motion because I do not think it's an additional necessary procedure given all the work that staff has done to get us to a good compromise position.

Given that, we have a live motion on the table, so -- councilmember morrison.

>> Morrison: I wonder if any of my colleagues have any suggestions about if we take -- I guess if it's preferred -- if there's a preference to support the draft ordinance, but just striking c.

I guess my question is if there is some way that that results in dealing with the issue that brought us here in the first place years ago and that is that deed restrictions -- prohibit flag lots and there was just a lot of work -- a lot of work done to try and figure out a way to maintain compatibility with the neighborhoods.

And I guess for me that's what -- a lot of what came on -- of why this is here in the first place.

And so if we take c out and don't try and find another alternative route, I think we're basically gutting it.

>> Cole: Councilmember spelman.

>> Spelman: All we're talking about here is postponing action on an item and asking staff to take another look at it and offer another proposal, which among other things will be more to their own liking.

At that point -- I'm prepared to support the motion.

Like you, I'm always concerned about adding additional complexity to our land development code.

I remember janis cartwright every time I see her and waves a piece of paper saying you're up to 43 in the last six months or something in terms of changes.

I'm concerned about adding to it also, but we're not adding to it by voting yes to postpone, all we're doing is asking staffing to take another look at this.

And when it does come back, then we can always say yes or no to whatever they come back with.

>> Tovo: From the backup material -- I agree, we are voting to postpone and take another look.

But in looking at the backup material, there were five bullet points and the ordinance itself has four.

And what we seem to be missing from one to the other -- maybe I'm looking not at the -- yeah, I was looking at the -- thanks.

Resolved.

I'm having an information management issue, but I've got it now.

>> Cole: Councilmember morrison.

>> Morrison: I think what I'd like to -- in response to what councilmember spelman just brought up, what I'd like to do is make an amendment, and that is to ask staff also to look at mechanisms --

>> Cole: You just said you were making a amendment.

This touchdowns like further direction because you made the motion.

You're giving staff further direction.

Okay.

>> Morrison: That is to suggest some configurations or situations of flag lots that would be allowed and not need to go through the variance process.

To minimize the number of times we have to go through variance.

>> Cole: lloyd, councilmember morrison has given you additional direction and I'm assuming you understand it because you're shaking your head.

So are you clear on that?

Okay.

>> Yes.

I think it's clear.

I think it's just kind of a little bit of an expansion upon what was already included in the motion and we will certainly take that and consider that as -- we'll work with staff to come up with a recommendation and we'll be back in april.

>> Cole: Okay.

So we have a motion and a second.

All those in favor say aye.

All those opposed say no.

So we have a motion that has passed with councilmember spelman, councilmember -- i voted no.

Oh, it didn't?

Councilmember martinez is off the dais.

Oh, because it's three of six.

Hold on.

Let's do that.

Do that again.

We have councilmember morrison that has made a motion that was seconded by councilmember tovo.

All those in favor say aye?

>> Aye.

>> Cole: All those opposed say no.

>> No.

>> Cole: That motion fails with councilmember martinez off the dais.

And councilmembers spelman, morrison and tovo voting aye and councilmember riley and cole voting no.

Is that right?

Councilmember tovo?

>> Tovo: I was going to ask what happens next since that was a motion to postpone in there.

>> Cole: I would look to councilmember riley to present a motion.

>> Riley: I have a question for staff.

George?

I want to make sure i understand staff recommendation with respect to -- to the possibility identified in the affordability impact statement that you mentioned.

You mentioned that -- that the affordability impact statement has a box where they offer alternative language to maximize affordable housing opportunities.

Both of those matters staff recommends allowing 15-foot flag pole if the applicant can demonstrate access through another route?

>> Yes.

>> Riley: I will move the staff recommendation.

>> Second.

We have a motion and a second on the table.

All those in favor -- discussion?

Councilmember tovo.

>> Tovo: Mayor pro tem, i just wondered if -- I just asked our attorney a question.

I just want to ask that question in case it's useful to anybody else.

I asked what would happen if this motion gets voted down and whether we would have an opportunity to raise it again in another issue where we had a full council.

>> Yes, councilmember tovo, if you don't get the required four votes on this item, then the item would be reflected as no action due to lack of a necessary vote requirement and it could be reposted on a subsequent agenda and taken up again to see if you could come to some agreement and get the four votes necessary to pass some other --

>> Cole: Okay, council, we have a motion and a second on the floor.

And you understood the attorney that if this motion does not pass by four then it will also fail.



So we can at this time look at the language and consider if there's any motion after this motion is voted on that we would be capable of bringing that up at that time.

So we have a motion and a second on the floor.

All in favor sayye?

>> Aye.

>> Cole: All opposed say no.

>> No.

>> Cole: That motion also fails with councilmember martinez off the dais and councilmember riley and cole voting aye and councilmember tovo, morrison and spelman voting no.

If anyone has 30 seconds before live music and proclamations to come up with another item, they can do it.

Councilmember spelman.

>> Spelman: If you would like some definitive action on this, we might postpone this indefinitely.

That would hold it open.

We would have to repost it anyway, would we not?

If we want to take this item up again -- we could actually put this item on the table and that would have the same effect.

We would still have to repost it if we want to bring it up again.

>> You will have to repost it no --

>> Cole: Councilmember spelman is asking a question of the city attorney about how to bring the item up for consideration by council at a later period in time.

>> You're going to have to repost the item for the council to actually consider it again.

The motion that you would like to take, whether that's to table it, postpone indefinitely, won't affect the fact that you're going to have to actually repost.

>> Spelman: So it wouldn't matter.

If we took no action at all, exactly the same thing would have to happen if we want to bring it up again.

>> Correct.

>> Spelman: Is it appropriate to adjourn or recess given we're about to go into live music.

>> Spelman: I move to adjourn.

>> Hold on.

I think one possibility, the director and I were discussing, would be to just postpone this item with no amendments because I think there's not sufficient consensus, just post pen this item to the next agenda.

I think that would then allow the full dais to consider it assuming that you had seven.

>> Cole: Just one second.

I have a question about whether that is possible despite the fact that we have already voted and disposed of it.

We'll ask the city attorney.

>> Like I said, I don't think procedurally under robert's rules of order it's necessary for you to take any other action in order to repost it.

You can if you would like to take the suggestion of the director and the assistant city attorney, but you've already disposed of it by -- there was no action taken.

And from an open meetings perspective, if it comes back on to the agenda, you can then reconsider some other types of motions.

But if you want to take their suggestion and just postpone, that's okay as well.

>> Cole: Councilmember morrison.

>> Morrison: Thank you.

Is there any difference, if we say we want to postpone indefinitely or table it or just take no action and it comes back later, do we have to renotece the public and send out all those notices?

>> That was what was driving my suggestion is unless it's postponed to a date certain, then full notice would be required.

>> Morrison: So I would like to make a motion that we postpone to next week.

>> Spelman: Second.

>> Cole: Motion and a second to postpone until next week.

All in favor say aye?

All those opposed say no?

That motion passes on a vote of five-0 with councilmember martinez off the dais.

And councilmember spelman would like to make a motion to adjourn and I would like to second that.

But we are going to have live music and proclamations.

Thank you.

>> Cole: Are you ready?

El paso native jonny gray has loved music since his earliest years, playing beatle's covers with his talented brothers, and uncle as lead guitarist for their family band, the beats.

His true talents would be honed into skills years later while serving two tours in the iraqi desert as senior airman for security forces in the united states air force.

After returning to texas in 2006, jonny made it his mission to pursue this passion for music as a way of life.

The result has been an outpouring of honest, personal lyrics atop an easily recognizable style of finger picking, many loyal fans have come to know as his.

If asked he will only tell you that the music speaks for itself.

Let's welcome jonny gray.

[ Applause ] ♪♪♪♪ ♪♪♪♪ ♪♪♪♪ [ applause ]

>> thank you very much.

>> Cole: Well, we certainly appreciate that.

You guys did a great job and we have a proclamation for you.

Be it known that whereas the city of austin, texas is blessed with many creative musicians whose talents extend to virtually every musical genre.

And whereas our music scene thrives because austin audiences support good music produced by legends.

Our local favorites and newcomers alike.

And whereas we are pleased to showcase and support our local artists.

Now therefore i, lee leffingwell, mayor of the live music capitol, do here by proclaim, january 26th, 2012 as jonny gray day.

[ Applause ]

>> Cole: Well, we know that our city, state and nation would not be the same without people dedicating their time, talent and treasure to our young people.

And for that reason we have a proclamation for national mentoring month to be presented -- to be accepted by adrian moore and wes vincik.

Be it known that whereas mentoring of young people by adult role models can help our youth stay in school and improve academically, boost self esteem and communication skills and improve their chances of going on to pursue higher education and whereas during this special month we celebrate the contributions of all those who cultivate a supportive environment for the next generation and we encourage participation in mentor ship programs across our city and whereas the council shows that cary serves at least 80 students at isd schools through the behavioral mentoring program and matches them with college students who serve as role models and help foster leadership skills to put their young people on the path to success during the school year and beyond.

Now therefore i, lee leffingwell, mayor of the city of austin, do here by proclaim january 2012 as national mentoring month.

There you go.

[ Applause ]

>> thank you very much, mayor pro tem cole.

We're greatly appreciative, the board and the council on at risk youth appreciates this recognition and the proclamation.

Wes vincik here is the director of the behavioral coaching mentors approach.

I've had occasion, mayor pro tem, these last three months, to speak with the public safety commission here in austin and I have shared with them some of the arrest data and we're reminded when we look at the arrest figures for school age youth 10 through 20 years of age, we are averaging 18,000 arrests a year for the past 10 years.

2010 We had 20,400 arrests.

These are kids who had no mentors.

They didn't have the direction, the support, the guidance, the friendship of a mentor helping them out to succeed in life.

So we are appreciative not only of the work that we do, but the many youth service organizations in austin that provide mentoring services and to help young kids succeed.

So thank you very much.

We're greatly appreciative.

>> Cole: Thank you.

Keep up the good work.

>> Riley: Boy, I have some mixed feelings about this proclamation.

I am chris riley with the austin city council and i have to say a word about a little bit of my history with the person we're about to recognize.

Many years ago, actually it was back in the mid '90's i was off on a trail workday up on the bull creek watershed.

And we were being led by a very energetic young man who knew exactly what needed to be done along that trail.

And it seemed like after that time almost every weekend I would get another email about another workday that this young man was organizing.

And it was just amazing how much energy he was undertaking because it wasn't even focused on one particular trail.

He would do that and do a lot along the shoal creek trail, which was a particular passion of mine, and other places all across the city of it was just amazing.

Sometime after that I had an opportunity to serve on the board of the austin parks foundation and when it came time for us to find a new executive director upon the departure of your prior trek director, there was really no question who would be the best qualified person to fill that role.

And it was charlie mccabe, who had been the one leading those works days on bull creek trail, shoal creek trail and so many other places with such regularity it was just amazing.

He was such a bundle of energy.

We could hardly keep up with over the course of the years since then -- that was back in 2005 when he came on as the executive director of the austin parks foundation.

And most anyone who has been involved with austin's parks since then has had the opportunity to come to know charlie and to appreciate all that he has done and helped the parks foundation achieve for austin's parks.

It has been a period of amazing growth for the foundation and enrichment of austin's parks.

We have achieved some amazing things.

I see many people here who are former board members, current and former board members of the austin parks foundation.

Could I ask you to raise your hand if you are a current or former part of the austin parks foundation?

I know you all appreciate as well as anybody how much charlie has meant to this community.

It is truly astounding the things he has been able to achieve.

When I heard recently that charlie had made a decision to go back to his hometown of boston, massachusetts, my first -- my reflex reaction was to direct our legal staff to figure out a way to pass an ordinance to prohibit it.

But that didn't pan out.

And so the past we could do -- the best we could do is come up with a distinguished service award just to recognize him in a very small way the many contributions that charlie has made to our community.

I want to read this on behalf of the mayor and the whole council.

This is a distinguished service award from the city of austin.

And it reads as follows: For having served anywhere as executive director of the austin parks foundation since 2005, charlie mccabe is deserving of public acclaim and recognition.

Charlie was committed to the foundation's mission to connect people to resources and partnerships to develop and improve austin's parks.

Under his leadership and with community collaboration, the parks foundation grew its reach and impact on the public spaces of austin, including care for zilker park, the auction oaks of republic square, barton springs and the barton creek greenbelt among many other treasured green spaces.

We wish him well as he returns to his native home of boston, massachusetts.

And we're pleased to present this certificate in acknowledgment and appreciation of charlie mccabe's years of service and leadership in austin this 26th day of january in the year 2012.

And it's signed by the mayor, lee leffingwell, on behalf of the whole council.

Charlie, thank you so much.

[ Applause ] and -- [ applause ] and I definitely want to ask charlie to say a word, but before we do that I want to give our parks director, sarah hensley, an opportunity to say a word.

And I want to make sure everybody understands how much -- the city of austin can't do everything itself, so we rely heavily on partners like charlie and sarah understands that better than anybody.

>> Thank you, councilmember riley.

I too am just tremendously sad to see charlie go, but i understand why and I've made not only a great professional connection, but a wonderful friend that I'll keep for life.

Now I have someplace I can go and stay in boston.

[ Laughter ] but you know, it's only appropriate that we recognize charlie certainly by this proclamation, but also by the fact that if there's -- he's our best volunteer.

Not only was he executive director, he was the executive director of the austin parks foundation, but our best volunteer.

And he surely put his work in where he said he was going to be and he was always out there leading people in, spreading mulch, talking about root zone invigoration, reinvigoration, helping us create things that we could not do alone.

And I have to tell you what a wonderful partnership it's been in working with him and we'll continue to have with the austin parks foundation.

So it's only appropriate that we do something that we can always go and see a little bit of charlie.

Even though we can't see him, we can skype him and other things, but we can sit in republic square on a bench that is in his honor .. and we have pictures because we couldn't bring the bench in.

It's a beautiful bench that sees the skyline of austin, and it's placed there with a nice bronze plaque that will be put there and the bronze plaque will read -- because we had too many words in it we had to do two different plaques.

[ Laughter ] we just couldn't get it all in.

In honor of charlie mccabe, austin parks foundation executive director 2005-2012.

That's on the bronze plaque that goes on the back of the bench when you sit down.

But then in front of the bench on a nice little piece of concrete will be another bronze plaque that says in honor of charlie's invaluable contribution to austin parks and recreation enhancing the quality of life for all austin citizens.

And charlie, I tell you, I'll let teary eyed, but we're going to miss you.

But I'm going to be able to owe on if you don't change your phone number I will be calling you every week or so.

Let me have your new number.

We love you and we're going to miss you and we wish you all the best.

>> Thank you, councilmember riley and thank you, sarah.

It's cool to get two plaques versus just one.

I never thought I'd have my name on a plaque and still be alive.

There you go.

I want to say a few things.

I will be brief as all councilmembers like to hear.

You know, we couldn't do this without the help of so many people in austin in the city -- the mayor and council, the parks department, sarah and her team, our friends at the downtown austin alliance.

We have several folks here tonight.

They're out in force.

The board of the austin parks foundation and the staff of the austin parks foundation, but most of all our volunteers.

When we worked with the staff we had about under 20 groups representing about 20 parks.

We're now over 100 with 100 parks, which is great until you consider that we have 210 parks.

But it's a great -- it's a great, great expansion of the program and we couldn't do it without our friends in the city and our friends at the daa and our friends getting out there in the middle of the



summer and in the middle of the winter doing stuff that they really don't want to do because i asked them to do it.

So thanks to everybody for your help.

We'll miss you.

We'll come back and visit if you want to come to boss texan, please give me a call.

My phone is going to be the same if you know it.

So please feel free.

Boston is great in july through about october.

Okay?

They have real winter.

I haven't experienced a real new england winter in about 25 years.

So we'll see how it goes.

But thank you so much for the opportunity.

I appreciate it.

[ Applause ]

>> Riley: Y'all don't go away.

How about pictures, anybody?

Any of y'all that would like to join in a picture or two, especially members of the -- the board members of the parks foundation?

I think that would be kind of cool to have photos for charlie for the foundation board.

[ Applause ] [rumbling] Announcer: What if a disaster strikes without warning?

What if life as you know it has completely turned on its head?

What if everything familiar becomes anything but?

Before a disaster turns your family's world upside down, it's up to you to be ready.

Get a kit. make a plan. be informed today.