

Closed Caption Log, Council Meeting, 05/24/12

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

>> Mayor Leffingwell: Good morning, ladies and gentlemen. A little bit of volume, please. Good morning, everyone. We're ready to begin this morning's ceremony. Before we start I'd like to ask everyone to please silence your cell phones. Please stand for the posting of the colors and remain singing of the national anthem by ms. akeeba hammer. Post the colors. Oh, say, can you see, by the dawn's early light, What so proudly we hailed at the twilight's last gleaming? Whose broad stripes and bright stars, thru the perilous fight. O'er the ramparts we watched, were so gallantly streaming? And the rockets' red glare, the bombs bursting in air Gave proof through the night that our flag was still there. O say, does that star-spangled banner yet wave, O'er the land of the free and the home of the brave?

>> Please remain standing for the invocation by texas military forces chaplain craig combs. It is an honor to be in the presence of our families here to represent our fallen heros. Our love and appreciation is endless. I also want to thank the city of austin. This time last year I was in basra, iraq and al general bergeron and a whole host of fellow citizens of austin sent us care packages. And I was loved by my soldiers and hated by the postal clerk. We had I don't know how many, 25, 30 huge boxes. And I sent pictures back. Hopefully allen still has them somewhere. The soldiers, sailors, marines, airmen, all of us serving over there really appreciate the love and support from back here. If you would please bow with me as we ask god's blessing on this ceremony. Oh mighty god, our gracious and merciful heavenly father, we pause in your presence this morning as we proclaim this day as one of remembrance for four of our fellow citizens. Four brave warriors who gave the ultimate sacrifice for their country. And for the values of freedom and justice for which she stands. We proclaim their memory because it is their selfless service and sacrifice that reminds us that freedom and justice are not free and do not come without a precious price. Therefore the memory, the memory of and appreciation for our fallen heros must be proclaimed and perpetuated so that all of us who receive the benefits of freedom will never take freedom for granted nor fail to acknowledge and truly appreciate its high and precious cost represented in the lives of our sons and daughters, our brothers and sisters, brave men and women of all walks of life who are willing to lay downheir lives for others. Lord, we have seen the face of war and it is indeed ugly and repulsive. But we also know that the face of cowardice and complacency in the face of evil is far more grotesque and repulsive. Therefore oh god, we are thankful for those such as these four we remember today who faced war's ugliness and horror with courage and commitment, dedication and determination. We know that without such men and women, our freedom and justice would wane and evil and tierry would reign in their absence. Now lord, I pray for those families of our four fallen heros today as well as others of us who have felt the sting and the pain and the loss of those we love so dearly. I pray for them and for all who have experienced such loss that in our despair we will turn to you, finding that you are the god of eternal hope. That in our confusion we will seek you and find your infinite knowledge, wisdom and understanding. That in our loneliness we will experience your omni presence, your love and your compassion. That in our pain and agony we will inexplicably be

comforted by you, the god of all comfort. We ask your blessing therefore not only on this ceremony, but also in the lives of these families and so many others like them who have known and experienced the true sacrifices and high costs demanded of our freedom. May we all come alongside of them in love and support, serving and sacrificing for them as they and their loved ones have served and sacrificed for us. Now lord, bless these proceedings and those who partake in it. Give them wisdom to follow your principles and guidance. And I pray this according to my tradition in the name of the one who loved us so much that he laid down his own life for his friend. Amen. Please be seated.

>> Mayor Leffingwell: Memorial day is officially recognized on the last monday in may, which is this coming monday. It is a day to remember and honor all-american soldiers, sailors, airmen and marines who have made the ultimate sacrifice in service to their country. In 1868 decoration day was designated as a time to remember the tens of thousands who died in our country's civil war. Later after world war i, it was expanded to honor the fallen from all wars and rename memorial day. It is a uniquely american holiday with ceremonies across our nation, including the national service at the arlington cemetery near washington, d.c. Each year the city of austin pays a special tribute to service members from our community. And this morning we pay tribute to the lives, service and sacrifice of four of our local heros. Navy petty officer third class bryan lundie, army private first class john joshua, junior. Army specialist matthew la forest. And marine lance corporal dominic brown. As president lincoln once said, they gave the last full measure of devotion. In honor of their military service, I ask that we recognize what memorial day is truly about. It is a time to reflect and observe the price that must be paid for freedom. It is a time to gather and to pay tribute to those who lost their lives on the field of battle and to celebrate those very freedoms that they fought for. So I call upon all to honor the national moment of remembrance by observing a moment of silence at three local time on memorial day, which is may 28th. At that time and on that day americans everywhere will reflect on the sacrifices made by so many to preserve and protect our great nation. In accordance with the order and tradition of the united states flag code, it is ordered that on monday, may 28th, flags at all city facilities will be lowered to half staff from sunrise until noon, then raised at full staff at that time in observance of memorial day. Today we also recognize the sacrifice made by loved ones of the fallen. We are honored to have the family members of our four honorees with us here today and it is my privilege to deliver a proclamation to each. So if you would please come up and stand with me behind the podium. Families, please. Be it known that whereas the city of austin joins all americans this memorial day to remember and reflect on the sacrifices made by those servicemen and women who have honorably served their country throughout its history, and whereas it is particularly important on memorial day to honor our fallen heros for their profound contribution to securing our country's freedom. It is appropriate as well to recognize their families who have served and sacrificed so greatly and whereas this memorial day and everyday all citizens bear a heavy burden of responsibility to up hold the founding principles so many died defending. And whereas on this solemn day we unit in remembrance of our country's fallen and we pray for our military personnel and their families, our veterans and all who have lost loved ones. Now therefore i, lee leffingwell, mayor of the city of austin, texas do here by proclaim may 28th, 2012 as memorial day in austin, texas. Congratulations to all of you.

[Applause]

>> ladies and gentlemen, please stand for a moment of silence and the sounding of taps. ♪♪♪♪

[10:19:00]

>> Mayor Leffingwell: Please remain standing for the retiring of the colors. Retire the colors.

>> Mayor Leffingwell: Ladies and gentlemen, that concludes our ceremony. Thank you for coming.

[10:23:19]

>> Mayor Leffingwell: I'm austin mayor lee leffingwell. A quorum is present, so I'll call this meeting of the austin city council to order on thursday, may 24th, 2012 at 10:23 a.m. We're meeting in count chambers, austin city hall, 301 west second street, austin, texas. I'll now read the changes and corrections to today's agenda. Add to items 2 and item 3 the phrase, recommended by the electric utility commission. To item 70, add the phrase, recommended by the electric utility commission. To item 77, delete the words, and implementation timeline and insert the words implementation strategies. Delete the word implementation following that and insert the word, and sources. And following that delete the phrase, including a draft ordinance. And delete the word august and add september. On 89, add as a second co-sponsor councilmember william spelman. Item number 90, /add/(ed)a as a second co-sponsor mayor pro tem sheryl cole. Item number 109 is withdrawn. On item 112 /add/(ed)a the words, item 112 is postponed until june 7, 2012. Item 134 note that at its time certain a request to postpone this hearing until june 14th, 2012 will be made. And on item 140 add the phrase, recommended by the planning commission with amendments and note that at time certain a request to postpone this hearing until june 7th, 2012 will be made. Our morning briefings, at 30, first a briefing on recommendations from the leadership committee on permanent supportive housing finance. And second, a briefing by travis county on the proposed txi travis county and city of austin tri party agreement. At 12 noon we'll have our general citizens communications. we'll take up the zoning matters. we will take up public hearings. 30 live music and proclamations. The musician for today is the sour notes. The consent agenda for today is items 1 through 105 and items 142 through 145. And I will read item number 76, which is appointments and waivers for our boards and commissions into the record, but it will remain on consent. To the historic landmark mary jo galindo is mayor pro tem cole's nominee. Resolution number to 1 to 52476 a appointing representatives to the pilot knob utility district's board of directors for districts 1, 2, 3, 4 and 5. The resolution number 20120524-0768 appointing the representatives to the southeast travis county municipal utility district board of directors for districts one, two, three and four. Waivers, we'll approve a waiver of the attendance requirement in section 2-1-26 of the city code for ramie cole's service on the public safety commission. And this waiver includes absences through today's date. The following items were pulled off the consent agenda. Item number 12 is pulled off consent for a time certain by councilmember spelman. Item number 22 is pulled off consent for a time certain of six p.m. by the staff. Item number 28 is pulled by councilmember morrison, number 65 by councilmember riley. Number 69 pulled by councilmember tovo. Number 73 pulled by councilmember tovo. Number 79 pulled by councilmember morrison. And she will -- this is being pulled from consent to postpone this item. Item number 83 is pulled by councilmember tovo. Item number 91 is pulled by mayor leffingwell. And item number 92 is

pulled off consent by mayor leffingwell. We have no items pulled off the consent agenda due to speakers. However, we do have several speakers signed up to speak on the consent agenda. I have three additional items pulled off the consent agenda by mayor pro tem cole. Those are items 15, 16 and 20. And we'll also add item number 13 is pulled off consent as it will be heard at the same time as item number 12.

[10:29:36]

>> Tovo: Mayor?

>> Mayor Leffingwell: Councilmember tovo.

>> Tovo: With apologies, I would like to also ask a very quick question of the music staff for item 23.

>> Mayor Leffingwell: Item number 23 is pulled off consent agenda for a quick question by councilmember tovo. Councilmember morrison.

>> Morrison: Item number 79, which I mentioned I wanted to have postponed, I would like to go ahead and postpone that to June 7th. And I'd like to withdraw --

>> Mayor Leffingwell: The proposed date is June 7th and we'll address it after we do the consent agenda.

>> Morrison: Then the last item --

>> Mayor Leffingwell: Item number 81 is off the consent agenda, withdrawn without objection by councilmember morrison.

>> Morrison: The last item is number 30, managed growth agreement. I understood that staff were working with the applicant to make some small modifications. And I haven't seen those. As far as I know they're not on the dais. I guess we'll have to pull them.

>> Do you want to set it for a time certain?

>> Mayor Leffingwell: Item number 30 is pulled off the consent agenda by councilmember morrison. Councilmember morrison.

>> Riley: Mayor, item 145 is related to item 23. So since 23 has been pulled, I would suggest that we pull 145 to be considered in connection with item 23.

>> Mayor Leffingwell: Is it related to item 23?

>> Riley: It is.

>> Mayor Leffingwell: Item 145 is also to be heard at the same time as item number 23. So does everyone understand the consent agenda?

[Laughter] if so we'll go ahead and take our speakers. On item number 4, we have two speakers both in favor. This item remains on the consent agenda. The first is robert wood. Robert wood? Second is mayor dave clonch. Are you declining to speak? Thank you. All right. John duffy is signed up on item number 14. Item number 77, scott johnson. You have three minutes.

[10:33:34]

>> Good morning, mayor, council, staff and mr. assistant city manager. This item is a collaborative effort that has provided an opportunity for citizens, myself --

>> Mayor Leffingwell: Let me interrupt you. Scott, you have three minutes to speak on all the items you signed up for. We'll start your time over.

>> I'm coming down today to thank the collaborative effort that's been developed particularly through the staff of councilmember spelman's office and your office, mayor, barksdale english and amy everheart. We very much want the process of planning for better air quality future as soon as this item is approve, which I hope it will be approve today. And we look forward to that discussion in earnest. Thank you very much.

>> Mayor Leffingwell: Thank you. On item 86 we have johanne barts. She is against. Do you wish to speak, ms. barts? Donating time is vera gibbons. And laurie renata rei can't. Rent rei can't. So you have up to nine minutes.

>> Good morning, y'all. It's going to be a long day. This would direct the city ott, to begin a pilot program our plan, i should say, in regard to the taskforce that is working on the road home problem here in austin, texas. I'm going to keep it brief. I'll give the clerk a copy of this when I'm through and you all can -- I'm sure she'll provide that to you. A couple of things I want to talk about. In this proposal there are two tales. I'm sure you know what a tale is. The first one is in the last sentence of the resolution, the way it's written, it's so completely negative, a more glaring example of negativity would be hard to find. And it's almost as if this last sentence was the first sentence written and everything else in the resolution and in the directions to the city manager were written after that. By the way, this is an analysis that we did at our task meeting, uhna disabled group home taskforce, and i am the chair for that. My name is johanne bartz. We went through this very carefully, as I mentioned to councilmember morrison when we were not allowed to actually get into it at the hhs meeting. But at any rate, this sentence states that if at any time before september 30th the city manager determines that permanent regulation of such homes will be infeasible or unworkable, the city manager may adjust or terminate the pilot and shall promptly report changes to council. Gee, you're already saying this is going to fail. That's not a very good thing at all. The second tale is something that is probably going to surprise y'all. We noticed the addition of the word affordable into this process. This is the first time that word's been used in this taskforce problem. For group homes. So as we did what we always do, first of all, we assumed that it is a positive thing, \$500 a month perez dent could be considered affordable. But that didn't make any sense. So we did what we usually did, we do our research,

we use all options available, this time including back channels, and regretfully and surprisingly, what appeared to be driving the insertion of this word affordable has nothing to do with the affordability of row homes, are the health and safety of the disabled residents at these locations. It appears to have everything to do with pitting the work of the taskforce against the city of austin's affordable housing initiative. For whatever reasons, by whomsoever, individuals or entities, that appears that the row home project in the taskforce are being labeled as detrimental to the city of austin's ongoing push for a citywide affordable housing initiative. That those of us who are attempting to help the disabled in row homes escape from their own ninth level of hell are really attempting to sabotage the city of austin's affordable housing initiative. That our claim that we don't want to remove these homes for the disabled out of our communities is a lie. And that therefore the closing of such homes would add to the number of people on the streets needing affordable housing. We view these allegations as a back handed compliment to the success of the work we've been doing for the past three and a half years. We also view it as very unprofessional behavior on the part of whomsoever is doing this. And in regard to that we'll ask whomsoever and within the sound of my voice, that is involved in this, that they do what we do. We don't speak to anything we can't prove, so whoever came up with this, you do the same. You do the same. You better be able to prove it. We're recommending that any individual or entity involved in this misinformation, show us that proof that has to be proven under documentation, or show us the preponderance of evidence that is required by law to prove the allegations against the taskforce. I'll conclude. I'm going to keep it short. Whereas the pilot plan are deficient in several areas as documented above and whereas the proposed pilot plan does not include proactive participation by the taskforce and other interested parties, and whereas given the years of work already completed on this project and the data already archived, a four month plan for the pilot plan is already excessive and whereas a bias dependence the success of the pilot plan appears inherent within the plan, now therefore be it resolved that the proposed resolution and pilot plan not be approve by the city council and that the city council direct the city manager to pursue a more accurate, unbiased and time control plan for consideration by the city council. Said plan to be complete /bid/(ed)by a date certain established by the city council. And that concludes my presentation.

[10:41:10]

>> Mayor Leffingwell: Thank you.

>> You're more than welcome. Y'all have a great day.

>> Mayor Leffingwell: You too. Those are all the speakers that we have signed up to speak on the consent agenda. I'll entertain a motion for approval. Councilmember morrison.

>> Morrison: Mayor, I'll move approval, but I have some comments when I get a second.

>> Mayor Leffingwell: All right. Councilmember morrison moves approval. Seconded by councilmember spelman. Councilmember morrison.

>> Morrison: I'd like to put item number 30 back on. The question that I had raised can actually be accommodated in the staff negotiations. And also I'd like to be shown as voting no on number 4.

>> Mayor Leffingwell: Show councilmember morrison voting no on item number four. Councilmember tovo.

>> Tovo: Mayor, I would also like the record to reflect my vote as no on number 4 as well.

>> Mayor Leffingwell: Councilmember tovo will be shown as a no on item number 4. Further discussion? Councilmember riley.

>> Riley: I'd like to be shown as voting no on items 31 through 34.

>> Mayor Leffingwell: Councilmember riley will be shown voting no on items 31 through 34.

>> All in favor say aye? Opposed say no? That passes on a vote of seven to zero with the exceptions noted.

>> Morrison:, WOULD YOU Like to take up item 79 before the morning briefings?

>> Morrison: I would like to move that we postpone item number 79 until june 7th so that we have additional time to work with legal and community on that issue.

>> Mayor Leffingwell: Motion to postpone 79 until june 7th. Seconded by councilmember martinez. All in favor say aye? Oppose said no. It passes on a vote of seven to zero. And councilmember tovo, i believe you said you had a quick question on 23 and 145 together?

>>

>> Tovo: I do. It's really a question primarily about number 23. This is the question for la cone in a to take over the space at austin java. And this is really for the music staff. When he a question about sound mitigation. I wanted to know whether you reviewed the documents land you feel satisfied that the live music that's contemplated for the site will be contained within that site and not travel into city hall.

>> As with all music venue permits we do an inspection and case study and so i don't have a whole lot to say about that one, but i think it will be fine.

[10:44:09]

>> Tovo: You had an opportunity to learn about the project and you feel well satisfied that the music won't -- the noise won't travel into city hall then?

>> In city hall it's a concern, yes. We would make certain that's decoupling that would happen and it would not impact city hall.

>> Tovo: And I guess also our other businesses in the area would be another concern.

>> Consideration would be taken.

>> Tovo: Perfect. Thank you very much. That's it.

>> Mayor Leffingwell: Is that also applying to live music on the plaza?

[Laughter]

>> no, sir, it doesn't.

>> Mayor Leffingwell: Councilmember tovo.

>> Tovo: I'll move approval of those two items.

>> Mayor Leffingwell: Councilmember tovo moves approval of 23 and 45. Seconded by councilmember martinez. Discussion? All in favor? Opposed say no. It passes on a vote of seven to zero.

>> Cole: Mayor, my items are quick. It's up to you.

>> Mayor Leffingwell: Okay. Mayor pro tem, do you want to take up 15, 16 and 20? I don't think they're related so you have to take them separately.

>> Cole: 15 And 16 are related to the family business loan program.

>> Mayor Leffingwell: All right. 15 And 16 together.

>> Cole: Kevin, I know that this is a wonderful program through h.u.d. 108. And I shrimp wanted to -- i simply wanted to know what plans you have for advertising the programming.

>> Kevin Johns, director of public growth and economic services. The family business loan program, we are very excited about it. The advertising will go at least through two mechanisms. Rosie is here with me as the assistant director and is the head of the -- runs the small business division. And they have an email network of certain thousand local businesses. So one mechanism will be of course electronically advertising. We'll also be working with the i-biz districts to individually target those locations to make sure that where we have redevelopment activities occurring that those businesses have a first cut at doing redevelopment so we can get scaffolding up in the redevelopment and get jobs and businesses revitalized. Those are our two principal means of trying to advertise the project. Now, we also have a credit union, several lending institutions already lined up and we're going to expand it to the Harvard award winning meet the lender program so that the 35 or 40 banks that have been working with the city and small businesses on a regular basis, that they will be also part of our outreach program.

>> Cole: Thank you, kevin. I think that is sufficient. My concern is that you were also working with the i-biz district and the local businesses. We passed several resolutions having concerns about working with those two entities, so I'm glad you're doing that. Thank you.

[10:47:09]

>> Thank you.

>> Cole: Mayor, I'll move approval on items 15 and 16.

>> Mayor Leffingwell: Mayor pro tem moves approval of 15 and 16. Seconded by councilmember spelman. Discussion? All in favor say aye? Aspirin cutted say no. It passes on a vote of seven to zero. And item number 20 likewise short?

>> Cole: Yes. Quickly on item number 20 and next we'll also consider item number 25, I know that we are exempting property based on the land tough, which I am supportive of, but I did want to know the tax impact. Land trust.

>> Good morning, betsy stone, director of neighborhood housing. When you're asking for the tax impact, are you wanting us to estimate the amount?

>> Cole: Do you know that from the appraisal records?

>> Not yet. Actually, when we get the information, this particular ordinance is just setting the rules for the land trust. We'll be bringing forward the recommended organizations. What we have asked the organizations when they apply to be part of the land trust is that there will be the information on there that will help us to calculate which land they want to place in the land trust and what the economic impact would be.

>> Cole: We'll get a chance to vote on that aspect later.

>> Yes, ma'am.

>> Cole: Mayor, I move approval of item 20.

>> Mayor Leffingwell: Mayor pro tem moves approval of item 20. Seconded by councilmember morrison. Discussion? All in favor? Opposed say no? It passes on a vote of seven to zero.

>> Cole: Thank you. And mayor, I think my question has been answered with respect to number 25 25.

>> Mayor Leffingwell: That was on the consent agenda, item number 25 was.

>> Cole: Oh, good.

>> Mayor Leffingwell: All right. So now, council, we have visitors here from travis county, so we want to respect their time, so we'll take up our briefing on the proposed taxi travis county and city of austin tri party agreement.

>> Good mortgage, tom knuckles with the travis county attorney's office and with me is johanne lochard, former -- is joe gieselman, former director of transportation at the county. This presentation will be a joint effort and joe will lead it off.

>> Good morning. In 2005 the voters of travis county approved several million dollars to acquire open spaces in travis county. We took a page out of the city's book and started looking at corridors in the incorporated area. At the time there was an effort going on to identify parcels throughout the county for acquisition for open spaces.

[10:50:29]

>> You're looking at the outcome of a joint effort between the city, county, the trust for public land, the lcra, several other entities in travis county. And what this group did is identify parcels throughout the entire travis county that were high priority for acquisition for open spaces. What you see here is a segment for travis county and eastern travis county. You see the airport at the lower left-hand corner. And this is an area that i want to talk about today. The dark red is the highest priority and then orange, the next priority. And then yellow is no priority. We start acquiring properties along onion creek as our first priority. We were well into the process of onion creek. We started looking at gilleland creek. And then reality set in very quickly. We realize that some of the parcels we were intending for open spaces were either already under contract for mining or under potential sale for mining operations. What you see in this slide are all the black hash marks that are either owned or pending acquisition by mining companies, meaning they were under contract at that time. Why are they there? That's where the sand and gravel deposits are. So we were in direct conflict with private industry for the same parcels. We took a look at mining operations in this area and there are several things. First of all, the deposits are there because that's where mother nature put them. There was -- they were close to the urban area, so we expected the mining companies would want to minimize their costs by mining materials closer to the city where the demand is. And what's happening is basically the growth of the urban area causes the need for concrete, sand and gravel. You're talking about roads, talking about runways, you're talking about buildings. They all require these building materials. So the demand is fairly high and travis county was in no position to compete price-wise for the same properties. So there's very little likelihood that the county and therefore the city through its regulatory mechanism, could restrict the mining or alter the process that was going on. And it wasn't likely that the texas legislature was going to grant the county any additional authority to control land uses outside in the incorporated area. So we began to look at the bigger picture. Given the extensive ownership of these properties, buying the mining operations, the fact that the urbanized area was migrating out into this area, we needed to have a plan. It wasn't just about the acquisition of one parcel, but how is this whole area going to evolve over 40, 50 years. So again in conjunction with the city and the lcra, the staffs developed a plan which was adopted several weeks ago by the commissioners' court. It gave us a view, a long-term view to the future and what we envision this area to transform over time, even though a portion of it would be mined during the interim. It also helped us put perspective on how we were to acquire open spaces that

were somewhat in sync with the overall master plan. And what this shows again is a major greenbelt part of the plan all the way down the colorado river from the city limits to the county line, the bastrop county line. And then acquisitions of riparian corridors that would go up the creeks that tie into the colorado. And make this an integral part of a system of trails and greenways throughout the entire county. In particular was the subject of today's discussion. We started sitting down with txi who owned -- who recently -- not only purchased the property that we were all interested in, but also receive permits from the city and the county to mine it. These two properties are called hornsby bend east and hornsby bend west. You see those outlined on the map superimposed on the green print which shows the competition between the two entities. In our discussions with txi we started about what's in our mutual interest. You want to mine the property, we want open spaces. Neighborhoods want some buffer from the mining. Let's see if we can collectively come to an agreement where we can optimize everyone's interest. What we have today is a model for that agreement. It will involve the city of austin as being a signatory member to the agreement. I'm going to have tom talk briefly about the particular tract that the county was proceeding on under the threat of eminent domain.

[10:56:00]

>> The way the dialogue over this area began was because of the impacts on the community from the mining, the area residents had approached their elected representatives at the county and the county at one time was considering simply condemning a large tract of the minable land as parkland as basically creating a buffer between the active mining areas and the neighborhoods out there. We sent so far as to have the land appraised and it appraised at about six million dollars. Going through condemnation that figure would likely go up and it would more than likely consume the amount of money the county had set aside for that. So while condemnation is still a possibility, we think the agreement that we'll lay out to you today actually achieves more community benefits at a lower cost. And now joe will describe those benefits.

>> First the county agreed 68 acres of land that txi currently has a permit to mine for sand and gravel. It's at the confluence of three creeks and high priority for the county to acquire for open spaces. The county would pay txi for this property. Txi would then donate 123 acres of land along gilleland creek and the colorado river, which would be part of an overall trail and open space plan. Txi would also donate 6 acres of land along the colorado river on the hornsby bend west track. And again, this is part of the colorado river corridor trail that would go from the city to bastrop county. We're then talking about the larger community interest of having some level of buffer between the permitted mining operations and the existing residential areas. Txi agreed to deed restrict 6 acres of land they owned and not mine that area. And that is to the south of existing residential area called the chaparral crossing. They also agreed not to mine properties within a thousand feet. Now, these properties in yellow, I might add, are not currently owned by txi. But txi could purchase them. We realize that there's nothing to restrict them from buying these properties. In this legal agreement they bind themselves, even if they do buy these properties, they won't mine 'em. So in effect they're creating a thousand foot barrier, legally binding barrier between the existing neighborhoods and the permitted mining sites. They're also required to berm along dunlap road, which doesn't show up real well on the highlighted area. It's basically anti-try way to the area -- anti-try way to the area. It's a county road and then along milam road. An these berms would create some physical barrier between the mining and the

international areas. They've agreed to do concurrent mining. This is not always the practice in mining. If you drive through eastern Travis County, some companies will go out there, dig a pit and leave it. In this case TXI has agreed to do concurrent mining, which basically means as they -- there's a process where they'll take off the topsoil and they'll mine out the sand and gravel and go back with the topsoil and put it back and either grass it or put some vegetation on top of it. What they're saying in terms of concurrent mining is that process will be ongoing, just as quickly as they pull materials out, they'll replace it. So -- which minimizes the footprint of the actual mining if you just went through mining on a concurrent basis. So there won't be any open pits for a long period of time. That's an example of what it might look like when it's through. Mind you, the level -- the elevation of the property is lower after mining. And much of this property is below the floodplain currently. It will be further below the floodplain when the mining operation is completed. In addition, the master plan -- the transportation master plan calls for an additional north-south arterial that extends between FM 969 on the north to State Highway 71 on the south. And this would go across the Colorado River through some of TXI's pros. TXI property that is currently permitted for mining. The county has agreed to buy 4 acres right at the juncture of where the road would cross the Colorado River to maintain open neck corridor for a future arterial corridor when FFA comes and that's 15 to 20 years out in the future, but it protects the corridor. The other part of -- so what does TXI get out of this? Rather than haul the materials down county roads, which would be Dunlap Road, Milo, some of the other county roads in the area, and then haul the materials over to 969 in their current processing plant, which is to the east, what they're asking through this agreement is to construct a haul road which will be on their properties, but crosses Gilleland Creek, just on the other side of Gilleland Creek is their processing plant. So there's actually a public benefit out of this that gets the haul truck off the public road system, keeps it on a haul road internal to the TXI property. And of course it reduces the cost of operations for TXI in the process. What it will require, and the reason we're here today, it requires variances from the City of Austin to do that haul road across the creeks. And we'll talk in just a second about the variances. But this gives you some idea of where those creek crossings are. They're highlighted in circles. It's a rough location of a haul road on their mining properties.

>> So with three creek crossings, obviously the critical water quality zone comes into play as well as cut and fill issues. There are also wet lands in the area, so critical environmental feature setbacks are at play. There are the likely variances, cut greater than four feet, fill greater than four feet, CEF setbacks. Those are all administrative variances under the code. There's the need for a critical water quality zone variance. That would be granted by ZAP and essentially in the agreement TXI would be assured that that variance would be granted. In addition, the area that the county is buying from TXI is already permitted for mining. So they will essentially be giving up permitted mining sites. In exchange for that they would like the agreement to essentially freeze current regulations so that permitting of these two future sites would basically be permitted on a par with what they've already got permitted. Similar to a managed growth agreement. So that's one reason this needs to be a development agreement approved by council. Overall financially for the county we'll be spending a little over four million dollars for the open spaces that we acquire from -- excuse me. 9 million for the land to be acquired from TXI. But what it does is it leaves almost four million dollars of that original six million dollars to acquire additional open spaces along Gilleland Creek and other tributaries. So we think it's a wise use of county tax dollars. We can offset some of the land that we would have had to acquire through donations through TXI. Overall we're acquiring about 360 additional acres of open spaces in eastern Travis County,

particularly in high priority green print areas, and along the tributaries, which will help us develop the trails and stuff that we see in the long-term future. And then as far as the agreement on the permits --

>> we've conferred with city legal department and agree that this would be the type of agreement agreement that is adopted by ordinance. So in effect it would establish a set of site specific standards for issuing a permit for the critical water quality zone crossing, the cut and fill and the cef setbacks. In other words, it would set out what -- exactly what txi has to do to mitigate the impacts from those three creek crossings.

>> That concludes our presentation. Are there questions?

>> Mayor Leffingwell: Questions on the presentation? I know you guys have been working on this a long time. So what are the next steps?

>> I believe council -- we would request council to authorize staff to negotiate the agreement with txi and the county.

>> Mayor Leffingwell: And that will be a council action item when? Has that been decided yet?

>> We were hoping for a meeting in june, I believe, before you went on break.

>> Mayor Leffingwell: It's not set yet, in other words?

>> Yes.

>> Mayor Leffingwell: All right. Any other questions. Councilmember riley.

>> Riley: Yeah. We have heard from a few citizens who are voicing concerns about opportunities to participate in some sort of public process with respect to any decisions related to this agreement. In particular decisions regarding variances. I heard you mention one variance that would go in front of zap, but I also heard you say that there was -- the agreement contemplated essentially a guarantee that that variance would be granted. Is there any point at which the public would have an opportunity to participate in some discretionary decision down the road regarding this agreement?

>> That can be built into the agreement. We're trying to find the balance between the assurance txi needs /to go/(ing)to down this path and obviously addressing some of the details that haven't been worked out yet. But that's certainly a possibility, councilmember.

>> Chuck lezniak, watershed department. What we're planning to do, if council wishes us to move forward to negotiate this agreement, is that the negotiated draft agreement would go -- would follow the same path these variances would normally follow, which means environmental board and land use commission. So those would be public hearings and opportunity for public comment.

>> Councilmember, also there are outstanding issues that were identified during the public processes of the commissioners' court. We held several public hearings, public meetings. So all of the issues haven't been resolved. There are still some issues on the table that still need to be negotiated. Some of which were brought to our attention by the community. So I think everyone is just wait to go see how -- what the next step of the process is and we'll be probably negotiating those in the final project.

>> Riley: That is still a work in progress?

>> Yes.

>> Riley: One last question. You mentioned that the materials would be placed -- you mine the materials, put the topsoil back in place and you grade it so that it would be graded for a future -- future beneficial use. What sort of beneficial use is contemplated for these lands?

>> At this point I'm speaking on behalf of txi. I'm envisioning they'll probably -- again, most of this land will be well below so that could be grazing. Some other operating, if it turns back to an agricultural use. Some of the land they have outside the floodplain, i imagine they may try to develop into some residential development, much like you've seen on rio devito. Just because an area has been mined doesn't mean it can't be reused for all different uses, including dedicated for public open spaces. I think all those options are probably open. They will still have to meet all codes of the county and the city as they proceed to do that.

>> Riley: I do need to ask one question about traffic. A number of citizens in the area are concerned about the truck traffic. At one point earlier in the process there was discussion about a conveyor belt that could be used to minimize the level of truck traffic for -- that would be used in connection with the mining. As I understand it, that's no longer contemplated with respect to operations in this area. Where do we stand with respect to addressing the traffic concerns voiced by the area residents?

>> Well, it's our feeling that construction of the internal haul road by txi does address those traffic issues because it takes the trucks off of public roads. And that's really one of the prime public benefits of the whole agreement.

>> Riley: So that road would be constructed by txi and maintained at their expense.

>> Yes.

>> Riley: Okay. Thanks.

>> Mayor Leffingwell: Councilmember martinez.

>> Martinez: Yeah. Tom, I just wanted to throw this out on the table and hope that my colleagues, if we make a decision, will lean towards this. What I would be asking for, because of the many concerns that we've heard and the conversations that I think still need to happen, that if you guys would be amenable when you make your ask to council that we authorize negotiation,

but execution of this agreement comes back to the council for final decision so that we can tighten it up and ensure that all the concerns that have been brought to us will be addressed through this process that we're talking about.

>> Absolutely. We're amenable that.

>> Martinez: Thank you. Thanks, mayor.

>> Mayor Leffingwell: Councilmember morrison.

>> Morrison: Thank you. On the issue of the process, I believe, and I'll ask to guernsey can help me out here. We passed a resolution sometime ago that said any time we're negotiating a development agreement, it's going to go through the same process that zoning would go through. So to my that says there doesn't have to be any question, it would go to zap, I guess, and I think come to council so that there's full hearings and notice and all of that.

>> Well, I think as chuck said, we were intending for this to go before environmental board and zap, and have an open process because of the variance issues that were involved. I think what I recall a lot of that discussion we had had to do with a lot of different school districts at the time. And also I think we talked and I know that those were some of the issues. But I think we are already planned to go through a public process with this particular agreement, working with the county. The county has already had i know some vetting of this, but we plan to go to the environmental board and zap when we bring the development agreement forward. And those particular issues, cut and fill, critical water quality zones, those things would be examined at that time.

>> Morrison: Okay. And I guess on top of that i think that my feeling is our resolution actually would accommodate what councilmember martinez said, and that would be that it would come back to us for final approval. I hope that will be workable. Let's see. I do have one specific question. One of the -- I'm trying to keep the gives and the gets in different columns, is that txi would be assured of using current mining standards for future permits. Is that something I heard you say?

>> Yes.

>> Morrison: Can you -- i know -- well, likely you can't foresee the future.

[Laughter] maybe you can. I'm not sure. But can you tell me the kinds of things that might change in terms of the others who are mining, that they might be able to --

>> well, I'm not really a subject matter expert on the standards, but I can -- it is obviously foreseeable that the regulations can change. And again, from tceq's perspective, they've got permits in hand and they're simply just saying, if we're going to give up those permitted areas, give us equivalent areas on the same basis.

>> Morrison: I guess the concerns I have are that if the standards, if the state should move for standards that really help to improve, for instance, public health in terms of the kinds of things that are -- can be emitted or -- I'm no mining expert either. I hate to give those kinds of things up.

[One moment, please, for change in captioners]

>> it's not 1,000 feet and it is one of the outstanding issues that require about another 30-acres of a buffer to make it a whole 1,000-foot and we are in discussions with txi. Under that 30-acres are mineable materials, so either they would ask txi or travis county to pay for that land or we look for some other alternative that provides the buffer that the residential area is seeking if it is not 1,000 feet.

>> Morrison: I would encourage that conversation to continue because I would imagine waking up and having mining in your backyard would have impact on the quality of life.

>> That is part of the dilemma, of course is part of land use authority. It happens all of the time.

>> Morrison: Do we have any idea what the price of that 30-acres?

>> Yes, it's pretty pricy. Let me give you a gross sense, we would pay with somewhere between 3 and \$4,000 for green space and what we are paying for the piece we are paying is upward around 12. My guess it's going to be well above 12,000 an acre for that additional property. And that's given that it's a permitted mining site, so if we went to condemnation for that it would probably be somewhere in the neighborhood of 18-20,000 an acre, well above than we normally pay for open spaces.

>> Morrison: You mentioned there are some other possibilities in terms of mitigating the impact. What kinds of things?

>> Everything is on the table. Basically whatever we can do in a physical way to barrier the site and the noise from that neighborhood that would be the equivalent of what would you get from 1,000-foot distance. 1,000-Foot is just really an arbitrary number. It came out of the ordinance that -- one of the ordinance authorities the county does have is buffer residential areas from sexually oriented businesses. In that law, there is 1,000-foot buffer, so we have a precedent. Let's use that as an equivalent for a mining operation. Someone would argue it ought to be a quarter a mile. Some would say less than that. If we did nothing, it would be 50 feet.

>> Morrison: I guess we can all continue to help that the counties -- urban counties can gather some planning authority. I am with you on that. Thank you. so -- and just to follow up on that a guernsey may want to help me with the process here, but as I understand it, what happens next is it goes to briefing, possible recommendations to the environmental board and the zap, with the zap decisions in this case would not be final in this case because it is an mda and then the entire agreement -- after those hearings, it comes back to city council and the proposal will be to negotiate with the mda and at that time with the advice of the environmental board and the zap in hand, it would be appropriate to give additional direction on the negotiation of that mda. Is that essentially correct?

>> Guernsey: It is essentially correct, mayor and I understand the desire based on council member martinez that asked that, to come back to you and it seems there is agreement among you about that. the point is, it is not a normal process where the zap would approve the variances, to fill, itself. They would give their recommendation to us for consideration in the mda?

>> Guernsey: Correct. all right. Thank you very much. So now we will go to our briefing on recommendations from the leadership economy on permanent supportive housing finance.

>> Good morning, mayor, council members, my name is ed mccourse. I am the chair of the leadership committee on permanent supportive housing finance, which I can never say, so i apologize for reading that, i will go off the psh finance committee. And there it is. So I am going to be brief. This is an update to let you all know the progress being made by the committee that you asked the city manager to put together to figure out how, as a community, we could meet the goals set by this council of having an additional 350 permanent supportive housing units between march of 2010, when you all adopted that and the end of 2014. So what you see up on the slide right now is issues a quick summary of the council's actions. It was back in march of 2010 that the focus termed to this and address shortfall of permanent supportive housing finance we have in the travis county area. You looked at the costs and then in 2011, you asked the city manager to put together a group that would be able to focus on not only the funding of it but the funding of it in a way that you adopted the strategy. So up on the slide is the group you asked to put together. It is that group and we also added the downtown national liernes and the coalition for the homeless to round up the group. It is not the service providers. It is the potential funders and those with subject matter the expertise in how these can be financed. So the group has met since april to figure out how to implement this strategy. The focus, of course, is rental housing, its targeted to the long-term homeless. It is lease based. It is permanent in that it is not time limited. As long as somebody is living up to their lease, they can stay in these rental units. It's going to be deeply affordable. We are trying to target the 30% ami and trying to get to the chronic homeless so to use city services and county services a great deal and as you know, it's just a fraction of the need we have when you did your study back in 2010, you recognized there were about 1900 units that were needed for those that were literally homeless but you have to start some place so starting 350 units and the mix you are looking for -- and this is what guided the phs leadership committee is that of those 350 units you would have 100 that were leased from existing landlords, existing properties and you wanted to have about 250 that were new construction, that, of course, is in recognition of the fact that if you are leasing them all, you are shuffling things around and increasing the demands someplace else. So the focus of your strategy is to look at those who are frequent users of public systems, vulnerable. We are looking at primarily single adults but want to make sure we get families, unaccompanied youth, youth aging out of foster care and then really targeting -- again, these are just circles that cross over, but of those, you are looking at those with severe and persistent mental illness, co-occurring disorders. This drives back to, looking at those who are hard to serve and expensive to serve when they are not in permanent supportive housing. These are deep subsidies, preferences set aside for reducing barriers to housing. And you will hear this theme -- and this is important to the phs leadership committee in finding solutions that reduce barriers so we can get people into housing. Even if we can identify housing, sometimes there is barriers such as criminal history or needs or services that keep people from getting there and qualify, so really a focus on a strategy that will be

successful, and so to do that you have to reduce the barriers. You have to go with the housing first model, which says we are going to get you in housing and then we are going to make the services voluntary because we think you will take advantage of them once you weren't worried about where you are sleeping and where your meal will come from. It is all on case managed basis and we are in favor of developing citing policies so it is spread throughout austin. Key costs, 21 million-dollar in the one time capital costs of the construction of the 250 units. Once you get them -- of the 350 units and then once subsidies, rental at 3 million and services funding at about 4 million. The capital costs for the 350 units are set out on the slide. The important part here, there is a couple of pieces. A lot of this is already in place. \$3 Million from the neighborhood stabilization program is already in place for some of the units that have been approved during the pipeline. We have gotten some of the -- 7 million from the bond package that is spent out right now and going into place and you all have been a part of that process. The big number here will be the 3 million and that is what the psh leadership committee thinks will be mess just for 2014 as part of your bond package so it will have to be part of your affordable housing for the new bond package. I want to emphasize here briefly that it doesn't mean that 3 million is enough, because you are not talking about trying to get to 2014. You are talking about psh being a part of a larger package that needs to cover many years and so our group is in favor of package of affordable housing that will be closer to the numbers that came out of the 575 million-dollar proposal. You also see some travis county general fund money. I want to point out here that travis county has also been active in this process and looking at the ways which they, through their budget can support this. This has really been a community process and a community look at how we can find the money. The next part is the rental subsidy. Rental subsidy is a little easier because a lot of these are programs in place and it is a matter of finding either the set-asides or the allocations. We made a lot of progress on this through the housing urban development continuum of care, program gives the community some bonus money for this purpose if they do well. We as a community have been 's eyes of working towards reducing homelessness and getting people in permanent supportive housing and so through the years received 26 and 45 additional units. These are rental vouchers that help pay for the existing or the to be constructed units. We expect that we will get another 40 of those because we will continue to do well here in austin. Travis county housing authority has actually already made an adjustment and has set aside and taken board action to say we've got 40 units that we will specifically set aside railroad for this program targeting this model, chronically homeless and reducing the barriers of getting those folks into housing. Veterans administration as the vouchers and those come through and 75 is a timing issue and it is a mat matter of when the va releases them and come through and the big item is the 124 units that we believe the housing authority and city of austin will need to set aside. We look at other communities and I know you have, that housing authority is a big part of minimizing the permanent housing shortage and we think the money from haca will be necessary to meet that goal. The service funding, this is part of what makes permanent supportive housing successful, because we aren't only saying we will put you in a house but we will provide you with services to become self-sustaining. Some of the money comes with the va comes with their vash program. We have the city of austin, probably a half a million dollars in additional general fund financing and some of that is starting to be talked about. Travis county, again, it has gotten a grant and is working on the details of it for a half million dollars. A one time grant from the bureau of justice. They have talked about putting that in their budget so it is not just a one-time event so we can build in consistency and we've got an ability to continue to fund the services and make this permanent supportive housing. The big

chunk here will be the potential for using the 1115 medicaid waivers. This is something that's a little bit in flux still because the regulations on how those funds can be used are not finalized but central health will be leading that effort here. Central health is a part of this group that you all put together and they are looking at ways which we can take the match up, 50 come back, we can take the match money and use the initiatives to make it more efficient and help play around the mental health around here. We have a gap already in the community but particularly within this mental health population. From a process standpoint, the leadership committee would like to continue to work on the process. There is three big items out there that have not really been firmed up and they are big dollar amounts and we kind of went through those. One is the bond for the capital piece. One is the HOCA, setting aside 134 units and the other is 113 waivers. The challenge for us and the community and you all is that any of those don't come through, for the city council and the city of Austin to meet our goal of 350 units we will have to find the funds elsewhere, whether they are from general funds or other unique general financing options but each of our legs of the stool here, there is a big piece that has not been fully developed out or committed to so this group would continue to work on that charge to see if we can't help design it in a way that comes through. We also would like to work with the city on incentives and set-asides for the capital funding piece because we think it is important that the funding that would come through the bond funds be tied to housing first and really lowering the barriers to getting people into that housing. It's not going to help us if we have folks and services and vouchers but we don't have landlords that are willing to take them. This is really an education process as much as anything. There are models that we can demonstrate. There are some models here in Austin. It is an education process we are going to have to work through. All of these should be low barrier approach and then we would like to work with the city staff to track the success, not only on the units. Those are much easier to track but on hitting your populations that you think are important and being able to show the benefits of that that will come back around because it is just a start. The 350 is a way to say, I would almost call it a pilot program, to show the community that it does work. We can get it done and then we can start to address the remaining -- the remaining shortfall on the need for PSH units. That's all I have and I will be happy to answer anything. Any questions, Mayor Pro Tem Cole.

>> Cole: Thank you for the presentation. I remember when we started this process. I want to congratulate you guys on having moved so far so fast and worked together with so very many stakeholders. I have just a few questions. First, I remember that there was a big issue about case management computer systems and being able to track the vulnerable populations, the homeless population and what their needs are. Has there been any progress on that?

>> There has. You are talking about what is called the homeless management information system, HMIS and that has transitioned to where Echo has now taken over responsibility for that and is working directly with city and with service providers and then with the software provider and we are making progress. We have goals in mind that include trying to get the realtime access that some of the communities have. That's probably a few years off. Right now we are making a lot of progress on getting an open system so that the folks at front step, if they have a client that comes in, can see the other interactions that have taken place, so, yes, they are making progress on that point. That is an item that the community is really addressing on a broader basis because it will include prevention services as well as short-term homeless and emergency services.

>> Okay. I also wanted to ask you about the bond committee and your interaction with the committee. You put in some specific 3 that you were contemplated -- contemplating that you needed. Can you tell us a little more about the process you went through to determine that recommendation that your group is making?

>> Sure. Really, I will be honest with you, the bond piece is the gap filler. You are looking at the other programs that are available. You are looking at what you think you can do from a philanthropy basis, what are the other commitments you've got and then the unknown is what can we, as a community do on a bond basis. The bond funds from the prior bond package have been used to some extent but really psh has come along largely after those were approved so it is on the tail end of that so I say if the bond package is sufficient to 3 million up front, then we are going to have to find another gap filler. Because that's what it is, a gap filler.

>> Cole: Okay. And I really noticed the help you received under leadership council and actually some financial help from the other governmental entities, in particular the veterans administration. I was surprised to see that. Can you tell me how that collaboration is working and what we could do to encourage that more?

>> Sure. The va has been a part of the conversation and so they are able to tell us -- they have the existing programs that are in place, the vash and the supportive housing program and services and what they have done really is round out the view of what the potential funding is going to be, what the additional vouchers are going to be coming down to austin that we can take advantage of. That has been their role on this psh leadership council and they have also been very active -- i will move away from the psh leadership council but if you go to the homes campaign in november, va stepped up and said you have the 100 names of most vulnerable, which ones are veterans. Let's get with them and they are taking steps to get them housed and some of these are units in place. So the va has been active from planning and implementation standpoint.

>> I will ask the person working with the city manager a couple of questions. I know staff has devoted a considerable amount of time and research trying to tackle our homeless problem or challenge and I would like to know some of the best practices that you have seen in other cities.

>> Well, if I could go back to the hmis question. As you know, staff has been a part of some of the research in terms of best practices, looking at what we consider one of the very best in miami, where they have, in effect, taken homeless population and instead of just basically address emergency needs on immediate basis, they are developing a model to end homelessness, figuring out a way to get folks into our -- in our case, permanent supportive housing, stabilizing them, wrapping them around services they need and in effect keep them in a situation where they are safe and secure. So we believe that the miami model is one of the best of the best. So that one is definitely one that we -- we really think is one of the better ones. Going to the hmis system, they have a system which is also hmis, is ours, where they have, as ed mentioned, realtime data and in effect after the last trip that we came back, the city manager directed us to invest whatever resources we needed to and, in effect, figure out how to develop a criteria and the standards across the whole utilization -- all of the agencies that were utilizing that hmis system, you know, because our initial research said if we go out and look at what is the best out there, what is it? We already had it. We just needed to figure out a way of how to use it more efficiently and get the

participating agencies to input the data but have standards that everybody is putting in the same data and we even funded a project manager that is in, effect, coordinating that -- those standards and that criteria and the data amongst all of the agencies and adds you know, we recently went through the social services contracting. All of the agencies that are involved with the -- that have the hmis system, now are required as part of the contract to be part of the hmis system and to input that data. So, in effect, we have taken some great strides and have done a lot of considerable amount of work to get it to the point that when -- when the agencies are going to be going out into the community, we will have realtime data to determine what units are available at that instance to where we can, in effect, put folks in those units as soon as possible. So, yes, best practices, miami is a perfect example and we are already implementing a lot of what they are doing with the hmis system through the support of the city manager and certainly the council as well.

>> Cole: I appreciate you bringing up miami, because I am planning to actually go to miami to look along with some staff, to take a look at that model. Sometimes it is well worth that effort and I know how successful they have been. Will you -- I think they have reduced the homeless population over a ten-year period by -- is it 80% or can you tell us that?

>> Well, if I recall the numbers, they, at one time, it may have been 15, 20 years ago that they had something like almost 20,000, and one of the previous trips that we went to, their homeless count was less than 1,000, so their model is such that it's not just servicing the homeless people, putting them back out in the street, in effect what we are doing with our arc facility, but what they are doing is eliminating homeless population and permanent supportive housing is a real key factor in that. In getting back to the strategy on psh, every community we visited, if it was phoenix or san antonio or miami, all of them said the same thing. If we had -- if we had to restant on the process, permanent supportive housing would be at the front end of the strategies to implement. That's why we recommended to the city council and I think the city council certainly saw the benefit of that, is going to the psh strategy up front and then working our way towards shifting the model to ending homelessness.

>> Cole: With that and the amount of resources that we have put in with this challenge, i think it's important that we lay out some estimate of the cost savings that would be incurred by us, because I think sometimes people may not understand why we are embarking on this venture or trying to meet this challenge.

>> We will certainly do that.

>> Cole: Okay. Do you have any numbers off the top of your head, or do you know any, diana?

>> Diana with corporation for supportive housing and I had the pleasure of consulting with this committee. Typically what we see for permanent supportive housing, when you look at the public costs across systems, that the psh intervention is at least cost neutral. However, you get much more impact when you target the frequent users as we are doing in this initiative. So I don't have a dollar figure for you but we can certainly provide some numbers for you. In los angeles, for example, when they targeted the tenth population of the most costly in the community, they

realized savings to the tune of \$5,000 a month. That's for the top 10% and that's why we think it is so important.

>> Cole: 5,000 A month per individual?

>> That's correct.

>> Cole: Do we know what the individual number is? How many individuals there were?

>> Well, this was a large study that included about 2,000 homeless individuals, 1,000 of whom were in permanent supportive housing. Los angeles has a colossal homeless program but usually on average homeless individual is somewhere between t 30-40,000-dollar range but, again, for the very high users, the costs are a far upwards of that. Wouldn't necessarily anticipate that to be our average but i think we will definitely see cost neutrality and we will realize some clear cost avoidance. I don't know -- I want to mention, also, and I don't want to speak for the housing department but I know they are working on an evaluation strategy right now that will be rolling out moving forward.

>> Cole: When you look at the city as a whole, not just our savings but the emergency medical services that are provided and mental health services that are provided, i know I a seen a number in the past that was -- I know I have seen a number in the past that was excess of millions that we saved of moving people to self-sufficiency. Do you agree with that analysis?

>> I do. I am not sure what the exact number is, depending on how many you are serving, but certainly as we look at the costs and the savings, we see there are various locis of costs and the health system is a huge one. Our emergency rooms is probably the single largest area of cost avoidance. The ems costs and our shelter costs are another that would accrue really to the city and then the third piece are our criminal justice costs. Jail bed days we would anticipate going down significantly and that would represent a substantial cost avoidance to the county.

>> Cole: I believe some of the people representing these entities are part of the leadership committee?

>> Yes.

>> Cole: Thank you. council member riley.

>> Riley: I want to follow up on the same subject -- first of all, I want to thank you for your involvement on this committee. You are taken on a very challenging task and really have done amazing work that involves a lot of collaboration with multiple partners and it's tremendously important work and I really appreciate it. Ed, you mentioned the 100 homes campaign that we embraced. We officially endorsed last fall, and a critical piece of that involves identifying the most vulnerable folks out there on the streets, the 100 most vulnerable in each of the number of cities and then prioritizing those folks for purposes of getting housing. In terms of the committee's work, do you see the committee maintaining a similar focus based in part on the rationale that diane just discussed, about prioritizing the frequent users?

>> Yes. The committee's focus. We have had some focus on how to measure it. We don't want to limit it to just those we happen to catch in the 100 homes campaign. So we talked about using that vulnerability index as well as the frequent flyers for the public systems, where there is the community court downtown, the -- the jails and hospitals and in a perfect world we have people we know and seek out. Like this person, got visited 85 times last year, the number one person. And if we can find them, catch them at that time, get them into housing, you have immediate cost savings right from there. And so we are looking really at the 30% emfi and that will cross cut with really those high utilization of services.

>> Riley: You mentioned the last slide, this would be a low barrier approach to housing. That is the issue, that the population we are talking about has faced number of hurdles in terms of seeking housing and so that requires some degree of coordination and cooperation with housing providers, to revisit those standards and see what we can do to accommodate a population that generally has not been well served by the public housing that has been available.

>> That's correct. What we are looking to do is to find the housing providers that we can have a conversation with and then many of them will be the housing authorities and say here is the criteria. Here is the support we are going to give you. If there is an issue, you don't -- you call the case provider or we will have somebody on site if the scenario is right. So it is an education process. It really is. But it is a lot easier to have that education process with units that you have owned and constructed or that are a part of the system rather than doing it with private landlords who can change their mind six months down the road so we are really focusing on that.

>> Riley: In particular, slide 9, you mentioned the need for 124 units from the housing authority from the city of austin. Are there issues with haca, in terms of lowering the barriers to housing of the population we are talking about?

>> In general the population we are talking about would have trouble getting through on kind of the standard haca criminal justice requirements so we are talking about ways we can address those that maintains everything else they do really well but find ways to make sure we meet this subpopulation, so, yes, it is a key area and a big part of the success will be that conversation with haca for the set see side -- really these 124 units we are talking about a set aside with lower barriers to entry that would allow them to get in there.

>> Riley: And we are actually seeing encouraging results from those that we have managed to get housed through partners like green doors. Isn't that the case?

>> Correct. Correct. There is lots of great examples. -- There is lots of great examples we will probably need to roll out the next six months of people that we have found, engaged them the right time and got them in permanent supportive housing and we would like it in the model, of now how they did of living in the streets and becoming self-sustaining but also the cost savings that they reengaged with society that allows them to be a benefit.

>> Riley: Okay. Got it. I notice on an ongoing effort and it will require continuing cooperation with a lot of folks who have multiple interests at stake here and so I want to -- i want to reaffirm that we would be interested in keeping up with the committee's work and doing whatever we can

to support the group in its efforts. So thanks again for all you are doing. thank you. Council member morrison.

>> Morrison: Thank you. I want to ask if we have -- thank you for your work, it is fabulous, all of you. Do we have any examples -- when we are talking about the cost savings, do we have any examples in other cities where programs like this have actually been able to capture the cost savings from one department or another and plow them back in to this program at south? So, for instance, if we expect savings from ems, if we can serve the folks that are frequent users of ems, is there precedence for actually using that to help with operational costs here?

>> So the answer is yes, a qualified yes. There are certainly examples where we have had elected leaders and policy makers make a determination when they see the cost avoidance that is actually being achieved to reinvest dollars in to the services. Now, as you well know, cost avoidance isn't necessarily the same as a budget reduction and so in some cases, you know, for -- and I will use the county as an example. While we expect to see a significant decrease in jail bed days, it doesn't mean that the overall operating costs for the jail go down immediately. So I think -- the importance here is the analysis, that's a little more nuanced and looked at the growth curve for those folks. So what we are achieving is really limiting the increase in those expenditures over time and in some cases, there are marginal costs that, yes, we are absolutely capturing. So using the county example, the county has a huge expenditure for medications, for folks who are in on minor charges. If those folks are no longer cycling through the jail, the jail obviously -- the infrastructure still exists but they have an absolute decrease. So the answer is yes, and we can certainly provide you with some of those examples.

>> Morrison: And I think that's fabulous since it will be challenging to find ongoing operational costs, so I hope we can make sure in the beginning we set ourselves up so that we will have the opportunity to -- to reinvest that money.

>> Spelman: Mayor. council member spelman.

>> Spelman: If we do this once, we can provide services for 350 people or families and if it works exceptionally well, some portion of those 350 people or families will be self-sufficient and we won't have to provide services for them for if foreseeable future and we might be able to plow more people through the program and essentially get to a larger number of people. My guess is this is our first iteration of what we are going to be seeing several times over the next five or ten years. We are going to have to go back and say, that worked. Let's go back and do it again and get the next 350 and go back and do it again and so on. Am I right, it is more like the second, and less like the first?

>> You are right, that it's a mix. What you are going to see, and diana may correct me here but you will see people who will cycle off to self-sufficiency and you also are going to have some people, frankly, who die and move on because they are at that age. So there will be some recycling. I am going to think about this really optimistically is what we are doing here is putting this structure in place so the council doesn't have to be the to say, okay, here is another 350 goal, go do it. That we are getting the structure in place. Then we start showing the successes and the community is able to build from there, leverage the resources, whether it is tax credits or other

things. So it's -- in a perfect world, yes, there will be increase funding requirements as you go out to additional units but my hope is we aren't coming to set four-year targets with the city council because we demonstrated the success and it takes on a life of its own.

>> Spelman: I particularly like the way you have spread out the targets by selection method, household composition and so on. You are talking about a lot of different kinds of people. And you are also talking very much about a lot of different kinds of funding sources, so this is not all coming from the county or the city or from go bonds. Everybody has a piece of this and anyone can pick up the ball and say let's do a little bit more of this because it will be in the best interest of a lot of different funding sources. I think it's a really good thing to have done it that way and if we are going to be wanting to do this several times in the future, then that's all the more reason for you to do it the way you have done it, which is to have a lot of different classes of people involved in this. And it also suggests that we would like to have the kind of valuation scheme that is several people in this dyas have been talking about, available in realtime or close to realtime, within a year, for example, of getting somebody into permanent supportive housing, we are able to get at least a quick and dirty read as to how much costs we have been able to avoid, what's happened to them differently and what would have happened and so on and we don't have to wait three or four years for a bill quantity academic study to flip and -- for a brilliant academic study to come up with a number. But we can have a rough operational number that can come back and feed into the associate and political system which will be spitting out more demand for this stuff. Make any sense?

>> Absolutely.

>> Spelman: I suspect you knew that already. You probably know this already but I feel a need to mention it anyway. Although it's -- it would be the first reaction of a lot of us to say let's take the 350 worst cases. In need to do this over and over again really suggests that we don't want to do that. We want to take a fairly representative sample of the 2,000, 5,000 target population is, relative represented population so we can verify this model works on a lot of different folks to give a lot of those interest groups, for a lack of a better term, a good reason for picking up the ball and demanding more of this to does that make any sense?

>> Yes, it does. The city council resolution is focused on these subpopulation that is are harder to serve.

>> Spelman: I understand.

>> And a lot of what drives this is the services funding. The rent is the same regardless of who is in there. The capital structure is the same regardless. But it is who is going to pick up services funding. Services funding tends to be targeted based on characteristics, whether it happens to be criminal justice involvement, mental health, physical health e so that ends up driving a lot of population, if you've got -- really what you are eluding to, if you have funders interested in you, and those out of foster care, that will drive who ends up in these units. So you will see a cross-section, but I have a sense the funding we have identified right now is probably focused on those who aren't being served anywhere else right now.

>> Spelman: That is perfectly reasonable since there are lots of different kinds of people who are not getting served right now and I think -- I agree with everything you just said. My primary concern is that we not just take the 350 people who are costing us the most money or who are the hardest to serve but if we have a couple of thousand people out there harder to serve and we they permanent housing will help us and save us costs downstream, we want to ensure we are taking from among that entire group because we are going to have to do this again and we want to verify it will work with each part of that group in the future.

>> I agree with you. It is already happening in that way. One of the things that's not in this report is austin has 500 or 600 permanent supportive housing units that are in place, many of them before this resolution was put into place, so that 2,000 is growing what already exists so the model is out there. There is a lot that do serve, you are talking about the families or the broader cross-section and I agree entirely with what you are proposing.

>> Spelman: Thank you for reminding me about the permanent supportive housing units we have in place and that gives a leg up of the kind of evaluation we are talking about, of getting available in advance. Who actually would be producing that? Bert, this seems to be something you were volunteering for?

>> We are doing that already.

>> Spelman: You are volunteering. Good for you.

>> Yes, one thing we are drilling down is in the subpopulation groups of determining where they fill into the original goal we had. We have some staffs that doing work on that but, yes, our staff is a team that we have working on this that has already begun that.

>> Spelman: As they produce that, first, when are they going to have reports for us so we can take a look at them? It's a question.

>> I am sorry.

>> Spelman: They are working on it. When are they going to have something we can read.

>> Subpopulation, demographics on subpopulation, we will have it here later this month. The target was around the middle of june. So we should be having some of coming up fairly soon -- we should have some of that data coming up fairly soon.

>> And what about the evaluation protocol.

>> I will have to check with the staff. I will find out and certainly let you know.

>> Spelman: It is certainly something we will need before we start putting bricks and mortar together and provide services to folks. We need to know how to verify that it's actually doing some good before we actually start trying to do some good.

>> That's correct. And the other thing I want to point out -- I know we will get here to the noon hour, but we -- one of the other strategies that we are considering is that because we've got such a very collaborative group here, one of the concepts is looking at joint efforts where we actually are all working together, focused on the same goal and the way you can reach that is for all of us to work off of the same type of proposal that we want to be able to achieve the goal we want to be able to get to. So that is another thing we will be pursuing as well. How for service providers?

>> That's correct. Because if we want to get folks in those units, how do we collaborate together and jointly and working offer the same package in terms of the services and the units on the ground.

>> Spelman: Thank you, Bert, I appreciate it. Do you have a number on the homeless veterans? I understand it is pretty substantial. Do you have a count on that.

[11:59:04]

>> It is -- I can get that for you. Each year we have to go out and do a count and we've got that number. I just don't have it committed to memory. The reason I bring it up is about a month ago, we opened up a veterans resource center, city of Austin and Travis County, and other nonprofit organizations, which has the broad spectrum of services that might be available to them and a lot of it, of course, has to do with reintegration, includes employment and all of those kinds of things. I assume you are already collaborating with groups like that as a resource, but if not, I would encourage you to do so.

>> Thank you, Mayor. We are, and I know now we are out of time but I do want to say thank you for everybody who did participate and continues to want to participate on this leadership group. It's been really inspiring to see folks come together and volunteers to say, I can go push my group to put in some additional funds or do some set-asides or find ways to lower the barriers. So thank you to your staff and also to those that participated. Thank you. That brings us to our 12 noon citizens communication. First speaker is Gus Pena. I will try -- while he is walking down here, I will try to summarize his topics. Veterans on Memorial Day, appreciation for Silas, Millennium Youth Entertainment Center and adherence to the vision and mission of that center and support for our military troops.

>> Mayor, council members, city manager, Gus Pena, proud native Austinite, proud United States Marine Corps veteran, served Vietnam, Memorial Day, Heavenly Father, today we remember those who served our country with honor and devotion, especially those who have given their lives. We praise you for the blessings we enjoy as a result of their sacrifice, including peace, liberty, and freedom to worship you. Use us also as your instruments of peace and love as we serve you and others. In Jesus' name we pray. Amen. That is a prayer for Memorial Day. Memorial Day. Remember the veterans who sacrificed their lives on wars on Memorial Day and it is a day to remember all military personnel who lost their lives in combat in defense of their country. Please show your appreciation to those who have died and families who have lost their loved ones. Specifically I will bring to your attention, my good friend and fellow classmate, the first to die was Lieutenant Ronnie Woodmanson and the last today was my friend, Specialist Fourth Class, Alex, classmate from Zavala Junior High and Allen High and Austin High School. I lost him when we

were seniors. I want you to not only remember memorial day of those who sacrificed and lost their families, also, but those in world war I -- to my knowledge, we don't have any world war I veterans we know of and world war II and Korean veterans and the veterans killed in Beirut, including one of my neighbors on East First Street and the H.U.D. Voucher has this problem. I remember Sheryl Cole speaking to you about this and also Bill Spelman, there is a lot of program, that to the Austin Housing Authority and I filed a complaint with Lloyd Doggett and Cornyn and they have a query in Washington and we went to Washington to talk about our concerns what the VASH program and Mayor and Council members I want you to remember this, that you have a lot of veterans that are on staff and they also have a lot of hidden conditions that you don't know about. They need counseling, also. Anyway, I want you to remember the veterans, 18 -- 19 that died from my high school, and we lost over 76 veterans here in Austin from -- during the Vietnam War, may they rest in peace. They served our country, whether you agree or not. Nobody likes war, but somebody has to defend us. God bless America and them. And also, remember Vanessa Silas and remember her leadership at the Youth Center and Memorial Day a lot of people will have jobs, veterans don't have jobs, housing. I have strong difference of opinions about housing issues. I will talk to you about that later on. Thank you very much.

[Buzzer alarming] Michael Evanich. The topic is pray for leaders. That's okay. Over there.

>> Thank you. Austin Energy got me thinking about this for all of the time spent there and the decisions affecting all of us and also National Day of Prayer and knew for the copies. I was able to see it. I don't know what happened to the others but I have it now. First Timothy 2:12 talks about praying for all men, specifically praying for our leaders. So I want you to know I voted for you or not, even though I think I did, I am still praying for everybody is elected, whether I vote for them personally or not. So God bless you. Try to remember us in your wisdom and decisions that affect us. In the name of Jesus. Amen. Thank you. Paula Harrison. The topic is market on Sixth Street.

>> To the Mayor and City Council, as you say, I am Paula. I am here to bring to your attention the Browns in Austin who are close friends to me. They want to provide Austin with a market on Sixth Street. Its goal is to close the Sixth Street one block from Congress going east to one block from the freeway. Fill the streets with tents to sell fruits and vegetables and clothes and jewelry, furniture stores, also. Of some of the boys that are now there and make apartments for themselves above the businesses. The Browns say they would do all -- the Brown citizens would do all of the construction, free, to be allowed to live free above the businesses, and be security. I think the Austin market will be a blessing to Austin, also, with strengthening the friendship between the areas west of Congress of Mormons and east of Congress, of Browns. I am wanting to bring this idea to your attention. It is part of their larger goals of vineyards, orchards and vegetable farms in the Austin area that will be sold in the market in Austin, Sixth Street Market, and ask for the land to be set aside for these goals and grants and loans, to operate the vineyards and orchards, vegetable farms to not have to get produce from imports. Thank you. Thank you. Linda Green. Topic is -- I will just read this, my Apple Corporation 5 million for a fluoride filtering system in firehouse.

>> Yes, sir. I think that was a typo. It should have said why Apple Corporation should give back 5 million for a fluoride filtering system in every firehouse in Austin city limits. That would be about 44 firehouses at a cost of about \$5,000 a firehouse. And, yet, that only adds up to less than

\$300,000, so then i started thinking, well, maybe we could have apple give \$500,000 to the organic gardners association which is in dire need of \$500,000 to maintain the zilker botanical gardens and 5 million towards relocating a school that sits right next door to a hazardous melting plant. I got a little sidetracked by my topic, why apple corporation should give back that 5 million and the firemen have been neglected a little bit, i would say. I went into a firehouse over near south congress, on south congress, just to find out how many firehouses there were, and while I was standing in the firehouse, I noticed the whole ceiling was peeling lead paint -- well, maybe it was lead paint. Maybe it wasn't. Maybe you would want to check it out. It was peeling tons and tons of paint off an old metal ceiling and our firemen need support and they also need nonfloor dated water because as the cdc and epa said in january 2011, fluoride costs risk of brittle bones and risk of bone fractures, that was our own cdc and epa in january 2011. You get millions of millions of dollars from the cdc and grant money. They aren't going to stop giving you grant money if you end water fluoridation today and save our city about \$500,000. Albuquerque recently stopped fluoridating. I got a little sidetracked because keye actually did a story on may 22nd, and they said every time you take a drink of water or wash your vegetables in the kitchen sink, you are ingesting a small amount of fluoride, the same chemical found in most toothpaste and mouth rinses but it is not the same fluoride found in toothpaste and mouth rinse, as you notice a toxic waste product from the phosphate fertilizer industry. There are about 32 dentists at the cdc and they are the ones that are telling you to stop -- to keep adding fluoride to the water but back in the 1930s, 9,000 dentists advised that you smoked cigarettes.

[Buzzer alarming] thank you.

>> Thank you.

>> Laney duroh. The topic is elections.

>> Hi. I figured that since only 9% of people actually went to the voting polls, I would change my topic. About 8 months, occupy austin began process of proposing to this body we deinvest from bank of america one of the big three banks and move to local banks and credit unions that can be held more easily accountable and invest in our local communities. With all of the keep austin weird and keep local rhetoric that gets tossed around here, we taught it was a no-brainer. We passed the resolution, we are thankful for the nod but largely symbolic. A little over a month ago, the city decided to put our money in chase bank. We were told smaller banks and credit unions too risky and couldn't comply with guidelines by the city and weren't equipped to handle the money and weren't equipped to provide the security and service that these banks can do. How do you like chase now. Two weeks ago, jp morgan chase made a bad bet and lost 2 billion-dollars and it has grown to 7 billion-dollars as a result, with some totaling 20 billion-dollars due to dropping stock prices. Is that where you want to put our money? Once again I feel ashamed of the bad choices this body has made or been allowed to make on marc ott, our unelected city manager. You put our hardened money to the biggest gambling organization in the world. I am not a harvard professor spelman, but it sounds risky to me but put the loss in perspective since it is a large number and hard to grasp, here are things that 7 billion-dollars could buy. Enough food to feed 822,271 families of four for a full year. Ten times the city's general fund. About 100, I think, deals with apple, I just figured in my head. 350,000 Power wheelchairs, 39,000 foreclosed homes. The sales of 160,000 -- the salaries of 160,230 high school teachers. 368 Years of jp

morgan chase diamond's 19 million-dollar salary that doesn't include his 4 million-dollar annual bonus. The annual salary of 318,181 chase bank tellers who are paid on average \$22,000 a year, not a living wage, in my opinion. 201-Miles of high speed rail. In home care for a year for 3,500,000 elderly and/or people with disabilities. 10,294-Miles of bus transit. 1 Million-kilowatts of solar energy. Affordable housing for 47,000 families. Birth control for 2,333,333 women or 23 days of the war in abstain, and finally, 65,385 budgets of campaign for lee leffingwell, or 445,528 for bill spelman.

[Buzzer alarming] your time has expired. Your time has expired.

>> And had no budget and 6% of the vote. next speaker is katherine bleash. Katherine -- I may not have pronounced that right. Go to the next speaker. Dyla sancopa. Allen rotty. Allen rotty's topic is the balcones rock cliff formations. I am allen rotty, here to talk about a special part of austin's heritage and history, the balcones rock cliff formations along the colorado river, these beautiful cliff formations run almost 25-miles from zilker park past red island, tom miller dma, mount benell, the 360 bridge and to lake travis, is there another city in the world that had a grand treasure running through urban center. Fred has enchanted rock and texas panhandle has the paladura canyon and we have these rock cliff formations that need to be protected. They are austin's enchanted rock and they should have national natural landmark status. A few years ago I asked the lcra and the ut geology department how old the cliff formations are, they say sometime between 20 and 500 million years ago there were earthquakes as a result of this and as a result of the earthquakes, the rock units displaced and the balcones mount beneil is in the the fault zone and they are uplifted today. The colorado river was formed during the latter stages of the last ice change, 15-10,000 years ago. The massive run off caused by melting of glaciers went through the gulf of mexico forming deep canyons are lake austin and lake travis exist. We know the river was a meandering stream before and during the time it took to down cut during the limestone bedrock. In 1756, spanish explorer fernando miranda named them lost balcones, meaning bag coney. They very a sanctuary for wildlife and the rock cliff formations are a natural haven and paradise for hundreds of birds species. Mother nature has developed pecan, oak, sycamore and more behind the shoreline. The city council and the citizens of austin have a responsibility to preserve our natural heritage. If you haven't taken a walk to the top of mount beneil recently, I suggest all austinites take the time to enjoy the view of our grand balcony and experience what makes austin hill country so special. Thank you. Are there any questions? thank you.

>> I would also like to thank our veterans this memorial day for the sacrifices they made for our democracy and my three-minute speech.

[Applause] thank you. Paul allen. City issues.

>> Council, I am paul robins, environmental activist and consumer advocate. In 2011, austin had the highest combined water wastewater cost of the top 10 texas cities. Teachers highest in all rate classes, residential, multi-family, commercial and industrial. Austin's costs were 29% higher than its nearest rival and 53% higher than the weighted average of 9 of the 9 other large texas cities, compared to these nine large texas cities, the excess cost borne by austin water commissioners amounted to \$141 million. But that's not the end of it. The water utility plans to raise its cost by another 19% per person by the year 2016, but that's not the end of it. There is just been

announced an overrun of \$26 million for water treatment plant four, so our bills will be even higher in future years than predicted. But even that is not the end of it, because, tonight, council, you are scheduled to vote on giving away the profit from the sale of land owned by the water utility to the city's general fund and this land, this land sale could be used to lower these high water costs. I refer, of course, to the pending sale of land at the former green water treatment sit. Some \$28 million from this sale will be used by the general fund or will otherwise subsidize this development, and even that might not be the end of it. What if the institutions that rate austin's bonds use this as one of the reasons to downgrade austin's credit rating and charge higher interest rates going forward? Austin's bond advisor had no trouble browbeating the council about the eminent down rating of austin's credit because it was not raising sufficient revenue from electric rates. Why wouldn't these same institutions downgrade austin for cost overruns at the water treatment plan and misappropriations of land assets? Do you think they don't know about this? Do you think they are not watching? That concludes my remarks, except one last thing. I did check the transcript of the september 24, 2009 council meeting, and former city attorney david smith did instruct the council that they could ask spontaneous questions of people signed up for citizens communications on city issues, so are there any spontaneous questions? I am hurt.

>> Cole: Thank you. ronnie reeferseed. Peace, freedom, fluoride and dr. ron paul.

>> Thank you, sir, hot digty, i am ronnie reeferseed, standing up saying wake up, people. Yes these magical electronic programmable, hackable, so-called voting machines did their duty to high-jack the real verdicts on the voters the other day, remember clayda foe and sean ireland got the same percentage of the so-called vote total to early voting for the first, second, third, fourth, fifth so called reporting of the vote total. It is statistically impossible. Are we supposed to think with every precinct, the voters all voted nut same percentage? It doesn't make sense, people. It is yet another, yet more evidence of why we must get back to real vote counting, of actual votes cast. Why? Because those high dollar programmable, hackable, so called voting machines are absolutely useless for counting actual votes cast. Why? Because they are programmable. They are hackable and parded phrasing tyrant joseph salin, said casting votes, as much as counting them the so called vote counts, so these hackable, reprogrammable serve tyranny as well of impossible because thaw are never counted. We only have a computer print out which is always programmable and hackable, the same schemology is abused today. Ron paul bumper stickers, t-shirts, enthusiastic supporters, proliferate everywhere but the mainstream media prostitutes that the ob-gyn ron paul can't deliver the support and and actual votes cast, no, the main scheme media prostitutes lie to us every day, paul, nevada, minnesota, alaska, hawaii, overwhelmingly already won the california straw poll and he's going to win texas but those have been spewing the hogwash about former romney care for years, no, taking conservatives and liberals know that so called president peace prize based his evil health scam on romney care, poll after poll after poll prove that sinking voters don't want one sized fits all socialistic death panels like england had now. Turn off your tv and go to net and com, ron com and on the first page, click on word issues and 15 term menu drops down where you can explore many of his pal's trillion dollar savings of tax dollars on the first year of the budget. Never heard of it? It is no surprise when people still refuse to shake loose of the fluoride danteed transof water. Let's fire the sociopathic criminals that are killing our once proud constitutional republic with treason. They are evil.

[Buzzer alarming]

>> thank you. those are all soft speakers signed up so without objection we are going to 071 per sunt do that we are going into closed session and we will consult with legal council regarding following items, 110 to discuss legal issues related to november 6, 2012 election, 11, to discuss legal issues related to electric utility operational and regulatory matters. Is there any objection to going into executive session on these items? Hearing none, we 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. Arra mark test test arra mark gray gray co laft sprid november seaboard cdbg shire's court planning rob or manned devon wood randommer son came leash cleesh christopher son always worth alsworth christopher alsworth chris fer dealt on had you back hugh back mawn li-co rreef domain quinlan tod-np cower ri choor ri adib adib khoury

>> take up item 28, pulled by council member morrison who is not here so without objection we'll come back to that and go to item 65 pulled by council member riley.

>> Riley: thanks, mayor. there are no speakers signed up. item 65 relates to -- it is a 36-month service contract for vehicle rental services for the fleet services department, and the reason I pulled this is just because the amounts involved caught my attention. For the past few years we have been running in the ballpark of 200, to \$250,000 a year on these expenses. This year it looks like it could be going up a little higher on that. We are on track to be somewhere closer to the neighborhood of 300, 350,000. With this dprement would -- what this agreement would 274 million for the first three years and then extensions after that in the amounts of 604, 725 and 871, roughly. And so the amounts are pretty dramatically escalating. Given our efforts not only to contain costs but to reduce vehicle miles traveled and so on, my hope was that we could contain that to some degree, or at least aim to contain it, contain those costs closer to current levels and then revisit this in the future if it proves to be necessary. I see our fleece services director -- fleet services director here to jerry, could I ask you to speak to that?

>> Yes, I'm jerry, fleet officer. The number we put in there is because it is a predictive situation. We just factored in a 20% inflation factor each year. We don't know that that's going to be true. We're on track to spend, as you mentioned, about 330,000 in year and we just factored in 20% inflation factor. If you feel like that should be reduced we can reduce that and move forward and if we do run out of money on the contract, we can always come back and --

>> riley: absolutely. So what I would suggest is we try to hold steady at something around the 350,000 level. But you feel like some increase is necessary? I see byron johnson our purchasing officer here. We typically would include some degree of escalation? Maybe byron -- byron, you're here to speak to this?

>> Byron johnson, purchasing officer. The amount in there won't escalate. What he was escalating for was a contingency in case they have to do more rental. If I understand your motion, your motion would be to change after exceed from 1,274,000 to 1 million and 50,000, and then strike the rest of that out entirely?

>> Riley: yeah.

>> We looked at that and according to the bid that doesn't present any bid problems because they are extensions and extensions aren't factored into an analysis with the bid. So fleet purchasing is okay if that's what your amended motion is. that's what i would suggest. So we're on the same page the amount is 1,050,000?

>> Correct, that is be 350 for each of the three years with no extension options so we change the 1274 to 105-0000 and then strike the rest of the verbiage.

>> I want to emphasize our fleet services department has been doing an excellent job of respecting our climate protection program and keeping costs under control and doing their best to control emissions and so on, and I just want to make sure that we stay on track with that mission and do everything we can to keep costs down, and if it proves to be necessary we need to come back and it may well be we could achieve additional savings through stepping up rentals that we discussed, but for now if we could just aim to keep the expenses somewhat lower, then we could always revisit that if it proves to be necessary in the future.

>> Thank you for that. with that I would move we modify item 65 as outlined to have that initial amount to keep it at 1,050,000 with no extension options. motion by council member riley to approve item 65 with a change on the a and extension options. Second by council member morrison. Any discussion? All in favor say aye.

>> Aye.

>> Mayor leffingwell: aye. Opposed say no. Passes on a vote of 7-0. Now we'll go back and pick 28, no speakers signed up. Pulled by council member morrison. thank you, mayor. I wondered if I could ask staff for some help on this item. This is an item to negotiate and execute an interlocal with the city of cedar park for us to release them of to cedar park, and I wonder if we could just get sort of an overview of what this is all about and why this came up in the first place.

>> Good afternoon, mayor and council. My name is virginia collier from the planning and development review department. This item, the city of cedar park is making a request for an e.t.j. adjustment. The twin lakes park is the subject of this e.t.j. Release. The park itself is 50 acres. It's owned by the state of texas, the parks and wildlife department. They have delegated williamson county to manage and operate the park and in addition to them having a parks department they turn to the williamson county ymca to help manage the park. The park is split by the two jurisdictions down the middle. The north half hosts most of the ymca facilities and the developed areas and then the contains trails and ball fields, some buildings, and that sort of thing. And so being in two jurisdictions the city of cedar park in coordination with williamson county has requested that we release the portion that's in to bring it into cedar park's jurisdiction so they can annex it and the park will be entirely under one jurisdiction.

>> Morrison: great. And the reason that raised a concern for me is because i know that being in our , even though we don't have regular land use authority, we do have environmental standards

and regulations that the property is subject to. And so I was curious about whether those standards will actually be maintained once it's released from the if we go forward with this.

>> The way we've outlined it in the interlocal agreement is -- and I can defer to a checklist -- maybe I'll just step aside and let --

>> good afternoon. Chuck leziak city environmental officer. Council member, you're correct, typically in these releases the city requires future development to be regulated in a way that has similar environmental protections as austin's regulations. In this particular case, we requested that of city park, and they were reluctant to do that. They were concerned about precedent it would set for other properties within their jurisdiction. They were concerned about the -- having a different set of regulations on property within their , and -- but we did include in the agreement, they have agreed to restrict it to the types of uses, low impact parkland uses that are there today and to preserve the majority of the property in a natural state. Currently it's used for -- it's got some ball fields, an archery range, some small buildings, a couple parking lots. What they've told us their future plans are some small cabins so that they can have overnight camping, and that's really what the long-term intent is. And it also -- the property also drains entirely to a very large pond that's in the headwaters of the -- of, I believe it's brushy creek right there, and that pond, while not developed for this purpose or created for this purpose, does provide a capture for sediment and other pollute apartments and functions somewhat -- pollutants and functions somewhat as a wet pond. And because we're got kind -- we've got kind of a unique situation here with multiple jurisdictions, emergency services apparently -- apparently providing emergency services to the property has been an issue in the past. Seater park is much better -- cedar park is better situated to provide utility and emergency services to the property and it's an small tract and they've agreed to that for the parkland. Because it's a unique situation we agreed that it was an appropriate release. Environmental board also agreed, reviewed this case and agreed as well. And it is a unique situation, and with a larger tract or a privately owned tract that was similarly situated we would probably not be recommending this release, but we think that this is appropriate given the unique situation here. can you describe for me what the existing regulations are and the sensitivity of the land? Is this critical water quality zone?

>> It does have a critical water quality zone, and also a transition zone. It's on the edge of the edwards aquifer recharge zone. It will be regulated by tceq regardless of what municipality has jurisdiction over it. I can't remember off the top of my head what the impervious cover limit is. Virginia, do you remember? I think it may be 40%, and does require water quality treatment, and so if it stayed within our jurisdiction -- if it stayed within our jurisdiction there will be limitations on impervious cover. They would have to do water quality treatment, probably sedimentation, filtration, that sort of thing. Cedar park does not have those sort of limitations or requirements for development there, but as I said, that very large pond that's in place does provide some significant water quality benefit for the tract, and they have agreed to limit the future use. And it is also state-owned land. It's owned by the texas parks and wildlife department, and it is operated under a 100-year lease by the city of cedar park. it seems to me that they're really -- there are really sort of two big issues that could be of concern that actually are of concern to me and I'd certainly defer to anything you want to say about that, but the concept that we don't have any impervious cover limit. We have the commitment that the majority of it would be -- remain in a

natural state but that means impervious cover could be, i guess up to 49%. And the building in the critical water quality zone. Those are the two things that could be substantially different.

>> Yes, it is substantially different, and -- and it's my opinion that we have sufficient offset by the presence of the pond there and their agreement to keep the majority of the property in a natural state. were you part of the discussions with the other parties?

>> Yes. because for me those are -- those are -- it would make a lot of sense to get -- try to get some assurance from them in some kind of terms that they could work with.

>> And we did, and we actually pushed pretty hard for this and at the end of the day cedar park was just not willing to go any farther than this, and we made those requests on a number of occasions and had those discussions, and the discussions on this property have been ongoing for a couple of years off and on, and commissioner long with williamson county is also involved, and this was the best agreement that we could get. so what's different now is that you've had -- this is an opportunity for the city council to weigh in.

>> Yes. and to be part of the conversation. So I guess what I'd like to do is make a motion that we postpone this and give you all some time to go back and express, if this motion is passed, the desire of the council to try to put some predictability in there with regard to those couple of items, particularly in some form or fashion that they could live with. So that's my motion, that we postpone this item until june 28, I think we have a meeting? And ask staff to reconnect with the other party --

>> we'd certainly be glad to, and the wishes of the council, I think, would -- might be helpful in this discussion. motion by council member morrison to postpone this item until june 28. Second by council member spelman. Council member tovo. I have a few additional questions about the staff evaluation. Let's see. So just to recap, some of the questions that were asked, does this request clearly demonstrate the requesting jurisdiction will provide similar, superior regulatory watershed protections to the development process -- I'd like to see -- for me I'd be very glad if your additional negotiations came back with some more yeses on questions like that.

>> Yes. one of the questions that doesn't have an answer, undergrowth and planning impacts ac la tif -- accumulative, protecting water quality, has development occurred in accordance with terms and conditions that minimize the risk of pollution of the region's water resources? That question doesn't have an answer at all, and so i don't know if you have one now, but perhaps you could come back with one. It may not be relevant. Perhaps there haven't been any other releases.

>> Virginia cal year again. We don't have any releases with cedar pack that have conditions that would fit this category. In the past releases were done by resolution, without an interlocal agreement attaching conditions and so we don't have anything to compare for this one, so i left that blank.

>> Tovo: okay, thanks.

>> Cole: ma'am? I have a comment. mayor pro tem. I have been in contact with commissioner long and several of the cedar park commissioners briefly on this, but it's my understanding that because that land is owned by the state of texas there are some limitations on what we could actually do or any city could do with regards to our critical water quality zone and impervious cover. Can you address that?

>> Actually I might get some help from the law department on that. My understanding is that there are certainly limitations, if the state of texas is developing and using the property, but if they lease their property to a third party, that that third party is subject to our regulations just like anyone else is. Now, the lease agreement that they have does restrict it only to parkland use, but we might get somebody from the law department to confirm that. the lease agreement between the state of texas and cedar park is only for parkland use.

>> Yes. and so as we release it to cedar park and they own the property in total, it is only for parkland use.

>> Yes. It's under that hundred year lease. They can only use it for parkland. and being only used for parkland, what does that mean about their ability to increase the impervious cover and the critical -- hurt the critical water quality zone?

>> Under this interlocal they could develop in the critical water quality zone since cedar park doesn't regulate that, doesn't prohibit that, and they also don't limit impervious cover but under the agreement the majority of the property would need to remain undeveloped.

>> Cole: okay. So I think when you have further discussions with cedar park, we need to come back with information about how much of the property is potentially at risk -- or do you know that now?

>> No -- no, I don't. Currently only about less than 10% of the property is developed at this time and so they still have a large portion of the property that they could do additional work on, additional development. but it still has to be limited to parkland use?

>> Yes, yes, but -- and great recreational uses. They could put structures like a swimming pool or, you know, parkland uses do include hard structures with large buildings and parking lots, and so that's one of the reasons why we said similar uses as to what is there today. What is there today are small buildings, and have a relatively small footprint, small parking lots, and open space uses, and so i wouldn't -- what I would not describe -- because I wanted to ut -- if they wanted to put in a large natatorium, thousands of square feet, multi-parking lots, i wouldn't consider that similar uses to what is there today. it's generally my understanding that they are not anticipating any of those uses but I would want you to nail that down with the understanding that this is a surrounding jurisdiction and that we want to collaborate as much as possible but not surrender, of course, all of our standards. But also we don't want to have parkland uses within the city of austin that we're asking them not to do that we've done recently.

>> Yes.

>> Cole: okay. Thank you, mayor. yeah, I think there are a couple of pieces of key information that make this unique. First of all, I don't think I've heard this mentioned, but this is a piece of property that the city of austin never plans to annex. Is that correct? I see a nod in the affirmative, in the back there, so that's sort of a gateway issue right there. And the second, this is owned by the state of texas parkland, and while it's conceivable that there could be some additional development, you mentioned cabins and so forth, it's not like we normally think of development occurring on a property, commercial development, residential development. It is a park and will remain a park. So I think it is unique in that respect, and ta makes it a little wit -- bit different. I don't have any problem with you going back and talking to them, but I think taking the hard-and-fast position that we're actually going to impose every -- cross every t and dot every I on our landfill in the code for that piece of property would probably not serve their interests or our interests, either one, because right now we have a situation where legally we would be responsible for some services in that area, and it's -- as you say, property is split halfway between our jurisdiction and their jurisdiction. So I think it kind of makes good sense to do it, but again, if you want to come back and say, all right, you can't have any development in the critical zone, that may be productive.

>> We can -- I think there may be some opportunities to address the council members' concerns and clarify the limitations on development and get some additional benefits there and still meet the needs of cedar park and williamson county.

>> Mayor leffingwell: okay. Further discussion? All in favor of the motion to postpone say aye.

>> Aye.

>> Mayor leffingwell: aye. Opposed say no. Passes on a vote of 7-0. Council, if there's no objection we have another -- 00 -- a number of possible postponements that we could address right now. That we discussed at the beginning of the meeting. And I may need somebody to help me with this. Items 129, 134, 140. In additi that 136, 137, 138. We could entertain a motion to postpone all of those, could we not?

>> I can speak to some of these items, items 129 would be a request by staff to postpone to 6/14. Item 11, I understand the applicant and the neighborhood have agreement to postpone item 131 to june 128. 136, 137 and 138, staff would request postponement of these items for notification purposes to june 7. And those were the ones i could offer for consent postponement.

>> Mayor leffingwell: okay. 129, postponed till 6/14, june 14. 136, 137 And 138 postponed until june 7, and 131 postponed until june 28. Is there a motion? Council member spelman so moves and council member tovo seconds. All in favor say aye.

>> Aye.

>> Mayor leffingwell: aye. Opposed say no. Passes on a vote of 7-0. So now we've got 134. 134 Is recommended for postponement until june 14, 2012. 140 at the request of both sides -- or a request to postpone this until june 7. So that would be those two items. 134 Until june 14 and

140 until june 7. Council member spelman so moves. Is there a second? I'll second. Further discussion? All in favor say aye.

>> Aye.

>> Mayor leffingwell: aye. Opposed say no. Passes on a vote of 7-0. I think that takes us back in order now to item 69. There are no speakers signed up. Item 69 pulled by council member tovo.

>> Tovo: yes. We had a brief discussion about this in our work session on tuesday, and the basic gist of it was that the auditor is finishing up a report that the council requested related to the aramark contract, and i would like to -- at that time I asked assistant city manager rudy garza if it would be -- pose any difficulties to delay actionage contract until june 7. I think I asked him if this would -- if a delay would make the contract an impossibility, and he answered at that time that it would not, and I just wanted to double-check with johnson or any staff members who would like to to just comment on whether a postponement would pose any hardship in getting a contract in place in time.

>> Byron johnson, purchasing officer. We have no problem with june 7 as a postponement. well, then I would propose we do that to allow time for the auditor to complete their report on the aramark contract so we can have that information available to us as we evaluate -- as we make this decision.

>> Cole: mayor? motion by council member tovo to postpone until june 7, second by council member morrison. Mayor pro tem? I recall from the audit and finance committee meeting that the auditor requested a postponement to june 28. Council member tovo, do you -- well, mayor pro tem, I had another commitment, another council commitment and I left the audit and finance meeting early. So if there was a discussion about the aramark audit it happened after I left. so mayor pro tem, you can always ask for that as a friendly amendment to change it to june 28. I'm not advocating that, but that's your option. I wanted to make sure I was asking for the right date. I would ask for a friendly amendment to change that to june 28. may I ask our staff to come up and weigh in on that? I know at our work session we talked about postponing it just a couple weeks.

>> Byron johnson again. We will need to go back and talk to the companies. We have the firm commitment to hold their pricing and their bonds. What they will have to do is they'll have to extend their bonds. We can go back and request -- i would suggest we postpone until june 7 and if need be we can take more postponement action. Council member morrison? byron, I wonder if you could help us in -- as we get the audit report back and are able to evaluate it, if you could help us by helping us understand what's different in this contract versus the last contract, you know, different clause or whatever, just in summary form, that would explain to us why we can feel confident that we won't be getting into the same situation that we ran into before.

>> We'll be glad to work with the department and be able to do that.

>> I think I can answer some of that. I think the key with this contract for us is really -- it's -- its clarity. It is exactly what will happen if this -- if this happens, what funds are -- there's three basic

funds that they operate on. What purchasing rules, everything is very, very clear in this contract. For example, one of the big differences is they automatically would take their fee out in the last contract. This contract we actually pay them but their finance have to be in order prior to that happening. So that finance piece, that oversight piece has to be there in our hands before they're paid each month. So that's a big difference, but more so again I think the big thing is like with your fund, we ran into challenges last time because what qualified to be in the year fund, how did they have to purchase it to be in the year fund and that is all now very, very clear. there are lessons learned that are integrated --

>> this has been a four-year process integrating this contract, getting what we wanted in it, what we see and live in it every day, and again, it is -- that word clarity I think is very -- also I have one other question. You know, certainly since the time we signed our first contract with them, there has been a better understanding of food and what really is -- goes into healthy eating and wanting at the city level to make sure that we make that available through our facilities and adhere to the same kinds of standards in terms of choices that we provide to people. Does the contract or -- did the rfp address those issues at all?

>> Yes, it actually covered the -- covered the whole aspects to the purchase of what kind of food, whether it would be locally grown, what was your ideas, how would you be part of the local community and how would you certainly be sustainable, yes. Absolutely. and we can't really, because this is not a signed contract we can't really talk about -- can we talk about what their proposals were about it at this time or do we just need to wait? I know you all did an evaluation and we have the matrix in the back but not -- we don't make public a lot of information.

>> If council has requested a report, what is different from the last contract to this contract and this is indeed something that is different, we can bring that forward. We wouldn't get into specifics as to companies and some of that, but we can get into generalities and be glad to provide that to you. we can do that off-line. I know we have a long day. Thank you. have we voted on this yet? All right. All in favor say aye.

>> Aye.

>> Mayor leffingwell: aye. Opposed say no. Passes on a vote of 7-0. So 73, council, we've got a request by one of the affected parties to hear that after 5:00. So we'll skip that and go to item no. 83. There are two speakers signed up. So 83 is pulled by council member tovo. Do you want to go to the speakers first? Alan rodgy, and donating time to alan is lorri rent rentorea. You have up to six minutes.

>> I'm alan rodgy. Good afternoon. I would like to add my support for creating lake austin task force. It's a major part of our water supply and must be protected. We need to watch over the 22-mile long enabled. It should include citizens that live in the lake austin watershed. I recommend the city create one authority to oversee all of the colorado river and lake long. The colorado river is our number one economic generator and its well-being must come first in all decisions. Long before austin was the live music capital of the world -- long before austin was the live music capital of the world we were the river city, and the austin city created the music

commission to watch over the music community and austin needs to create an austin river authority to oversee all the city's water bodies. What happens on lake austin today will flow into lady bird lake tomorrow. I also recommend that all the city council members, the city manager and your staff members actually go out and take a boat tour of lake austin, lady bird lake so you have an idea what's going on out there and have a better idea of how to cast your votes. Thank you. thank you. Those are all the speakers we have signed up that want to speak. A number of other folks I'm not going to name them all, will be entered into the record signed up in favor but not wishing to speak. Council member tovo. thank you, well, i really appreciate the work of the parks board members. I see several of them in the lee and also alan roddy and the others who have really been working on this issue and brought it to the attention of my office. So this really came out of -- today's resolution really came out of the work of several groups. In 2010 both the parks board and the waterfront planning advisory board asked council to establish a multidisciplinary body of experts to address lake austin and to make some remses about recreation -- recommendations about recreational activities, commercial activities development issues regarding -- regarding lake austin. So I won't belabor it but i will say that I think this is a very necessary task force. I look forward to, if this passes, I look forward to the recommendations that will come forth from that group. Lake austin is one of our really precious natural resources, and I think we -- with some good work and some better coordination, I think we can really ensure that this precious resource exists for future generations. So just -- I do have some amendments to make, but I'll start by moving approval of item 83 along with -- and then I'll add some amendments here in a minute, if I get a second. you can add them now if you'd like. why don't I do that. as part of your motion. so to the resolution that's in your book, I would like to make the following changes, and i don't know if these have been distributed on the dais. First of all I am going to be adding -- propose adding a part 2. Do you all have this on the dais? And that part 2 is that the lake austin task force is created to develop recommendations for future regulatory controls and enforcement mechanisms on and relevant to lake austin, to promote, preserve and protect this critical public asset, the latf, is directed to include in its remses whether the code changes made in this ordinance regarding environmental variances should be repealed, amended or left in place. So that would be amendment no. 1. 2 changes, in substance the same as what appears in the posted ordinance. This is item 25. In part 25-1-46 subsection f, there would be a new subsection, and it will read spholz as follows also the planning dmission under 25 of 8-41, land use commission variances, if any portion of the property abut or is within 500 feet of the shoreline of lake austin measured horizonly. Basically the original draft talked about a 100-foot distance and 500 feet is more appropriate. The third motion is -- will be during the -- at least during the time period of the task force prohibiting administrative variances and instead sending those on to the planning commission for review. So this provision would be 25-8-42, administrative variances, subsection a, a variance under the section may not vary the requirements of article 12, save our springs initiative, and may not be granted for development of a property if any portion of the property abuts or is within 500 feet of the shoreline of lake austin measured horizonly. And then the last amendment speaks to, again, the issue of administrative variances regarding critical environmental features and this would be in 25-8-281, critical environmental features, subsection d. The director may grant an administrative variance to a requirement unless any portion -- this is the change -- unless any portion of the property that is subject of the administrative variance abuts or is within 500 feet of the shoreline of lake austin measured horizonly and must propose they save the characteristics of the environmental features. That would be the last change. So in essence this ordinance today

would set in place a process where we would come back, I hope at June 7 and each suggest some appointees for this Lake Austin task force so they could begin immediately. They have a short time frame. They would be asked to report back no later than September 27. We would each have two members. Half of them would be residents of areas adjacent to Lake Austin and the others would be experts in some recommended areas and you'll see those identified in part 4 of the ordinance. And during the time that this task force is going on, all administrative -- all issues that would otherwise have been considered under an administrative variance will instead go on to the planning commission for their review and approval, and again the intention here is to really make sure that as a city we've got cross -- we've got all of the departments working together to try to solve some of the thorny issues that we've experienced here in the city with regard to Lake Austin over the last several years, and I've got some examples but I think in the interest of time I'll just skip my photos and examples and just move on to any questions anyone has. Motion by Council member Tovo. Is there a second?

>> Second. Second by Council member Martinez. You're saved from my powerpoint. Is there termination language in this item, termination of the task force? Does the task force terminate after their report is due September 27?

>> Mitsy Cotton, City Law Department. The task force on the 27th is going to report back to you on what they have found and how long they think it will take them to conclude their work. By city code any task force included that the termination of their business, which would not be September 27, but whatever date they tell you on September 27 in order to do -- this is a pretty large task. Probably would take longer than September to complete it but by September they'll tell you when they will complete it. And by city code any task force is -- goes away when they conclude their business. There's something also about five years.

>> I don't know anything about five years.

>> Mayor Leffingwell: Okay. I must be thinking about something else.

>> Perhaps. All right. So it goes well, they're indefinite, when their task is completed?

>> I'm sorry? They're in place indefinitely until their task is completed?

>> That is true. And there may be a five-year thing now that you mentioned that. See, I thought I heard that somewhere.

>> I think you're right. But I did not think about -- I can't imagine this going for five years. There's got to be an end somewhere.

>> Right, we can certainly -- we can certainly add that to the ordinance, a termination date if you'd like. If it's not already part of the general structure I would suggest that we do that. The task force has to have an end.

>> I agree. What date would you like it to have? Leave it up to Council member Tovo to suggest a date.

>> Tovo: I'm open. So they'll report back on the 27th of september with anticipated initial additional needs. Why don't we say a year? Does that seem about right? We'll say report back -- note to extend no longer. I think the intent really is to get some sense of what is necessary and what the next steps might be and if there is a need to [inaudible] we could consider rolling the task force into that, but I'm certainly amenable to having a timeline. council member tovo amends her original motion. Council member martinez, is that okay with you? All right. All in favor of the motion say aye.

>> Aye.

>> Mayor leffingwell: aye. Opposed say no. Passes on a vote of 7-0. Council, we're past the time for zoning cases, well past it. I wonder if there's any objection if we just do all the -- do the consent agenda before zoning and then we'll go back to our regular order, let some people go home?

>> Thank you, mayor and council. Gregg greg guernsey planning development review department. 00 items I can offer for consent or consent postponement first item is 00 briefing planning and development assessment, item 112, cd 2012, 0002 for the sun field municipal utility district no. 2. Staff would ask for postponement of this item to your june 7 meeting. zoning ordinances and restrictive covenants these are where the hearings have been closed. Staff would offer item no. 113 Case c14-2011-0088 and this is for proper at tillery street for a staff request postponement to june 28. We are still working on the covenants for this case. And we'd like to finish those certainly before we get back. 114 is case c14-2011-0109 for the property located at 4527 north lamar boulevard. This is to rezone the property to multifamily residence, highest residence, sf-6-co combining district zoning. There is a copy of the ordinance for this item and this is ready for consent approval on second and third readings. Item 115, case c14-2011-0113. This is for the property located at 608 east cesar chavez to rezone to central business district central urban development district or cbd-cure. This is ready for consent approval on second and third readings. Under -- mayor, do you want me to pause or go through the public hearing items where those are consent? Just keep going? zoning and neighborhood plan amendments, these are where public hearings are open and there's possible action. Next item for consent is 116, case c14-84-361 rct, for the property located at 2200 tillery street, staff staff is requesting a postponement of this item to june 28. This relates to the previous item I read into the record, item no. 113. 117 is case 01 for property at 4806 1/2 trail west drive. Staff is requesting a postponement of this item to your june 7 agenda. That's neighborhood plan 118 is ared light related zoning case, c14 already 2012-0016, for the property at 4806 1/2 trail west drive. Staff is requesting a postponement of this idea to june 7. 119 i shrea for the lane. Asking postponement to this item to your june 28 agenda. Planning commission has yet to take action on this item. 10 is actually a discussion postponement so i will not offer that as a consent item. The parties may agree to a postponement but certainly not to the same date. Item 121 is case c14-2011-0160. This is for the property located at 7600 to 7900 south congress avenue. The applicant has requested an indefinite postponement of this case. This case would have to be renotified, note put in the on enotice put in the newspaper and mailed out before this case could come back to the city council. 122 is case c14-2011-0165 for the property located at 3108 east 51st street. The applicant has requested a postponement of this item to ju 7. Item 123 and 14 are rrelated. Both at the domain. Case 123 is case c14-2012-0002, this is for the property located at 10728-11306

and 11500-11900 burnet road, 3300 west braker lane, 11105 and 11401-11925 domain drive and 290 esperanza crossing. I understand council member martinez might want to make a comment about this item as well as item 124. If I can read 124 in the record. Item 124 is case c14-2010-0087. Again, this is for property located at 10728-11306 and 11500 to 11900 burnet road, 3300 braker lane, 11105 and 11401-11925 domain drive, and 2900-3210 esperanza crossing. The applicant requests a postponement of both 123 and 124 to june 7. I'll keep going. Then 125 is case c14-2012-0006 for the property located at 9511 north fm 620 road. This is a zoning change to community commercial or gr district zoning. The zoning and platting commission recommendation was to grant community commercial conditional overlay or gr-co combining district zoning. This is ready for first reading only. The property owner, an adjacent property owner and kona have agreed to a private restrictive covenant they're offering so we're only offering for first reading today. We'd come back on june 14, that would be the earliest time we'd come back. And decide to be considered for second and third readings while they're working out their private covenant. 126 is case c14-2012-0026. This is for the property located at 4807 north quinlan park road to rezone the property to community commercial-mixed use, conditional overlay or gr-mu-co combining district zoning. The zoning and platting commission was to grant the gr-mu-co imring district zoning and this is ready for consent approval on all three readings. Readings.

[One moment, please, for]

>> Mayor Leffingwell: The consent agenda is to item number 112 to postpone that until june 7th. To postpone item 113 to june 28th. To approve on second and third readings items 114 and 115, and to postpone item 116 until june 28th. Postpone item 117 and 118 until june 7. Postpone 119 until june 28th. So postpone item 121 indefinitely. Postpone item 122 until june 7 and also to postpone items 123 and 124 until june 7th. To close the public hearing and approve on first reading only item 125 and to close the public hearing and approve on all three readings items 126, 127 and 128. That is the consent agenda. I'll entertain a motion. Councilmember spelman moves approval. Councilmember martinez seconds. Further discussion? Councilmember martinez?

>> Martinez: Thanks, mayor. Just briefly on item 123, this is an item related to the domain, but specifically wanted to talk about the work being done with simon properties regarding capital metro access on the domain site. We have done some good work. Capital metro staff has worked to identify a suitable and accessible short-term bus stop, but at the same time continues to work with simon properties on identifying other areas as we expand future passenger ridership in the area so that we can create the connectivity within the domain property as well as several bus stops and the routing within the domain area. So I want to thank them, first of all, for the work on this, but I want to continue to encourage that we get this as part of the agreement. We had an impervious cover swap come in 2010 and this item was a part of that as direction, so here we are still -- and I realize it's not just their side of it, it's cap metro as well. I will be putting the same direction to capital metro that we get this accessibility and public transportation component of the domain once and for all finalized when it comes back for zoning consideration.

>> Mayor Leffingwell: All right. All in favor of the motion to approve the consent agenda say aye? Oppose said no? It passes on a vote of seven to zero. That brings us back to in regular order

item number 91. We have several folks signed up to speak. I believe it was pulled from consent by me. Is connor kinney here? Everyone is signed up in favor of the motion or of the item. So you have -- is herman praying here? Herman is here. And david albert is here. So you have up to nine minutes.

>> I shouldn't need all that. I'll try and be efficient here. Good afternoon. My name is connor kinney. I'm on the committee for the welcome home iraq veterans what this is, very briefly, is a parade and job and resource fair, which is in contrast to the parades that have been happening around the country, including in san antonio and houston. We're the only folks who are going to be doing this, so it's not only an expression of support from the community, but also a tangible service to the veterans. As well as for the participants, it's not just coming and expressing support, but we're actually going to have tables set up for putting together care packages for the troops currently in afghanistan. I think there was a gentlemen here this morning that expressed how important that was to them serving over there. There was a little bit of confusion about the date. I'd like to address that very briefly. We had originally said june 16th, but as we were doing last minute consultations yesterday with some of our stakeholders they had expressed some unease with that short time and asked for another two weeks. We gave it a little buffer and said three weeks, and that's how we came up with july 7th and that made everybody comfortable and everybody feels they can accomplish what they need to do in that time. Then as well for the july 7th date we have already actually as -- we have a very dedicated and nimble committee of citizens who are doing this on their own times, both veterans and non-veterans. We have actually already been able to change the dates for our permit for the capitol, for the capitol extension where we're holding the job and resource fair, as well as with , who has been wonderful on this. I also need to mention representative howard and senator watson sponsored us at the capitol and secured we're grateful for that. The vfw has stepped up and is handling our finances, so all contributions are tax deductible. If any of you that like to make a check. We need to raise another few thousand dollars for the expenses beyond what the city is looking at waiving here.

>>

>> Mayor Leffingwell: You're on tv making that request.

>> And this is pretty extraordinary and represents the diversity of the support for this event is that does not normally work with other agencies in doing events, traffic control, law enforcement, but in order to show the breadth of the support in the community as well as to minimize the cost to the city, constables mccain, elfant and sheriff hamilton are all detailing officers to help provide law enforcement services on that has been wonderful in coordinating that and accepting that in. So the figure that is attached to the fiscal note I believe for this is actually height water mark of what it could be for law enforcement costs and we expect it to be considerably lower, saving the city money on this was one of our objectives and so we're happy with the way that has gone. Finally we're working with state employment and veteran services agencies. They are stepped up and are helping us recruit employers as well as state agencies. And the idea here is that the parade -- job and resource fair and the parade are greater than the sum of their parts. We attract some people for the parade, some for the resource fair. And you know it's very complicated for the veterans to figure out all the different agencies that offer support. The idea here is we're bringing them all together in one room down in the capitol, so it's air

conditioned and that's a change from our original plan. So that -- we're very grateful for their support there. And then finally the last point is just in terms of the criticalness of making this decision today. Is that there's a few reasons why it's very important. First of all, we have various government agencies, people in organizations that are ready to go, but they need city council approval and having this be an official event for them to be able to get going. That's including a couple of state agencies who we work with staff, but we haven't been able to do it officially yet. Delaying this, considering, it on june 7th would push us back to july or august to not get started until this is an official event in some respects. And finally, on a sad note, one of the members of our committee who actually can't be here today for this is an afghanistan veteran and he to run out of our committee meeting yesterday because one of the members of his unit committed suicide yesterday and they hadding to find another member of his unit that was -- that they were very concerned about. So he couldn't be here today and I think that emphasizes the need for getting the services to our veterans as soon as possible. It's something they really need as well as being for the city to do. That is all the information that I have and I'm happy to answer any questions.

>> Mayor Leffingwell: Actually, the only reason i pulled it from the consent agenda is because of the date, june 16th. In talks with the city's veterans coordinator, he had expressed concern about whether it could be done by then. And I also know there's another major event downtown on that date. So july 7th seems to be a much better choice.

>> I believe we consulted -- councilmember morrison's staff consulted with the office of special convenience and that date it clear.

>> Mayor Leffingwell: Thank you.

>> And thank you, councilmember morrison.

>> Mayor Leffingwell: David thomas? Yeah, there he is. David is also for, and you have three minutes.

>> Good afternoon, mayor, mayor and councilmembers. A little bit of a different slant on this. I am I am part of the committee in asking for support of passing this resolution today. I was really moved by the ceremony today honoring our fallen. The playing of taps always kind of sets me off. And the loss of these young people leaves a real hole in their families and in our community. The losses, though, are not the only ones. Many men and women who served in iraq and today are serving in afghanistan are broken, physically and mentally. By their service. They need jobs and health care and housing. They also need to be thanked for their service. That's the parade, the thanking part. The resources and jobs fair is to help them with their needs, to fill their needs. The department of defense has said that they don't want a national ticker tape type parade, but they've also said in various interviews that spontaneous kinds of events in cities are just fine. That they like that cities want to honor their veterans. And other cities around the country and in texas, many others, have already held parades and are planning them. Houston and san antonio in texas for one. Austin can't do any less than these cities. I'm a vietnam veteran, and was very pleased when the city honored and thanked vietnam veterans here a month or so ago. But that was 37 years after the end of the conflict. I really don't want -- we don't want the thank you to our iraq

veterans to be delayed. As was the thank you to the vietnam veterans. I urge you to pass this resolution today and we can hold this parade and resource and jobs fair on july 7th. Thank you, david. And with regard to the jobs fair, this isn't really a question, I just am responding to that. You know about a month ago we opened the veterans resource center up by the old highland mall. And I think if you could direct your folks up there, they have the full spectrum of services that might be available.

>> [Inaudible - no mic].

>> Mayor Leffingwell: Council, since I pulled this I am going to ask someone else to make the motion for item 91 with the change to july 7th. Councilmember morrison so moves. Councilmember martinez seconds. Discussion? Councilmember tovo.

>> Tovo: I have just one last question for one of the committee members. I understand the reasons why it makes sense to change the date, and by the way, I just want to say I think it's a great event and I really appreciate your contacting my office and talking with me about it. I was very pleased to be a co-sponsor on this item and I'm really looking forward to it. I think it's a great service for our community. But I guess I'm a little concerned about the date change to july 7th. Do you anticipate that there will be any difficulty given its proximity to the fourth of july and the parades all over town? Have you considered as a committee whether that event would be as successful as it might be at another time?

>> As I understand it, most of those parades are mostly neighborhood events and this is a somewhat citywide event. We do need to look at that, but we have a very aggressive publicity campaign for that, kicking off next week and then closetory the event. We will be working very hard on that as well as the -- we do have a outreach plan for the care packages being sent to afghanistan. Reaching out to all of the houses of worship in the city to actually staff those tables and volunteer there. So we're hoping that will help spread the word throughout the communities.

>> Tovo: Thank you.

>> Morrison: Just the concern that councilmember tovo raised, I notice that we have a city holiday actually on the fourth of july, and the notices I'm getting of the neighborhood parades anyways are on the fourth, on that wednesday. So this would be that saturday and I think you all have cleared it with all the events. So I think we're going to be okay. And thank you for your work. Great work.

>> Mayor Leffingwell: All in favor say aye? Opposed say no? It passes on a vote of seven to zero. That brings us to numb 92, which I pulled -- to number 92, which I pulled. There is one person signed up to speak in favor. Laurie renterria.

>> Thank you, mayor, for the opportunity to speak. I don't know that I meant to say I was in favor of it unless --

>> Mayor Leffingwell: That happens all the time, laurie.

>> Unless the council agrees that and remembers the problems that we had with the bd grant and ergso where going to the east cesar chavez neighborhood for this multi-million-dollar grant happened after the fact. They had relied on the community development commission, who then said why haven't you met with the neighborhood impacted? Then they came to us. We had issues. Then the cdc picked up our issues and we would have -- to tell you the truth, that bd grant was such a mucked up mess, I'm not sure that it ever got funded, the republicans ever released it or whatever, but what's important to know is that if you're going to come up with some uniform terms, you need to direct that department to meet with its neighborhood associations and planning teams before they write the proposal and before they want to give a bunch of sweetheart deals to landowners, large landowners in our neighborhoods. So I'm not sure, I didn't have a chance to read the backup material here, but I'm bringing to your attention that this department does not have a good track record of working with the neighborhood planning teams. And being respectful of the adopted neighborhood plans and our priorities. So I would suggest -- I'm not sure if this is just a council subcommittee or you're going to put together a committee, but please include people who are very familiar with the neighborhood planning amendment, processes and make them a part of that committee. And I had also signed up to speak on item 89, which was about the -- which went on consent about forming a special team for special events. And the -- my comments about ergso and those grants apply to that group also. We had an issue recently where don pits and the music people had a great idea to do afternoon concerts at saltillo as a regular special event and they didn't work with us until after the fact. And then it turned into this little turf war between giant noise and rich garza, and the tejano music coalition. So on that group I would also recommend that a neighborhood representative, austin neighborhoods council, a planning team rep, somebody be working with these city departments. Thank you.

>> Mayor Leffingwell: Thank you. Councilmember morrison.

>> Morrison: Laurie, i just want to say thank you for bringing that -- reminding us of what happened there. And clearly, especially if it's something in a location that has a neighborhood plan, or whatever plans there are, that needs to be integrated into the thinking and just one more place where we need to be integrating all of our departments and their work. It's my understanding that this is actually going to be a council committee, but done in such a way that we can have -- that it can be open and folks can come in and we can have conversation. But I will make sure -- I am familiar with the neighborhood plan amendment process and I want to make sure that we address that.

>> Mayor Leffingwell: Okay. Let me just say I pulled this item off of consent for a couple of reasons. The first one is I don't think the scope of the agreement is tied closely enough, particularly with regard to economic development proposals, what is that going to cover. I certainly think that any discussion of that should include a comparison of our peer cities, cities that we compete with on economic proposals. And I don't see that kind of information in here. It is very broad. Master development agreements, city contracts, development and fee waivers. The other problem I had with it is that it is a council committee, and as such by precedent council committees should be offered to -- those slots should be offered to councilmembers in seniority order. There's no precedent according -- I checked with the city clerk. There's no precedent in the past that we can find where that precedent has been violated. And so for those two reasons I'm not going to be able to support this item. And I just think it's something that should be a little

more thought out as far as scope and certainly with respect to the makeup of the committee. So that's all I have to say on it. Councilmember morrison? Councilmember martinez.

>> Martinez: Sure. You know, I certainly appreciate those concerns and I think they were brought up in the work session the other day. And at least I thought I had expressed that it certainly was going to be comprised of stakeholders who, one, had concerns about this issue. And two, wanted to be a part of the input process. I am comfortable with making it a taskforce and defining the scope to it. I just -- I wanted to get this moving forward so that we could have this conversation, bring a recommendation back to this body regarding the multiple topics that have been brought to us whenever we entertain economic incentives and/or master development agreements like we're doing this afternoon. So if you want to serve on that committee, mayor, I'm more than happy to have you be a part of it or whatever suggestion, I'm open to it, but I'm not hearing any suggestion other than you can't support it.

>> Mayor Leffingwell: Well, obviously you designate three slots on the committee. I didn't see anything about the stakeholder groups on there. So I would just like for it to go through that normal process where councilmembers have the choice of whether or not they want to be on this committee or not. And let me say also i support the goals of this item. I certainly support reviewing our economic development proposal criteria on a periodic basis, not just this one time, but periodically. I don't think, as I said, the scope of the process has been defined clearly enough. I just named one item that should have been definitely designated as something that should be taken into account. And the process is without precedent for establishing the committee.

>> Martinez: Again, i remain open to any amendments or suggestions, but I'm not hearing any.

>> Mayor Leffingwell: Well, there's not a motion on the table yet.

>> Martinez: I'll move approval.

>> Mayor Leffingwell: Councilmember martinez moves approval of item number 92. Seconded by councilmember morrison. Councilmember morrison.

>> Morrison: I appreciate your comments too. And I'm open, but I did want to mention that this is -- this is a conversation that I think actually the three of us had started having, and this is an attempt to formalize it in such a way and make it transparent so that we can actually post the meetings and make sure everybody is aware and can be included. So coming from that perspective, for me it makes a lot of sense to make it into a committee and perhaps break precedent this time. Because it's sort of an extension of something that we're talking about.

>> Spelman: Mayor?

>> Mayor Leffingwell: Councilmember spelman.

>> Spelman: I have a question of the city attorney. I know it's our usual practice to have committees with three members. We have one committee that actually has four members of the council on it, which means we have a quorum of the entire council at the committee, and it's not

our usual practice, but it has been allowed in that circumstance. Would there be any threshold objection to having meetings of this special committee be open to other councilmembers to show up and participate as necessary?

>> As members of the committee or simply as attending and participating or are you talking about voting members?

>> Spelman: In either respect.

>> I believe that under the code we're limited to the three, and that's my understanding.

>> Spelman: In the code we're limited to having three members of the committee with the sole exception of the art and finance committee, which has four. Is that accurate?

>> Mayor Leffingwell: That was done by ordinance.

>> Spelman: Right. So we would need an ordinance to change that and have four members of the committee. If, however, one of us who is not on this committee wanted to monitor the activities of the committee, participate in some way, would there be an objection to -- would that be a violation of any statute or any other ordinances?

>> Not to vote, but just to attend? I don't think that would be a problem.

>> Spelman: Okay. So there's no open meetings problem with, say, four or five of us being at the committee meeting so long as the two of us were not -- whoever was not on the committee was not taking a vote on the committee.

>> That's correct.

>> Mayor Leffingwell: I think that's standard posting language for all committee meetings is that a quorum of the council may be present. I believe so. Councilmember Tovo?

>> Tovo: Yeah. I just wanted to make a few comments and I appreciate the dialogue that's going on before. And it is an attempt, councilmember Morrison, I appreciate your mentioning that it is an attempt to kind of formalize a discussion that we've been having as a result of the fair thin decision and the Apple decision, there is a lot of interest in the community about this and this is going to be a great opportunity if this committee can be established. It's going to be a great opportunity for us to talk with stakeholders in the community and to have some public discussions and to do so in a way that's fully transparent, but also productive and can offer some recommendations to the full council. I attend several of the council subcommittees on which I don't serve as a regular member, sometimes I sit on land use and transportation, sometimes I sit in on public health and human -- I've forgotten the rest of it. Health and human services. I haven't attended nearly enough apparently. I would certainly suggest it would be a great idea if other councilmembers have an interest in it, that would be a forum in which certainly you could attend and continue the dialogue there as well. So -- and with regard to the comment about peer cities, I do definitely think that falls within the scope of what's laid out in this resolution to think about

what issue the mayor raise bd grant peer cities and how they compare and some of the other issues that were recommended. So if there are other suggestions on how to limit our broaden the scope, certainly I think those would be appropriate.

>> Mayor Leffingwell: Martinez? I would propose an amendment that the composition of the committee be brought back to be decided on -- for discussion in the work session prior to the june 7th meeting. And decided at the june 7th meeting.

>> Martinez: So we would just -- what would we eliminate out of this resolution? I think I'm fine with that. I realize you've got concerns --

>> Mayor Leffingwell: The composition of the committee.

>> Martinez: Hang on.

>> Mayor Leffingwell: And I guess I would also say that discussions of proposed economic development agreements include a peer city comparison.

>> Martinez: So in the resolution under the first resolve there's the bullet point that says membership shall consist, etcetera. And that would read membership shall be determined by the council at the june 7th regular council meeting?

>> Mayor Leffingwell: Yes.

>> Martinez: I'm fine with that.

>> Mayor Leffingwell: Second?

>> Martinez: Does that mean you'll vote for it now?

>> Mayor Leffingwell: It depends on what we decide on the 7th.

>> Martinez: Mar I'm just kidding.

>> Mayor Leffingwell: I'll vote for it today. As amended with the composition of the committee to be decided on june 7th.

>> Cole: Mayor, I have some comments.

>> Mayor Leffingwell: Mayor pro tem.

>> Cole: I guess I have a few proposed changes. Number one on the second page, the very last whereas clause, I think -- i certainly respect and support what this resolution was trying to do and i realize that there has been a lot of discussion in the community about our economic items that we have approved. But I want to make sure that we take the time today to really hammer down language or some language so that we don't have a minority of the council going off confused

about what at least I am hoping that we come back with. And on that last whereas clause, I'd like to put in language where we say in order to ensure that community values as expressed in our comprehensive plan. I want us to have something that we are all referencing to try to make decisions on how we make these changes. So I would move that in that paragraph where it says whereas in order to ensure that community values and concerns are represented -- and I would say including, but not limited to those expressed in our comprehensive plan. And I'm offering that as a friendly amendment to the motion.

>> Mayor Leffingwell: Councilmember martinez and morrison? Councilmember martinez --

>> Martinez: South congress it doesn't preclude what the current language says. Adding another component to say that --

>> Cole: That we're thinking about -- when we're looking at an economic development agreement, one of the framework items primarily that we're going to focus on is our comp plan because we put a lot of energy work into this community for that.

>> Martinez: I think that's -- pardon me, mayor.

>> Cole: I'm not taking anything out. I'm just saying that's what I'm trying to do.

>> Martinez: So your last statement you just expressed was an opinion, not necessarily a reflection of the resolution. You yourself are saying you will use the comprehensive plan as a guiding tool for whatever we deliberate. And I acknowledge that. I think we all should to some extent. But that won't be the only guiding tool for me. So as long as the language that you're submitting simply says that that can be an additional component that we ensure that community values and concerns are represented in these deliberations and in the comprehensive plan, comma --

>> Cole: Exactly. I agree with you.

>> Mayor Leffingwell: Just an example of community values that she wants to be considered, as I understand it. It's considered. Councilmember morrison.

>> Morrison: A lot of people get us mixed up. I think there was a little bit of confusion there because what I understand mayor pro tem saying is that the community values that we're going to be talking about should include those that are indicated in the comprehensive plan. Not that we are -- yeah. That's what you meant. So I would say the language perhaps could be in order to ensure that community values such as, for example -- such as those indicated in the comprehensive plan and concerns are represented in these deliberations. Is that what you're suggesting?

>> Mayor Leffingwell: Is that a fair interpretation of what you offered, mayor pro tem?

>> Morrison: That's what i thought you were saying.

>> Cole: I like that better, but it is not a fair interpretation of what i just told councilmember martinez.

>> Morrison: I didn't understand what you were talking about.

>> Mayor Leffingwell: That conveys your proposed idea for a friendly amendment, councilmember martinez accepts that, I assume? Do you? And councilmember morrison? Since you suggested the language?

>> Morrison: So we're talking about my language? Yes, I'm willing to accept my language.

>> Mayor Leffingwell: You're willing to accept your language. That's good.

>> Cole: Now, this is other language that I am drafting off the top of my head as we do this. I agreed, mayor, 100% with your statement about often times when we're in the heat of these economic development incentives proposals we are doing that in competition with other cities. And I actually, mayor, i don't know enough about how that process works, but i don't want us to jump on a deal simply because we're in competition. At the same time I don't want us to refuse a deal when it actually is very, very good for the city. Can you enlighten me some on that process?

>> Mayor Leffingwell: All right. Say your first words again because nancy was whispering in my ear and I didn't hear you.

[Laughter]

>> Cole: I know that when we are engaged in negotiations for an economic incentive proposal, those are often done in competition with other cities.

>> Mayor Leffingwell: Correct.

>> Cole: And a lot of the public unrest about that is the belief that that other city didn't really want that company. And I think part of that is because some of those negotiations are at the request of the company private. And so I don't want us missing out on something that is very important to the community, creating jobs, creating high paying jobs with something that we need. At the same time I know that this committee -- I would not want us agreeing to something that really we didn't have to agree with and we really are being bad negotiators. So can you give us just some insight? I know you've helped with that a lot into that process and maybe we could put some language in here to try to ensure that we get there or closer there.

>> Mayor Leffingwell: Well, I think where we are right now is the result of council input because you're right, the information that is discussed is proprietary and needs to stay that way as long as possible. We made the compromise as a part of council discussion, I believe as councilmember morrison's initiative, to have a briefing at least a week before the time that it was considered. And so we made that change. We expanded the transparency by that amount of time. So far that has not proved to be a problem, but i certainly, speaking in very general terms, I

wouldn't support salamanderring that any more than that because i think that would interfere with our ability to compete. So I think what we've got now is working fine. It's not broken.

>> Cole: And I support what we have now, but I do think that what we have now is not widely known in the community, especially the reason that we have it now with respect to the proprietary information. So I would just /add/(ed)a another whereas clause, whereas we recognize that we are often in an economically competitive situation with other cities, and companies in the process of negotiations have proprietary rights, we would respect that interest as we develop, redevelop those policies on economic development agreements.

>> Mayor Leffingwell: Councilmember martinez, that seems to be -- that's a whereas? An addition to your resolution? Do you have any objection to that?

>> Martinez: Can she repeat it? I don't have any language in front of me.

>> Cole: I'll gladly repeat it.

>> Mayor Leffingwell: You will have to furnish the language to the clerk here after the fact. He wants you to repeat it.

>> Cole: You've got to write it down for me. Whereas in economic development negotiations companies have the right to have proprietary information not open to the public, immediately open to the public, we will respect that those laws in the process of negotiations.

>> Martinez: And I don't object to that, but if it's in law why do we need to state it in a whereas? If it's proprietary, the nature of it being proprietary means that we can't publicly disclose it.

>> Cole: The only reason that I said earlier that i thought we need to put it in a whereas clause is I don't think several members -- community unrest that has been caused by us agreeing to economic development deals and the information that is not immediately made available understand that that is because those companies have a proprietary right to do so. Simply so that we do that for the public and so that as y'all are having that discussions it is clear that we kind of all have had those discussions of the limits as you struggle with it.

>> Mayor Leffingwell: Right. And I don't think law is a proper terminology. It's our policy. Our policy in accordance with our policy.

>> Martinez: Mayor, I will accept that as friendly, but also make the suggestion that on the june 7th meeting we post this resolution in its entirety so that we all have a very clear understanding of what we're adopting in totality and not just the makeup of this committee.

>> Mayor Leffingwell: Agreed by me. Councilmember tovo.

>> Tovo: I have a couple of last questions before we move on. I want to be clear about what we're adopting today. We're going to vote on the resolution with the first bullet point under the council special committee on economic incentives is created with the following conditions, we're

striking the membership line, is that correct? And I guess I just wanted some clarification on where the seniority rule came from? Is that actually in our charter or is that just a practice and a precedent?

>> Mayor Leffingwell: I think it actually came from John Paul Jones, but city clerk, can you enlighten us on that? We researched the records and just couldn't find it. It's always been that way by custom, I think.

>> That's what I'm familiar with. When we primarily get involved in that after an election and we provide all of the council subcommittees and intergovernmental bodies that various councilmembers serve on, and then there's -- everybody gets to express their interest in seniority basis. And then council comes forward with a resolution making those appointments.

>> Tovo: So there is nothing in our city charter, there is nothing in ordinance, there is no other code that we're obligated to follow that requires that we make those decisions on a seniority basis?

>> I'm not familiar with anything that is in writing.

>> Tovo: Okay. Obviously I have a vested interest in this as the least senior member of the council and also as one of the named participants in the bullet point we just struck, but I would say that because we've always done something one way doesn't mean we should continue doing it that way and there may be a very good reason to change the way we do things, especially if we have three councilmembers who have stepped up and said they have an interest in participating in a dialogue like this one with each other, but I guess we can continue that discussion on the 7th.

>> Mayor Leffingwell: There's no doubt we will continue that discussion on the 7th. And I want to say just a couple of words here while I've got an opening. And that is we have right now a very tight matrix with regard to economic proposal, chapter 380 agreements and the like. And just to illustrate how tight it is, I think in the last three years we've done eight economic development agreements. Mayoring that to our peer cities in the state of Texas who have done hundreds, hundreds, and we've done eight. And I would also mention that every economic agreement that we've done, including Apple, was done by unanimous vote except for one. Farathane and that was a 5-2 vote, which shows that the screening process is very thorough. Right now I want to make sure that everyone understands that we have a very tight, thorough process right now that very few proposals are able to make it through. That being said, there's always room for improvement. And I think we can go forward with that idea in mind, but I want to make clear I think we're not doing this because the process is broken, we're just doing it because in my opinion we're doing it because we want to look for ways to refine an already good process. Councilmember Morrison.

>> Morrison: Thank you. I appreciate you mentioning the process that we do have in place in terms of when we hold hearings, when information is available. And I just want to remind folks that I think that was about four years ago, three and a half years ago when we went through a real struggle to try to get that in place because it was about how do we protect the proprietary nature of the information, but also balance that with the public's right and need to know and our need to

get input from the public. And what -- and that was also the time when we adopted a formal cost benefit analysis so that we could actually look through and see what is -- what are the monetary benefits we can expect with this economic agreement and what are the economic costs so that we actually can do a spreadsheet now, web loci it is. And as I recall the very first economic incentive 380 agreement we had after that, it was avertable love fest. We had gary farmer and bryan rogers down here saying it's a good deal and it's a reasonable -- it's a reasonable deal. I don't want to say good. I don't want to put words in their mouth. It's a reasonable deal and a reasonable process for more. They said that. And from my perspective, now it's time to take a fresh look because the community has matured in terms of how we look at this, and as councilmember martinez has said, there are things that are just a very important part of the community conversation right now. So having this phase two is the way I think about it of improving our process. And I did then just want to mention in terms of who sits on what committees, while i realize there's an element of seniority the way I've experienced it, it's also about community interest -- interest in of each of the members and sort of respecting and trading off. And it's a little bit ironic because as I mentioned, the three of us did have an interest in conversing about this and we could have just done that. But anyway, I hope we'll be able to work it out next week or on the 7th.

>> Mayor Leffingwell: Yeah. And councilmember and others, I would say that with regard to web loci, what that did, the cost benefit analysis by web loci expanded the number of proposals that we could consider by considering all of the costs and all the benefits. Prior to that it had still been a cost benefit analysis, but it was based strictly on the direct tax rebates and the tax paid versus the rebates. But it's still always been a positive taxpayer initiative. So again the web loci analysis considering all the benefits and costs enable us to consider smaller companies, companies that weren't going to build, for example, a big piece of real estate on that and pay property taxes on it. So it's helpful in that regard. But the positive cash flow business has always been a part of our economic development program. So with that all in favor of the motion as amended say aye. Opposed say no. It passes on a vote of seven to zero. And I believe, council, we can try to get through item number 73. And we do have some speakers here, a couple of speakers. Sarah watkins? 73 Is pulled by councilmember tovo. Do you want to make any comments before we go to our speakers? Sarah watkins? All right. Jennifer mcphail? Sarah watkins has actually signed up twice here. She's signed up as neutral and then as against. And then jennifer mcphail. Sarah is not here and jennifer is not here? That's all the speakers that we have that are signed up wishing to speak. So councilmember tovo?

>> Tovo: Thanks. I'd like to call on our transportation staff to just provide us with a little bit of background about accessible vehicles, vis-a-vis the code. I know we've heard testimony in the past from members of our community who express that there are not enough accessible cabs when they call and need to use one. So I wonder if you could address sort of what the code says and what the franchises are, what their responsibilities are to provide accessible vehicles.

>> Gordon dare, austin transportation department. So the council back 20 years ago set up a special section of the city code, 13-2-401 on special franchise permits. Currently we have 38 vehicles among the three franchises for wheelchair accessible access. So as a part of that ordinance there are specific requirements for data collection and providing that data to the city on a quarterly and annual basis. And that data we've got, we think there's some opportunities to

improve access and we'll be working with the three franchise holders to do that. Part of the ordinance says that we should have between six and six and a half percent of the fleets should be accessible vehicles. The yellow cab fleet was below six percent or at six percent. We felt there was an opportunity to bring them up to six and a half percent so this action before you is to do that. And I know you may have answered some of these in the q and a. They're required to have six percent of their vehicles be accessible. Are there any impediments to them converting their existing vehicles for accessible vehicles? I know in your q and a you responded that there could be. Obviously sedans can be converted.

>> Right. So theoretically under their normal indication of permits they could have an accessible vehicle count under a regular permit. These were permits that were over and above the formula permits that we've talked about for the last year and a half. So it was a special category, but there's nothing that would prohibit them from taking a regular permit and using it for an accessible vehicle.

>> Tovo: And I guess I -- well, why wasn't that the suggestion that was made to yellow cab, just convert some of your existing vehicles and get up to code? We know that yellow cab right now is over there, they have more than the 60% of accessible vehicles that -- excuse me, of the permits. Can you remind me where yellow cab is with regard to the number of permits? I think the code specifies that they shouldn't be beyond 60 and I believe they're still beyond 60% of the available permits, even after the additional permits that Austin Cab and Lone Star Cab were allocated.

>> Carlton comes with our group says that we're still a bit over 61. With the council's action of last December to carry that through would have brought them to just a little bit under 60%. But again, the accessible vehicles didn't count toward the formula caps, and that 60%. And Angela Rodriguez is here and she can address whether that controls that activity. But this just seemed like an opportunity to get more accessible vehicles out available to the public.

>> Tovo: I completely agree with the mission of getting more accessible vehicles out to the public. I think it's absolutely we ought to do. I guess my point is that if yellow cab is over their 60% and they're not meeting the requirements of having six percent of their vehicles be accessible, then it would seem to me to solve both of those issues if they convert their existing permits into accessible permits, then those are reduced, they're not over the 60% allotment because those cabs don't count toward the available permits. I'll say as a backdrop to this we've heard concerns over the last four or five months from the cab drivers association as well as individual cab drivers that they feel there are too many permits out on the road and that -- and that there ought to be some consideration of the impact on individual drivers before additional permits are released. And we've heard a few specific concerns about this, that this is in essence just giving additional permits to one of the franchises that has had more permits than they're by code supposed to have.

>> We can certainly before this comes up for second reading get you the information about the percentages and talk with the city attorney's office about the implications of that. But to take existing cabs which have owner-operators that are possibly in lease agreements, and say you can no longer -- you no longer have a permit, that's something that you would have -- we'd have to talk to the individual companies about.

>> Tovo: And so how long has yellow cab not been meeting their six percent? I'm sorry, the six percent -- they're required by code, I believe you said earlier, to have six percent of their vehicles be accessible.

>> Carlton thomas again. When the accessible vehicles were first established by council, the six percent or 6.5% rule didn't exist.

>> Tovo: I'm sorry, did not exist?

>> Did not exist. So at that time all three franchises were given 11 permits. As of last year prior to the allocation, lone star was over their percentage, austin was over their percentage, and yellow was below. Now austin and lone star are in line and it was -- this is our effort to bring yellow in line.

>> Tovo: So what kind of -- you talked about data. What kind of data do you have to suggest -- I guess when -- how many accessible cabs does yellow cab have right now?

>> 22.

>> Tovo: 22. Do you have data to suggest that those are being used to meet the needs of passengers in our community who need that kind of vehicle? And in addition they need more than the 22? Or are those -- I assume those 22 cabs are being used for all kinds of passengers. But are they -- is the priority to transport passengers who have need of an accessible vehicle.

>> In totality the 38 vehicles last year, 2011, carried about 106,000 trips. And of that 4,657 included a wheelchair passenger. So for those 30 vehicles, about five% of their trips are taken with a wheelchair passenger.

>> Tovo: So what was the percentage?

>> Five percent.

>> Tovo: Five percent. So do you have -- you have collected some data to suggest what the need is? Because I've certainly heard concerns that the wait for an accessible vehicle can be very, very long -- wait for an accessible vehicle can be very, very long, upwards of hours sometimes. And so what priority are customers who need an accessible vehicle being given when they're compete with thousands of other customers who are calling?

>> We have a partial data set as required by the ordinance. Each of the ordinance has to keep daily logs, including information about when calls were received and when calls were dispatched. One of the things we're looking at is to go in and audit those for last year for all the companies so we can get an accurate picture of that information. It's required in the ordinance for them to collect the data. We just have never taken that data then from them and analyzed it. So one of the things we're going to be doing over the next couple of months is really going in and looking in detail at that information and working with each of the three companies to see what can be done to enhance the availability of those vehicles for wheelchair trips.

>> Tovo: It's my understanding from your q and a that the other two companies have provided incentives to their drivers to try to encourage them to carry passengers who need accessible vehicles. Has yellow cab implemented any kind of an incentive program for their drivers so that they can serve the members of the community who really need an accessible vehicle? (indiscernible) is here and they can address what spec programs they've put in place. I think rather than hearing secondhand from us, I think that might be the best way, and we can ask them to provide written information about each of those programs, but we can certainly ask for that and get that information to the whole council.

>> Tovo: Okay. I guess I would certainly be interested in seeing some of that data really before we make a decision about whether giving more permits to yellow cab for accessible vehicles will actually meet the demand. I mean, there's clearly a demand for more accessible cabs, but I'm not sure that this is the best way to meet it. It sounds like there are some other options that the cab companies could use. And right now they're serving five percent of their trips are actually with passengers who need accessible vehicles. And I wonder how many -- how often we have customers who are waiting for an accessible cab, but they're not given the priority among other trips. And I think we ought to have a policy in place that makes -- that has priority for people who need the accessible cabs.

>> Currently the ordinance says that these accessible cabs have to be on the road at least 274 days a year for more than 12 hours. That's the only requirement we have within the ordinance about availability of these cabs. We're going to be working with the companies to see if we can come up with better measures that we can either incorporate into the ordinance or working with the companies, but certainly it would seem like there would be greater availability available and we'll be exploring that with each of the companies about how we can make that happen.

>> Tovo: Did you give any consideration to doing that analysis first before moving forward with additional permits? Doing some of that -- exploring what some of the other options are, again, given some of the concerns we've heard from drivers about having additional permits on the road, especially since the ones that are in the process of being distributed haven't really hit yet.

>> In this case we're just trying to bring things up to what the ordinance says, the six to six and a half percent. We can certainly -- we understand that's an area of concern to council and we'll be working on that over the next month or two.

>> Tovo: And as we discussed, I would like to see where they are in terms of the percentage of permits and whether it's a better option just to adjust to ask them to please convert some of their vehicles into accessible ones. Thank you.

>> Mayor Leffingwell: Councilmember Riley.

>> Riley: Yeah. I appreciate the questions and the comments from staff. This is a challenging problem. It's one that we have never -- we've tried to solve, but haven't done a very good job of solving. It's not just here in Austin. This is a problem nationally and really around the world. A lot of cities have struggled with this. Money, distance education, who is here and did a report on our taxi cab service, he wrote a paper on this in 2010 and it was fruit of my attention by Boone.

blocker of the natural transportation decision. And my office has been working with boone on working on this. We have reached out to the cab companies and we have a meeting scheduled to work on this further. Yellow cab has been eegtory discuss ways that we can do a better job of ensuring that we are meaningfully improving service to people for people in wheelchairs. It is not just a matter of getting more wheelchair accessible cabs out on the streets because that does not ensure that they will actually be available to those who call and need help. And even the incentive programs that have been put in place by a couple of the cab companies are not necessarily effective. In fact, there have been reports that at least one of the incentive programs that's currently in place has actually been back firing and having negative effects on service. There are -- I am hopeful that there are ways that we can improve the service. So we expect to continue working with the cab companies and I'm very pleased with their willingness to do that. I am going to support this item on first reading, but that is based on the assumption that we will continue working cooperatively with the cab companies so that we can get some very meaningful new measures in place that will improve -- the level of service. I would also note that this is also an issue at capital metro, which about a year ago put in place a new taxi cab service for metro access customers. And after a year that program really has met with limited success. And what my hope is that we can not only improve our programs both at the city and capital metro for people with disabilities, but also that the two will mesh in some sensible way so that the programs complement each other and that we are providing an appropriate level of service to -- for all customers who seek it. So with all that said, i will be supporting this item.

>> Mayor Leffingwell: Is there a motion on first reading on item 73? Councilmember spelman moves approval. Councilmember morrison second?

>> Morrison: No.

>> Mayor Leffingwell: Let's get a second first. Councilmember riley? Councilmember martinez seconds. All right. Councilmember morrison.

>> Morrison: I appreciate the questions and councilmember riley, i appreciate your working with mr. block. I know he's a very -- he's not a lot of expertise in this area and brings a lot to the table. I am concerned that we're in a position of two conflicting values in terms of being able to serve the population with accessible vehicles, but also at the same time a concern about more permits on the street. And what I heard was a suggestion that while there might be a different way to go about it in terms of converting, there needed to be some discussion about that. And personally I'd prefer that we actually have that discussion and see what our alternatives are before we go forward with this. So I wanted to make -- I'm going to make a substitute motion, and that is that we -- I don't think it will be friendly. That is that we postpone this item until june 7th.

>> Mayor Leffingwell: Councilmember morrison makes a substitute motion to until june 7th. Seconded by councilmember tovo. All right. Any further comments? Councilmember martinez?

>> Martinez: I want to ask what the effect of the postponement would do? I know that there's some waiting period once we adopt new permits, there's this new waiting period that we've been made aware of. Is there any way to accept this postponement to june 7th, but not delay issuance of the permit if it passes on all three readings on june 7th?

>> Angela rodriguez, city law department. Unfortunately, sir, as we've been aware in the past, if we postponed it, that would be the effective first reading and our timeline would be pushed back. That's what happened with the other items too.

>> Martinez: Okay. I'm going to just continue to support it on first reading only. As opposed to a postponement to june 7th. I think the effect is minimal. There's still time to discuss this between now and june 7th and then contemplate second and third reading then.

>> Mayor Leffingwell: And I agree with you, councilmember. Because there's a legal requirement that these readings be separate, separated by a period of time, I think we -- it makes sense to go ahead and approve it on first reading and work on these problem areas that have been raised before second and third readings. Councilmember morrison.

>> Morrison: I appreciate you bringing that up, councilmember martinez, because we have run into that. And so with that in mind, I'm going to withdraw my substitute motion with the understanding that staff can help us look at alternatives between now and second reading.

>> Mayor Leffingwell: That motion is withdrawn. Councilmember tovo, is that all right with you? All right. It brings us to the main motion. All in favor? This is approval on first reading only. Say aye? Opposed say no. It passes on a vote of six to one with councilmember tovo voting no. And with that we're in recess for live music and proclamations.

>> Tovo: Joining us today is austin rock-n-roll band the sour notes. Led by jared paul bullinier, the sour notes have been around since 2007. Since then they'll self released four albums and toured the u.s.a. six times. The sour notes have repeatedly been picked as official artists for south by southwest festival, north by northeast festival in toronto, free press summer festival in houston, the cmj festival in new york, 35 denton and more. The band is currently about to release their critically lauded 2011 album last looks on vinyl in anticipation of their seventh tour this summer. And they are wrapping up their new album, do what may, for release in the fall of 2012. So please help me welcome the sour notes.

[Applause]

>> I'm going to play a song for you called the moment you feel it. ♪♪♪♪ ♪♪♪♪

[applause]

>> thanks.

>> Tovo: Thank you very much. We really appreciate you being here and thank you so much for that song. bullinier, can you tell us do you have a website?

>> Yes.

[Inaudible].

>> Tovo: Great. And where can interested folks buy your music?

>> What was that?

>> Tovo: Where can people buy your music?

>> iTunes, amazon, from us at shows that we prefer because we get the most money that way.

>> Tovo: Great. Good. And if you would just let us know when you're performing next.

>> Next saturday in houston at the free press summer fest. And the next austin show is june 5th at the mohawk.

>> Tovo: Great. Good. We have good opportunities to hear you. On behalf of the city council I'd like to read you the following proclamation: Be it known that whereas the city of austin, texas is blessed with many creative musicians whose talent extends 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 may 24th, 2012 as the sour notes day. Thank you.

[Applause]

>> thanks a lot for having me. I appreciate it.

>> Mayor Leffingwell: We have a very good group of safety conscious city employees here with us tonight. Ranging from the library to the water works to the convention center, and all of these folks are focused on safety. At the city we like to think that we're safety conscious every month of the year, but we are even more safety conscious in june. So I have a proclamation, which I'm going to present, and then shelly buchman will come up and tell us a little bit more about employee safety month. Be it known that whereas stint recognizes the importance of the health and safety of its employees and its duty to provide a safe and helpful work environment and whereas the city also recognizes the city of austin employee safety association and the city occupational safety and health network as leading forces in employee safety advocacy and whereas the city of austin employees safety association is coordinating and promoting citywide activities related to the national safety council's annual observance of national safety month. Now therefore i, I lee leffingwell, mayor of the city of austin, texas, do here by proclaim june 2012 as employee safety month in austin, texas.

[Applause] shelly, I'm going to present this to you and you can just hang on to it and tell us a little bit more.

>> All right, thank you. Thank you, mayor. My name is shelly buchman, i work for aunt public library. I've been an employee of the city for almost 10 years now. I'm president of the employee safety association. I'm actually outgoing president. Sharon warren, who is with us today, is taking over as PRESIDENT ON JUNE 1st. But june is national safety month. Every year we

coordinate and promote a safety conference for all of the city employees still with no budget, mayor.

[Laughter] hint, hint.

[Laughter] I think I ask you this every year. Maybe I should make an appointment with your office.

[Laughter] but we do thankfully are allowed to use the palmer events center now for the second year in a row to coordinate our conference and have all the presentations there. Last year we had almost 700 employees in attendance, which is a really great turnout considering it was only our fourth year. This year is our fifth annual safety conference. We have over 30 presenters and upwards of 50 plus exhibitors that will be available in the exhibit hall, a ranging in topics from gang safety awareness, ergonomics, fall presentation, driving safety, and also family emergency preparedness and wild texas weather, which we are all used to that, right? One day it's raining and the next it's snowing. So with that I also wanted to mention that today is the anniversary of the memorial day flood of 1981. And if you think back to that time, if any of you were alive then, people actually were caught asleep, not aware of the situation. There was 13 people that drowned. Over \$36 million in damages. And if you think about shoal creek, it normally flows at about 90 gallons per minute. And during this flood it actually peaked at over six million gallons per minute. So quite a substantial difference. So it is really important that we promote safety to our employees not only in the workplace, but also at home. We want to make sure that our employees and their families are safe at work and at home. So we really appreciate all of the city's cooperation and support over the years and continued support and hopefully some day we'll get money for that conference we put on.

[Laughter] thank you.

[Applause]

>> Mayor Leffingwell: So we have on whole bunch of public works employees up here and a couple of imposters.

[Laughter] I happen to know them and i know they don't work in public works, but public works is such a big part of almost every project, every building project we do as a city, so if they're working on a street, for example, and public works is going to redo a street, that is going to involve normally the water utility because when they redo the street they're going to dig down and they're going to find water pipes and they're going to replace those. So there's a lot of coordination. And I guess that's the reason greg mazarus is here. I can't think of any other reason. And solid waste services figures into this somehow.

>> Moral support.

>> Mayor Leffingwell: Moral support from solid waste services -- excuse me, austin resource recovery. I'm working on that. In a few more months I'll have it down. I want to welcome all of you to city hall. I want to thank you for the work that you do for our city. Public works, as I said,

is so important as kind of the face of the city because when you have a pothole on your street, who do you call? Public works, right? So you are the face of our city to the public in so many instances. So it's my pleasure to honor you with this proclamation. Be it known that whereas the department of public works provides infrastructure services for all of the residents of the city of austin, and whereas the american public works association reminds us that public works is creating a lasting impression nationally and locally through building and maintaining sustainable infrastructure. And whereas we recognize the outstanding contributions that the employees in the department make toward maintaining and enhancing the quality of life in our community by being your department with a heart. Now therefore i, lee leffingwell, mayor of the city of austin, texas do here by proclaim may 20th through the 26th as public works week in austin, texas. Congratulations to all of you.

[Applause] now, I would like to introduce the head of public works, a former west point engineering instructor, howard lazarus.

[Applause]

>> thank you, mayor. Once again it's my privilege and honor to accept this on behalf of all the public workers throughout the city. Even though the public works department gets to proudly wear that title in its name, there are a lot of public workers beyond our department who make austin go. It includes austin transportation, the water utility, austin energy, resource recovery, watershed protection, parks and rec and building services. Austin just would not be austin without all of these dedicated public servants. They're there for us rain or shine, holidays and weekends, throughout the dark of night, even on the rare occasions where it snows here in austin. But we wouldn't be able to do what we do without the support of all the other city agencies as well. Those who help get our contracts in place, those who provide public safety aspect while we're out working in the streets, and those who support us in very many ways. Also we wouldn't be able to do this without the mayor and council. And in recognition of that, mayor, we have some tokens of our appreciation for you. As summer rolls around and we're out on the streets working, many austinites are taking advantage of warmer weather and just relaxing. We wanted to make sure that our elected officials have the same opportunity. So we brought for them our own public works cooler. And to help you maintain your fitness and always be there for us we have our public works exercise shirt, including a take on a familiar expression, to keep austin working.

>> Mayor Leffingwell: My favorite color, gray.

[Applause]

>> we took a guess as to which sizes each of the councilmembers needed. Our excuse if they don't fit is the tags that we put on the back all fell off on the truck on the way here. These also come in red and blue, but we figured given the council, you would probably prefer blue.

[Laughter]

>> Mayor Leffingwell: Blue is my color. Thank you, howard. I appreciate it. Thanks to all of you.

>> We have one other thing we'd like to do. As I said we're getting into the busy season in the summer and work zone safety is a big issue for us. So we'd like to do here is the -- give you the world premier of our new public safety announcement featuring work zone safety. If you could hit it.

[One moment, please, for change in captioners]

>> the actors -- [applause] the actors of the psa are their very own work crews. You can see them working hard on the austin streets any given day. It makes our commercial special to us. A big thanks to our actors, robert trailer, who is the clerk.

[Applause] leland mgahee who was the jerk. Ester crawford our serial l shopper. Tashawn scott, shopper in line and lupe riojas who is another shopper in line. One part of the city that never gets as much recognition as they deserve is our proved from channel 6 not only on this tsa but other things we have done so we want to thank keith reeves, jonathan gule and john nixon video assistance and from the public works creative team, shannon wisener and shannon and alexa, thanks for what you do to keep us all safe and if you are driving around and see our crews, please be careful and respect our work zones. Thanks, again, for supporting the public works team and we look forward to making austin a better place.

[Applause] hi, angela. Hi, bill.

>> Hi. Good to see you. now we have a proclamation in honor of the fastest growing demographic group in austin, texas, older americans. Believe it or not, that's true. Well, I shouldn't say it quite that way. Baby boomers are the fastest growing group in the united states, right here in austin, among major cities, of course. And so it's because, when people retire, I think, are looking for a good place to go spend their time off, their retirement years, and austin has that attractiveness for so many people and we welcome everyone, especially me. I am very much in favor of older americans week here in austin, texas. I have a partiality to that. So we have a group of folks here with me who work with the aging services councils here in austin that provide various services for older americans. We appreciate all of the work that you do. And I want you to know -- I know you know, angela, that a couple of months ago I proposed that we establish a mayor's task force on aging. We are now taking applications in that effort. We have a plethora of applications and we are well on our way of doing this and we expect to start that effort beginning next month in june for one year and I know family elder care will contribute some membership and representation of that committee, because you already have the expertise because we need to put it all together and that's what we are going to do. So I have a proclamation in honor of this occasion, be it known that whereas, austin is home to many citizens, age 60 or better, good phrasing there, gail, who have a valuable role in sharing knowledge, wisdom, and understanding of the history of our community through interactions with those of other generations and whereas our community can provide opportunities to enrich citizens, young and old, by emphasizing the values of including elders in public and family life and creating opportunities for different generations to interact and whereas it is also important

that we provide services, technologies and support systems that allow older adults to participate in community social activities, and whereas, we urge all citizens to take time this month to honor our older adults and the family, professionals and volunteers who care for them. Now, therefore, I lee leffingwell, mayor of the city of austin, texas. Do hereby proclaim may 2012 as older americans month, never too old to play in austin, texas.

[Applause]

>> thank you, mayor. I am angela atwood, the ceo of family elder care and co-chair of the aging services council of central texas. The aging services council is made up of many organizations and individuals in the community, nonprofit, faith based, governmental, foundations, just individuals who are really interested in being a part of a group that works to get support to seniors and family caregivers. We really appreciate the mayor's leadership on senior issues and the fact that he's going to be creating a task force and every member of our aging service council looks forward to being a part of that work over the next year. This is a critical time for our community, as the mayor said, we have one of the fastest growing senior populations in the country and we have so many assets in this community we can build on and really best practice programs, but we also have to get creative and look at new ways of doing things as a community and the aging services council will be working on that and the task force and the community as a whole to make austin is a great place to grow old and we can all enjoy living in austin for our whole lifetime. Thank you, again, for the proclamation, mayor.

[Applause]

>> all right, joining me cheyann johnston, the director of the hill country conservancy and every year we do this and every friday on june 2nd we will have entrance fees waived at barton springs pool and we do this every year to recognize its importance but we also do it in conjunction with this coming june 2nd it will coincide with national trails day, which means there will be volunteer opportunities throughout town for folks to help maintain and repair our trails and there are a bunch of projects taking place throughout the barton creek greenbelt so in conjunction with these products, the hill country conservancy will be there to provide food and drinks to volunteers and can enjoy barton springs to cool off after their hard work on the trail. So if you can, please consider volunteering. That's june 2nd, come out and help improve and build our trails and then jump in the pool and cool off and they will have food and drinks for you. I want to read a proclamation and present it to cheyanne and ask her to provide a few words. It reads be it known whereas barton springs an important gathering place for austinites and bears important cultural significance as a priceless community thresh, whereas barton springs has come to represent the appreciation of austin's great gifts of natural beauty which help make our city the great place it is and june 2nd is national trails day and whereas I ask all people to recognize in sell separating the social, cultural and environmental significance of barton creek and barton springs, therefore I mayor lee leffingwell, mayor of city austin, texas, do hereby waive all entrance fees to barton springs pool and proclaim june 2nd, 2012 as barton springs and national trails day in austin, texas. Congratulations.

[Applause].

>> Hi, everyone. Cheyenne Johnston with Hill Country Conservancy, join us next Saturday at Barton Springs and the Barton Creek Greenbelt. We are hosting it along with our partners, Austin Parks Foundation, American Youth Works Environmental Corps and of course the City of Austin Parks. It is the volunteers that make a difference on our trails and it is a great opportunity to get families outside together enjoying the outdoors and the trails and what better way to spend it than a free swim in Barton Springs. Thank you, again, and we need 350 volunteers and come out and enjoy a free swim and salt lick barbecue. Thanks, again. We appreciate it.

[Applause]

>> Martinez: All right, Row Bertha, do you guys -- Roberta, do you guys want to come on up?

>> This may not sound as sexy as Hill Country Conservancy as Internal Audit Week audit, but those who don't know we have an audit function at the City of Austin that is literally autonomous within every other department within the city and our auditors work night and day based on direction from Council and audit action plans that adopted by Council ensuring that all of the city services are being connected, one, as per the policies that this Council adopted, but, two, in the most efficient manner possible and I dare say that this Council, at least I will speak only for myself, there is no way that I could do the job as a Council member and have the information at my disposal to make decisions without the work of the Auditor's Office, so am here to acknowledge them and thank them so much for all of their efforts. And I want to read a proclamation and present it to our audit staff. It reads be it known whereas we are pleased to recognize the Austin Chapter of the Institute of Internal Auditors as it celebrates its 33rd anniversary chartered in 1979 by 13 auditors, the organization now has 861 members, including 43 city employees. And whereas the annual celebration of Internal Audit Week focuses attention on the invaluable assistance that internal auditors provide organizations in evaluating risks and opportunities and ensuring efficiencies and effectiveness, and whereas we are pleased to recognize the commitment of our local auditors to upholding the standards of their professional organization and to congratulate those who serve in leadership positions with the International Association or with the Austin Chapter. Now, therefore, I Lee Leffingwell, Mayor of the City of Austin, Texas, do hereby proclaim May 14-18 of 2012 as Internal Audit Week. Congratulations, guys.

[Applause]

>> Hello, I am Robert Row Sin Doe with the Chapter of the Internal Auditors, and I am representing the President and the City Auditor. I want to thank Mayor and Council member Martinez and the rest of the Council for recognizing the work that all of our Chapter members, almost 900 of them do city wide. I would also like to also thank Marcos Horton from Capital Metro who was our chairman for government relations and he was instrumental in getting the proclamation and also I have with me Gus Rodriguez with the City Auditor's Office. So thank you.

>> Martinez: All right. One more. This is also another special one for me. As you guys know, I served in the fire department right alongside with our amazing paramedic staff, EMS, Austin Travis County EMS. It's Emergency Medical Services Week and so it's only appropriate that we recognize the Austin Travis County EMS staff and those that respond day and night and many, many times all

night long here in austin, to all of the 9-1-1 calls that come in -- calls that come in. So I have a proclamation that i will present, and then ask ernie to say a few words. It reads be it known whereas the austin travis county emergency medical services are made up of paramedics, communication medics, educators, administrators and others along with firefighters, police and first responders who are ready to provide life saving care to those in need around the clock, and whereas access to quality emergency care dramatically improves survival and recovery rate of those who suffer sudden traumatic injury or illness and all austinites benefit daily from the knowledge and skills of these highly trained professionals and we thank them for the vital service they provide to our city and county and therefore, I lee legal leffingwell, mayor of austin, city, declare may 20, 2012, that week, to be emergency medical services week in austin, texas. Congratulations.

>> Hello, everybody, I am ernie rodriquez, the chief emergency medical services here in austin and travis county. And before they run off on a call, I want to recognize a couple of our medics, jeff foster and allie de paul la. It is rare we get medics here. We tried to have a few other crews come down here but you might have heard their sirens. As they got close they got calls so they weren't able to make it all the way and I want to thank and recognize chief harry evans for being here from the fire department, and over 70% of the work they do is responding with us to help folks in need. Day in, day out, ems personnel respond 24/7 for any call for emergency in austin and in travis county. One of the things I also would like to do is thank council member martinez and all of the members of our council and our city leaders. We have our deputy city manager with us today. Emergency medical services and as well as for any public safety agency, we are as great as the support that we get from our city leaders. So we are a great ems system. It's because we've got great support from all of our city leaders from that. Also, I am accepting this proclamation on behalf of all of our staff. We provide what I call bumper to bumper service, effect from the folks who picked up your telephone call when you dial 9-1-1 to the folks who help you make arrangements with insurance and everything. We provide service above and beyond. It is our every time to serve and all that we want to do is honor you by providing you the best service that we can. Thank you very much.

[Applause].

>> Tovo: I am council member kathie tovo and I would like to invite ms. pasaran up. As a parent of two children, i really appreciate the work this next organization does. pasaran serves as the program manager for the regional officer for missing and exploited children and the work of this organization, as you probably know, helps keep children, not just in our community but across the united states safe and endeavors to return missing children to their families, so we all owe them a debt of gratitude for the work they do. So it's my pleasure on behalf of the mayor and the city council of austin to present this proclamation. Be it known whereas every year nearly 60,000 children are reported missing in the state of texas and nearly 800,000 were reported missing nationally, and whereas the texas regional office of the national center for missing and exploited children exists as a resource to help prevent child abduction and sexual exploitation, to help find missing children and to assist victims, their families and the professionals who serve them and whereas this special day is a time to remember those children who are missing and to give hope to their families. It is also a time to encourage families to talk to their children about ways to stay safe. And whereas we urge government officials, law enforcement, schools, community-based

organizations and families to become familiar with the issue of child abduction and sexual exploitation, appropriate protective measures and ways to respond and resources that can provide help. Now, therefore I lee leffingwell, mayor of the city of austin of texas hereby proclaim may 25, 2012 as national missing children's day.

[Applause]

>> good evening. I am shannon, the program manager for the national center for missing and exploited children texas regional office. It is a very long name for an organization that does a great deal here in the state of texas. We serve every city, every constituent in the state of texas. We reach out. We talk to children. We talk to parents and we give them the tools to help keep their children safe and prevent abduction. com as well org and org, all of our websites that have tips as well as information for parents and org, there are a lot of fun games to help educate in a fun, interesting way to where we do not ultimately scare our children while we are teaching them. Each year, as the proclamation read, 800,000 children are reported missing in the united states. 60,000 Roughly here in the state of texas. We use national missing children's day as a way to keep those children that do not make it home in our hearts, minds, and to reaffirm to the nation that we, at the national center do not close cases. We continue to help families and children until they are brought home safe. So thank you.

[Applause]

>> Tovo: I would like to extend this next proclamation to superintendent shock of the austin state hospital and also slosberg who is the executive director of beyond today and you will be learning more from their comments about the work they are doing to educate our community about the importance of mental health care. And on behalf of the mayor of the city of austin and the city council I would like to present be it known that whereas an estimated 25% of adults, regardless of race, ethnicity or religious background are affected by mental illness and whereas mental disorders are the leading cause of disability in the united states for individuals between the ages of 15 and 44, and whereas the city of austin supports the development and education of continue one care of service to ensure individuals with mental illnesses have access to resources that empower them to reach their full palomino and whereas this day offers an opportunity to raise awareness about the recovery process and the importance of mental health and wellness, reducing stigma and celebrating hope. Now, therefore, I lee leffingwell mayor of the city of austin, texas, proclaim may 31st, 2012 as mental health thank you and congratulations.

[Applause] I would like to invite slosberg up to say a few words.

>> Thank you so much. Hi. Good evening. Thank you for being here. Adam slosberg, executive director of beyond today. I really would like to extend all of my thank yous to the city council for making this proclamation for mental health awareness day on may 31st, as the proclamation read, about 25% of people are diagnosed with a mental health issue and it's also estimated that about that same percentage are undiagnosed, so right there, we have about 50% of the population with a mental health issue and then we also have their families and so forth as well. So we are actually thrilled by the proclamation. I would like to say that on the 31st, we will have a celebration in honor of this proclamation at ash. We will work with some of our partners, such as

via hope, the austin clubhouse, of course ash, capital area counseling, and some other local communities and there the topic of discussion will be voices in recovery. It will be mostly consumers there, some panelists and some providers, so we of course welcome you to attend. I would like to take one very special second to thank austin state hospital, which has been instrumental in the development of beyond today to become what it is today, which is a culturally diverse institution that provides peer support and recovery services as well as very local in the community at various agendas and, how should I put it, grants -- initiatives, is probably the best word. Thank you very much and with that, I would like the pleasure to introduce you to carl shock, the superintendent of austin state hospital.

[Applause]

>> it's important to recognize all of the hard work by the many different people and organizations across austin and travis county over the past several years to address the mental health crisis in our community. Austin state hospital is proud to be a partner in these efforts to explore options for treatment and help combat the stigma attached to mental illnesses. From teen suicide to helping the elderly cope with symptoms of dementia, from veterans dealing with post traumatic stress, from schizophrenia, devastating lives of many young adults, mental health doesn't discriminate and eventually impacts all of us and those we love and we thank austin for supporting our work and our community and your commitment to continue the efforts to provide better access for services for those in need. Thanks.

[Applause]. Tram test we are out of recess. And we will begin with item 106. 106 Is an eminent domain item and very specific language needs to be reads into the record and so I will read it and then ask for a motion for approval for what I just read. The motion should read with respect to item 106 being non-consent condemnation item, motion should be that the city council of austin authorize the use of the power of eminent domain to acquire the property set forth and described in the agenda for the current meeting for the -- meaning for the public uses described therein. I will entertain a motion to that effect. Council member martinez so moves. Second by council member spelman. There are no speakers signed up to speak. So with that, all those in " opposed say no. Passes on a vote of 7-0. So now we will take up case number 120, which I understand we have a request for a postponement on.

>> Guernsey: Yes, greg guernsey with the planning and development environment in item case c142011141, for the property located at 8107 peaceful hill, we have a neighborhood request, the gentleman who is behind me to request a two months postponement and the applicant's agent is here to speak to what the property owner would like to say about it. all right. We will hear from one person each side to listen about the postponement only.

>> I am asking for 60 days because due to circumstances beyond everybody's control, the situation is changing on a daily basis, it is very hard to get a grasp of exactly the issues so we can move forward with our negotiations. Just in the last 24 hours, y'all know the bridge washed out by now, at congress and ditmar. I got a call from tceq. They want to have a meeting. They also want to have another meeting in 30 days. We just had public works. They were directing detours up bass peaceful hill and the school zone discuss pwa people were great. They immediately jumped into action and rerouted the traffic. It is on ravel rablanado which is kind of problematic

but we heard an hour ago that somebody is busting around the barricades and there are running people around there and the reason this creek makes a difference at all because we think we come up with a solution to the drainage in the -- into the adjacent salvage yard which would prevent anything from going into the salvage yards. I would like to pursue that. We have an engineer to make a very good case to me that's very possible but it will put more water up creek from the stream where they will try to rebuild the bridge so there are so many interconnecting issues. I want the 60 days not only to renegotiate with the applicant's attorney who I just met with today. There is now a new person negotiating for them. Also to call in the city resources, there are all sorts of people I have met the last couple of days who have expressed an interest in this case and want to contribute to a resolution and I need all of the help I can get. Our neighborhood is falling apart at the seams and I think 60 days is not unreasonable to try to get all of the information we can, because right now we are trying to hit a moving target and we just can't do it. so 30 days from now would be really 34 days from now would be the last meeting before summer break. That would be June 28th.

>> Yes, sir, right. the next meeting we have after that is August 2nd so it would be more than 60 days.

>> Yes, that's true, it would be. So I understand there is that issue. Of course my position is that we need every minute we can get to try to work all of this stuff out.

>> Mayor Leffingwell: okay.

>> We have the state involved now and what have you. we heard you and we would like to hear from the other side, their opinion.

>> Good evening, mayor, and council members. My name is Glenn Wyker with the Wyker law firm and I am the authorized representative of the owner and also my client is the contractor with this property, in one of the reasons he purchases if he gets the zoning so he will not purchase if it is not approved. I am not in favor and my client cannot live with a two month postponement, basically if this zoning isn't complete by the end of June, there won't be a development and won't be a contract. The seller has waited for upwards of 9 months for this to get done and so I am asking -- I am aware of the burden that's before me or my client. I need one more council member or I need to satisfy these people to get the petition to go away. We have a staff recommendation. We've had numerous conditions accepted to this zoning ordinance. It is a zoning case. We are not going to be able to solve all of the environmental issues, the drainage issues, the traffic issues in this area, but if you would look at your zoning change review sheet, on February 7, it went to zoning and planning commission and it was postponed by the request of the neighborhood on March 6th and then March 6 already, postponed until April 3rd and April 3rd it went to zoning commission and Stokes requested a postponement and it was denied and finally heard and now it's to you. Stokes 00 o'clock that he was requesting another postponement. I am not objecting to a postponement. I ask you to postpone until June the seventh. I will work diligently on the issue. We need three readings. This is just the second, and it would just be a shame. This may get approved. It may not, but it would be a shame to have it killed because of the continual postponement and time delay and so I ask you to please set the second reading for June the seventh, which means I've only got two to three weeks to get all of the ordinance

drafted, the conditions done in the event we are approved to get it done by the end of june. so you are tal finishing it by june 28th?

>> Yes, sir. and that's satisfactory --

>> yes. I can go on june 7th and if i can meet the burdens that are required and then we can set it for third reading in june, that would be very acceptable. we cans also go june 14 and june 28.

>> Absolutely. The sooner the better. all right. Thank you very much. Council member tovo.

>> Tovo: Sir. got a question for you, sir.

>> Tovo: Have you had an opportunity yet to meet with some of the neighbors in your area?

>> Actually, I have. stokes told you, I was just hired on this two days ago. I have talked to chris clark. I felt very good. I know his concerns and I think I can meet them. I have tried to talk to him again today. stokes today, but I don't know. I am not optimistic about solving the transportation, the drainage, the environmental issues that involve so much more on this tract, but I will try. I will do what I can but this is a zoning case.

>> Tovo: I understand that. I would suggest it might be in the best interest of all of the parties involved to try to sit down, if everyone is willing to do so. We have received comments from lots and lots of neighbors, so if there can be a full meeting, I think that would be useful.

>> And I am aware that you opposed it and then requested -- or the mayor requested the meeting. There was a meeting held -- i wasn't involved. It was held last thursday. There wasn't much satisfaction done so I am going to try.

>> Tovo: Great.

>> But if you give me a chance to be back in two weeks, I would greatly appreciate it.

>> Tovo: Just to clarify, you are representing the potential buyer? i am the authorized representative of the applicant because the applicant wants to sell the property.

>> The applicant is the.

>> Landowner.

>> Not the potential buyer who has the lot under contract.

>> Yes, the one who consented to the zoning application and the closing is conditioned upon the zoning being approved.

>> Tovo: Thank you.

>> Thank you.

>> Mayor leffingwell: Mr. guernsey.

>> Guernsey: I just want to point out that the postponement that council, it was by staff last april so this is actually the neighborhood's first postponement request regarding this case at council.

>> Mayor leffingwell: okay. So council, I think both parties are in agreement on postponement, first request by the neighborhood, and realizing that all of the issues with regard to ultimate building of the project won't be solved and don't need to be solved. This is a zoning case issues that have to do with the site planning stage rightfully should not be considered at this point, so I would entertain a motion at this point for postponement, suggesting that -- with respect to the expiration of the contract, june 14th might be an ideal time to begin that process and just see if folks are ready to go on that date so it can be finished before summer break.

>> So move. council member spelman moves postponement until june 14th. Second by council member riley. Further discussion? Council member riley.

>> Riley: I just want to say i am very glad here there is new counsel on the scene and that he is willing to work with the neighborhood. My hope is those conversations can continue going -- that they won't -- we won't have to wait another week or two before we get those conversations started, that they will be ongoing. There is a lot -- this is a complicated case. There is a lot to it. And granting the postponement request, I hope the applicant will recognize the urgency of meeting with the neighborhood and working actively with them over the whole period until we come back here to -- so that we can hopefully have some things ironed out before the next step that council made. I see you nodding your head. Is that agreeable to the applicant? Okay. Just briefly, if --

>> yes, well, all I can say is we never had a postponement. I don't think 30 days is much to ask, given the complexity of this case. That's all I have to say.

>> Riley: Okay. Okay. I appreciate the neighborhoods and family applicants willingness to continue the conversation until we come back and consider this again on june 14th. all those " opposed say no. Passes on a vote of 7-0. That takes us to item number 130.

>> Good evening mayor and council. I am with the planning and review development, item number 130 is to conduct a public hearing and consider an ordinance amending title 30 of the city code relating to provisions for the authority of the county executive for subdivisions in the travis county etj. This is an amendment to the subdivision code of the city. It is making -- cleaning up some soft language of the code to refer to the county executive who is the director of the natural resources department and allows the county executive to adopt rules on behalf of the county. It doesn't change the way the city operates at all but because we have a joint subdivision code with travis county, both the city and the county are required to adopt the change to rules. Glad to answer any questions. questions for staff? Public hearing. We have one person signed up, brian leonard. Brian leonard. L. Okay. No speakers signed up. Entertain a motion to close the public hearing and consider the ordinance in item 130.

>> Spelman: Move approval on all three readings. council member spelman moves to close the hearing and approve all three readings. Is there a second? Second by council member riley. " passes 6-0 with council member morrison off the dyas. Item number 131. This is to conduct a public hearing, consider an appeal by paul linehan of the planning commission's disapproval of an extension of a released site plan.

>> And mayor and council, that item, we postponed earlier, both the neighborhood and applicant agreed to postpone until june 28. well, it was still showing up on mine here. So item number 131 was postponement. Item 132, conduct a public hearing in accordance with section 26 of the texas parks and wildlife code to consider a resolution authorizing the use of 4,455 square feet of land, et cetera. We have no citizens signed up to speak. We will entertain a motion on item 132. Council member martinez moves to close the public hearing. Is there a second?

>> Second. second by council member spelman. "

>> Spelman: Mayor, a quick question, did I close the public hearing and adopt a resolution? There is a resolution associated with 132. it doesn't say it in the posting language but the motion will be to close the public hearing and approve the resolution. Second by council member spelman. " aye. Opposed say no. Passes on a vote of 7-0. That brings us to item number 133. We have a presentation on 133?

>> Good afternoon, mayor and council members. I ammaron della hawkins communications and regulatory affairs officer, this item is regarding texas gas service to increase consumer gas rates by applying interim rate adjustment pursuant to the reliability of the grip code. .

>> L and m costs are not recovered through grip. Grip rates must be based on reasonable increases and invested capital. The grip finally notified central texas cities of pgs's intent to increase its revenues by \$3,775,205 to recover increased net plant investments 9 million at the rate of return authorized by the city during the last rate case in 2008. These increases were incurred from january 1st of 2011 to december 31st of 2011. Tgs proposed interim rate adjustment will increase the monthly fixed residential customer charge from 10 dollars 21 to \$11.33 or by 11%. We engaged a rate consultant to review and analyze the filing and after a complete and thorough review, the rate consultant has indicated that the proposal complies with the texas utilities code and is reasonable with respect to the cost and rate of return proposed in this filing. This concludes my presentation. Staff does recommend approval of the proposed ordinance, granting the rate surcharge of texas gas service. This will become effective may 25th, and I believe that larry graham from texas gas service is here if you have any questions for the company. Thank you.

[One moment, please, for change in captioners] council member tovo so moves and that will be on all three readings, second by council member morrison. All in favor say aye.

>> Mayor leffingwell: aye.

>> Aye. a vote of 7-0. 132 Has been approved, as shown up here. 139 -- We'll take up item no. 139.

>> Good evening mayor and council, George Zap Lab planning and development review. Item 139 is to conduct a public amending city code sections 25121 and 25-4 related to requirements for flag lots. This item was before you back in February, with a recommendation from the planning commission. At that time you referred the ordinance back to the commission with direction to consider some modifications. The ordinance has been reconsidered by the commission and is back before you to address the concerns that were raised. The ordinance amends the definition of a flag lot, which is a lot that has -- is connected to a street by a narrow strip of land that is -- does not meet the normal lot width requirements. The -- as proposed -- as recommended by the commission, the new regulations for single-family development and nonresidential development on previously unplatted land, a flag lot would be allowed by right if it conforms with the fire code utility design criteria, the plumbing code and requirements for access. For a previously platted subdivision, a piece of land that had been previously subdivided and was required to be resubdivided, as you requested in your motion -- in your direction to the commission, a variance would be required to create a single-family or duplex flag lot in such situations. And in recommending -- in considering the variance the land use commission would have to look at issues such as emergency access, utilities, environmental enhancements, tree protection, and compatibility with the surrounding neighborhood. The commission would also be provided with any information on existing deed restrictions to be presented to them for information only. In addition, there would be a driveway and utility plan that would have to be submitted with the flag lot proposal and addressing would have to be provided at the street for all the -- all the lots. With regard to the minimum lot width, the existing 15-foot requirement in the code could be maintained as long as driveways and access could be provided, and this is an example where two lots would share a driveway, and as long as the driveway and utilities could be accommodated within the 15-foot segment of the lot, then that would be -- lot, that would be allowed to be 15 feet. In other cases such as this one here where each lot had its own driveway to the street, then the flag lot would have to have a minimum width of 20 feet. Staff worked with the planning commission on these amendments and we are generally in concurrence with everything they have proposed except that we would recommend that the variance procedure not be required for resubdivisions in order to simplify the process and provide more certainty to the developer, we would recommend that flag lots be allowed as long as they meet the fire code, utility criteria, the plumbing code and access requirements. So the staff recommendation is attached to your backup material as exhibit c, and the only difference is not requiring a variance for flag lots in resubdivisions. I'll be glad to answer any questions. Questions for staff? We have several folks signed up to speak. We go to our public hearing. Joseph Reynolds signed up for. Donating time to Joseph is Caroline Reynolds. Are you here? Caroline is here. David Orshalik. David, are you here? So he's not here. So you have up to six minutes.

>> I don't think I'm going to take that long. Council and mayor, I'm Joe Reynolds. You're considering revisions to regulate a lot configuration called flag and stamp lots. I'm here to discuss the process in the code for previously platted property and to urge you to approve the version of the code passed by the planning commission. Flag lots have frequently been created in the larger lots of Austin neighborhoods, Austin's first suburbs, the homes of Judges Hill were the first lots adjoining the survey for Austin, they show from the 50s and the post-war building boom. Crestview is later but still when the drive-in movies on Burnet Road were drawing crowds. Compared with today's development those of us in these neighborhoods have more trees, more grooming and most of Austin's urban forest. When these neighborhoods were platted the

developers attached covenants to the deeds to ensure uniform standards and to ensure the character of the neighborhood be maintained in the future. They were reacting to the events of the great depression when chicken coops might be reworked to -- tents or trailers might become permanent housing. Uniform developments stayed as they were envisioned during the build-out and into the future so they placed restrictions what, when, where and how additions and other buildings could be built. The covenants worked. They made the original sales more attractive and the restrictions imposed still provides stability and some hesitiveness for residents. The flag lots have a disruptive form of redo. They completely refurbish traditional land use patterns where public restored the tract and private is in the back. To satisfy the property rights of the developer five established neighbors have their privacy abridged. A new front porch light is in your bedroom window, pizza delivery and the drug guy drive past your teenager's window. Once there was privacy now there is traffic. When your neighbor heads to work in the winter his headlights are in your room. The version passed by the planning commission and the proposed code will recognize that the flag pole violates the lot width standard of existing land development code. A hearing on the variance will be necessary to establish the suitability of the replatting. The proposed code anticipates the land commission thoroughly evaluating the suitability of the replatting. At the public hearing any conflict between the flag lot and the development covenants will be examined. I sent you a couple weeks ago examples of covenants. From them you can see that the variance hearing will be needed to decide just how the proposed flag lot will impact the character of the neighborhood and how the privacy reversal will affect prevailing land use patterns. Texas local government code 212014, vacating vacating a preceding platform the state law was established as a compromise to allow persons to have a say in the resubdivision and the law specifically states that authorities and cities of Texas have to comply with the statutes. We've supplied for a variety of Austin's neighborhoods examples of covenants. Existence of such covenants doesn't include the replatting. The covenants must be interpreted in the context of the proposed action. It will be for the land use commissioners and the required variance hearing to decide whether the proposed replat is consistent with the covenants and with the character and nature of the neighborhood will be altered. The code revision lightly regulates flag lots and new subdivisions and commercial zoning and in residential zoning with limited expectation of privacy. It will provide through the public hearing of the variance process a forum for both applicants and owners in existing subdivision affected by the flag lot to argue its suitability. I urge you to approve the planning commission's recommendations. Thank you for your consideration. thank you. Next speaker is Misenboc, signed up against. And signed up is Mario Cantu. He's here. So you have nine minutes.

>> I'm against, depending which version you take. If they take the planning commission's version I'm for it. Okay. I have just a very brief comment and perhaps you could put up the view. This just gives -- sometimes it's hard to visualize, so if the lot in the middle that doesn't have a number decided to subdivide into a flag lot -- maybe put the second one up -- then you have five neighbors who are affected by an extra house in the back, and so the 5 has a relatively private pool and backyard and now they don't. And then the third one, this is -- I'm sorry, such a crude drawing, but I guess you can't really see it but it could be not just one flag lot behind but two or three, and they can be very tall. So thank you for showing those. You can put them away. Sorry that one is so poor. When deed restrictions are submitted and recognized in flag lot applications, a great expense, lawsuit and postponements and delays can be avoided. I've experienced this when a neighbor with deed restrictions wanted to subdivide, and in conjunction with that he was

sued by one neighbor and then I was sued back, and i spent \$30,000 defending myself. It never went to court. And I had a three and a half hour deposition and lots of expense for exhibits and all sorts of things like that. So it's not -- it's not only that it would affect the builder. As a matter of fact, the builder in this case had to spend a much greater portion of money to defend himself and to pay his engineer and all the other people. So if deed restrictions come up first, everybody knows where we're standing. Thank you. thank you. alan McMurtry. Donating time is helen rockenboth. Helen, are you here? I don't see helen. Just pass them out and they'll pass them down. If you'll just give them all to one person they'll pass them down. Helen rockenbaugh, are you here? With all the hands up in the back it's hard to tell. Mario --

[laughter] excuse me, cata carbone is here so you have six minutes.

>> Thank you mayor and council. I'M alan McMurtry and I'm here in favor of this and it's the planning commission's version of it. I'd like to remind the council that the important thing about the variance is that it kicks in the right of petition. We have the right of valid petition for zoning, but with the variance under the subdivision ordinance you have a right of valid petition with a super-majority on the resubdivision. State law in 1928 was the origination for the right of people in subdivisions to have a voice in what happened to the subdivision. At that time it said that in order to resubdivide an existing subdivision you had to have 100% of the owners. That was changed in 1981 to allow 66% of the owners and then that was changed to the version you have. In all of them they gave the right of the people in the subdivision to have a say in what happens. I'd like to quote here briefly on the first page. It says that the replat is controlling. The replat of an existing subdivision. If it does not attempt to amend, alter, remove, record covenants and restrictions. That's mentioned five times in this ordinance for the 0145, 16 and 16. Covenants run with the land. If any parcel of land is subdivided in a manner inconsistent with the deed restrictions these lots that have had covenants removed, examples of this would be an institution -- an incident where a percentage of owners were required to resub, where a minimum lot size or setbacks existed or where there is a length of the front property line or of the entire property line. The city has argued that they are not removing the restrictions by resubdividing. They're merely violating them, but the covenants on these lots no longer exist. If the city approved a resubdivision where the lot was 50 feet wide when it was required 60 feet wide, the restrictions have been removed. Keep in mind that the standard is not that it cannot amend or remove them, it's it cannot attempt to amend or remove them. It is clear that this statute contemplated deed restrictions in replatting the lots back 75 years. It's also important, i think, for the council to understand that any of the entities who sign a document stating that all the laws have been complied with in filing a resubdivision submit that to the county clerk's office. If there is no provisions in 014, 015 and 016, who is is signing that document is, in fact, verifying something that's not correct. This has a secondary problem of creating an issue of the insurability of title and the validity of title. I would suggest that instead of saying that deed restrictions should be considered for information only, that it be they should be used for determination of compliance with deed covenants. Two other things that i think are important. it is required that both the city and the county approve the resubdivision. If you look at the county's version of resubdivision 201, it says that a resubmay be approved if the revision does not interfere with the established right of any owner of a part of the subdivided land. What this means that if this ordinance were passed, excluding variance, without the deed restrictions considered, the people in travis county outside the city of austin would be in a better position than the citizens of austin. There is also an

appeals and travis county, so that people can appeal the determination of the planning department or zap. One thing that I'd like for you to take a look at is the very last issue. I hired a lawyer to review this for me. He filed a brief with the city planning. This case is black versus city of graham. The city of graham owned a large lot in the downtown area. They subdivided it and then sold some of the lots, changed their mind and decided they were going to make the lots smaller. They were sued by a couple of the owners of the existing lots and the court ruled that the city did not enjoy any special privileges and ruled that the plat was invalid because it violated the terms of the subdivision. I would hope that the council would decide to bring the subdivisions back into the process of resubdivision so that people who own homes are not negatively affected by a decision to resubdivide. Thank you very much. thank you. Those are all the speakers that we have signed up wishing to speak. Mary engle signed up against, carol lee, carg torgenson, peter, charles price, sews -- guadalupe sosa all signed up for, not wishing to speak. So council member morrison. thank you, mayor. I wanted to thank everybody's work on this and especially the planning commission that has looked at this more than once. It was probably three years ago that some of the folks on the planning commission and the zoning and plaght commission came to me -- and platting commission came to me with real concern about flag lots they were seeing coming through because they were coming in and coming to their commissions, and they had no discretion on whether or not they should be allowed. And they found that there were some really dangerous and incompatible developments happening because of that. What is effectively in our code is that flag lots, the way I read it -- flag lots, you have to have a 50-foot wide lot, but the director can waive that requirement and allow for a flag lot. So the frustration comes on our commissions because the subdivision is allowed, with this variance that the -- or waiver that our director is allowed to give, and then it comes as a subdivision to the zoning and platting or the planning commission and they have no discretion. They have no authority. They just have to go ahead and pass it. So what the planning commission recommendation does is, number one, it allows flag lots to go through with just the director on plats that are being newly platted because it's not going to result in incompatible yooz on uses on something that's totally new. But for a resubdivision resulting in a flag lot, it becomes -- instead of a director's variance, it becomes a variance that the planning commission can grant. So when it gets to the planning commission or the zapp, they have discretion, they can actually look at the case and see whether or not serious incompatibilities are going to arise from that. There has been a lot of talk about deed restrictions. There's nothing -- the variance -- the variance process in the planning commission recommendation just says that there's discretion in allowing flag lots, if it finds that the subdivision has provided accessibility for emergency responders, has adequate room for required yuments, has environmental tree protection and otherwise is compatible with the surrounding neighborhood, and aside from that the applicant is required to submit any relevant deed restrictions so they can take that into account, which as far as I'm concerned, may help to inform whether or not it's compatible, or it might not. So I think that this is a smart way to go. It allows our commissions to actually do their job and have the discretion. It allows for a public process for this so that the neighbors can come in and talk about what their sense of whether it's compatible or not for a -- for replatting or doing a flag lot in an existing area, in an existing subdivision. So I appreciate the planning commission's work on this. I think they have done a good job, and with that I'd like to make a motion that we approve on all three readings. council member morrison moves to close the public hearing and approve on all three readings the planning commission recommendation. Second by council member tovo. Further discussion? Council member riley. yeah, I have a question for staff. George, I note that we do now have a

revised affordability impact statement on this case from the neighborhood housing and community development department, and the affordability impact statement raises some concerns about the planning commission's recommendation, and I think that that was part of the rationale behind the alternate staff recommendation. Could you just briefly highlight the differences between the staff recommendation and the planning commission recommendation.

>> Yes, there were a number of previous differences and as a result of the original affordability impact statement we did come up with the alternative width where it could be either 15 or 20 feet, depending on the circumstances. One of the other concerns that was raised was the increased cost of development, and the affordability impact statement noted that the planning commission's recommendation would likely increase the cost of developing because plans for a subdivision would have to be prepared, engineered before the developer knew whether they could be approved or not because the commission would have discretion on whether to grant the flag lot. And so that was also part of the concern for the staff recommendation as to why we were not recommending the variance. and there are several matters in which the staff does agree with the planning commission recommendation. There are just a few alterations based on affordability. Okay, well, I'm not going to be able to support the motion. I am concerned about the issues raised in the affordability impact statement, and so I'm going to -- I'll be supporting staff recommendation and for that reason I'll be voting no.

>> Cole: mayor? council member morrison. thank you for bringing up the affordability issue. I understand that we need to be concerned about that. I guess I have a question for staff on that and that is you mentioned that the concern with affordability is in part that the developer would have to develop plans before they knew whether or not they were able to have it. Doesn't that happen now? Doesn't the developer have to show the director what they're doing?

>> They do, but if the -- if a flag lot is allowed, provided that it meets certain criteria, then there's not as much judgment involved and it can be determined earlier in the process whether the subdivision is likely to be approved or not. so the additional consideration by the commission, so far as i can tell, is that it needs to be compatible with the surrounding neighborhood and the director does not take that into account? Correct. so I think that's important to note, that the director doesn't take compatibility into account. It's more of a straightforward thing, whereas the planning commission would be able to -- be able to do that. I do want to mention that i think that the development of flag lots in existing subdivisions right now is putting and can put in the future pressure on the price of land because it allows for more -- it allows for basically developing new and larger and more houses on a piece of land, and so as far as I could understand that process, that means that it's actually going to put pressure on the -- on increasing the land and will negatively impact affordability if we don't do it in a compatible way.

>> Mayor? council member tovo. zapalac I have a few questions about affordability. Do we have anybody from neighborhood housing here? I guess I'd rather direct these to you. Most of the comments in the affordability impact statement seem to be directed not at the need for plans but at the fire provisions. Can you address what in the proposed recommendations is really, in your opinion, resulting in a decrease in affordability?

>> It's the amount of time, just the addition of the -- adding additional process, just the time that it would take to go through the variance process. When you add time to a process, it often -- the time increase is cost. So that was the basis for that analysis, was an additional step typically involves more time from an engineer. Plans always would have to be prepared. It's the time that it would take to go through the process could, in fact, increase cost. so the additional -- the additional review could increase costs?

>> Yes. because again, most of the comments in the affordability impact statement relate to a fire lane and I guess I would make the point that having sat in on some of those meetings three years ago, you know, there were a variety of people in the room, including representatives from our fire department and there were some substantial concerns that neighbors raised and others, not just about compatibility and privacy issues and the like, which are valid concerns but also about fire and safety and we certainly have a strong need to protect the health and safety of all of our residents, and I think this proposed ordinance in front of us -- these proposed changes really do both. They allow for a balanced approach to this issue. It's a little bit -- this is a little different from what we considered several months ago and I think the planning commission has done a good job of addressing some of the concerns that people had about restrictive covenants and coming up with a way of including them as informational in their decision-making but not making them a hard-and-fast requirement. So I will be, as indicated by my second, supporting this motion, though I fully support tools for increasing affordability in our neighborhoods, I'm not -- I'm not really seeing the connection -- a direct connection between these changes.

>> If I may, we were not at all suggesting that safety and fire was not important. The issue on the fire lane was merely the width of the fire lane, additional asphalt and/or concrete would probably increase costs. So we were strictly looking at the fact that additional step or time could increase costs as well as additional materials could increase costs. We were in no way suggesting that we were not interested in health and fire and safety. yeah, absolutely, and I certainly didn't mean to imply that you were, but I do see the concerns about the fire lane in here. And so the pavement, and zapalac, I guess this is for you, the width in the pavement is designed to allow a fire truck to get back to the structures in back? Is that --

>> if there are three or more units sharing a single driveway, then the driveway would have to be wide enough to accommodate a fire truck, which would normally be 25 feet, whereas if it were only to accommodate passenger vehicles, 12 to 15 feet would probably be sufficient.

>> Spelman: mayor? council member spelman. I'm very sense spencer's concerns that conceivably going through the planning commission would slow things down, time is money, we would get a lot fewer, possibly, very good ideas than we otherwise would, but I think we might be able to put a pencil to it. zapalac, the mental image most of us have with planning commission processes is zoning cases, which we all know are extremely time consuming and can be expensive if you need to hire representation. How long would it take between when somebody submitted the appropriate paperwork for a flag lot and could reasonably expect approval under the staff recommendation and under the planning commission recommendation?

>> We would estimate that the variance process would add at a minimum a month, because there would have to be additional material provided, notification would have to be provided to the

surrounding property owners, and then the commission, you know, would have to deliberate on the issue. I think the time is one factor, but the uncertainty that is created whenever a variance is required is a big factor also, and the -- in the developer's mind might make them not -- not even pursue the request. there's uncertainty with respect to the administrative procedure too though, isn't there?

>> There is, but an applicant can talk to staff ahead of time and, you know, provide a preliminary sketch and, you know, staff can respond to that and make a commitment on the basis of a preliminary concept, whereas the variance process is very formal and the finished product has to be ready to be filed with the travis county. So it does require a bit more detail. would the administrative procedure also have been filed in travis county or is it only the variance procedure that triggers travis county's involvement in this?

>> No, the county wouldn't have to approve it in the city limits. It has to be filed in the deed records, but it doesn't -- the county does not have to approve it. I'm not sure whether there is -- there is anything in between these two procedures, but it seems to me that there is a lot of value associated with having the planning commission or some other group of citizens ensure that a particular flag lot proposal is compatible with the surrounding enabled, which is something which a group of citizens are in a much better position to make a judgment on than any staff person, no matter how how ennobled as all of you guys are. It has to be done. On the other hand, I can't think of why it has to be as complicated as a zoning case or why it needs all the detritus associated with our usual stakeholder processes. We need to notify the neighborhood but I can imagine look looking at a bunch of these things and not having to go through a meeting with the time consuming processes. Is there? Way we can define a process which is less time consuming, less formal perhaps but still ensures that the planning commission is involves in ensuring that this is compatible to the surrounding neighborhood?

>> There may be a way to write t to say that the commission would have to approve it but not call it a variance and then there may be a different burden of proof in that situation, or there may be a way to say that, you know, if it met certain criteria then the commission would have to approve it. You know, if some of the discretion from the commission were -- were constrained in a way, then, you know, that might be a different process. when we call it vaance, are we constraining the planning commission to examining the particular flag lot variance the same way that the board of adjustment considers variances? Is it the same class of requirements?

>> Not quite to the same degree, but there are -- the criteria that are recommended from the planning commission are somewhat subjective, and so that is where the uncertainty comes in. And I don't know any way to really, you know, remove that uncertainty. If the -- if the commission is -- you know, if the intent is for the commission to have that discretion. I understand, there has to be a certain amount of uncertainty involved. If somebody is making a value judgment by compatibility, which I don't think we can quantify in this particular context. I think it's a look and feel kind of thing. On the other hand, if there's a way of reducing the time constraints and maybe to some extent rudding the uncertainty being -- reducing the uncertainty, I'd love to take a look at it. I don't know if this is a request we've made of you in the past. Is this something we asked you to do the last time we saw this or is this a new demand being made by those crazy council members?

[Laughter]

>> well, we -- the direction from council was to look at allowing certain flag lot subdivisions and requiring variances in other situations, and so that's what -- you know, in working with the commission, this is what we came back with to try to address council's intent on that. I don't know that there's an easy way to accomplish what you're requesting to have something, you know, that's not a variance but it still gives the commission that sort of discretion. I'm not surprised, george, you don't have a rabbit in a hat that you can pull out for me, but I was pretty sure he would not pull out the rabbit if i didn't ask you in advance. So thanks for trying. council member morrison. I have a small rabbit.

>> Cole: yeah.

[Laughter] zapalac, i know that we experienced something on another issue where the council fully intended a variance to be granted if certain requirements were met, and granted, we cannot really quantify compatibility, but in that case we had originally written that the grant -- and this was a boa thing -- that the boa may grant the variance if it met the intent. And we just today kicked off a -- an ordinance change to change that to say that the board of adjustment shall grant the variance if these criteria are met. Now, granted, it doesn't manage the compatibility issue but we could, under section 25-4-175 a2, where it says the land use commission may grant a variance, we could change the "may" to shall. As we've learned in other situations, takes a little bit of uncertainty out.

>> Yes, you could do that. I will highly support a small rabbit and would happily make that a friendly amendment if you'd accept it. and council member tovo as well? All right. That's part of the motion, a small rabbit.

[Laughter] any further discussion?

>> Cole: mayor? mayor pro tem. zapalac I have a couple questions real quick trying to make this rabbit a little bigger or not.

[Laughter] you said in response to council member spelman's questions that you thought you may be able to limit some of the encertainty, kind of like we're -- uncernt, kind of like we're -- uncertainty, like we're talking about the may or shall. Could you suggest any more restrictions that would cut down on the time it will take so we don't have the loss of affordability, so it's more of a check box situation and we don't have to delay from the developer's perspective?

>> I'm not sure there's any way to compress the review time significantly because, you know, a variance does add a little bit of additional complication. You know, I think it could be done within a month or so, within an additional month. A subdivision normally takes about five to six months to process, so this might be adding another month to the process. I don't know of any way to really reduce that any further. and still protect compatibility.

>> You know, the -- in terms of processing, I think that's probably about the best that we could achieve. thank you, mr. zapalac. Well, I am still concerned about the affordability impact and so

I will be not supporting the motion and hopefully making -- I'll make a motion to substitute with the staff recommendations. so council member cole makes a substitute motion for the staff recommendation. Is there a staff second for that? -- Is there a second for that? Riley seconds. So we'll consider the substitute motion first. Is there any discussion on the substitute? All in fave of the substitute -- council member morrison. I just want to stress that I think that one month of extra evident out of five or six, they're already going to get the subdivision approved. One month of extra effort, with the same information that they have to bring, essentially they still have to do a subdivision plat, is a reasonable trade-off to be able to ensure compatibility in our neighborhoods. Thanks. all right. All in favor of the substitute motion say aye.

>> Aye. all right. All opposed say no.

>> No.

>> Mayor leffingwell: no. Fails on a vote of 5-2 with council member martinez, tovo, myself, council member morrison and spelman roaght voting no. That brings us to the main motion. All in favor of the main motion say aye.

>> Aye. opposed say no.

>> No. passes on a vote of 5-2 on all three readings with council members riley and mayor pro tem cole voting no. Call up item no. 22. And we have a staff member here. Here we go.

>> Mayor and city council, good evening, burt lumbreras community manager over city services. Item 22 is the town lake animal center license agreement. I wanted to see if I could take a few minutes, mayor and council, and walk through the latest version of the agreement that what i would propose to you are items that, in effect, are in agreement wi both apa and the city. So -- by both the apa and the city. What we did was apologize for the tardiness of it, but this is the latest agreement that you should have in front of you that we laid out on the dais, and what i will start out with is this agreement starts off with the four council-directed items. If you look at your yellow version of the agreement, they're going to be highlighted in green, so those are the items that the city council had directed us to include. I hope everybody has -- has it. lumbreras, I have two, and neither of them have green on them. On the front page should there be green?

>> It will be on the second page. If you flip the page it should have it. The latest version will be if you look at the top of 0, it would have the date of may 23, 2015. So that's going to be your latest version. So what I would say is that what you have in here is the four council directed items and those will be highlighted in green and then I'm going to walk through the other items that have been negotiated by both parties. Section 30, a length of the term, three years without extensions. 7, it's in reference to compliance with standards of care, and it has a couple of exceptions, unless it would require apa to violate government regulations ar make any capital improvements. And then -- or make capital improvements. 8 is in reference to kennels that would be used by austin animal center -- be dedicated for strictly austin animal center animals, and in kennels 101 through 154 would be aac animals care by apa staff. One of the things that i might make a note of is in your information you should have an exhibit a that simply lays out the tlac facility, and it shows you the layout of the various kennels and the facilities and the buildings

that we have at the present location. One of the things that I'll note in that exhibit, in kennels 1 through 60 are also kennels that would be for exclusive use by aac with animals that would be cared by -- cared for by staff at austin animal center. And that's primarily for overflow or other needs that we may have for -- as you know, we've been experiencing overcapacity, and that would be used for those type of purposes. 1, this has reference to animals from the five-county area that would be housed at tlac. That -- your version would remain the same, no changes there. 3, where it talks about receipt of animals and how we would treat the ownership. That would remain intact and no changes there. 0, in effect the agreement calls for -- since it is being utilized by animals from austin animal center and of course apa operations, that the utilities would be split. 4, at the end, it adds a section where apa would provide quarterly status briefing to the austin animal -- the animal advisory commission. And then the last item is 2, primarily a, b and c of that section where there has been some changes in the words, we previously had the word "dog" to "animals" and then in b, where it refers to the parvo puppies on the at-risk list, are in effect part of the minimum animal inventory list. So with that, mayor, that covers the changes and the agreement -- in the agreement, and as I noted earlier, these are items that both parties have agreed. So I'll be happy to answer any questions or if you want to allow speakers, it's certainly up to you. Questi questi ons? And we do have a number of speakers signed up. Council member martinez. mayor, briefly I want to thank bert for doing this because I think there's over almost 11 hours of testimony left tonight, there's quite a few speakers on this. So I'm glad that we were able to go through point by point because many of the emails and concerns that we've heard, including from the new organization, the austin/travis county animal advocates, have been either somewhat addressed or fully addressed in the current agreement. It frees up an additional \$12,000 beginning of november of this year to go to austin animal shelter services. It still allows 60 open kennels for overflow, but it also allows us to contemplate the proposal from the austin/travis county -- or from the travis county animal advocate group. Any further agreements with the existing space that still remains, if that's something that this council or that health & human services and the animal advisory commission want to contemplate. But I did want to ask if ellen jefferson from austin pets alive, could come up and acknowledge that -- and I know we've all been working on this, council member riley, council member morrison, our staffs, you, bert, ms. smith. Is this something that you have agreed with and feel like apa can continue the tremendous support you've given us with the thousands of animals you rescue a year and do it with the terms of the agreement, which do eliminate substantial funding coming november of this year, but it does give you a facility to operate from. So it's a trade-off.

>> Yes, we're very happy with it, and we appreciate all the time that everybody has spent, the city staff, council members, so we're really appreciative of where we are right now. thank you, and I appreciate you working with us this week and getting to this point. Hopefully we'll have an agreement. So, mayor, I just wanted to thank staff. I wanted to thank council council member morrison and riley. Their staff has been working very hard on this as well as many others. We've gotten so many emails about this issue, but again, it's about -- it's not about one group and it's -- it's not necessarily about any individual. It's about all of us caring about what we've done so far and what we continue to do and what we plan on doing in the future as it relates to animals in this community. This is one step. I have heard from the other groups and have heard, you know, some of the proposals that you all made, and i look forward to bringing those through the animal -- through the public safety -- or health & human services subcommittee and the animal advisory committee so that hopefully there is an opportunity. There are 60 kennels available. There's more

space. There's more commitment to be made. There's more animals to be cared for. And so I look forward to that conversation through our public input process.

>> Mayor leffingwell: okay. We'll go to our public hearing. First speaker is marsha lewis. Marsha lewis. She's not here. How about joyce martin? Do you want to speak? You're showing donating time to marsha lewis.

>> [Inaudible] all right. How about dolly enci?

>> [Inaudible] donat i donati ng to joyce? Judy darling?

>> [Inaudible] eva russell? Dellwin goss?

>> [Inaudible]

>> mayor leffingwell: gotcha. So you have 12 minutes.

>> Goodness. Okay. few need it.

>> -- If you need it. there's no requirement to use the entire time.

>> I know.

[Laughter] I'm sure I could drag things out but I won't. I'll just say what I got to say. My name is joyce martin and I'm the executive director of austin dog rescue. We're a small, all volunteer nonprofit small home-based foster group. And we've been around since 2006 and I'm happy to say that we have saved over a thousand lives since 2006. I'm also a member of the travis county animal advocates. I first want to say that I -- absolutely -- we all absolutely commend apa for all they've done for our community and for the animals in austin, and by no means is anyone above trying to deny the amazing thing that they've done for this town by helping moving us into being a no will city. But today I'm here -- no-kill city. But today I'm here to support all of the four points that I'm sure you all have been made aware of that's been presented by the travis county animal advocates. The one I would like to personally address is the 1, which is allowing other rescue partners to use the vacant space at the tlac site, and for us as small rescue groups to be more involved in the no-kill plan. There are many examples in that proposal. One I personally believe that could benefit the city and also the rescue groups is to allow the rescue groups to use a portion of those kennels after they've confirmed all the animals from the shelter, that maybe we just need a day or two more to arrange transport, get a foster home open, you know, along those lines, because being an all-volunteer group it can be really challenging because emails are flying, phone calls are going, just to get that one animal out. So what I would like to ask is that if there could possibly be a set of number of kennels be allocated to be used by the rescue partners of austin animal center, and we would only be using those on a temporary basis, and when I say temporary, I mean a set number of days. It's not like I say, oh, i need to put a dog over there until I can find a foster home. Well, that doesn't mean a week later. We're talking a few days because we definitely don't want to take those spaces up. So in my view, the best reason to approve the proposal for us to be true partners at the town lake site is, one, the animals are not going to be

there permanently. Number two, they're never, ever going to end up back in a shelter. And number three, you've shown, you know -- we want the city council to show their support that we, a small rescue organizations -- that we do make an impact in this town and we're appreciated. So along with that, as part of my request I would like to also ask that you limit the agreement with apa to one year so that we can see how the arrangement goes for our benefit, for theirs, for everyone's, and give us time to make some adjustments and revisit this issue a year from now. I want to close by saying that austin needs the small rescue partners for us to maintain our no-kill goals. All of us are volunteers. We're all hardworking, we're a dedicated bunch of people, and we're a group that our paycheck only comes when one of our dog gets adopted and it's the best paycheck that any of us could ever get. So I've been doing this for ten years and I've fostered hundreds of dogs, many, many, many -- very first dogs I ever got out were from town lake, and we want to continue to support austin and the city shelter and do as small rescue group our part to keep austin no-kill. Thank you. thank you. Dellwin goss. mayor, I had a question of -- mayor pro tem.

>> Cole: pat? Was it pat?

>> Mayor leffingwell: joyce. joyce, can I ask you a quick question?

>> Yes. you spoke about wanting to see the agreement have a set number of kennels. Can you just say what you want --

>> well, I guess what I'm saying is that it would -- it would really benefit the small rescue community, and I believe the shelter, because they're always just really honest, to be honest, get these dogs out. If you want this dog, come get it. And it would be beneficial to us if we could say, you know, I'll confirm on that dog. I don't have a foster home open today but I know a dog is going home on friday. So could you go ahead and get that animal spayed, neutered, vaccinated and if it needs to leave the shelter sooner than I can arrange transport or have a foster home, could it be held for a few days at the other facility where town lake has those open kennel spaces, and -- have you had any discussions with austin pets or bert lumbreras --

>> with automatic pets alive, no. why don't you all talk about that a little bit more while we hear from more speakers.

>> You bet. Thanks. council member martinez. just real quickly, I think -- mayor pro tem, I think you bring up an excellent point that has been made to us and that is the issue of holds from certain rescue groups who may not have the resources to come get them right away, but we have a holding period, and so we have to act. The 60 kennels I think provide that opportunity when we're not at capacity, which I don't know when that will ever be again, but hopefully soon. These 60 kennels will allow a program of that nature. What we have to work out is who operates those kennels and maintains those kennels and takes care of those animals while they're on hold waiting for a rescue group. I think the idea is very sound. It's something we need to do. It's how we fund it and who operates it moving forward, and we look forward to having that discussion. I think you're exactly right, it provides that opportunity to get some of these smaller rescue groups who may have a four or five-day holding period, as long as we can keep them in those kennels and keep them -- can we think later about some language to say that the long-term plan is to

provide -- we are happy to bring it through health and human services and through the animal advisory commission with those remaining 60 kennels.

>> Cole: okay. Health & human services. That's where you're headed. dellwin goss. You have three minutes. mayor and city council. I did not write this. This is from pat nordak with the texas federation of animal cure societies. Pass has had 20 years of experience in the municipal county and state federal level of working with animal shelters throughout texas. Travis county shelters are full and overflowing. We still have four months to go in the puppy and kitten season. As taxpayer in travis county and and the city of austin i don't want my tax dollars used to house animals from other communities. Those communities should spend their own money to handle their animals. We have a serious problem of our own now and we're going to have a serious problem in the future. Animals are being given away free as if they were halloween candy and we keep crying wolf and keep crying crisis and overflow at the shelter and asking people to adopt and foster, but at some point the public is going to say, we've heard this cry enough. We're not buying it again. No matter how committed they are. They're going to burn out.

[One moment, please, for]

>> whoa appreciate the hard work you have done to get us here to no kill. We appreciate the work of abigail smith and animal center staff and volunteers, allen jefferson, austin pets alive and volunteers and the humane society, animal care society and emancipet. We are small organizations and we appreciate you talking to us and taking that into consideration and thank you council member martinez for your communities. I do want to say that dale guess who spoke a few minutes ago, he is wearing one of our t-shirts but he doesn't represent -- what he said doesn't represent what we agreed to at our meetings. We agreed to four points. They are on our website and we are going to be speaking to them today. Dale has every right as an independent person to get up here and read a statement from somebody who couldn't stay, but that statement was not part of our four point agenda and I just wanted to mention that because he is wearing our shirt. I want to address the four things that are part of our proposed. First of all, as we've already discussed, we would like the small rescue groups to have a space and to be incorporated into the licensing agreement. The austin animal center refers to these rescue groups and individuals as their rescue partners, and these rescue partners are responsible for 11% of the austin animal center live outcomes in 2011. Our valuable rescue partners should have access to a community space and that not only is the kennels, but also the open space to have adoptions and to just have events there, so we appreciate if you would take that into consideration. As joyce said, we would like you to consider limiting the agreement to one year so we can evaluate how this partnership is going. I want to speak to why this is only now being raised. We didn't see a date on the last version that we saw last night, and the date is a new thing to us now and we think that in order for us to figure stuff out, it would be good to have a trial period of a year and then come back and rethink how to do it for the next two years, so we think one year should be a good trial period. The second point on our four-point program that we are going to speak to as well with other members is that we would like to continue to limit the housing of animals to those in travis county and the surrounding counties. I understand it is in the contract already but we want to let you notice one of our main points. We -- that it's one of the main points. Would strengthen the accountability requirements and reporting requirements and two things specifically to mention, reporting on animals that have died while at the town lake medical center and of reporting on

adoption returns. If there is an animal that is adopt and goes out and come back, we would like to have some kind of tracking of that as part of this effort for partnership because we may want to make some adjustments or some changes to that. Third, we request that -- I am sorry, the last one is that we would like you to incorporate the guidelines for standard care by the association of shelter veterinarians and we would like you to put that in the licensing agreement. This came up at the public health and human services committee and council member riley, I believe it was you that asked a question about that and jefferson said she was okay with that so we think that will be okay to go into the agreement. That really concludes my comments and I don't think that I am going to need the whole time that was donated to me. Unless you have any questions, i am finished. Thank you. and the next speaker will be tera stermer, and before you begin, tara. We have about an hour and a half sined up more testimony on this item and actually on the following two items, about nine hours of testimony, so we may be in a position here of having to postpone one of these items and consider them at a later date. I would strongly suggest to you that if you want to indicate your support or your disapproval, there is no need to reiterate what has been said try to make your comments as brief as possible and express your point of view of course, but keep in mind that we have a lot of folks here signed up to speak on three very important items, so with that said, I would ask your indulgence. You have up to 3 minutes.

>> My name is sarah stermer and a member of the travis county animal advocates and I want to speak to the second proposal that we were discussing. Because of the high amount of animals that we have been killing in the shelter, we really want to make people understand that we simply are taking a stand to maintain no kill. That's all we want to do. We would like to see the city council go back to the original plan of using tlac facility as an adoption center from animal that is come from the city shelter. Any rescue group or organization that uses that facility should agree to house pets from the city shelter, not from outside of the counties. Now, we are not opposed to helping other areas, this is not what we are against here. We are really just against watching our own pets lose their lives when we have space right here in the community shelter. We have well made it public on facebook. We are willing to go out to those other areas and help apa set up satellite, at set up satellite adoption centers in their areas to help them. This is the first time we have ever been able to achieve gathering all 25 rescue groups, all 25 small rescue groups and work together and with that much force we can definitely help apa, help those other areas but I don't want us to lose sight of our pets. We want it to be a model of no kill of austin being the big city that's no kill. We can still be that model but we can't lose track of our pets that are in the city shelter. We lose traction to be that model, then. I think that's about it. I don't want to take up too much more time because I know other people would like to speak but i would like you all to remember, the other big thing we want to discuss is really to ask you to consider to really keep that contract to one year so we can see how it works. If you keep that agreement to one year and they are doing fine, great. We add on another two years but at least it gives a little time to see how the arrangement is working.

>> Mayor leffingwell: great. Next speaker is savannah lane. Savannah lane. Not here. Amy chapman. Amy chapman. not here. Jennifer pope. Jennifer pope, donating time jerry cheney. You have three minutes. Following jennifer. You might want to get ready on this other podium is brad bean.

>> Okay. I shouldn't have to use up all of the time. I want to say I am jennifer pope with the travis county animal advocates and the president and founder of austin boxer rescue which is statistically the second largest rescue in austin behind austin pets alive. I just really -- I am going to cut this shorter. Here to basically talk about reporting, the importance of reporting for the community so that we know what's happening to these animals. We are not opposed to apa or what they are doing. We are excited they have the tlc site but we feel that while they are on this site, there should be some reporting. That's all. Thank you. thank you. Brad beam.

>> I am going to yield my time. all right. And the folks donating time to you, also, I am assuming also yielding, susan french, beverly williams, and aaron caldwell. So we will go to ann linholm. Ann linholm is not here. Allen jefferson. Not speaking and also we have donating time to you, read the names, michael mcdonald, chris morris, sharon door and sasha edwards. All right. All of those folks donating time. You not wishing to speak, either. Ellis wynn stanley, donating time to you is aaron swiger. Are you here? You have three minutes. Pardon? Oh. You are here. You have up to 6 minutes.

>> Thank you. My name is ellis wynn stanley, austin based business owner and board member of austin pets alive since 2005 and chairman of the finance committee. Past four years austin pets alive have tirelessly strived to achieve no kill in austin through the dedication of the community and the relationship with the city of austin. Since moving into the town lake animal center apa's intake has risen by 34% from austin animals and we anxiously look forward to launching a new behavioral program designed to save more dogs with behavior issues we currently are the only animals unnecessarily dieing in our shelter. We are enthusiastic with the future with the city of austin and what more to achieve than our relationship. Thank you for your time and attention. thank you. Kirk lewis. Kirk lewis. And donating time, terry heckworth. Terry is here. Laura kay, here. Terry galuchi. Not here. Here? Barbara peck. All right. You have up to 15 minutes.

>> It won't take that long.

>> Good evening. And I would just like to tell you my name is dr. kirk lewis. I am a veterinarian and a representative for travis county animal advocates. A small animal veterinarian in texas and provided low cost spay neuter surgery through austin areas through animal trustees of austin since 2001 and i personally spayed and neutered over 70,000 pets and have low cost surgeries for mass removals and spinal surgeries for clients' animals. My clients include austin animal services, austin humane society, austin pets alive, and other austin area welfare groups in addition to individuals in the austin area. First, I do want to say that i concur with the city council that apa is the right animal welfare groups to lead the city partner. Their ability to recruit and motivate volunteers and mobilize resources is very impressive, at the same time impact of the other rescue groups and welfares at least impacts apa's impact and it should not be overlooked and also how we sustain no kill is important and how the proposed licensing agreement is executed to impose changes to ensure we achieve sustainability of the austin no kill the right way, with safety of the austin citizens and humane treatment of animals and forefront and uncompromised. jefferson verbally agreed the published association of sheltered veterinarian minimum standards should be adhered to and included in the licensing agreement at may 15 2012 at the public health and human services committee meeting. I discussed this with 23 other

veterinarians and they are on support of this. I would like to talk about the operation management of tlac animal shelter by apa. Apa will be operating animal shelter as defined by the texas health and safety code, chapter 823. The liensing agreement should say that it works in compliance with the government regulations, they encompass, require quarantine of separation of animals by species and gender and also require a regular veterinarian inspection and oversight by advisory committee which must also include licensed veterinarian. The current licensed veterinarian is the director of apa. It is not appropriate for the executive director of the apa who will run the apa shelter to provide the shelter oversight. As I am sure this conflict of interest issue will be addressed upon approval of the licensing agreement. Government regulations do not include minimum standards or measurable parameters to ensure a clean, healthy, and safe shelter. It is the norm the government regulations provide general and nonspecific guidelines. For this reason, the association of shelter veterinarians establish the minimum standards of shelter care of animals. A the afc minimum standards should be incorporated in proposed licensing agreement to establish clear reasons of acceptable clean, healthy, and safe shelter concerns. These minimum standards reduce risk of disease spread, improve don'tibility of the animal and improve them being adopted. We agree the tlac is not the ideal shelter environment. We have taxpayer money to invest in it for this reason. Due to sub standard environment of tlac, it is more important to explicitly define a clean, healthy, and safe shelter. It is fortunate the asv guidelines are available for reference. In addition the apa board does not have shelter management experience and should look at the asv for guiding them to do the right thing and should welcome oversight and consultation with the experienced city staff managing austin animal services. Furthermore, I also recommend contracting expert sheltered medicine veterinarian for the required periodic facility inspections. Inspecting vote should be required to file inspection report with the city council for public record. Within the asv shelter guidelines there is a discussion of capacity of care. Capacity to provide care has limits for every organization, just as it does within a private I feel that this is one of the most important points within the 65-page document and animal welfare is easy to overcommit due to the significance of the pet overpopulation issue. If apa overextends itself it will lead to failure of care, substandard housing and increase in stress of the animals and staff, increased disease risk and negative animal interactions. Public health and safety is another critical issue. Seventy-five% of emerging infectious diseases that affects humans are of animal origin. The impact of unhealthy animal shelter on citizens of austin area can be profound. Potential for communcable diseases within an animal shelter is real. The reason further substantiate it is reason for clean, healthful and safe conditions to be explicitly defined. We want to reduce the potential for catastrophic event impacting the community health. In summary, I agree that apa is the right choice for the primary and lead animal welfare group to use the tlac space. However, to sustain no kill without compromising public health and safety and animal welfare, I request the following are incorporated in the apa and city austin licensing agreement: Number one, in regards to operating the tlac facility in a clean, healthy safe manner, clean, healthy and safe should be explicitly defined by incorporating minimum standards of asv guidelines for standard of care for animal shelter. Including but not limited to primary enclosure size, type of maintenance guidelines, b capacity of care to address each capacity of each species based on available acceptable closures and resources to manage animals, staff volunteer hours, available for cleaning, feeding and enrichment when appropriate. Rodent pest control, vaccination and tracking maintenance is a required for animal length of state, emergency medical plan, pain management plan and nutrition plan. Daily rounds should be record ated. Behavioral evaluations and protocols to minimize stress and promote enrichment to increase stress and 9/11 behavior

impact of long-term stay. Staff planning verification and plan to address animal related injuries. Number two in regards to operating apa shelter in other words with the guidelines of the oversight of the austin animal advisory committee, the executive director of apa should resign from this committee since it is a conflict to run a shelter and provides its oversight. The following is a list of the veterinarians that support this. Thank you very much.

>> Cole: Thank you. Next we have ryanb clinton. Council member riley. Did you have a question.

>> Riley: While ryanb is approaching, I want to make one point because I think the speakers -- some speakers may be interested in this issue and i know the last one spent some time on it. The issue about the standards issued by the association of sheltered veterinarians, it is something we talked about the health and human services committee the other day and we have been working with jefferson and staff on that and the current -- the agreement -- the proposed agreement that is currently before us includes new language that reads as follows, in 7, proposed language is apa will conduct its operations on the premises in compliance with the guidelines for standards of care in animal shelter established by the associations of sheltered veterinarians as amended from time to time unless compliance would require apa to violate any governmental regulations or make any improvement to the tlac. We don't have an ideal situation with a facility at tlac but the agreement goes as far as we think we can given the constraints at that site to require apa to follow appropriate standards so we forked that out and I appreciate jefferson's willingness to agree to that and the commitment to work towards an agreement as well. I want to clarify that point.

>> Cole: Thank you. clinton, you have devoted time to you, and so you have a total of 12 minutes. Now, baretta, are you here? Samantha, are you here? Maha farrell, are you here? Okay. All three are here.

>> I won't use them, I promise. Some of you remember, because some of you were here, six years ago, the very first time that i spoke to you and this council on animal welfare issues and at that time the shelter was killing more than 14,000 animals a year which is 34 a day or approximately one every 12 minutes the shelter was open and that day I asked you to both be angry about that and have the courage to mandate the implementation of proven programs and policies that have successfully led other cities to dramatically reduce shelter killing. And you did that and as a result we are now the safest large city in america, to be a homeless pet and we thank you. A year and a half -- a year and a half after that, this was still back in 2007. I stood before you again asking that you please not demolish town lake animal center in favor of moving the shelter. I explained that its location was paramount to generating the sufficient amount of adoptions to make austin at that time in the future a no kill city. And while you did relocate the shelter, you also elected to keep town lake animal center open for business, and you were right, because as we already know, the new shelter's location and size have already proven insufficient to meet our city's growing needs. And I thank you for that. Today I rise before you again, hopefully the last time on this issue, asking that you cement austin's place as america's no kill -- largest no kill city by reconfirming your commitment of last month to partner with austin pets alive to run town lake animal center as a full-time fully staffed professional adoption center serving the needs of our community. Doing so will allow the city to save more lives, not less.

Indeed, from a meager beginning in the summer of 2008 and I was there in the sweltering heat at the beginning of it, Austin Pets Alive has saved over 13,000 animals from certain death at no taxpayer cost, saved 12% of intake the last two years and thus far this year has increased by more than a third. In 2012, it is on pace to save more than 3,500 dogs and cats from the shelter. I notice one of them is here. And it remains a final lifeline for thousands and thousands of parvo puppies, bottle baby kittens, small dogs, medically challenged dogs and cats and about half of the behaviorally challenged large dogs that are placed on the city's at risk list. Voting yes today will keep no kill going and it will solidify APA's position and relationship as a key city life saving partner. Voting yes will not only safeguard the lives of the thousands of animals that APA is already saving but it will also give APA the platform it needs to reach higher and save even more animals from Austin City Shelter than ever before. Voting yes will ensure the safety of even more of Austin Pets and I ask you to do that. Thank you.

>> Cole: Thank you, Ryan B. Kathie Turney, please. You signed up neutral and you have three minutes.

>> Good evening council members. My name is Kathie Turney, a former animal shelter director and now community animal advocate and member of the Travis County Animal Advocates. I am here today to support the Travis County Animal Advocates and the animals of Travis County and City of Austin. I would like to encourage you to strongly consider the information, the four points that the Travis County Animal Advocates has presented to you. This information is based on preserving the welfare of animals in our area. I specifically wanted to speak about health issues. I will change up what I was going to say because we have heard enough, I think, on that but to encourage you to ensure that those guidelines of standard of care in animal shelter are adhered to and monitored consistently once put in place. As a former director of a shelter, I have seen my share of disease, illness, injury and cruelty, and know how important it is that these minimum standards of care are included in this agreement. This is also -- not only it helps the animals that are in the shelter it also helps the community and the shelters they are at as well. I would also like to ask that you limit this agreement to one year so that we can look at the arrangement and see how it's going and make adjustments if needed. Thank you. Pat Nordike. Pat Nordike. Pat is gone. Emily Chow. Not here. David Pastor. David Pastor is not here. Gus again, but he's already spoken. So those are all of the speakers that we have signed up that wish to speak. We have a number of other speakers whose names will be entered into the record. So council member Morrison.

>> Morrison: I would like to move approval of this with the comment that I, too, want to say that I appreciate everybody's work to bring this to fruition, it wasn't really easy the last few days but people really rolled up their sleeves and our staff has been mentioned and our legal staff hasn't been mentioned and I had to mention that because he got with us a few hours to try to figure this out. So I appreciate that. I do want to suggest that we -- that staff work 30th with the rescue groups and the animal advisory commission and look at partnership opportunities. So your motion is to approve the staff recommendation as amended. Second by council member Martinez. Further discussion? Council member Riley.

>> Riley: I want to thank everybody who has been so committed to this cause and take the time to be here and to get in touch with us and to voice all of your concerns. We have been working

hard to make sure the concerns are you heard how we addressed the concern about the kennel space being made available for other rescue groups through the 60 kennels that will be reserved. We do -- we also have a provision that ensures that the only animals that will be here are animals from the five county central texas region. There is also language strengthening accountability and 4 requires monthly reports describing beginning and ending and animal comes and live release rates and we described the form and said the city will have the right to modify the content of the monthly report from time to time so we can continue looking at that and if people feel like we need to step up the accountability measures we have the mechanism for doing that. On the term of the contract, some people wanted to limit it to a year. The lease agreement on its face is a three-year term. It says that it shall terminate on may 23rd, 2015. I would note it also says that each party may terminate in agreement on any time upon 90 days written notice. If something doesn't work out for some reason, we always have the ability to consider that. I expect -- every month when the public health and human services committee meets we discuss these issues and get a report on what is going on and hear from citizens and concerns that are going and we will continue that practice and if there are concerns or issues, we have every ability to address them at that committee and I have every confidence that the community we see here today will continue to stay involved and committed to the cause and will help us continue to be a no kill model for the entire country. The one last thing I wanted to say -- I have to take this opportunity to notice, we have a particular crunch with animals, especially kittens at the animal center. The center will be open all of this entire weekend, including to 7:00 p.m. Most of you folks have been there and it is a great time to take friends. It is a holiday weekend and 7201 la van der loop and you will never get a better deal.

[Laughter] cats and dogs that are older than five are actually free and that's with everything, spade and neutered and microchipped and everything, 35 bucks, which is \$40 off the regular fee. It is a great opportunity to come to the center and help us deal with this issue. Thank y'all so much for your attention to the cause.

[Applause].

>> Cole: Mayor, mayor. mayor pro tem cole.

>> Cole: I have a quick question of assistant city manager bert lombraras, when we moved the animals from town lake, there were a lot of structural defenses and I noticed in the agreement, apa plans to repair and refurbish the kennels but i wonder if there has been any work or discussions about the long-term structural problems.

>> Yes, there has been discussion on that, mayor pro tem. Obviously it's going to have to be within reason, because if you look at it in their standpoint and certainly the long-term viability of continued use of that facility, if the term is for three years, that's one of the reasons that we had noted that special exception as it related to making any major capital improvements. It's not going to be cost effective to invest a lot of money when, in fact, the term of the agreement from their standpoint is going to be a short-term agreement and we also note that any repairs that they can do that certainly maintain the health and safety of the animals we will want them to do that and we will approve that so we want to create a balance of things that can be done within reason and things that are major capital improvements, certainly we don't expect them to do that and if

it's a situation where it's structurally unsound, then certainly we are not going to allow any use of those particular areas.

>> Cole: Great.

>> So I think we have a way to kind of work together with apa to oversight that.

>> Cole: Okay. I want to make sure we stay on top of that. I really appreciate the way travis county animal advocates have weighed in on this agreement and made it better and the many emails that you sent so that we would know exactly how you felt about things.

[Laughter] I really respect the comments that were made about the need for use of the temporary kennels and as council member martinez assured everyone here that that was well within the purview of the health and human services committee and on their minds. I am satisfied that will be taken care of and I want to thank austin pets alive for all of the work you have done to bring this to this point and i definitely want to thank the health and human services committee and the chair, mike martinez for getting us here. With that, I will be supporting the motion. council member spelman.

>> Spelman: Mayor, I would like to ask a question of either joyce martin or pat byastrayus. Come on up. Either or both of you.

>> How about both.

>> Spelman: Ter risk. Terrific. I noticed when you spoke earlier you didn't have a chance to look at the latest version of the contract which is before us. Have you had a chance to look at the contract?

>> I haven't but have you.

>> Spelman: I am glad I brought you both up.

>> I know.

>> Well, I have been glancing at it, but to be honest with you, there is so much going on that i am taking y'all at your word of what's in it. I really haven't been able to focus on it too much.

>> Spelman: Okay. Based on what it is that we have been saying about what's in it, are you happier with it than the version you spoke on earlier?

>> Yes.

>> Spelman: Okay.

>> Based on all of your verbal comments, I think we are happy with it.

>> Spelman: Okay. Thanks.

>> I still rather it be one-year agreement, though.

>> Spelman: I understand you prefer one year agreement. There are various reasons to have a multi-year agreement for things as complicated as this. Thank you. all those " aye. Opposed say no. Passes on a vote of 7-0.

[Applause]. Council we are going to take up items 12 and 13 together now, with the possibility under discussion that we may postpone item 135.

>> Thank you, mayor, kevin johns, director of economic growth, redevelopment services. could i ask everyone to hold it down until you exit the chambers so we can continue with the meeting? And also, council member morrison.

>> Morrison: You mentioned the possibility of postponing item 135. I understand we have about, what, 500 minutes of testimony on both of the items left? 240 minutes on the comprehensive plan and 312 minutes on item 13 -- 12 and 13. you said we will make a decision --

>> Morrison: You said we will make a decision on postponement as soon as we can. Can I ask what we might be waiting for? i understand discussions from the staff. If we could, we could -- I would entertain a motion right now, if you want to go ahead and pose pone it.

>> Morrison: I am comfortable making that. I think the comprehensive -- it is a big disappointment not to be able to do the comprehensive plan tonight but it is really, i think everybody understands, a very critical step that we are about to take and if we end up not even starting it until midnight, I just don't think that's good governance and also nod good governance to sit around and ask people to wait for so many hours. I think it is reasonable.

>> Cole: I second it.

>> Morrison: That's my motion, postpone to june 7th. could i suggest june 14th because we are going to be in the same position on june 7th.

>> That's what I was going to suggest mayor.

>> Morrison: I have a lot of nods on the dyas. I am not familiar with what is on june 7th. So I will go with the 14th. how about a rate case?

>> Morrison: Oh, the rate case thing.

[Laughter] so your motion is postponed, item 135, until june 14th. Second by mayor pro tem.

>> Morrison: With my thanks for everybody's interest and understanding. with apologies but as council member morrison said, it's going to be hard to do it justice when we get to it, if we do. So -- council member tovo.

>> Tovo: I want to add my thanks. I know some people have been here for hours waiting for this item to come up and we really appreciate your willingness to provide input and I hope that you agree, too, that it is in all of our best interest to take it up when we have plenty of time to really listen to your feedback and input on the issue. all those " oppose say no. Passes on a vote of 7-0. Pick up items 12 and 13 together.

>> Thank you, mayor, good evening, mayor, city council, city manager. Kevin johns, director of economic growth and redevelopment services. Items 12 and 13 pertain to the sale of the green water treatment acreage. We have a very short mention on the proposed changes to the contract and then we will be available for questions. Presenting for the city today is andra and ingram, thompson and knight real estatebanking and also is darren smith with eps who is our outside finance and forecasting specialist. Representing trammell crow here today is adam nims, the principal for the austin division, aaron tilhorn, the austin for development, mark fowler, the vice president of development, brad naples and is brian campbell and rick reeds and andrew will make the brief presentation.

>> My name is andrew ingram with thompson and knight. I have a few things to talk to you about. We first came on april 5th for terms and conditions for the green water treatment plant master development agreement. We were postponed at the time and we have been in daily conversations with the developer and the developer has been in daily conversations with constituents in the community about various issues. We have come back to you tonight to present the changes to the master development agreement itself and I really just have a brief presentation and then obviously we will be available for questions. The first item -- the first main item that has changed is the affordable housing section. On the affordable housing section, the biggest item is moving from 7 year affordability covenant to a 40 year affordability covenant. The next. - There we go. Only three slides tonight. Affordability. Again, I mentioned the duration, the affordability covenant. The next item is the -- how many units are available. In the april 5th agreement we had a 10% minimum, at 80% mfi and five units at 30% mfi affordability. That's been changed to a fairly complicated formula but it is the lesser of 80 units or 12% of the total units but at least 10% of the total units and all 80% mfi and so it is probably easier to think of the concept it is at least 10%. In certain instances it goes to 12%. In both the original dl and modified deal there is option to purchase additional years after the affordable has expired and the revised deal if if for some reason there is not for rent affordable housing, if it goes for sale condos or commercial space, then the developer agreed to a pay \$5 for salable payment unless 80 units are developed. Is that's an additional feature in this in the affordable housing realm. Worker protection, on that side, the april 5 agreement had good faith efforts to comply with the city prevailing wage and osha resolutions. In the changed provision there is a flat requirement to comply with the prevailing wage osha regulations and a number of additional items the developer has agreed to do. Advertise own decisions that -- advertise open depositions, provide free osha required protection equipment, provide breaks water and sanitation facilities, worker's comp insurance, have a certified safety representative, allow a representative to attend scheduled safety inspections, not allow retaliation against workers voicing their concerns, workers to fence

contract signage and to work the investigate and address on the workers concerns. The last page of changes is the other changed provision. We did have bicycle storage facilities in the original agreement. We layered on top of that the ability to allow all residents to store their own bicycles on their patios and also showers for commuting cyclists at the original agreement we had first block take down within six months of the execution and specified which blocks were to be taken down and moved to twelve month time frame and allowed any block to be taken down and that's to allow the developer more run way to better align the sales of the units in order to commence work. The third item on this page is no market or financing delays were variable on the first takedown. Now there are -- the market and financing delays are available within the first takedown. And the last item is in the original agreement there was supposed to pay the aipp and music program payments at each block takedown. Now they propose them to pay a little bit later at the certificate of occupancy. This frees up more money for them to devote to other sources and uses within the project such as affordable housing. Those are my three slides and now we welcome any questions. questions for staff. Council member tovo.

>> Tovo: I would like to talk -- first of all, I really appreciate the hard work, especially on the affordable housing section and the workers defense issues. These are really well beyond what we had last time and I just applaud everyone who was involved. I know we had members of our community who have really worked hard with you and with trammell crow on this issue and the result is very good as far as i am concerned with regard to the I had some questions about the workers defense provisions. The language in our document uses the phrase, commercially reasonable efforts to comply with each of the following, but some of them are, I would think, pretty straightforward issues, like provide construction workers breaks in addition to a lunch break for every four consecutive hours of work and provide drinking water and sanitation facilities. Are these a requirement or are they requirements if it is a commercially reasonable because there is a substantial difference in my opinion on those.

>> Yes, there are some easy ones on that list. For example, workers compensation insurance, in a project like this, that is very easy to comply with. The commercially reasonable efforts is a fairly subjective standard but there are some things that are very easy to comply. It is -- we are going to be very disappointed obviously if workers compensation insurance is not provided. In my mind, I wouldn't think that's -- that's not a try. It is an absolute get.

>> Tovo: I guess that's the reason I raised that question about the language because many of the items on this list do seem as if you are presenting them, you presenting them as if they are requirements but then the language seems to modify it. Was there any discussion about separating out the issues that are hard and fast requirements versus those that are commercially reasonable?

>> Let me let adam nims and bring him up from trammell crow. He's had the most experience with that.

>> Good afternoon. Adam with trammell crow. This is a standard legal terminology we use for most of our contracts. Most of the day to day interactions with the workers defense project will be through our general contractor or through our subcontractors, so we will require our

contractors through our contract with them to meet these provisions and we will do our best to enforce it.

>> Tovo: So they will be requirements?

>> Of our contractors, yes, ma'am.

>> Tovo: Okay. Thanks. I will likely have some more questions after we hear from our speakers but I will leave it from there for now. public hearing, if there are no more questions. Scott johnson, donating time is prada carbon. You have up to six minutes.

>> Good evening, mayor, council, good and staff, my name is jot johnson. I came to you in the april 5 meeting to talk about how sustainability wasn't considered as -- in the vast and comprehensive way as I thought it would be. We have the example of the circuit of the americas where there is a long list of sustainability measures that include construction, air quality and landscaping contracts and other things that could have been considered in this contract and I hope still will be considered. Each year it's very tragic that approximately 40,000 people die prematurely due to particulate matter. Not all of those people are dying at once but it is accumulative impact of breathing small particles that pass through the normal respiratory tract and lodge themselves into people's lungs. Some of the emissions do come from construction equipment, particularly the older equipment and poorly maintained equipment and also from gas powered landscaping equipment, where you are mixing gas and oil. On this particular project, there is an opportunity to improve the environmental quality, if you could please go to the first coa slide. Green water treatment plant slide, please. What I would like city council to consider as he is trying to queue that up is that on this particular project, there is an opportunity to use an existing tool kit and these particular pleasures to reduce emission. Some of them are very straightforward and some of them do not require additional expense. It just requires the appropriate planning for, and in some cases, if the contractors were using a biodiesel blend, 80% petroleum diesel and 20% biodiesel, the cost of which currently is actually less than regular diesel fuel that is 100% petroleum diesel, this is currently what is currently, some of the hard one community benefits for the program, when folks look at the fourth item, green building, two star energy green building program and lead certified, those -- some people think that's going to take care of all of the environmental concerns or the majority of them and that's not the case because the green building program and the lead program which is a national green building program address the construction process in terms of picking the materials and sizing the building for the correct heating and air conditioning system, et cetera. They don't talk about digging the hole and those emissions that come from that and they certainly don't talk about the landscaping context that I expect with the circuit of the americas, a separate project to be much stronger than the conventional projects that we see out in the community. Could you go to the next one, please, it starts with green. Mayor, since there was someone else there earlier, can I pause my time for just a moment? Please? you have it now.

>> Okay. On this particular slide, you look at the impact of what is called nonroad equipment. It's a little hard to read but if you look at the lime green area, those are in tons per year from each of the counties in the five county msa and the total amount from construction and agriculture equipment which is the green area is very substantial with the majority of those emissions, ox,

nitrogen oxide, that is the primary ozone forming emissions that emitted from trucks, power plants, and that is a very large amount of emissions and creates particles, too, a separate health issue and we need to try to reduce that as much as possible. We currently on the cusp of you heard that, but as EPA racks the standard for ground level ozone, we are threatened with that issue. If that is the case, it is possible sanctions would be taken against city of Austin, Travis County, limiting new business expansions that polluting business as well as the possibility of withholding or limiting transportation funds that come to the region from the federal government. That number is expected to go down on the far right in 2008, 4 tons but it is not going down that quickly because of the massive construction projects we have underway now. Highway construction and vertical construction, I would say to the folks who are in attendance that support this from the business community, those folks need to get behind this effort, to try to use cleaner construction equipment, cleaner fuels, less idling in a comprehensive way to do you see emissions that currently threaten the health of the workers on site more than anyone, they can impact communities of color that live near major roadways as well as the urban core and the suburban area where the ozone can be the highest in the north, northwest part of the city. Thank you very much for your I will be happy to answer any questions. Thank you. Stewart Hersl. Sl. Stewart Hersl. You have three minutes and next will be David Ford over here.

>> Mayor, members of the council, my name is Stewart Hersl and I rent here like a lot. Unlike others who postponement the green and other items in the past, in order to add 830% medium income housing for more years of affordability I am asking you to adopt the master agreement and infrastructure agreements on your agenda today and eliminate the 80% MFI language. If you retain the 80% MFI language or modify it to require more 80% MFI housing you will guarantee below \$40,000 a year will not be served and Green and Seaholm will be forever known in the city annals as the mistakes on the lake. Stakeholders in the downtown planning process identify the needs to create housing for poorest among us, including permanent supportive housing so we should remember this in the Seuss who once wrote, if I ran the zoo, I would make a few changes, it is what I based on recent market study and adopted downtown plan the affordable goal for Seaholm, Green and Seaholm should be 5% of the housing, at 30% medium family income for four years, including permanent supportive housing, in possible, for this is the greatest housing gap based on the 2009 housing market study and the discussion you had earlier today. Encourage the developers of the two sites to apply for federal land or local resources. You will consider later this year as part of the action plan, the city budget and bond election ballot to achieve this level of housing affordability at Green and Seaholm and finally I ask you to remember the keynote speaker at South by Southwest here in the Capitol of the World was Bruce Springsteen who once wrote lyrics that we needed to get out while we were young but this year he wrote a song called We Take Care of Our Own, let us in that spirit, I ask you to make the changes I am suggesting at Green and Seaholm to avoid the mistakes on the lake and to send the message to all that Austin will take care of its own, including the poorest among yourself in neighborhoods across the city. Thank you very much. Thank you.

[Applause]. Donating time to David Ford is Laura Cullin, not here. You have three minutes.

>> That's fine. Mayor, council members, my name is David Ford. I am the president of the Associated Builders and Contractors Association Central Texas Chapter. We are in an association for commercial builders. There are 8 chapters in Texas and we have over 25,000 members

nationwide. First off, I would like to say that we are very much in favor of the trammell crow project. We think the development of 500 million-dollar project for austin is a great thing. It is a great use of the land here in austin and for the construction industry. Abc believes very strongly in safety. We want all of our workers to come home safe at night and be home with their families. That's why we offer over 100 safety classes a year, in our office and in our I training center. Region 6 osha education center at the university of texas at arlington is a top ranked osha education center in the country. We are a training center for u.t. arlington. Texas is a right to work state. We should not be forced to hire employees from certain organizations. We want the most qualified workers on the job. This document that the workers defense project organization is wanting to force on trammell crow is wrong. The associated builders and contractors, the associated general contractors, the hispanic contractors, the black contractors and the asian contractors all want a safe workplace. We do -- we all do osha classes for our workers. Our members carry workers comp insurance and pay at livable wage. I urge you do support the agreement with -- I urge you to approve the agreement with trammell crow and not be forced and have trammell crow be forced to sign the document that the workers deference fund organization is pushing -- workers defense fund organization is pushing on them. Thank you. thank you. Pamela fowler. Following pom la will be charles bets.

>> Good evening. My name is pamela power, chair of the downtown autosomal lines. We represent downtown property owners and we are extremely pleased to be here this evening in support of the master development agreement for green water treatment plant redevelopment. As it pertains to this project, I want to make certain it is recognized that market value is being paid for the property and the project is to receive no city incentives, tax abatements or fee waivers and green potentially worth \$500 million at build-out will significantly add to our tax base for the city, the county, the school district, the health district, and acc each and every year. Equally important to the monetary contributions, but difficult to quantify will be green's contributions to austin's experience, to austin's vitality, giving austin residence, both downtown and city wide and visitors alike. More choices in where they work, play, shop, eat, and entertain. Additionally and not to be understated, this project will create new connections and access points into and out of downtown by expanding the street grid. The green water treatment plant and redevelopment project will bring unmeasurable value and vitality austin. We ask you to go green for 2013 so this exciting project can soon break ground. Thank you.

>> Mayor leffingwell: Thank you.charles bets. Thank you. Michael fossom. three minutes after michael. The last one will be zola vega on the last side.

>> I am michael foss and the executive director of the austin heritage tree foundation. There are 7 heritage trees at the edge of the green water treatment property. This should be protected by the tree ordinance. The mga will allow the removal of these trees without going through the heritage tree removal process. The acl requires that they move around trees and if it is not possible a variance can be granted by land use commission. Everybody else has to follow by hto and they should as well. The trees may be easily saved as they have a sidewalk at the edge of the property. As far as I can see, the city had the intention to protect these trees when the plant was demolished. As the trees were fenced and watered for years, pending completion of the development deal. Please save these trees. Thank you.

[One moment, please, for change in captioners] test test test

>> we come to you when there's heritage trees that that are going to be removed and damage to trees you're always helping us. I find this very unsettling that the six heritage trees will be removed with a waiver by city staff. Please ask the staff to abide by the heritage protective tree ordinances, to respect the process and the community that wants these trees to be saved. This waiver will set a very damaging precedent that will impact the entire state of texas. If the city won't hold itself to the heritage tree ordinances how can it impose it on the other developers and citizens. Last year there were four indian hills on the texas legislature that could have weak end the heritage trees in the state. They were not approved. We were very involved in that process. We were there, several senators made it very clear they will be looking very closely at municipalities that break the heritage trees ordinances and the consequences will affect all of texas. Last year there were really two weaken the heritage tree ordinances. Next year I'm sure they're looking into doing that again and this will be the final straw. If you approve this waiver and break the heritage tree ordinance, that may be the end of the heritage ordinance for all of texas. It will certainly expose austin to scrutiny and heavy criticism from the legislature. The city protected the seven trees with tree fences during the planting militia two years ago and restored irrigation and watered the trees so there was an intention to save them, but now you're granting the developer a waiver as part of the green deal that was initiated by -- negotiated with city staff without transparency, without involving the office required by city code. ott, I don't want to put you on the spot but you're strong on transparency. This didn't have any public vetting. There has been no protective tree heritage at all. The city -- the administrative audience and no public vetting. The worst thing is the trees can be easily saved. This is what I'm showing in these slides. The trees are very close to the sidewalks. They're in the ideal location to be saved. If the trees were in the middle of the lot that would be a different story. That's why these trees were saved. They could be easily incorporated in the design of landscape and the billions, just as the city has required more than 2,000 developers to do in the last three years. All developers, without a single exception to this date, have abided by the heritage tree ordinance because the city requires them to do so. This is more than a

[inaudible] 50 residential tree permits and over 2,000 site plans, all provided by the heritage tree ordinance. The heritage tree ordinance provides [inaudible] and does not stop development. The ordinance will require the developer to try to design around the heritage trees to save them and if it cannot be done, then the variance is approved. But in this case there's not even a design. This is what the extent of the design, is a sketch, it's a vision. It's not even an attempt to try to save those trees. And by granting the waiver we'll never know if those trees could have been saved. It's very easy to remove the trees, but the heritage tree ordinance is not about making things easier. It's about preserving those trees. It's critical to preserve the heritage trees now and not mitigate them because the majority of the young trees that are planted right now in the current climate and site conditions will never grow to be heritage trees again, and the few ones that will make it will take the -- decades to grow. We probably won't be around to see them. The problem is trees nowadays are different stock. They have [inaudible] roots, the soils are compacted, not enough soil value. The trees that were planted many have died even though there's irrigation. The trees are not being mitigated at the adequate rate. Back in 2008, 47 trees were removed from the site during the planting militia. Those trees were mitigated with a very long mitigation, 10 to 50%, so 595 caliper inches were removed but only 141 inches were replaced. And those were good species. It

wasn't invasive. But I'm not asking you to make a stronger mitigation. I'm asking you to save these trees, because they're very important for the community and because we want for the city of austin to stand up honest and fair and abide by the ordinance. If we go to the slides, let me explain. This is all information the public has. The trees that are by cesar chavez -- well -- is there anybody else that could donate time? Explain to the people here. Anybody? It will just take one more minute, please.

>> Mayor leffingwell: no. Not unless someone donates time. It wouldn't be fair to everyone else.

>> I'll donate. what's your name? Are you signed up?

>> Yes. David cortez. david cortez donates you three minutes.

[Applause]

>> thank you, sir. I'm sorry, I practiced at home but somehow it just takes longer. So the slides. You see the three trees by cesar chavez. If you look at a picture at the bottom, that area is planned to be a green area anyway. It's going to be a great street. You see that they're thinking of planting trees. Why do you remove trees and then plant trees? Just save the trees.

[Applause] is there a good explanation for that because there is a garage that's going in the ground. So that area that you see green, that's just grass. So downtown alliance, we all want to have great streets but there won't be a great street there because the trees cannot be planted on top of the garage. What's the solution? They move the garage a little bit away from the sidewalk. The trees are very close. They're only like six feet from the sidewalk. You're not losing a whole lot of room. The trees are san antonio. There's three live oaks. If you see, they're not affecting the tower. The tower will be the main -- they're affecting a little as you see on the next slide. That could be easily accommodated. See the trees of san antonio? They're there already so why are we removing them? Could you go back to the previous slide? The last one to the north, the 33-inch pecan, the problem is there is contaminated soil. The way you deal with contaminated soil is you remove as much as you can, you leave the inner half of the roots of the tree, which will [inaudible] and that leaves enough of a low volume that's contaminated under the tree. So there's no reason to remove that tree. Please save these trees. Thank you so much. thank you. Juan mendoza.

[Applause] paul [inaudible]. Donating time to paul is claire deyoung. Not here. Claire is here. Okay. Steve spear.

>> I'm here, sir. all right. So you have to nine minutes.

>> I'm paul robbins, an environmental activist and consumer advocate. This evening you are voting on a plan to sell the green site for about \$42 million. After reimbursing the water utility for its decommissioning cost, you will have a remainder from the sale of about \$28 million going to the general fund. For a number of reasons, i believe this is financially reckless. Austin has the highest combined water/wastewater cost of the top ten texas cities. Even under the best of circumstances the water utilities should retain the profit, but in austin's case every penny is

needed to lower rates. I believe the city has been given conflicting, confusing and in some ways inaccurate information about this issue. Tonight I hope to ask and answer a lot of the questions about this proposed land sale. First is the question, who owns this land? According to a 1989 memo from the city attorney's office, the land at the former green water treatment plant site was purchased with utility money. It is also in the property inventory of the water utility, which was merged with the electric utility for a long period of time in Austin's history. Land at the site of the former Seaholm power plant next to the green site was also purchased with utility money. At least three of the land parcel transactions have been confirmed in historical records of the Austin city council as having been paid for with utility money. Now, the next question is can the general fund use the transfer in lieu of a profit. Now, just because the utility owns the land does not by itself prohibit its sale or transfer to the city's general fund, were you as this council knows, the annual general fund transfer from the water utility is limited. In the case of the water 2% of revenues averaged over a three-year period. Adding the \$28 million proceeds from the green sale to the general fund transfer would greatly exceed what is allowed in the utility's financial policy. One of the purposes of this policy is to assure revenue bondholders and revenue bond raters that the utility is financially managed well. If you exceed this transfer, you appear prodigal. If you exceed it by a great amount, you appear to be unmanageable. Is the \$42 million enough, even if you gave it to the utility. Please consider, land at Seaholm and Green was appraised between 2004 and 2008, yet some of this land may not be purchased until as late as 2018. You are using old appraisals to measure worth rather than current or future values, which would be much more accurate and likely quite a bit higher. Next question. How would you, council, respond if a private utility that you regulate did this? To give you an analogy of how reckless this transfer appears, imagine if a private utility that the city regulates, such as the gas or the cable utility, owned the property that was paid through the rate base. One day this utility just up and decided to build a commercial development on this property without reimbursing the ratepayers. The council would go after this profligate project like a blood hound. In utility regulation this is known as imprudent expenditures and they can result in required reimbursement of these poorly spent funds from the utility's profit. In the case of a municipal utility the profit reimbursement would have to come from the general fund. Next question, how would the bond raters react? Less than two weeks ago your bond adviser read you the riot act. He told you that Austin Energy's bond rating would likely be downgraded because of financial negligence perceived by bond raters due to the council's failure to pass a rate increase. How well do you think that bond raters will score your creditworthiness when you gave away land assets of the water and electric utilities without value to those utilities? What can the water utility do with \$28 million? The money could be used to buy down the debt and lower rates. It could --

[applause] it could cover the new overrun from water treatment plant no. 4.

[Applause] which is about \$26 million. What can be done to salvage this land sale and still give the water utility the proceeds? I suggest that the utility trade the developer for some of the office space that it plans to build. The utility would then have something of value to use itself or to lease to other city departments. This will void the deal being made here today, but it will assist water ratepayers, who are the real owners of this land. Thank you.

[Applause] are there any spontaneous questions?

[Laughter] o'rilly garza?

[Applause] orilly garza? Are you here? Okay. Is neil foley here? neil foley? All right. So -- you have minutes.

>> Good evening. My name is orilia, spelled o-r-a-l-i-a garza de por tess for the record. I am mexican, not irish, but that's okay. We've been this road before. I'm a member of the our lady guadalupe church and a lead of the strategy team with austin interfaith.

[Cheers and applause] austin interfaith is a nonpartisan organization. I'm going to pause your time here. You can clap but no yelling, please. Go ahead.

>> Thank you. Comprised of 35 member institutions including religious congregations, public schools, nonprofit and worker associations representing some 60,000 families in central texas. For more than a decade we've been engaged in a living wage strategy that lifts people out of poverty and builds a strong middle class and a skilled workforce. Capital idea and summer jobs for youth are programs we have worked with you to create and to find, to provide central texas families with opportunities to share in austin's economic prosperity. Mayor leffingwell and council members martinez, coal and spelman, thank you for your public commitment that you made before our delegates assembly on april 29 with 500 leaders present to require companies receiving city incentives to pay living wages with benefits, a career track and a strategy to hire locally.

[Applause] tonight we are here to support one of our member organizes, the workers defense project and their efforts to secure better wages and safe working conditions for the construction workers that will work at the trammell crow development project. These workers, many from our own congregations and neighborhoods, daily risk their lives as we continue to reap the benefits of their hard labor. We want developers like trammell crow to continue to do business in austin, but since this sale is a city development deal of our land. Our land.

[Applause] then we should require trammell crow to pay a living wage, if that is the power that you have tonight, and you do have that power. We have an opportunity to counteract the forces that place 20% of our residents at or below poverty level, higher even than the national average. We must work together to strategically eradicate poverty by paying our construction workers at least \$12, because \$12 will get them out of poverty. Anything less will keep them, keep them below -- in poverty. So we can reap the benefits of our shared prosperity. Council members, for justice sake, do the right thing. Honor your commitment. Vote. your time has expired. Thank you.

[Cheers and applause] brad rockwell? Brad rockwell? Donating time is laura presley. Laura presley is here. Doug young. I don't see doug young. Chris kite? Chris -- is chris here? All right. You have up to nine minutes.

>> Thank you, mayor, members of the city council. My name is brad rockwell. I work downtown. I own a downtown business, and -- but I do not live downtown. I'm here to ask you to vote against the proposal for the green redevelopment project that's before you now. What the

city has with this property that it owns is a truly unique unprecedented, unrepeatable opportunity. You have the opportunity because you own the land, you can do things that otherwise the texas legislature would not let you do or, you know, there's all kinds of other constraints that you can't do just through regulation, but when you own the land you can do it to solve planning problems that you otherwise would not be able to solve. To use -- and instead what's being done here seems to be squandering the opportunity. My understanding of the figures is that what the city is going to receive in money for this property is going to be completely offset by the city's agreement to provide infrastructure and improvements to the property for the developer so there's no immediate net gain. Instead the only financial gain for the city about \$120 million in tax revenues over a 30-year period. Now, what an opportunity -- what could have been done with this site, which would make a lot better sense financially and from a planning perspective, is we have multiple problems with air quality, with transportation, with transportation infrastructure costs, with congestion. This could be a place to solve those problems, if the city were to build a thousand units, 2,000 units of affordable housing, expressly reserved for people who work downtown, maids, retail workers, office workers, bartenders, musicians, people who work downtown that in no way can afford to live downtown now. If you provided houses for those people, you could wipe out 2,000, 4,000 cars off the roads. Off the roads.

[Applause] that is a good planning use of this property. Instead it seems as though this is going to be turned over to the private markets that will have all these wealthy people with huge parking garages and cars and the infrastructure costs that are going to come with this, just for transportation, \$120 million doesn't even begin to touch what it's going to cost to move all these people with cars around because they don't even necessarily work downtown or have any connection downtown. So this is, I think, the horrible lost opportunity that's happened and it's going to be very costly to the city of austin if this project is moved forward on these kinds of terms. Another problem with the project that's been discussed before, well discussed by zoila, is the unwillingness to apply the tree ordinance to its own property, by the city. That's the tree ordinance. Nobody can take the ordinance seriously by the city of austin if it's not willing to apply it to its own property. There are also standards set for mitigation in there that could also be bad in terms of precedent setting. I've received something by trammell crow which is an argument for preserving the trees, supposedly, but it's a drawing of what they want to do with the property. It looks like a warehouse. Just fill everything up with a big square. And their complaint is, well, look at what would happen if we'd have to preserve these trees. Wow! It might look a little nicer, there might be little cut-outs, a little greenery, wow, that would be horrible. What city staff is apparently saying is that just by keeping the trees, we're going to lose 600,000 feet of density, 311 residential units. Well, how about instead of having an eight-story building, how about a ten-story building? Wouldn't that make up for that density loss? I mean, this seems very ridiculous kind of arguments being made about the horrible supposed impacts of keeping and preserving trees around the very edge. Again, it's one of these arguments that I find unreasonable when you're talking about sustainable development, a city project, that somehow trees would get in the way of a parking garage, parking would take precedence over a tree. And finally one point I'd like to make, some of the legal opinions I've seen on how this transfer of funds from a utility-owned project into the general fund for this development project seems a little questionable to me, and I hope you are getting very good legal advice and very good legal opinions on this because I'm looking at david smith's memo of 2008 where he says, there's a city -- there's a state law that limits the city's use of transferring money -- transferring assets and money, and it says it

has to be consistent with city ordinances, which the city ordinances governing the promises made to bondholders. Smith quotes what seems to be the applicable ordinance, and it says, proceeds from the sale of city utility property or faculties shall be deposited to the credit of a special fund and account and funds deposited to the account shall be used, and it has -- it identifies how those funds are supposed to be used and it's for operations of the wastewater, for other infrastructure and to pay back the bondholders. There's -- it has a very specific list of what that money can be used for, and none of it is, well, you can transfer it to the general fund and use it for other purposes. So I think at the very least you should get an attorney general's opinion or something that would say, yeah, even though this is what our ordinance says and how it's limited and this is what the state statute says, we can somehow we're free to transfer this utility money for another purpose. And I do not see any authority like that in the David Smith memo that he sought or the attorney general opinion or anything else. So again, I think this project has horrible flaws. I think you need to take a lot longer to look at this whole thing and certainly do not approve it today. Thank you very much.

[Applause] Next speaker is Pam Thompson. Pam Thompson is not here. Stefan Ray. Stefan Ray is not here. Peggy Meseo. And Curt -- donating time to Peggy? Are you here? I would just comment while you're making your way up that the reason the buildings aren't taller is because of the capital view corridor restrictions. Peggy? Donating time to Peggy is Guadalupe Sosa, Joe Reynolds. Is Joe Reynolds here? Okay. David Orshalik. David? Cory Walton. All right. So you have 15 minutes. If you need that. Downtown need to repeat anything. Give us new information here.

>> Okay. I'm Peggy Macio and I serve on the urban forestry board. I spoke to you all three weeks ago concerning these trees slated for removal as a green water master water development agreement. It appears that nothing has changed, and honestly, I'm just as dismayed by this proposal as I was three weeks ago, and so is the urban forestry board. This is just the total dismissal by the city staff of the heritage tree ordinance and the process set out for heritage tree preservation, which includes permits and review by the city arborists, the urban forestry board, the environmental board and the land use commission. The economic development department told me that the staff was charged with getting the maximum density and highest value for this land, and of course trees will impact the developmental area of a property, but do we waive permits and the process as a part of this sale agreement to achieve this value? And what about the other property owners who have trees on their land and must go through this process? I think you can see where this is going, and it sets a really bad precedent. The trees are happy there. They're in good condition. They've grown in the soil for probably half of a century, and it really makes no sense to remove them. If you look at the concept drawings it shows large replacement trees exactly in the same place where the trees are growing right now. So what a bonus. They're already there. Big, beautiful trees, instant shade. So this could easily be incorporated into the design. The heritage tree ordinance was passed 7-0 by this council in January 2010, and actually I think other than Kathie Tovo it was all of you who did that, and your expectations certainly are that this ordinance will be upheld. We need to respect the ordinance, regardless of who is selling the property, and it should be even more important than the city sells the property, because we, a city appointed and approved board, wrote the ordinance, and we should set an example. Please be aware that this decision is not just about green, it is far-reaching at the legislature, and Austin won't have a leg to stand on after this action. By bypassing the process set out in the heritage tree

ordinance goes against what city government should stand for, integrity and what the community has clearly demonstrated it values, our older trees. The hto waiver is the proposed -- for the proposed plan is unacceptable and we should not set this precedent. And after listening to some of the other changes that were made in the last three weeks it does show me that -- it does show me that if we don't demand what austin holds dear from developments we won't get it. Thank you.

[Applause] barbara grove? Barbara grove? Okay. Greg casar?

[Applause] and donating time is patricia devalla the is patricia here? Okay. Sam nake? You're sam? All right. Jonathan orta? Jonathan orta is here. Allison ramirez. So you have up to 15 minutes.

>> Thank you, mayor. So I'll let most of our workers and allies make -- tell their stories and give their testimony. I just want to give a brief outline of the suggestions that we've made to make this development a flagship development, a development that is not only good for the people that live there and for downtown austin but also for the workers who will be building this for almost a decade. We know that there are so many violations of the law in the construction industry. david ford from abc outlines that there are some good contractors, but we've also had emails from members of the abc that say the words that what is happening in the construction industry is that we are not being diligent of our workers being paid properly and that I know for a fact that most condo projects built in austin in the last few years had workers who were not paid properly, contractors paid no payroll taxes, workers received no over time pay and had to wave rights to workers' comp. Insurance. And that's from the ceo of a major construction company, one of the largest in texas. So we know that the law is being violated as far as wages and safety all over the place. On the federal courthouse right up the road, we just had 15 workers come in who haven't been paid in weeks on a federal project. For weeks we've been talking to the public works department about dozens of workers who aren't receiving rest breaks on water treatment plant 4. We also recently heard testimony at the last green hearing from one of our workers members who's 18 years old who almost lost use of his arm, illegally was forced to say he couldn't have workers' compensation insurance on a hotel right up the road, just in december. So we know that these things are happening and the most important thing to do is to prevent them from happening, and we are very excited about forming a partnership with trammell crow so that we can make sure that these things are not happening on this construction project. Currently we're in a partnership with foundation communities working on one of their projects on i-35. We found that about a fifth of workers, even though workers' compensation insurance is required for the whole project, a fifth of workers still weren't getting their workers' comp. Because they were being classified as independent businesses or being paid in cash. So we actually have to be there regularly to form relationships with workers to find out how they're being paid and how they're classified so that the rules that the federal government sets or that the city council sets are actually met, because there's nobody checking and we need -- and we need to check for the safety of our workers and for the safety of our workforce and we're willing to do that for free on this project. Also, I do also want to read a statement from the head of finance at foundation communities. There's also been support from the executive director of foundation communities, but I think there's a telling line in this letter about wages. So foundation communities writes that they found that the costs to bring workers' wages up to a living wage of \$12 an hour was nominal

compared to the impact it makes on workers' lives and was an easy exchange for the labor regulation and oversight and training programs that we found and were provided by working with the workers defense project. The median age for construction workers in town is \$10 an hour, which leaves workers below the city of austin's own living wage. We can improve the lives of people by creating a development downtown. We can also vastly start improving the lives of construction workers by not letting them get paid 50 or \$8 an hour, which is what the current proposal in front of you asks or seeks to do. Lastly, all of the estimates we've gotten on these sorts of projects for what it would cost to bring workers up to that living wage standard fall well below 1% -- fall well below 1% and that doesn't consider how much better they'll be built because you'll have better workforce for a living wage and doesn't consider things like us for removing liability or green building points that a developer has by partnering with us. This developer would earn another green wlg point by partnering with us on this project to make sure workers are paid a living wage and are paid properly. The last piece is that it's so important for workers to have an ability to get trained so they can come out of deadly, low-wage jobs that are considered unskilled because they've never been trained. This is a great opportunity to set a target goal for workers to be trained so they can move out of dead-end jobs and get a good job building this project, and so we would like to suggest that we set a goal that workers defense project would be happy to work with trammell crow to meet -- or to get as close to we can as possible so that workers who are in deadly bad jobs actually have a chance of not being stuck at those same jobs year after year after year. We have so many workers that have been stuck at under \$10 an hour entire lives in austin for over 10, 15, 20 years. I'd like to end saying this is a great opportunity. We need the jobs. We need the development, and we have -- this is just the perfect chance. It's so easy to make sure that workers are being paid right and being paid better than they're getting paid right now and can get out of those deadly dead-end jobs. So thank you so much.

>> Spelman: mayor?

[Cheers and applause] okay, guys. Let's remember the rules say no yelling. So I'm going to ask you very respectfully not to yell. Council member spelman? casar, if you have just a moment. You were kind enough to send me -- to send my office some numbers earlier today, which lists the prevailing wages associated with different construction occupations. For example, you stated that the brick tenders would be -- prevailing wage for brick tenders is \$8 an hour, prevailing wage for common labor is \$7.50 an hour. Prevailing wage for brush painters is \$10.37 an hour. Drywall finishers is \$9 an hour and so on. I'm not asking you to confirm these exact numbers. I'm reading them off the thing you sent me. The question I'm asking you is all these -- most construction workers are paid at \$11 an hour or more but there is a large percentage of people who are working on construction projects all over town who are getting paid prevailing basis less than \$11 an hour. Is that accurate?

>> So the prevailing wage rates are set by a survey done by the federal government or other government entities and so some workers are paid under the prevailing wage on other sites. This project requires prevailing wage, so some workers will see increases because of that. So, for instance, somebody might get paid \$10 an hour on the site because it's prevailing wage. While someone else will get paid 9. But all those wage rates you listed fall under that \$11 an hour.

>> Remind me, what does prevailing wage mean and where does it come from.

>> Prevailing wage is set by a regular survey. It's done every so often. I don't recall the number of years, but a survey is done, sometimes union rates prevail, so when there is a high amount of union density, then that union's wage rates apply under prevailing wage. Oftentimes in nonunionized trades they will just do a market study and generally find -- they do their best to find what the market rate is for that trade.

>> Spelman: okay. So the prevailing wage is more or less the average wage paid for workers of a particular class?

>> Generally, yes. and this is based on a federal survey and all you were doing was reporting to me the federal survey?

>> Yes, so that we could -- we'd have some information saying prevailing wage provided a living wage for workers and we wanted to show prevailing wage does provide a living wage for some number of workers who based on the survey already receive that living wage and doesn't necessarily bring up wages for the lower end. electricians, carpenters, they're getting paid considerably more than 11 or \$12 an hour.

>> Yes, oftentimes workers who went to formal training, graduated from programs, the things we're talking about folks getting the chance to do, they have that living wage because they've gotten to go through that training.

>> Spelman: great. Thank you very much, sir.

>> Mayor? mayor pro tem. I have a couple of questions for you. So when you're advocating for prevailing wage, you're advocating for a prevailing wage schedule, more or less. Help me with that. I don't understand the range.

>> Prevailing wage is already included in this project, so we haven't -- we haven't really talking about prevailing wage. We're talking about a wage for -- we're talking about a living wage for -- so that no workers are paid less than would be the poverty line. We aren't talking about prevailing wage. Council member spelman was asking me about it because prevailing wage is listed in the current mba, from my understanding.

>> Help me understanding what a living wage would mean in terms of on -- a prevailing wage has a certain floor. When you say a living wage, is that also a schedule and what is that floor?

>> We are talking about just a bottom floor, and so the city of austin sets a living wage of about \$11 an hour with some benefits. And so construction workers typically receive no benefits, and so that's why we work with other groups to set a floor of \$12 an hour if there's no benefits. We've talked -- we've been able to negotiate with different employers and say, well, if you provide this kind of health insurance then, you know, \$10 an hour 50 an hour makes sense because you're providing employer fully sponsored benefits with domestic partnerbenefits, if that makes sense. We aren't trying to complicate the issue. We're just saying \$12 an hour if there's no benefits,

that's based on the city of austin's living wage of \$11 an hour with some benefits. let me ask you another question. Does your organization work with any hard to employ people, like high school dropouts, people with a criminal history, people with a disability?

>> Yes, many. Many of our workers have suffered injuries that have left them disabled and make them very difficult to employee. Many of our workers -- i would say at least 80% of the folks we work with have between a middle school and a high school education. Most of the workers we work with have less than five years' experience in the construction industry and have -- and speak spanish and therefore have no access to training schools -- many of the training schools that are available. There are some that do give classes in spanish, so we try to help them, you know, work -- help them work with them. Lastly, we do work with some folks that have a criminal history that have difficulty getting jobs.

>> Cole: okay. So on a typical job site, and this might be a hard question, but --

>> I'll try. -- but what percentage of the hard to employ would you anticipate to see that you work with?

>> Oh, on a given job site? yeah, I guess I'm just trying to figure out if a construction company was considered doing their due diligence, and a good construction company by your standards, what percentage would they employ of the hard to employ?

>> I think it would depend on what kin of work the construction company is doing. So sometimes there's really technical work on a site, like electricians and things, they have had employees for a long time they've trained. So those typically aren't hard to employee people. We're talking about digging ditches, pouring concrete, hard manual labor. Oftentimes they employ hard to employ folks but they provide so little benefits and training that there is constant turnover, that people are going in and out of jobs and the jobs are so deadly or uncomfortable or poorly paid that they just take people on and lay them off, depending on how the project goes. There's not good, real employment opportunities because nobody is allowed to train. so that's hard to estimate. It depends on the job.

>> Right, but welds, you know, about -- I would say at least half of workers on a given construction site are of a -- the sort of category that we're talking about and that category is growing. There's more and more unskilled, untrained people on construction sites every day because companies are not investing in the workforce currently, so there's a race to the bottom happening. here's the last question. You said -- brought up the safety issue with water treatment plant 4. What was that you said was going on?

>> We've heard that all -- a lot of the concrete workers, there's been another subcontractor there and that those workers have not received rest breaks so they've been working straight through the day, sometimes 12-hour days and are only receiving some time for lufnlg but haven't had time to sit down and we've reported it. I'm going to ask the city manager to check on that issue.

>> It's been reported through 311, I think two times or three times, and it's also been mentioned directly to lazarus.

>> Cole: okay. Thank you. before you leave, one quick question. Are you also known as agree gregorio?

>> I am. Has somebody signed me in? we'll mark you off on the other sign in.

>> I appreciate it. I'm glad you know who I am, though. council member tovo? I have a few questions. First I want to thank you for all the work you've done with the developers on this agreement. I think there are good provisions in here that i know that you have worked with them on. In terms of -- I assume you've had an opportunity to read the last version?

>> Yes. and so in your opinion, what are -- what remains, from your perspective?

>> Sure. What we would like is for there to be an agreement between the developer and workers defense project to ensure the provisions that relate to workers on the mda, because we think that if the provisions are listed and we just have to talk to workers secondhand like on water treatment plant 4 or on some of the hotels downtown, that we have to come back to you guys or call, you know, city code several times over and we may not see results. So we are very happy to form a partnership with them to ensure that those provisions are met. We are also advocating for wage 4, a living wage 4, a target for hiring of trained workers out of a training center that offers bilingual classes for free, which exist in the city, and we would like four workers to have the opportunity to work on the site, we just set a target goal for the developer as far as hiring from there, and the current language says, will be visiting the site once a month. They could walk alongside the bosses once a month and wave to the workers and they may not trust us because we're walking along with the boss once a month, whereas what we would prefer is to set up an agreement with trammell crow for more regular safety monitoring. That way workers actually know who we are and are willing to express their issues to us and aren't scared.

>> Tovo: okay. Thank you. And do you have -- I know foundation communities is one site where you have that kind of relationship.

>> Exactly, and it's been really wonderful. We have almost \$5,000 in wages that have been paid back to workers that were actually owed to them, and it was done almost immediately because we had that relationship. We also found that \$12 an hour rate, there were over a dozen workers that on payroll said they were getting paid that \$12 an hour but once we talked to them and they found out they were supposed to get 12, they showed us their checks and they were getting paid 8 and 9 and \$10 an hour, and we also found out there was a large number of workers being classified as their own businesses and paid in cash so they didn't have the workers' comp. insurance. So it's really important since the construction industry doesn't think it's being checked on for there to be somebody there who is independent who cares about the workers for them to talk to. thank you very much. Those are very compelling examples that you've offered and I appreciate the work that your organization does.

[Applause] guadal guadal uppe torres. Him council member martinez? I was going to wait till the end, but since everyone has brought this point up, there are a few things that I want to add to the conversation as it relates to the difference between prevailing wage and living wage, and some of the things that were mentioned before. We were asked this question at a candidate forum this

spring. I still stand by my position that I believe that the low end is 11 to \$12 an hour, but as you see in the prevailing wage -- prevailing wage scale, it's much higher for different tray, up to \$38 an hour. So it needs to be based in sound principle. One of the things that austin interfaith asked me yesterday in a meeting with them is can we do a study to determine what that floor is? And I absolutely committed to it. In fact, I suggested that it happen through the committee that we created today as a body and that we will further deliberate on june the 7th about what it is we impart in our values moving forward in relation to development agreements, economic incentive agreements. But getting back to prevailing wage, and the reason, obviously, I know about this is because as president of the firefighters we had what's called collective bargaining. It's one of the strongest most definitive bargaining rights as a union member. Even with collective bargaining we negotiate with the city. If we don't agree and we have to go to arbitration, the arbiter must rule on what is the prevailing wage for our job, not based on what a firefighter might be asking to be paid, and the way the arbiter does that is the arbiter goes out and takes private sector firefighter jobs and determines what their hourly wage is and then comes back and says, okay, you are asking for too much or, city, you are paying too little. Here's what the private sector wage is and here's where we think it should be. That's the chart that council member spelman was referring to. That is a prevailing wage chart out of the 33 classed construction positions, ten of them are below \$12 an hour. One is at 11.33. The others go down to as low as -- there are two at \$8 an hour, so that is true. I believe if we did a study and if we based that on austin jobs, we could improve this scale. But I don't know that at this point. I have committed to them that I believe it's in that 11 to \$12 an hour range. I also committed to them that I would impart the city of austin's living wage into this agreement, if that's something they would agree to.

Unfortunately, the city of austin's living wage policy only applies to professional services, not construction. So we'll need to change that as a body if we want -- and I'm open to that. I think it's something we should contemplate when we do the study, but that is not our current policy, and I wasn't aware republican until this morning when i talked to staff and said that I was going to attempt to apply the city of austin's living wage policy to this agreement. They said you can do that but it won't have an effect on any construction jobs because it's only for professional services. I wanted to add that context to this. I think there are some good things in this agreement. I think it could be better, but I'd like to base that on the studies that have been requested of us through austin interfaith so that we can bring that back as a policy for this council and change those rates if necessary. But trammell crow has agreed to the prevailing wage scale. There are ten positions below \$12 an hour in that. I realize that there are still some concerns, but i believe there are 23 jobs above \$12 an hour, and i think that's significant and something that, you know, i fully support and am committed to working on those remaining 10 thinks to see if we can do a localized study that would raise their rates. I have a question, mayor. council member morrison.

>> Morrison: thank you. I appreciate the comments from council member martinez. There is a difference between prevailing and living wage and we do have living wage estimates from lots of different places, and I agree that it would be good to have sort of a -- a gathering to really figure that out and come to some agreement. I am a little surprised to hear -- I just want to make sure I understand properly, and it might be a question for staff then. Do we have city of austin employees that are paid below whatever the, quote, wage -- I thought we had a floor for all city of austin employees that was 11-something. Do we actually have employees that are paid below

that? Because I just wasn't quite clear. I know that sometimes we might have contracts with people that pay less, and -- I don't know what -- what exactly they were referring to before.

>> Sue dwars, assistant city manager. Sue edwards. I am not the expert on this but based on everything that's been told to me by hr and everyone else, city employees do not -- we do not have city employees that are paid below the living wage that we have set. However, for contracts, they -- we have an ordinance that says that all contracts will be paid the living -- the prevailing wage.

>> The prevailing wage. All right. So as an employer our city of austin policy is to pay a floor of -- I think it's 11 --

>> I'm not sure exactly what it is, but you are correct.

>> Morrison: okay. Good. Thank you. I'm glad to hear that. okay, guadalupe torres. All right. Not here. How about nancy rodriguez? Okay. So you have six minutes.

>> [Speaking in spanish]

>> hello, my name is guadalupe torres. I'm a member of workers defense project. I'm working construction as a carpenter and also on highways. Two months ago a fellow coworker broke his leg and almost died when a machine rolled over on him. And it broke his leg in two parts. He had no training. I want support from the city of austin to enforce the labor laws that exist, like the rest breaks law. I also want training and more secure -- and more safety on the job site. As a worker I don't ach of you. I only want my rights to be defense and the ability to have a dignified and equal -- a dignified and safe job just as you people have.

[Applause] christ christ hurtado? Christian hurtado? How about victoria garcia? Victoria garcia here? Okay. Roberto marine? -- Marin? You have six minutes.

>> Thank you. My name is.

[One moment, please, for]

>> I want to make sure that they can have the construction like this one. Safety training, we can do somebody to stop all of these accidents. We want to make sure other workers will be able to drink water, can make sure to come back home safely from free from injuries and broken bones, so we have the chance -- to prevent all of these accidents, we can stop seeing construction workers come to hospitals, because it's real hard to see them going to the hospitals and they can't even come back to work or pay their own utilities because they have broken bones and also, and we can be an example to change this all over the cities. We can construct buildings on the safety way, fair wage and we can view, even better, with other benefits. Like we said, guadalupe, he and some workers got in an accident and we can prevent all of these with the training, and as a member working, we can help to make sure that all of the tractors has the workers compensation as a safety training. Thank you.

[Applause] before we go to the next speaker, I will entertain a motion to extend the meeting beyond 10:00 p.m. So moved by council member morrison. Second by council member riley. " aye. Opposed say no. Passes on a vote of 7-0. Juan bueno.

[Applause]

>> hello my name is juan bueno, I am here not only for my dad but for all of the construction workers in austin to address the issue that arise when no regulations are placed on a construction site. An ideal construction job all workers get paid well and have proper safety training and equipment and know their rights. These are essentials for good hardworking people. How would you feel if your father or loved one went to work, deprived from a fair wage and a safe worksite, where all safety rules are followed? Last summer I went around surveying workers asking them if they got rest breaks. I found in most sites, the workers don't get breaks, even though austin passed laws that guaranteed they would. That's why I feel trammell crow should have to work with workers defense monitors. Why would you have laws but not enforce them? We demand that trammell crow respects and does not take advantage of our community. Thank you for your time.

[Applause]. tanya turno. Jessica lara.

[Applause].

>> Hello. My name is jessica lara and workers safety for construction workers, and they should get paid because they work so hard and they even get hurt like other hard workers who have a family to get food. My dad was [silent on mic] and he was working sometimes when he got home, he had all of his fingers purple and pink and i want that we gave them everything [silent on mic]

[indiscernible] that was your dad and your family didn't have money. I think you feel very sad and your dad was there and could die. very good.

[Applause] adriana velesqueuz and then christina titson. They are laughing at my pronunciation.

>> I am a student at liberal arts and academy high school. I came here not only to protect my dad but all of the construction workers in austin. I am here to represent 92 voiceless workers who in 2010 lost their lives to corporate greed. I won't be an police to yet another tragedy. We as a community can't let events like 21 rio continue to occur.

[Speaking spanish]. Did not have to die. We have to take the events that happened at 21 rio to make austin a better place. We have to do more than just write laws. We have to make sure that they are followed. A piece of paper cannot protect my dad. Your commitment can. We need people like workers defense project, people who care to make sure and protect our workers. Trammell crow apparently does not care. Led by daniel keenan, john sterik, michael duffy, they claim they cannot pay our workers \$12 an hour, provide safety training or provide safe working conditions and other cities they pay way more than we are asking for. Our workers are trivial to them but they are not trivial to me and they are not trivial to us. Our workers deserve proper

safety treatment. A company who is not willing to invest in our people does not deserve the rights to develop in austin. Trammell's claim values on their website are respect, integrity, service and excellence. Respect, the most important one, to treat everybody with dignity, value their contributions and help another. Yet, they refuse to treat our workers fairly and refuse to insure their basic rights. I ask you in the best way I can to protect our community. It is not the men of trammell crow who are risk their lives to improve austin. It is my dad. Daniel keenan feels safe in his office. Why can't he provide that same feeling to all of our construction workers? They deserve it. I ask you to remember your commitment to austin. It is for the people. Your commitment is not to trammell crow. It is not to the one percent. It is to austin. I will not leave here until you take a decision, and when I do, I will walk with my head up high knowing that I stood up for what was right.

[Applause].

>> Mayor leffing christina. Amy rosonihas. Amy. Robert jenson. Robert jenson is here so you have six minutes.

>> I don't think I need it. I want to thank you. I have seen some of the incumbents at the safe candidates forum and I got to hear great commitments to ensuring a living wage floor for the construction workers and i hope we can see the commitment through through today. I also want to honor everybody here from the workers defense and I think one of the best things we can learn about civic engagement in this city, and the children are here to watch that. And I want to ask everybody here standing up for construction workers so we can recognize these people that are here on behalf of construction workers in austin, raise your hand and standing for workers defense project to make sure we standard up for oural values as a city. I started with them almost as long as you have seen these young people, 21 years old and i have seen construction workers come over time and again with the same problem and I found for the first time, we almost found a solution, by working with foundation communities, we have been able to eradicate many problems we've seen on other construction sites and deal with a way the developer has a role and place in the table to ensure safe working conditions and that's why we are excited to see trammell crow here, one of the larger developers in the united states have this opportunity to work with workers defense project and the city of austin and residents to ensure safe working conditions and living wage jobs and training that i think as greg my coworker said, a flagship for the rest of the we are hopeful you will do that because we are tired of waiting for safe jobs. We are tired of seeing our workers and family members day. We are tired of seeing people live in poverty who work 70 hours a week for the rest of us to build our city and we are tired of having to see them make ends meet. I know we can do better as a city because I have seen us do it in other ways. And now you have an opportunity to do that and trammell crow has an opportunity to live up to the standards we seek. We hope you will honor your commitment to ensure living wage jobs and pathway for training for workers. We are asking for living wage floor of \$12 an hour you can write in an agreement with trammell crow. Other cities they have paid up to \$35 an hour for the lowest paid workers. We know this is something they can do. And the foundation communities, if a small nonprofit can do it, we applaud trammell crow if they attempt to make that attempt to do that. We also know they can provide trainers to workers as pathway out of poverty that also gives them skills that they need to keep them safe on the job. Also, I think it addresses some of the concerns that council member cole brought up, ensuring workers that are hard to employ, that

have a criminal record with low education levels can have access to these jobs and also most importantly, include monitoring because without monitoring, we get broken promises and that's not what we need anymore as a city. We hope you will honor your commitment, honor your commitment to these children that are here, their fathers and mothers that work in the construction industry, to all of the construction workers that are present and to all the construction workers that build our city. Thank you.

[Applause]. joseph moore. Joseph moore. James rigby. James rigby. How about walt herbert? Is walt here?

>> Some people have left.

>> Aster hernandez. All right. Deancio sanchez. So you have 6 minutes.

>> I won't need all of that but I will relax having more than three, anyway. My name is jim rigby and a minister here in austin. And I was raised in dallas and when I got here I almost kissed the earth because it is place i never have been before. In most places workers' death are cost of doing business and people don't lose sleep if somebody works all week and remains poor at the end of all of that. In austin, it is different, just being here tonight, we care about trees, we care about pets, and we care about people but texas is the most dangerous state for construction workers to work, so to hear people from the industry say that the base is covered is very disconcerting to me. We need to radically change how we do business. If we are the worst in the country at workers deaths, construction deaths, we need to do better. We need the businesses that work here to do better. You have a long history of living wage, that kind of thing, and I think businesses should be proud to come to austin and work here. When a business says that we intend to honor the simple things that the workers defense project is asking, and we really respect that business, but they don't even get the name right. I am a little disconcerted when they say we intend on doing this but we don't want our hands tied, that bothers me, because that's exactly what it is to live under the law. You say you are going to do something. They tie your hands to make sure that you do it. What the workers defense project is asking for is a livable wage which at the end of the week you are not poor if you worked hard and you live under safe conditions. If they say things like we will meet these standards if it is commercially reasonable, that's not good enough. You are going to meet the standards or they are not. So what we are asking from you -- I am speaking for myself and I think for many people of faith is to do what we know what you want to do, and that is to hold the businesses to a standard where human beings and human rights are lifted up. We've heard tears tonight for the trees. We've heard tears for pets. And just -- I am just asking you to find a tear for the most vulnerable of our population, which is our workers and our laborers. Thank you very much.

[Applause].

>> Mayor leffingwell: okay. I will remind you once again, no yelling. You can clap but no yelling. Frank fuentes, donating time juan oravillas. You have six minutes.

>> Thank you, mayor leffingwell, mayor pro tem cole, members of this council, mr. city manager. Thank you so much for this workers defense project, my passion. Everything they

have said is absolutely correct. The construction industry, number one or number two, the most dangerous industry in this country. Three people die around the country a day. They are absolutely correct, and I really respect their passion, but I also want to remind this council that this is a city that vets out policy through their commissions, through proper protocol, and the things that they are requesting this council here to do today, there are policy issues that have ramifications. I will give you one example, and by the way, everyone wants their family members to come back. When a construction worker dies in our industry, we all mourn. We all know that can be a husband, a father, a son. We mourn, because it should not have happened. But more importantly, as it pertains to the prevailing wage and the livable wage, one of the things that the prevailing wage does, it provides consistency for a small business, that's so important. I will give you an example, and, mayor, if you don't mind, if your permission, I will use you as an example and I will use my good friend Mike Martinez as an example. Let's pretend, council member Martinez, that you are a contractor and you are building the mayor -- let's pretend the mayor has a restaurant in North Austin and you are building his restaurant and you are remodeling Mayor Pro Tem Cole's house, for example, and you have all of this work that is not related to this particular project. And let's pretend you have employees and you are paying them a certain wage. Now we have this project where perhaps you might mandate a certain wage scale that's higher than the folks that you've already hired to work on other projects. Once you give him a raise -- him or her, you can't take away that raise to come back and work the restaurant -- the imaginary restaurant that the mayor has or the remodeled home that the mayor pro tem has. You can't. There are ramifications. This wage scale that we are talking about is not specifically for this particular project, because once you put it in place, it is going to go across the board for that particular company. So those are discussions that need to be discussed and really everybody wants to earn a higher wage. I give them that. I want to do the same. I am sure you do, too. But let's have meaningful discussion. Let's not have policy decisions such as that on the day of the council vote. That's what I would ask. That's what I would humbly ask. And more importantly, I think that my brothers, the ABC Contractors, the ABC Contractors, the Black Contractors Association, the Asian Contractors Association, at the end of the day, it is not the Trammell Crow employees that will be working there. It will be employees of our contractors, our members. So we are concerned when policy decisions such as a livable wage, a prevailing wage is being discussed and not properly vetted through our commissions, through our committees. Again, maybe it is the best thing that we can do and let's have proper discussions, use proper protocols for it. That's Austin. We don't make policy decisions without inviting the stakeholders on the day of council. We have discussions. That's all we ask. Council member Morrison, I thought we said that you are such a champion for the neighborhood associations, if policy issues were being discussed here today, I am almost for sure that you would have them here. We love you for that. It's something that is so special about you. We are no different. The small businesses of this city are no different. We applaud the workers defense project; their passion and commitment. Let us have those discussions, not on the day of council. Let us have them through proper protocol. Then let's see what those things will do to small businesses, maybe perhaps we can work together and do the right thing. We are for all the things that they are saying. Let's do it the Austin way. Let's do it through the proper protocol. Thank you, mayor. Thank you.

[Applause]. Carol Headnot. After Carol will be Oletta Banks. Is Oletta here?

>> Good evening mayor and council members. My name is carol hatnot. I am the program manager consultant for the austin area black contractors association. As well as a member of our collaborative minority trade association, the hispanic contractors association, the asian contractors association and the minority trade association continue to address issues related to the construction industry for our members, through appropriate forum and processes that frank talked about, to create to ensure transparency and inclusion, specifically we present potential policy issues that impact our members through the city's mwbe advisory committee and the mbewbe council subcommittee which is made up of three sitting council members. Most recent ly, this occurred when the city adopted what we felt that the -- the process was circumvented and the protocol when most recently the council adopted the third party agreement related to osha safety training standards and principles. This item came directly to council with no input, review, and/or discussion by our trade associations with no input by the mwbe advisory committee. Our association represents many local contractors and construction workers in the austin area of all races and ethnicities. Our association have a strong commitment to osha safety training standards, to provide the training that we have for so many years, and many of this training have been facilitated by the united hispanic contractors association as well as several local prime contractors who did this at no cost to our association members. We are not here to ask the city or trammell crow -- sorry, crow, for a set aside for our members because that would violate the spirit and the intent of the mwve ordinance and the third party agreement policy related to mwbe standards and principles. We are here to officially go on record in support of the significant redevelopment projects because of the economic impact to our community. The potential contracting opportunity for our trade association members and the fact that 200 construction jobs would be created throughout the life of this project. We also want to officially go on record to point out that we appreciate the outreach efforts and inclusion demonstrated by trammell crow. Clearly they have set the standard for what we envision for the third party mwbe policy.

[Buzzer alarming]. thank you, carol. Okay. You have three more minutes.

>> I only need 30 seconds.

[Laughter] policy. Because we have a seat at the table. See all of these other projects. No one invited us to sit at the table as a stakeholder and they invited us and we sat down and we talked. No one group deserves special treatment and I want to remind the council that our minority trade association are stakeholders as well. We urge the council to vote in favor of items 12 and 13. Thank you for your time. thank you.

[Applause] what was your name again, ma'am? Lane johnson. Okay. Show her as donating time, oletta.

>> Oletta.

>> Banks. you have three minutes. Steve spears is donating time but he already donated his time to somebody else previously. mayor and council members. Oletta banks with asian contractors association and my heart goes out to all of the construction workers in texas in this hot seat -- hot seat so i do hold that while things will change for you guys and you will have a better living conditions, but I do recall what frank said is it has to go through proper channels, just like third

party resolution. It went through the proper channels, so the council adopted the resolution and passed it. That's why the developer, trammell crow, is going to implement it and honor the resolution by inviting the minority groups to participate and specifically set participation goals for all of minority trade associations for our contractors, and that's why, you know, we would like to endorse this project because not only the economic impact they will have for the city, but, also, the specific goals that they have set for us and for a project of this magnitude, there is real meaningful opportunity for us when we were passed over for many, many big projects, for a fact, for many, many years. And, you know, to speak for asian -- all asian contractors, we really would like to, you know, have a major role or at least be part of this project, because of trammell crow's sincerity and their commitment to invite us to participate, and I think they are sincere and to blame trammell crow for their past for some workers' past experience, I don't think it is completely fair, but I think there is an issue of workers' safety, but I do think that, you know, by selecting the right subcontractors might also eliminate the problem and by going through, you know, like trade associations and we do pay our workers very, very well because they are very skilled and they are professional. And so that's why we humbly ask the council to endorse the project and thank you so much for listening.

[Applause] thank you. Francis ferguson. Francis ferguson. Is here. Okay. You have three minutes.

>> Good evening. Council, my name is francis ferguson and I work on affordable housing issues. I am here to speak that while we might have wished that brad suggested that there might have been more aggressive goals originally, those were not the goals set out for this project. So we are pleased that the negotiations with trammell crow that they have earnestly engaged on improving the affordable housing arrangements on this property in order to achieve a 10% affordability with some ups and downs, depend on the number of units produced. Also with a fee in lieu, which can then be used -- and the 40 years is huge. Getting to a 40-year standard. That's what we should be doing on all properties and getting to 10% is what we should be doing on all properties and the fact they can do that here would demonstrate that, in fact, developers all across the city should be able to do this because it is not discounted land. Also, I would urge council to take the opportunity to review this once it's all done and look at standards for public land. It would have been nice to have standards that have required i would also encourage council to look hard at how to ensure the 40% of city taxes be assigned to the housing trust fund so that those funds, in fact, can work to reach the 60% and 50% and 30% and psh needs of the city. So with that, I am urging you to support this project because of the way the affordable housing has been handled and I really appreciate the work trammell crow has done to achieve those changes the last couple of weeks. Thank you.

[Applause] thank you. Lori wyly. After -- ray whaley and after ray is craig dazer.

>> Howdy y'all. I am roy whaley, the vice chair of the austin sierra club and i want to talk about the tree and the need to preserve the heritage trees that are on site. As was said earlier, the legislature is going to be watching us and to see if we are paying attention to our own ordinances and rules and laws here. We intent well over a year working on the heritage tree ordinance, and it wound up being watered down version of what we wanted it to be. And now if we just completely ignore our own ordinance, then they are going to throw it out completely, and you

want to talk about hours that go into something. All the volunteer hours just get thrown out the window and then you wonder why only 10% of the people in austin bother to show up and vote. There is a smaller group.

[Applause] that does a lot more than show up to vote. So I am very curious about the trees. One of the issues being, I would like to know if the city arborous has actually signed off on this and I wish one of y'all or all of y'all would ask the city arborous or someone if it indeed has taken place. Is this whole site, indeed, in the capitol view corridor? Because we think the solution is to, if we are going to give any kind of variance here, let's not give a variance that will kill a whole ordinance, our heritage tree ordinance but let's give a variance of height and go up. Let's reduce the footprint and go up so that you have the same amount of density and we use the sky to achieve that. If that's in the capitol view corridor, it may very well be like the gables, where they could stair step it and part of it could be high, part of it could be lower, and we could still achieve that. guernsey was going to try to find that out but I haven't had a chance to talk to him since then. Actually, I am supposed to have had several people donate time to me. I would like to very quickly say the sierra club stands with the workers. You should be able to live in the city where you work. You should be paid enough to live in the city where you work and not have to drive from bastrop. This is supposed to help reduce sprawl. We are off before we drive the first rivet or the first nail. I want to talk a little bit about the affordability. Now I am a member of the multiple listing service and looking today, I can see in the downtown area, since the first of the year, 86 units have been sold. The cheapest one being, and the days on the market up to 287 days on the market. The cheapest one was at 105. That was for 608 square feet, and that was built in 1966, but it's all the way up.

[Buzzer alarming]

>> on 18th street. Do I have someone that can give me some time? Is there anyone that can donate some time to me? Is there anyone that would like to hear this information?

[Laughter] because it does get into affordability. We are talking about.

>> Cole: Roy, someone may want to ask you a question. So let me ask you a question.

[Laughter] prefacing that -- prefacing that on, for the next 15 seconds, will you briefly explain your affordability point.

>> I just want to talk very quickly and I will just talk about the leases. They go from -- the -- let's talk about the leases. Again, on 18th street, 795 for 461 square foot 1-1. The highest is \$9,500 a month, 9500 a month for a 3-3.

>> Cole: We've got you.

>> Three of those people living in 7795, put them together as roommates, they still can't afford to live -- at 795 -- they still can't afford to live at 95 a month. In fact, you can build three more units and put in nine for people. If we are going to talk about affordability let's get serious about

that. Somebody sit up here tonight and explain to the whole crowd, to the whole city, what the affordability matrix is because it ain't affordable.

>> Cole: Thank you, mr. whaley.

>> Appreciate mayor pro tem.

>> Cole: Next we have craig nasser. Please come up, mr. nasser.

>> Nasser with an n.

>> Thank you for listening to our comments. My formal training is music, i have a bit of experience as horticultural experience, mainly for the pediatric garden where i planted and established for native and nonnative species including established native trees. Extremely variable soils in the austin metropolitan area are an important predictor of where trees will grow. When you see large oak or pecan in the austin area it is a result of incredible selection process that has been going on hundreds of years. For each successfully established tree, there have been thousands and thousands of trees in the immediate area of the successful tree that have died before maturity because of conditions where they were growing or the genetics of the individual tree itself could not sustain the trees under the restrictions of the varying environmental conditions. Once the tree is large and established, it is much better able to divide large swings in climate extremes. The roots reach deep for water and the plant has stored sugars to provide energy through catastrophic events such as severe storms, pest infestations, mechanical damage and drought. These catastrophic events would most definitely include the predicted effects of anthropogenic global climate change. A large native tree in the ground and under the predicted climate swings to come is really not replaceable. There is no fair mitigation for these trees. I personally have seen how smaller newly planted trees placed by human whim and not by natural selection may struggle and die in an unpredictable rate. Sometimes a tree will do good for a while and decline, sometimes poor maintenance vandalism is enough to kill a young tree not firmly established. Sometimes it is just a temporary failure of irrigation. Sometimes it is a pest infestation that cannot be expensively or environmentally -- that can be expensive or environmental challenge to treat. I continue to see newly planted trees die in downtown austin. Allowing a developer to destroy large established trees in our urban center where trees are rare and their effects are most valuable is the whole reason that the heritage tree ordinance was reason. Texas has lost hundreds of millions of large trees in the past drought alone. Developers will figure a way to make corporate profits on this development whether they allow to cut down the trees or not. I recommend that your -- you protect our valuable and irreplaceable urban canopy so when our living wage construction workers take the required breaks, they can do so under the shade of an austin heritage tree.

[Buzzer alarming]

>> Cole: Thank you.

[Applause].

>> Cole: Candace lopez. Candace lopez, is she here? She is not here.

>> I am here.

>> Cole: Okay. She is. candice, you have time donated to you by pace davis and mrs. nenna oakie.

>> Yes, nenna is here.

>> Cole: So total of 9 minutes.

>> Thank you so much. Members of the council, thank you very much for your time today to listen to our testimony and staying so late for us. It means a lot for us for you to hear what we have to say and for you to get a peek at what we deal with every single day. I am here as a representative and a staff member at workers defense project and every single day we get four or five phone calls from people with different kinds of work related issues as you heard many people talk about today. Every tuesday night we have a junta which means people come in with their cases. They have experienced wage theft, being fired for no reason, injured on the job, et cetera, and every tuesday night our house is completely packed with people. People who are working for big developers who promise to do things, like give them fair and livable wages and pay them on time or pay them at all. So these are people who, you know, are definitely told they are going to be -- these things are going to happen and they aren't happening so I think we are definitely hearing a lot of empty promises here today, as is kind of the history of construction, I think in this city. And as gregorio talked to you earlier, there was an 18 year old young man who testified in front of you his experience of being injured and that evening, I felt compelled to share this with you, I was asked to give him a ride home and he lives somewhere on a map I didn't know where it was, but it was 45 minutes away which gave us a lot of time to talk. He talked to me about his case and how he was injured on the job and the fact he has a 6 month old daughter that he cannot work and buy her formula and how it makes him feel as a man in this world unable to provide for his children, and so I think that a lot of the work that we do goes a lot deeper than just having passion for our work, and I think it goes a lot deeper than wage theft and a lot deeper than injury, and these are the kinds of stories we hear on the way home from work. These are the stories we look at every single day in the face, and so to say that we -- that we believe in what we two is an understatement. As a workers center, we definitely support training for skilled workers, which we know can help them get out past poverty, as you heard several people talk about tonight, that is a big problem with a lot of our workers, they can't get out of this -- you know, they can't get out of a certain level of being paid. So they are living paycheck to paycheck, living in poverty with no real way out. So we know that training workers and training them appropriately and getting them good paid jobs is a way to get people out of poverty and it is a way to get out of people on to more economically sustainable life, which is what I think the council and everybody in this room really strive for. So I would encourage the city council and trammell crow to work with skilled and trained workers here in austin to ensure a true path to economic sustainability and a pathway out of poverty for all of our workers. Thank you so much.

[Applause]

>> Cole: Thank you. juan mendoza. Apparently we missed you earlier. Are you still here? Would you like to come down and share your testimony? You are speaker number 12 and you did not hear your name.

>> Good evening. My name is juan mendoza and I am the -- I am a representative of a minority in this matter. I have been working with drywall, the past 7 years and i am in favor of the trammell crow project, but I am not in favor of the agreement with the workers defense project organization. We are one of the biggest drywall contractors in texas. We are currently in partnership program with abc and department of safety and health administration to ensure that we comply with all of the state and federal regulations. We provide ourselves knowing that we always -- we pride ourselves in knowing that we always pay our living wage to our workers. We provide our workers with properly work hours from 7 to with breaks from 9:00 to 9:15 a.m. And a lunch from 12 to 12:30 p.m. We understand that there are some contractors that are not complying with this regulation, but we ask that you look at the larger picture. We are a company that has been following the regulations even before there were some standards in place because we knew it was the right thing to do. We are determined to provide the best, safe, and healthy work environment and it is in our best interest to protect each of every one of our workers and their families because they are our lifeline. We should deem this petition fair for those of us that have been protecting the interest and of the workers, and all of the items mentioned by the activists are already government regulations. Thank you.

[Applause]

>> Cole: Thank you, mr. lopez. Next we have gary farmer. Gary farmer.

>> Mayor pro tem, council, thank you very much for having us here tonight. I will try to avoid any repetitive comment but apologize if I fumble on that hope. most typically I am here to speak with you all about incentive agreements to bring great companies and great jobs and great tax revenue to austin, texas. I want to commend you for the very successful approach that you've had over a period of time on economic development. There is a reason that forbes calls us the best place for jobs in big cities of america and it is your policy among other things that makes it so. However, tonight is different. Tonight I am here simply as a taxpayer and a small business owner who has had a very long history with the trammell crow company and I can tell you without question that trammell crow has been a sterling example of a corporate citizen in austin and other places and I have never known them to handle their business in anything but a very respectn't and honorable way. This project, as you well know, has been so thoroughly negotiated with city staff and city lawyers and trammell crow lawyers and the goal is to make this a viable project in compliance with the original to the extent possible and extend the greatest amount of benefit to the city as possible. 2,000 Construction jobs over time, 1850 permanent jobs upon full build-out are pretty significant for this community. 500 Million of tax base in the urban core, efficient utilization of infrastructure, 460,000 square feet of office space and our office space downtown is fairly tight right now. 800 Living units and 200 hotel rooms. This is a great project for downtown. It is a great project which will produce revenue which will be spent for the benefit of police, fire, ems, libraries, parks and programs that the city properly supports for worker training and educational purposes. Tax revenue will support all of those things that we expect as citizens. So just by the numbers, what does this project produce? 4 million in purchase price paid

to the city of austin. To the best of my knowledge at \$221 a square foot for raw land, that will be the highest price ever paid in good time or in bad in the city of austin for raw dirt. So that's very significant. 5 Million of development fees paid directly to the city. The big enchilada is the tax revenue over a period of time. Thirty years, approximately 112 million paid to the city of austin in property taxes, a like kind amount would be paid to travis county in the form of property taxes, since your rates are fairly similar. 6 Million in city sales tax, not to mention 265 million approximately paid to the city -- to aisd.

[Buzzer alarming] so it is a very significant I would encourage you to adopt it as it is proposed, and I thank you very much for your consideration. thank you. Thank you.

[Applause]. seehall shigavey, close enough? All right. Mathew barachilli, jason neteck, not here, geirillmo lopez. You have six minutes.

>> I am faculty at the university of texas where i teach in english department and I am not an expert on real estate but I am an expert on narratives and I would like to tell you the things about many of the contractors tonight have said to you, which is they said they are more than happy to meet the standards that are set by the workers defense project. They say routinely they meet these standards, they are safe. They routinely pay living wages and they want everybody to be safe. The question, then, why, then, would a contractor be unwilling to put that down in writing, which is all that being asked for? I think there is quite a bit of hypocrisy that is being paraded around here today and we should be quite cognizant of what is happening, which is that the construction industry is in one of the biggest booms it ever has been in austin. They are making money hand over fist and it is unfair to say, it seems to me that the city of austin would give up prime real estate without certain kinds of benefits in return for the people who are going to work there. None of the people that the workers defense project is representing would be able to afford property, even under the affordability standards they have set up would be able to afford property that is being built. That is the real shame here is that we are talking about a very lucrative deal. We are talking about incredibly expensive real estate and talking about human lives and they will tangle the figures of tax revenues and benefits they are giving to the city and not talking about the fact in a real estate boom in austin, where land is incredibly value, they are making out like bandits and it is going to be the workers on the -- who are doing some of the most difficult job that is are going to be -- that are going to be the worst off for it. It seems to me the city has a responsibility to take this land quite seriously, has a responsibility to its citizens, has a responsibility to make sure that the most vulnerable people in our city are not treated in the way that the contractors are asking you for. If it's really just a question of putting what they say they are willing to do in writing, it seems to me utterly bankrupt to then plead to somehow tie their hands or is unfair burden on contractors when it is quite -- we know what the economy looks like and we know what \$12 an hour can buy you. It can't buy you -- it barely buys you an affordable life in a city like austin. It definitely doesn't afford you the ability to live in downtown and it certainly is only of the worst kinds of hypocrisy to talk about the building up of an incredibly, incredibly pricy real estate industry in downtown austin but none of the people who work can actually afford -- I can't afford to live. and I cannot afford to live in the kinds of properties you are building downtown. That seems to me a shame and seems to me something the council should take seriously about what kind of economy we are building here. I live actually quite a bit ways in east austin because it is the only place I can afford despite making what I think

everybody would think of as a good job and excellent benefits and a decent salary, talking about people who make a fraction of what I make and it is your responsibility to take very seriously the consequence of people who work on that job site. It would be a shame if it were simply a question of profits and tax revenue and not a question of human lives that's being weighed in the balance here and for all of the laws that have been passed -- and I applaud people who spent time on the commissions figuring out how to do all of this stuff. It seems to me some laws just haven't been done correctly because the economic times we are living in, you can't get by on prevailing wage as a drywaller, you can't get by as a prevailing wage laying concrete. You can't get by on prevailing wage in society in austin on the wages they want to pay people to work on those job sites. It seems to me -- it seems to me that when you have a gift like the lucrative property that you are talking about to do something decent with, you should take that opportunity and actually do something decent with it and not be hood winked by what sounds like good numbers and figures and polite stories and handwrittenning that the contractors -- and hand ringing that the contractors are given you and I want to say it doesn't take a study to tell you what the living wage here and it doesn't take a study to tell you that \$9 an hour doesn't cut it. I don't think that is a difficult proposition. I think enough of you have enough sense to know what the economy lives out there to know what it costs to live in austin, to know what most people are going through and what if job i teach undergraduates who graduate with a very good public degree who can't get jobs in this economy. I think it's worth your time and energy and some consideration to say that folks who have been ? What it is, is there something better than a raw deal from trammell crow. Thank you.

[Applause]. michelle oochi. Ruben fitch. Rochelle oochi. Ruben fitch is next.

>> Hello, city council members, I am michelle oochi, I am very disappointed in the decision not to side with pdl that trammell crow won't pay living wages to the construction workers in building this project. This is something the members of the city are asking for. How dare you go against the wishes of the citizens and instead side with the businesses that are not based in the city. I assure you any agreements with trammell crow and the others in texas have given you to change your collective minds the nothing compared to the pressure we will give you if you go against us. I am angry the city of austin has stated the living wage here is about 11 or \$12, yet you cannot agree to make trammell crow pay the workers -- the construction workers \$12 an hour. This is ridiculous. The construction workers will be laboring in the most dangerous fields in the state yet you will let trammell crow pay workers minimum wage. In west campus where I live, at least 3 workers have died trying to build rio -- 21st rio which is like a lie rise condo, and that is ridiculous. Do you not care that workers are losing their lives and working in oppressive conditions for \$8, \$9 an hour? Trammell crow has the money to pay the workers more and to ensure they are working in safe conditions and the fact that you are letting them get around this is pathetic. Listen to the citizens and pay the workers a living wage.

[Applause]. ruben fitch, I guess is not here. Nicholas mitchell. Nicholas mitchell. Carlos martinez? Carlos martinez, not here. You have somebody donating time to you. Pedro dias, not here. So you only get 3 minutes.

>> Good evening. My name is carlos. I am a member for the pdl and my i will speak in spanish. I am here.

[Speaking spanish].

>> I will briefly summarize that and say that we appreciate development coming here and investing in the city of austin and we see how important it is for your tax dollars to be here but I don't want them to -- we want them to invest in our systems and invest in ways to prevent worker abuse. Thank you. thank you. Juan gonzales.

[Applause]. Dean rendy. Okay. Daniel yanez is here. You have six minutes.

>> [Indiscernible]

>> well --

>> I think I have nine minutes.

>> She's not on the list. Mary, would you like to donate? All right. You have 9 minutes.

>> Thank you very much, mr. mayor. I had a speech prepared that would have dazzled everyone and converted everybody in its geometrical object but it's late and I am tired and so I will have to speak on simpler terms. One thing you get to do is leave monuments behind you, and I know that each one of you has a project that you are proud of, something that you left blind, a legacy. -- Left behind, a legacy. One hundred years ago, colonel zilker donated the land that became zilker park. As a result, every day, his name is mentioned thousands of times, 15 years from now, when people 75 million square feet of the trammell crow project, are they going to call your name out? Do you want them to call your name out?

[Laughter] my point is great cities aren't based on a project by project piece by piece, land sale by land sale philosophy. They are not based on an extra \$4 million of tax income a year, from one real estate project, because your job is to enhance the value of the whole city, and sometimes doing lessen happens value more. And sometimes developing more cuts and leaves us with less value for the whole city. Why do people come here? We all know it's not because of our office buildings.

[Laughter] and if they came to look at the trammell crow building, trammell crow wouldn't let them in.

[Laughter] now, I am not against this project. There is a project -- there are plenty of places where it could be fine, it could be useful. I am talking about this project and this location. It's the wrong project at the wrong price for the wrong location. And we are not talking about a private zoning deal. We are talking about the use of some of the most precious land in the city. Your last precious land asset on the lake in that part of austin. Knew, let's discuss why it's a bad deal. Why I think it's bad planning and why I think it's bad aesthetics for the city. First of all, the bad deal. When this was first proposed, we were all given the figure of 42, \$43 million as a profit. There is no profit. 42 Million-dollar comes in and it goes out again and in turn most of it being spent on infrastructure without which the project could be built in the first place. And many of these costs like the 14 million for mitigation of the old site should be borne by the developer, anyway. It is a

cost of doing business. But the city is paying the cost. It gets worse than that, because all of our spending is up front. And the payments drag out in stages with many potential delays written into the contract for the developer, so that the last payment may not come until as late as 2019 and with the new postponement that was allowed tonight that I read about that I saw on the screen, it might be 2020. So we spend 42 or \$43 million and it will be more at a time of economic stress, budget deficit and start fall, higher rates and shall we say an affordability crisis. The developer pays us our money, in inflated dollars over a period of 8 years.

[One moment, please, for change in captioners]

>> we may get 80 affordable units of housing and I can understand what my friends in the affordable housing unit think that's good, to get some of out of this, but really according to what I heard tonight, Trammell Crow doesn't have to do that. They can convert them to condo units and pay \$5 a-square-foot. Ladies and gentlemen, that's 10,000 bucks for a 2,000-square-foot condo they can sell for two or three million. The compensation ought to be based upon the appreciated value of what they're doing, not some kind of arbitrary \$5-square-foot figure. That's nonsense. And also, I think it would be a great idea to have a city policy that developers had to pay into an affordable housing fund. They ought to contribute that to the general welfare, but it shouldn't be used as an excuse to sell off four or five acres of the most precious city land that we own. It shouldn't be. , And as for the tax income, shoot, if we sold auditorium shores in Zilker Park and develop them with high-rise condos we'd vastly increase our tax income, but that is not what gives a city value. In fact, by leaving -- developing that area at a lesser intensity that will enhance the values of everything near it and probably raise your tax income more. The key to this is it's not a zoning fight, it is a discussion of public land. So we have to consider what is the greatest benefit, the highest number of people, and let's be honest. What we're doing here is creating an exclusive high-rise enclave for the business professional and private elite and we are excluding 800,000 other people, citizens of this city, from land they used to own.

[Applause] now, this was sold to us as a kind of sophisticated project. It's not. They'd love this in college station.

[Laughter] this is kind of old-fashioned mega development thinking. It's the kind of massive dense block construction and development that made cities sterile. It's not why people want to get on a plane and go someplace. And I'm not arguing about private use of land. I'm arguing about what we do with the public land. It's a very different question. Whenever I poll this projects and I do politics, people don't like this idea. Their instincts are right. It's not Austin, it's anti-Austin. There are plenty of places where this would be fine, Oakland, Miami, other parts of Austin, but not on the lake. There's nothing unique or characteristic about our city in this project. And I want to suggest to you that we no longer need it for some of the purposes that were given when the project first came up. One of them was to enhance density of development downtown. We no longer need that. There are 10 or 12 high density projects pending. They're approved, waiting for the market to come around. We're getting to the point where we're going to need relief from some of that density, and that relief by green space in the heart of downtown Austin, that could be developed as a plaza, public square, right next to the public library, thousands of people would use it every single day, and it could be ringed with sidewalk cafes, small offices and boutiques. It would be far more attractive, far more in keeping with character and a far greater

and more famous attraction for the city. If your object is economic development, then I tell you a city that saves what's beautiful and precious about it is a city that's valuable to come and do business in. Every great city knows that, and every great city is not based on development, density. If it were we'd all take vacations in Calcutta. Great cities are based on punctuated density. Dense neighborhoods are punctuated by public spaces that we can all use. That's what we should do with this space. Thank you for your time. thank you.

[Cheers and applause] phil -- phil boden. Brian Leonard? Bill Thoden here? Okay. Brian Leonard is after phil.

>> Thank you, Mayor Leffingwell and members of the city council. I'm Phil Proceeedden. Office chapter of the general contractors of America, known as the Austin AGC or commercial builders working in the Austin area. I've been here for a little over four and a half hours. I got to thinking about the ordinance that was passed last year to mandate a rest break for construction workers after four hours on the job. I was thinking perhaps it could be extended to the city council work that I know you do, because it's a late night, and I appreciate all the -- all the earnestness that you're approaching these issues with. Our members are some of the leading general contractors and specialty contractors, building projects here in Austin, and one of the things that we take very, very seriously is construction safety, and I know that, you know, the workers defense group, Spanish contractors, black contractors and others have spoken. We're on the same page about construction safety. Nobody wants to go to a job with a friend and go home without that friend. One of the things that we do at our chapter over on South Lamar is we provide safety training on a regular basis. We have a ten-hour OSHA class going on today. It will finish tomorrow. We employ a full-time safety director, we added a part-time safety director in January and I'm going to add another part-time safety director in June to handle the increased demand for safety training. And what do we teach? We teach a ten-hour class, a 30-hour class, we teach a competent person training, in excavation and in scaffolding and other important parts of the construction industry. We also go out on to the job site. We do job site inspections. There's an AGC pickup truck with a logo, safety department on it, driving around the city go into city and working with the contractors and workers on do make sure safe working conditions. We partner with OSHA, they participate in our safety question commission. I'm saying this because I want to make sure you have a good education as to the true picture of the construction safety world. If you listen to one person you might get a perception there's a callous disregard for workplace safety. I don't want to take away from terrible accidents that do occur. Unfortunately the nature of the construction business is that it's very difficult. It's very hard, it's it's very challenging, particularly on a hot day in Austin, Texas. But we work with our contractor members and I would like to be a resource for the city of Austin to work with anyone who needs construction safety training. I know that the workers fed group has worked hard to be the resource on this Trammell Crow project. I want to emphasize that our group, Hispanic contractors and others, we're here as a resource as well. We're happy to share that load and I don't believe that one group should be favored, necessarily, over another, and certainly not kind of just at the city council meeting here today. As Frank said earlier there are policies in place for this discussion to take place and I look forward to working with the city council on those discussions. thank you.

[Applause] Ryan Leonard?

>> Good evening, council members. I'm here to talk about this project. I don't really know much about the project except that once again the trees are being threatened. The heritage trees that I understand had already passed -- had already been protected in this regard. So, you know, when I hear stuff like this I wonder what's going on, and honestly, where I go is I just go when will humanity wake up? And I'm wondering if you guys are going to lead the charge in that or if you're going to make decisions that cause the sleeping of humanity in terms of its responsibility to nature to continue. So you see, the heritage tree ordinance is there for a purpose, to protect the trees, and well-minded people put that ordinance together, for really good reasons, because they understood that the natural element of a city is what it needs in order to provide the was gentleman. If you take that element out you reduce the value across the board in every possible way. So what I'm saying, the heritage ordinance was there for a reason, and I don't understand the particulars about exactly how you're proposing to manipulate it to justify taking down these trees, but what it sounds like to me is that you're breaking your own law and that you figure out some loophole to a previous law with some sub-law now, but I consider what you're doing criminal if you break your own law. Now, I also understand that the senators have -- are really going to be upset about this as well. There's great consequence to taking out those trees. The natural element is the most attractive element in Austin. We have a lot of dynamic things to offer, and they're all wrapped around nature. Like it or not, that's just the way it is. So I think it's a very dangerous way to proceed and it's very disrespectful to the people who wrote that ordinance and to the -- the way that most people really want to see this city run, is with a great deal of respect for nature. So I think the right thing to do is go ahead and continue to protect those trees. Any other option to me is criminal. Thank you.

[Applause]

>> Mayor Leffingwell: okay. Next speaker is Christina Zitson but she's already spoken so we'll go to Dan Crow. Dan Crow? Adrienne Reyna? All right. Daniel Candellaria.

[Applause]

>> Mayor, city council members. I'm Daniel Candellaria yeah I used to be a student at UT where I graduated last week so I'm no longer a student.

[Applause] and I also work with the defense projectage I'm one of the construction worker at the terrace which is the place project they were talking about that the foundation committee is going to work with workers defense to ensure various regulations that they have -- they have formed together. And throughout my work there, I worked there for five, six months, even though the -- the regulations were on paper and all this stuff that the city council has passed, all these regulations that's supposed to be followed by these contractors, and is -- are not being followed, and therefore the -- it is necessary for us to be there every week -- we are there every week to find out about any breaches of the contract, and we always find out about something, some workers not being paid what they're supposed to, workers not being offered workers' compensation, other workers that are being paid in cash and are not -- the payroll taxes aren't being taken out of the paychecks. We always found something, and we have had dozens of workers raise -- helped them raise their wages and helped more workers, again, get workers' compensation they were promised, but contractors find one way or another to get out of it. And

basically what we're asking today is we're asking the same thing for this bigger project, for workers friends to have the opportunity to be there, to monitor to make sure that the laws that you have passed and the contract that we had come up with to be -- to be followed, because all these contractors go, oh, yeah, we are all for workers and worker safety is our intention, but then hour after hour they keep paying less than they were supposed to. They don't offer all these benefits and there needs to be people who care about the workers at these construction sites to make sure that these workers are being paid what they're supposed to, being offered the benefit that they were supposed to, and if you guys really care about the workers then why don't you agree to the contract. Basically you are all just -- you are all just --

[applause] -- trammell crow, all these contractors over here. You guys say, we already pay our workers a living wage. We're giving all these benefits. Then agree to the contract. Agree for us to be there and if you're already doing this and nothing -- nothing bad is going to come out of it. So there you go. That's all I have to say.

[Applause] rayen castro. Rayen castro. Leticia lopez. And once again, if you've got something new to add, of course we want to hear it, but if you want to repeat what we've been hearing before you can just say i agree with the last guy.

[Laughter]

>> [speaking in spanish]

[applause]

>> and to summarize -- and to summarize, you wanted to just testify that he has worked construction for \$7 an hour and found it so hard on that wage to even feed his family here in austin and that, please, we need to take into account our families so that we can get the training we need and the wages we need so that we can support our families, that he have -- you know, we're not asking for something for ourselves. We're asking something to better austin and to protect workers. So thank you.

[Applause] leticia lopez? Leticia lopez. Raymondo rodriguez. Amrais zamora. Lardino senior.

[Applause]

>> council members, my name is bern dino senior, at the university of ut, member of the international socialist association and the workers defense project. While participating on workers defense this past year I learned about what community is and what it means to empower people. We help our members improve their lives by showing them they can organize and shape their own future. Construction workers are the most disenfranchised members of the austin community. Every day a workers walks into our doors and tells us how they were robbed on the job, how they were not compensated for the blood and sweat they put into building our city. If these developers were honest and fair our organization wouldn't need to exist and we wouldn't need to be here to ensure that these companies play by the rules. The representative from trammell crow said this is a pretty standard contract but council members, what is that standard?

Dangerous working conditions, wage theft, lack of safety training and some of the -- in some of the worst cases death. This is the reality of the texas construction industry. The watered down proposal that you all want to approve is the wrong direction for austin. It's short sighted, irresponsible and hurts austin's families and communities. When developers rob construction workers we have to expend massive amounts of time and energy to get back what they deserve. During that time workers have to struggle to survey, to pay -- survive, to pay the rent, the utilities. They have to struggle to live until their wages are recovered. It is essential that workers defense project has access to monitor the water development site. If you fail to approve this and other the other positions we're advocating for you are failing austin. Stop breaking promises. Do the responsible thing and ensure we have wages and better working conditions. mayor, please stop telling us not to repeat what's been said. We have to come back here and repeat everything because you're not listening and you're breaking your promises. I'm not telling you. I'm just asking you.

[Applause]

>> thank you. daniel woodruff? Daniel woodruff? Guadalupe torres? Juan torres? Eva marikin? Roger baker? Roger baker? Antonio marks?

[Applause]

>> [speaking in spanish]

>> good evening.

>> [Speaking in spanish]

>> so I'd simply like to say we're not here against trammell crow. We're not here against this development project. What we're here is to simply demand that this building is constructed with dignity, with respect, and if that's too much to ask for, if you claim that this is so much to ask for, then yes, that's what we're claiming is too much to ask.

>> [Speaking in spanish]

>> and so one of the things that we're asking for is that this project has -- includes safety trainings. I as someone who worked in the construction industry has seen the benefits of safety trainings and, you know, this is something that can help us prevent future death, future accidents on the job.

>> [Speaking in spanish]

>> and so I'd simply like to close by thanking the workers defense project for promoting this change, for promoting this historic development and I would like to ask that the mayor and the rest of the council members take part in this historic positive change and we ask for your support. thank you.

[Applause] carlos -- carlos perez alejo. Carlos?

>> Hello again. So as all of us in this room are well aware, we're still in the midst of a deep economic crisis with cities across the country suffering the results of 30-plus years of mounting inequality, which we're all growing painfully aware of. However, as someone else mentioned, austin is sort of in a unique position in that we have a relatively strong economy compared to other cities in the country where we have the luxury to talk about jobs, which is something that a lot of other cities don't have the luxury to talk about. Most of their conversations revolve around cutting jobs. So the real question we're facing tonight is what kind of jobs? And what I'd simply like to ask is that the mayor and other folks on city council take a long hard look at the construction workers and their families here tonight and stick with their promise that they've made to maintain safe living-wage jobs and training to maintain those safe living wage jobs for austin's construction workers, and I'd also like to close and just say [speaking in spanish] thanks.

[Applause]

>> mayor leffingwell: jim o. Quinn? Jim o. quinn? Ross smith? Ros smith is here.

>> Mayor, council, thank you for sticking with us through all of this tonight. I signed up neutral on this. I want you to change me to against. I would like to say that i agree 100% with dean rendy's comments.

[Applause] I also have a comment about the tree ordinance. I understand that there are many ordinances, especially zoning ordinances, where you have the authority to make exceptions and carve out ways to make ordinances fit a particular situation, but to simply decide that you are going to ignore an ordinance that you have passed, well, thomas hobbs would say that you have moved from being a representative body to being an absolute monarch. And another way of saying that is that it's the textbook definition of a dictatorship, when -- when the sovereign can simply ignore any rule that he wants to. And I really think you need to think long and hard about whether that's a precedent that you want to set, if that's the road that you want to go down, because future councils will take that and run with it as far as they can. So please think long and hard before you take that step. Thank you.

[Applause] david butts? David butts? Last speaker.

[Applause]

>> mayor, city council, there's a lot wrapped up in this issue. I've learn a lot listening to everyone, what they have to say, and it's been an education for me, but there's one thing that's very clear. Trammell crow and its allies are going to make a pile of money off this deal, and i mean a pile, but there's one problem. That land belongs to the people of austin.

[Cheers and applause]

>> if we're going to give that land to them, the people of austin deserve to get something back. Apparently, giving workers a crummy \$12 an hour is too much to ask, apparently. I mean, you

know -- really, come on. No one can live on \$12 an hour in austin and have a real live, and we -- life and we all know that. So this is utterly ridiculous. Utterly. This is our city, and that property is our property, and if people don't want to conform to what we want to see happen in this city, then they can go, and maybe they should. I hear this discussion about protocol. Well, yeah, protocol next year or the year after the next or the year after next. We're talking about right now on a very valuable project in which a lot of money is going to be made, and they're going to squeeze out as much as they can on the back of people who help them make that -- build that project for them.

[Applause] that's wrong and should not be tolerated in this city. So that's point 1. Point 2 is the heritage tree ordinance. Now, we passed the heritage tree ordinance, somebody passed it, I guess most of you did, and I guess I'd ask you the question, we have a heritage tree ordinance, are we to assume that this ordinance was passed to make it easier to cut trees down or to make it more difficult? I think you know the answer to that question, quite frankly. If you're going to do this project, at least demand a fair price from the people who are going to make a pile of money off of it and fair treatment for the workers and protecting those trees. It's a small thing to give up -- for them to give up, very small. Don't sell our city short. Thank you very much.

[Applause] a number of other folks signed up for and against. I'm not going to read all the names, but they'll be entered into the record. So those are all the speakers that we have signed up wishing to speak, and the floor is open for discussion or motion, or both. Mayor pro tem? I did have a question to the gentleman for the developer, trammell crow. He started -- yeah. I'm sorry, I forgot your name. It's late.

>> It's adam mems. will you tell me about the training process you have to move people up the pipeline within your organization or what you know about the construction contracts?

>> Yeah, I can, and I would point to one section specifically in the language we have agreed to regarding the workers defense project, which they have a copy of, that says that all construction workers will be provided a ten-hour osha training class free of charge in accordance with the city's own osha resolution. So we have agreed to the osha resolution. It also requires general contractors to provide a 30-hour supervisory, trained safety person to be on the project at all times. And then, you know, I won't comment to what all of the contractors do. I would tell you construction jobs typically are there, and they are hiring people who are hard to employ, and they do offer pathways up. It's been a great opportunity for many people in the construction industry to work their way up from laborer to a carpenter or a plumber, but I can't comment specifically. We do not hire the labor ourselves. We hire --

>> cole: I understand. I just wondered what you knew about that process and if you were -- agreed with it in principle.

>> Yes.

>> Cole: is greg here also? Come on down, greg. Greg, we talked a little bit earlier about the hard to employ, and can you tell me about the training that your organization makes happen?

>> What we would do is we don't -- we're not actually asking to provide training and to place workers. What we're hoping is to set a goal with Trammell Crow for hiring workers out of training schools. So what would happen is -- so we're talking about -- he was talking about how contractors try to move people up but they're just hiring people off the ground. So what ends up happening is the same hard to employ folks get stuck in the same bad jobs at the bottom of the pay scale. The way to move up is to go to school, but going to school is tough when you have to be working that \$7.50 job every single day. So what we help -- what we try to do is encourage people to go to night class, to go to classes every single day after work, or to miss out on work and to go to school, knowing that Trammell Crow has set a goal for hiring folks out of school so that that training is actually encouraged, so that people who don't really have the skills have a reason to take those classes so they can move on up and they can work on a stellar project that has a wage floor and that we're checking up on safety.

>> Cole: okay. Thank you, Greg.

[Applause] let me preface an amendment that is going down the aisle that I have drafted with a little background. I am the first one on both sides of my family to go to college, and my great uncles all the way back would always tease me and say that the only reason you went to college, or to go to college is because you were the only one of us that could not figure out how to make money just having a high school degree. So there's a little bit of truth to that. But I really respect the construction workers and in particular the trades, the plumbing trades, the electrician trades that I see make a lot more than the \$12 an hour on here, and I also recognize that we are becoming quickly two Austins, an Austin with a lot of prosperity and an Austin that has lots of lots of real hard, tough issues.

[Applause] and we have a unique opportunity here today to try and merge those two Austins and move us forward, hopefully together, and that's a recognition that we have hard to employ advises, those with criminal records, those without high school diplomas or even 8th grade educations, those with disabilities, and many of those individuals as an entry-level position have a hard time finding an entry-level position, and that makes an incredible strain on our social service system and government in general, and we need help with that. And we also need help, which our respective workers defense fund and project for recognizing and getting people train to move up the ladder. So what I have is an amendment that I hope furthers both goals, which states that in the mda 2 that we revise the prevailing wage covenant to delete the phrase "prevailing wage" to "living wage" -- Mayor Pro Tem, we don't have a motion on the floor at this point.

>> Cole: I'm sorry. I'd like to make a motion to amend the master development agreement with the following language -- first do you want to make a motion? The motion would be to approve an ordinance authorizing the city manager to execute a master development agreement, et cetera, and after that is made and on the table, you can offer your amendment or you can offer your amendment with the motion. I will offer my amendment with the motion, and I move that we accept the green water treatment plant master development agreement, and with the to mda 2 e, we strike the language of "prevailing wage" and insert "living wage," and it states that the developer shall require construction contractors and subcontractors engaged by the developer to construct the public improvements and the shell building improvements to pay a living wage of

\$12 per hour unless the developer hires into entry-level positions those individuals classified as difficult to employ. In such cases developer may use the prevailing wage schedule as may be modified by city of austin study or as recommended by the city council economic incentives task force and the minority and women-owned business enterprise subcommittee. A difficult to employ individual will be defined as an individual with a criminal record or a disability or lacking a high school diploma. That's my motion, mayor. motion by mayor pro tem. Is there a second for that motion? Second by council member martinez. Further discussion? City attorney?

>> Mayor, my only concern is that the entities that seem to be listed in the amendment I don't think maybe have final decision-making authority. My understanding is that the task force is an interim kind of task force and they're going to send recommendations to the council. So I think it may be maybe more appropriate to list entities that have final decision-making authority in the mda, and the minority and women-owned business enterprise subcommittee doesn't have final decision-making authority either, so. let me ask if you can help me modify this language based on what you just said. I guess we should say, the they use the prevailing schedule as may be bona fide by the city council.

>> Correct.

>> Cole: okay. and modified by the city council and deleting the rest of that sentence? and deleting the requirement of city council economic incentives task force and minority -- and the minority and women-owned business enterprise subcommittee? it will just have to be modified by council based on legal advice. all right. So I think we've got that.

>> Yes, mayor. all right. Council member morrison. I wanted to get some clarification on this. I fully support having a floor of \$12 per hour living wage for all of the contractors. I also fully support prevailing wage, whichever is is greater, the \$12 or the prevailing wage, and prevailing wage can be significantly greater than \$12 for some of the traces. And so what I'd like to do would be to find a mechanism -- so what you've done -- what this does is we had some protections for skilled laborers that were going to be making already guaranteed 20 or \$25 an hour that are at the higher scaled levels and what this does is remove that \$25 limit for them and lowers it to 12. So I don't know if --

>> cole: oh. so I think we want to keep prevailing wage and what I would prefer to see would be to keep prevailing wage and \$12 an hour, and the requirement is whichever is greater. you want to make a friendly amendment? I would like to make a friendly amendment. I'm not sure how the words -- how to worth smith that. do you want me to take a stab at it?

>> Morrison: yes.

>> Cole: okay. I think we should say -- rather than striking the living wage language we should just say prevailing wage, and also, where it says living wage, keep prevailing wage of \$12 per hour or greater, pursuant to the prevailing wage federal schedule? Is that -- we could say -- i think you could just not strike "prevailing wage as defined in the city of austin ordinances attached here to as exhibit f, but no less than a wage of \$12 an hour," et cetera. I'll take that as a friendly amendment. council member martinez? yeah, I just want to clarify. So I'm pretty sure i

understand what council member morrison's intention was, but you still have other language that says -- we still have other language that refers to the prevailing wage as it relates to a difficult to employ individual. Is that language going to remain a part of this motion?

>> Cole: yes. because under that -- and that's okay. I'm just trying to clarify --

>> yes.

>> Martinez: okay. So the answer is yes, that language will remain. What it means is if a difficult to employ individual is hired, that the employer can use the prevailing wage scale, which could be less than \$12 an hour.

>> Cole: exactly. if it's someone without a diploma or criminal background, then they would use the prevailing wage scale.

>> Cole: exactly. under that definition.

>> Cole: exactly. all of those lines that are underlined would remain in there except the ones that were stricken about the economic incentives task force and the minority and women-owned businesses, and that decision would be made by the austin city council. But otherwise the rest of that underlined language remains in, as I understand mayor pro tem's amendment to I think we have that -- it was your amendment, mayor. i think we have that lined out. And it's acceptable to the maker and to the second, with the clarification. So that is -- that is the motion and second. Council member spelman? I want to back way up. We started talking about this property, was it four years ago?

>> Mayor leffingwell: 2008. 2008, about four years ago. And here we are now with a master development agreement four years later. Can somebody explain to me, what took four years? Recess recess ion, maybe.

>> Kevin johns, director of economic growth. I think that the recession took two and a half years. I think that just took the wind out of the sails. The last year, as you know, we've been negotiating very hard on the contract and the rub, essentially, was the parking garage. So the market has begun to turn around, and that is what's prompted the negotiations to accelerate and why we're here today. So it's three and a half years. the market turning around can be interpreted a bunch of different ways. One is demand that is gone up and so now units they couldn't sell before can be sold. One of them is cash has become available, they can actually get money -- they can borrow money to build the project they couldn't borrow money on before. There's a lot of different possibilities here. How much time has actually been spent in the negotiation itself? How long have we actually been negotiating with a willing buyer on this property?

>> Council member, sue edwards, assistant city manager. If you recall, there were two pieces to this project. One was the energy control center and the other was the green project itself. So the energy control center you passed about -- I don't know exactly, but over a year ago, and that was a complete negotiation. During that -- and that was also a very small piece of property that did not take that long to negotiate. We deliberately stopped negotiations for almost a year and a half

on this particular project because there was no financing available. The market was down, and to negotiate during that period of time really was meaningless. So we stopped for about a year and a half and started just a little over a year ago.

>> Spelman: okay. So this -- there's a year and a half where trammell crow can't get financing. If they could, they could build a project nobody could afford to buy into.

>> That's correct.

>> So we only started seriously negotiating about a year ago?

>> About a year ago. in the meantime some of the parameters of this project were set four years ago. The original appraisal as rendy reminded us, was done four years ago. Do we have a sense for whether the appraised value of this dirt would have actually gone up or down over the last four years?

>> It really stayed approximately the same. We found that very unusual. We did ask about that, i think. One of the speakers talked about the fact that this is one of the most expensive pieces of property downtown that's been sold, or that will be sold. So -- farmer said it was the most expensive per square foot of anything downtown.

>> That's correct. So what we found was that we didn't do -- the appraisals that we did really -- was pretty steady, held steady during this period of time.

>> Spelman: okay. How did we know that without getting another appraisal?

>> It's based on comparables that we found.

>> Spelman: okay. So we found other dirt that's changed has not in roughly the same area and that hasn't moved very much?

>> That's correct.

>> Spelman: okay. That's one thing I don't have to ask you too many more questions about. We've had a lot of people -- I'm not done with you, mr. johns. Come back here. Good tri, though. We've had people bring up a lot of different issues and I don't know what the price of those issues is. I know we've got a deal in front of us right now. I don't have a sense for what this project is actually going to look like yet. I haven't seen the elevations and isometrics and things like that. I have a rough-cut idea that there's going to be slow sections and high sections and so on but I don't feel a feel for this yet. And I suspect there's a reason for that too. A lot of this stuff was kind of under raps for a while, was it not? He's nodding his head.

>> The illses you've seen and the descriptions since -- illustrations and descriptions you've seen since december look about the same. The highrises, the 1.4 million square feet. That has all pretty much remained the same. why is that not on my backup here? I don't have pictures of this

stuff in the backup. I have a rough floor plan of the site itself and the number of square feet of dirt but I don't have a sense for what this project will look like in the mda or anything else.

>> In terms of the visuals, we have the illustrations, we can put that up. It's the same illustrations that gensler has done and that is, in fact, what the proposed pro forma is. Is that what you're asking? what I'm getting at is not what I can see. If I wanted to know all those details I presume i could go to your office and say show it to me. What I'm really getting at is the backup is what's available to the public on a regular basis and the public doesn't have access to that information.

>> See if I can pull up the.

[Applause] -- illustration. This is the -- this is the project and this is -- this is what we have been using all along being and we've got it in great detail. I'm not sure how much additional information you need. well, I'm not sure I know how much I need either, but let me ask you a few questions besides that. Is there a reason why that presentation was not available in backup or has not been widely available to the public?

>> There's no reason why it wasn't in backup. Everybody has -- it's been on -- everyone can have a copy of it.

>> Spelman: okay. That good to know. Okay. On the -- I suspect off chance that we do not make a final decision on this issue today, I'd thank you to put that available so everybody else can take a look at it too.

>> The project on the screen is a conceptual drawing, and the city has the final decision on a lot of the -- the design itself, outside of the regular regulatory kinds of things that we have. This is really the only -- at this point, really the only conceptual that we have.

>> Spelman: okay. Well, it's helpful to have at least this much. One of the things which even this fairly vague drawing will tell me is that rendy is right when he says there's no public land here. This looks like it's all private because we're building it up to the maximum density possible. That's kind of what we asked for a proposal on, was a maximum density proposal and that's kind of what we got here but just looking at this is actually helpful to me because I have a better sense of what it is we're getting ourselves into. Let me be a little bit more specific. Go ahead, sue.

>> I was going to say, council member, this picture has also been in the newspaper on several different occasions. that's good to know too. We have had a bunch of people come up to us and say, what about the tree ordinance? What about a living wage as opposed to the prevailing wage? What about more affordable housing? And some of the stuff I have a little bit of an idea from what it is we would actually get if we were to ask for more, and some of it i don't. And I'm not sure -- I am generally in support of the mayor pro tem's proposal, for example, of a prevailing wage for people who are hard to employ and a living wage for people who are not somehow defined. That seems like a reasonable idea, but I also suspect that it's going to cost us. We haven't negotiated that. We're going to have to renegotiate at least to some extent if we wanted to do something like this. If we wanted to hold a \$12 living wage to everybody that's going to cost us because it's going to cost you. Do you want to talk about that?

>> Yeah, just as a point of reference, council member spelman, the -- paying the \$12 an hour in addition to the prevailing wage is about two and a half million dollars on the very first project. It's about a 2 1/2% increase to overall construction cost. Those numbers have been verified by four local general contractors. I'd like to note that prevailing wage ordinance, which is what the city pays on its own construction contracts, is about a 5% increase to a contract -- overall contract, not just labor cost, it's about a 5% construction cost increase above what a normal private developer, not buying land from the city, would be paying. So we're paying about 400 million in construction costs. 400 million plus 5% is what we're talking about over the entire project.

>> That's correct, it's 20 million for prevailing wage, somewhere in the neighborhood of 10 million for the \$12 base. so suppose this council made a decision right now that we feel strongly about living wages. We want you to pay a floor of \$12 to everybody, hod carriers, low boy drivers and everyone. You're saying that would cost about \$20 million more. If we made you do that what would do you?

>> We would not be able to finance the project. --

>> we would not sign

[inaudible]

>> and you'd want to go back and renegotiate the terms? Or would you walk away?

>> It would severely impact our ability to deliver any of the other benefits we negotiated including the affordable housing we've now moved to 40 years. that's what i expected you to say and that's perfectly reasonable from your point of view because you're here to make money and build a set of buildings. If we put another constraint on you it's going to inhibit your ability to do the things you want to do, somebody has to come up with the 20 million bucks, maybe us, or maybe you have to back off on something else. What I'm getting at is what trade-offs are we making by picking this project and not another project that might have a floor of \$12 as a living wage or a different project which might keep all of those heritage trees or another project which might take the dirt value that we're selling to you and put it back in the austin water utility as opposed to using it for some other purpose? Like affordable housing.

[Applause] why are you applauding that? I'm just talking like an economist here. Come to my class sometime and start applauding my students. Maybe they'll get with the program.

[Laughter] I guess what I'm getting at is we got a project and there's stuff we can do which is different from what we're doing but it's going to cost us something, and i want to know what it's going to cost us, and I don't think this is something -- i appreciate your willingness to give me a rough estimate of 5% or about \$20 million for the living wage floor, but I suspect also if I really made you put a pencil to it you'd probably come up with a few more nonzero numbers to it as well. I suspect if I asked you, what's the cost of keeping those heritage trees, you'd probably want to put a pencil to it and give me a number back and it's going to cost \$17 million or something. Don't use that number, by the way. I just made that one up.

[Laughter] if we made you build this according to the downtown austin plan requirements, which we have and because the downtown austin plan hadn't been -- it was just a glimmer in some planner's eyes when we started this fore into looking at this particular piece of dirt but now we have a plan, if we made you adhere to that plan presumably something would have to change. And I guess what I would like to do before I make a decision as to whether i support this project or i support some other hypothetical project that's not before us right now, is to get a sense for what are we giving up by doing it this way and not some other way. What are we giving up by -- we know we're giving up trees. If we kept the trees, what's it going to cost us? If we kept a living wage what's it going to cost us? If we kept the downtown austin plan what's it going to cost us? I don't know that yet. Is that something we could conceivably do in relatively short order or will that take months and months or what's involved?

>> I can tell you, I believe at this point we are likely very close to complying with the downtown austin plan if we don't already. We have retail fronting every seat, we comply with the great streets requirements. I would guess that we are very close if we don't already comply and we do not need any far increases. I can tell you the impact of leaving the trees in place to the overall density in our current design. The impact today is approximately 600,000 square feet. We have lost multifamily units of approximately 311, 10% of which would be affordable at 80% for 40 years, so 31 units of affordable housing which we would lose. We would lose retail square footage of about 21,000 square feet and we would lose parking spaces of about 363 spots.

[One moment, please, for]

>> council member, I would like to do a quick summary. I just -- it brings us up to speed because there have been a lot of questions asked and i think you deserve an answer to some of them.

[Laughter]

>> Spelman: I am just the messenger. All of these people need the answer. If you give it to me, you give it to them.

>> Of course, that's our intention.

[Applause]. I think it's important to say that with regard to the trees, i think since there has been a large contingency here that is very concerned about the trees, as we are, there are legal issues as well as economic issues. I think you've just heard from the developer that 60% of the project -- or 30% of the project could not be built because of the trees. Now, that's just the economic side. I would like to have brent lloyd speak to you about the legal side because I think there have been a lot of questions that seem to allude to the city taking shortcuts or avoiding the process, so -- in fact, I would let brent bring you up to speed on the legality of it.

>> Spelman: That would be helpful.

>> Thank you.

>> Brent Lloyd, assistant city attorney, are there particular questions in regards to trees that council members have?

[Laughter]

>> Spelman: Are you feeling set up, Brent? I wouldn't say that but I think -- we have covered a lot of ground tonight and Kevin kind of framed the issue rather broadly and I wondered if there are particular tree issues that are of concern.

>> Spelman: Let me give you a hypothetical. If council decided to -- we decided to take the tree ordinance very seriously and asked Trammell Crow to adhere strictly to the heritage tree ordinance, not to take down any heritage trees, are there legal issues associated with that?

>> No. The council certainly -- there is not an entitlement that there be any sort of modification to the heritage tree ordinance but I think just by way of kind of factual background, it is worth process that initiated the green master development agreement that is before you tonight was approved by council prior to adoption of the heritage tree ordinance and certainly, you know, less there be any confusion, the state grandfathering law applies to permits. So but some of the policies are certainly similar and there is certainly no -- given the facts, there is certainly no legal prohibition against the council through this ordinance taking action to modify the requirements of the heritage tree ordinance. I think we have technical staff present tonight that can address the extent to which the project as proposed does meet the mitigation requirements of the heritage tree ordinance, but I think it's important to note that in the ordinance that would approve the MDA, the key provision that is waived is simply the requirement to obtain a variance through a commission approval process. I think the bulk of the requirements of the heritage tree ordinance, and, again, staff I think are present that can speak more particularly to that, the bulk of those requirements are satisfied.

>> Spelman: Okay, so it would meet the substantive requirements, just not the procedural ones?

>> I think that's correct.

>> Spelman: If somebody could talk about the substantive requirements, I think will be helpful. Is

[Indiscernible] still here?

>> Spelman: I believe he is. Good evening. Michael, city arborist, city of Austin. Brent just mentioned the mitigation requirements for the removal of the trees is currently being proposed to meet the current standard for mitigation, meaning the applicant is proposing to mitigate at the current rate for mitigation purposes.

>> Spelman: So this proposal is fully in compliance with the substantive requirements of the heritage tree ordinance?

>> The heritage tree ordinance is a preservation ordinance and so if the trees are allowed to be removed, then mitigation is required, and mitigation that would be required is what's being offered here. The 300 percent for heritage tree -- for the heritage trees and 100 mitigation for the one nonheritage tree.

>> Spelman: Okay. So they are planting enough trees that if we allow them to take these downs, that will trigger a requirement for mitigation and they are fully mitigating?

>> Correct.

>> Spelman: Okay. And there are procedural requirements if this were not -- if this negotiation had happened after our tree ordinance had passed rather than beforehand that would be other gateways they would have to get their way through, but they don't have to, legal point of view, because we began negotiating this before the tree ordinance was passed? Do I fully -- do I understand you correctly? I would defer to present on that.

>> Spelman: That's a legal question. I shouldn't be asking for you, go ahead.

>> Tovo: Mayor.

>> Mayor Wynn: Council member tovo.

>> Tovo: With council member spelman's permission, I would like to just ask a couple of questions, and I want to say thank you to all of those -- all of the members of the community that have weighed in on this issue and asked very good questions and I am going to pose a few of them for you. ambizi did you approve the removal of these trees?

Affordable housing which we would lose.

We would lose retail square footage of about 21,000 square feet and we would lose parking spaces of about 363 spots.

[One moment, please, for]

>> council member, I would like to do a quick summary.

I just -- it brings us up to speed because there have been a lot of questions asked and i think you deserve an answer to some of them.

[Laughter]

>> Spelman: I am just the messenger.

All of these people need the

[00:02:01]

answer.

If you give it to me, you give it to them.

>> Of course, that's our intention.

[Applause].

I think it's important to say that with regard to the trees, i think since there has been a large contingency here that is very concerned about the trees, as we are, there are legal issues as well as economic issues.

I think you've just heard from the developer that 60% of the project -- or 30% of the project could not be built because of the trees.

Now, that's just the economic side.

I would like to have brent lloyd speak to you about the legal side because I think there have been a lot of questions that seem to allude to the city taking shortcuts or avoiding the process, so -- in fact, I would let brent bring you up to speed on the legality of it.

>> Spelman: That would be helpful.

>> Thank you.

>> Brent lloyd, assistant city attorney, are there particular questions in regards to trees that council members have?

[Laughter]

>> Spelman: Are you feeling set up, brent?

I wouldn't say that but i think -- we have covered a lot of ground tonight and kevin kind of framed the issue rather broadly and I wondered if there are particular tree issues that are of concern.

>> Spelman: Let me give you a hypothetical.

If council decided to -- we decided to take the tree ordinance very seriously and asked trammell crow to adhere strictly to the heritage tree ordinance, not to take down any heritage trees, are there legal issues associated with that?

>> No.

The council certainly -- there is not an entitlement that there be any sort of modification to the heritage tree ordinance but I think just by way of kind of factual background, it is worth

[00:04:02]

process that initiated the green master development agreement that is before you tonight was approved by council prior to adoption of the heritage tree ordinance and certainly, you know, less there be any confusion, the state grandfathering law applies to permits.

es but some of the policies are certainly similar and there is certainly no -- given the facts, there is certainly no legal prohibition against the council through this ordinance taking action to modify the requirements of the heritage tree ordinance.

I think we have technical staff present tonight that can address the extent to which the project as proposed does meet the mitigation requirements of the heritage tree ordinance, but i think it's important to note that in the ordinance that would approve the mda, the key provision that is waived is simply the requirement to obtain a variance through a commission approval process.

I think the bulk of the requirements of the heritage tree ordinance, and, again, staff I think are present that can speak more particularly to that, the bulk of those requirements are satisfied.

>> Spelman: Okay, so it would meet the substantive requirements, just not the procedural ones?

>> I think that's correct.

>> Spelman: If somebody could talk about the substantive requirements, I think will be helpful.

is [indiscernible] still here?

>> Spelman: I believe he is.

Good evening.

Michael, city arborist, city of austin.

Brent just mentioned the mitigation requirements for the removal of the trees is

[00:06:02]

currently being proposed to meet the current standard for mitigation, meaning the applicant is proposing to mitigate at the current rate for mitigation purposes.

>> Spelman: So this proposal is fully in compliance with the substantive requirements of the heritage tree ordinance?

>> The heritage tree ordinance is a preservation ordinance and so if the trees are allowed to be removed, then mitigation is required, and mitigation that would be required is what's being offered here.

The 300 percent for heritage tree -- for the heritage trees and 100 mitigation for the one nonheritage tree.

>> Spelman: Okay.

So they are planting enough trees that if we allow them to take these downs, that will trigger a requirement for mitigation and they are fully mitigating?

>> Correct.

>> Spelman: Okay.

And there are procedural requirements if this were not -- if this negotiation had happened after our tree ordinance had passed rather than beforehand that would be other gateways they would have to get their way through, but they don't have to, legal point of view, because we began negotiating this before the tree ordinance was passed?

Do I fully -- do I understand you correctly?

I would defer to present on that.

>> Spelman: That's a legal question.

I shouldn't be asking for you, go ahead.

>> Tovo: Mayor.

>> Mayor Wynn: Council member tovo.

>> Tovo: With council member spelman's permission, I would like to just ask a couple of questions, and I want to say thank you to all of those -- all of the members of the community that have weighed in on this issue and asked very good questions and I am going to pose a few of them for you.

ambizi did you approve the removal of these trees?

>> No, I have not.

>> Tovo: Did you recommend against removal of them or --

[00:08:00]

you reviewed the site but did not -- you were part -- your approval -- sorry, it is late and I am becoming inarticulate here.

You did not review the plan and recommend removal of them?

>> Over the last year, I more consulted with city staff to assess the health of the trees, the transplanting possibilities and to discuss what mitigation options would be if the trees were allowed to be removed.

>> Tovo: Are any of the trees on the site candidates for transplanting?

>> There is one tree that's part of the package in front of you that is being proposed to be transplanted.

One of the 8 trees is being proposed to be transplanted.

>> Tovo: Are others candidates for transplanting, in your opinion?

>> Most are not good candidates for transplanting.

Most of them.

There are a few that we looked at much closer, each of them have certain aspects if they -- if they are transplantable, but most are not.

>> Tovo: And so if there were -- if this had been another site and they were beginning thinking about developing it, they would be required to -- as per the heritage tree ordinance, they would be required to go through a review process that also included a recommendation from you.

Is that correct?

>> In the event that the heritage trees could not be preserved, a public process would be triggered.

>> Tovo: But as you said the heritage tree ordinance is one of preservation.

The intent is to keep those trees on the site if at all possible if they are healthy and viable.

Does this meet the requirements for an administrative -- i understand under the heritage tree ordinance, there is a provision for administrative approval with some particular conditions.

The tree is dead.

It is imminent hazard to life or property, it is diseased, restoration in sound condition is not practical, et cetera, do

[00:10:01]

any of the heritage trees on the site meet those conditions for administrative?

>> The trees are in good health.

>> Tovo: So they would not fall under -- trees on the site don't fall under the administrative variance requirements?

>> Not under the one that you listed.

That's correct.

>> Tovo: Okay.

Thank you.

council member riley.

>> Riley: Can we get a little more guidance as to -- on the basic issue of why the preservation of these trees would barely impact the project -- when -- some speakers pointed out the trees appeared to be generally on the periphery of the project and there were suggestions about how they could be accommodated, the project could be built around them.

And can you help us understand why that's not really feasible without severely impacting the density of the project?

>> Sure, I can.

There is a couple of things that are important to remember about this site in particular.

We are subject to water front overlays from lady bird lake and from shoal creek.

Those have never been offered as a possible to remove overlay water requirements.

Those requirements force us to place our towers in very specific locations on the site.

What was not mentioned during the tree discussion thusfar is that when leaving a tree in place, you aren't just leaving the trunk of the tree in place.

You must protect what is called the critical root zone which is much closer to essentially the drip line of the tree, if not further out.

When forced to keep those trees in place, we are not just talking about the sidewalks.

We are talking about 20, 30, 40 feet around the trunk of the tree.

They take out -- there is two trees on san antonio that are located in a position where they affect 38 stories of our apartment tower.

All of the trees on cesar chavez

[00:12:03]

affect our ability to have retail front on cesar chavez as well as our fronts that face it.

And we lose a large number of units just on the numbers we lose on cesar chavez, retail we lose there and the units we lose in the tower.

A couple of other quick notes, if may.

When you protect critical root zone, you aren't only protecting it vertically but you also must also protect below grade which means we can't build parking garages anywhere within the critical root zone of these trees.

Parking is a major issue on the site as we talked about last time when we had our briefing.

We are trying to deliver adds much parking below grade as possible and it is severely -- it severely limits our ability to deliver those parking spaces.

The last thing I would add is because all of the trees are on san antonio and we can only place our tower -- the core of the tower in one location, it would not allow us to have ingress into our garage or egress out of our parking garage on san antonio which would force a curb cut on either cesar chavez or second street which makes it difficult to build and we lose additional retail space and additional units when we do that.

>> Riley: You have prepared alternate designs that is thought to maximize the density while preserving the trees?

>> We have looked at it, yes, to some extent but the impact as we estimate it today is the 600,000 square feet that is the 300 units, 30 of which would be affordable and it is the retail impact.

>> Riley: The reason you shouldn't go higher is because of the water front overlay.

>> We are impacted by water front overlay at a certain height, that's correct.

>> Riley: Are you currently right at the limit composed by the water front overlay?

>> We are. we are.

[00:14:01]

so with the impacts of preserving the trees and paying the base wage with all of the exceptions noted, do you consider this to be a project that you could do?

>> Not with the other requirements that are still in place by the mda, no.

so you would have to look at reducing the amount of affordable housing or other community benefits?

>> Yeah -- yes, sir, and I think an obvious spot to look and where we would look in a private transaction is to the land price to absorb costs of either zoning changes or regulations that have changed after the contract was entered into.

It is our understanding through the city of austin process that any price change in the land would violate the procurement laws of the city from the r.f.p.

Process in 2008.

are you saying you would seek to pay a lower land price and that would be contrary to the previous agreement?

Is that what you are saying?

>> That's correct.

required a minimum \$41 million from the appraisal.

council member morrison.

>> Morrison: You said that the motion that mayor pro tem made, I think I heard, you said that would cost you 2 and a half million dollars.

Is that correct?

>> On the first project alone which is 2 and a half percent of the total construction costs.

>> Morrison: And you were already committing to prevailing wage, so really the difference is between the \$12 and the prevailing wage?

>> Yeah, and --

>> or lower than that?

>> That's correct.

The wage floor impacts, as you all noted, it impacts 7, 8, 9 trades across the scale.

The remaining trades, 23, 24

[00:16:00]

other trade classifications make far in excess of the 12-dollar an hour wage.

So what we are faced with when we meet prevailing wage which is higher by about 5% on total construction costs than a normal developer would pay in a private transaction in austin for labor, we pay that and then when we had the 12-dollar floor on top of it, it adds 2 and a half percent on top of the already 5 percent increase that we've absorbed so the total increase between the two would be 7 and a half percent and that's as estimated by four general contractors, local large general contractors we would work with to estimate on this project.

>> Morrison: Arabella, I wanted zizar, because this actually stems people who don't have high school degrees.

Do you know in terms of the workers you work with, do they fall into that category?

>> Can I -- let me talk about that and then can I also mention something regarding the costs.

>> Morrison: I would love to hear that.

cole, I totally see where you are coming with having the prevailing wage rate for harder to employ people and i imagine that you get more harder to employ folks hired on to the job, which we totally support.

The issue is that we know that a lot of the workers who are doing this work, all of the folks who came and spoke here today, almost all of them don't have those high school diplomas so it would leave them in the same place and we do want that wage floor to actually raise some of their wages and so our suggestion would be that the criminal history portion, that's a great way to encourage that and -- but as far as the high school drop-outs or folks who never went to high school, a lot of them are already working the 8-dollar an hour jobs and already working for the large contractors.

They wouldn't see the benefit.

So that's -- that's my suggestion.

>> Morrison: That's a large portion of the folks you are working with?

>> That's everyone who came and spoke here today, a lot of them have not completed high school

[00:18:00]

and are working on these projects.

Their problem is they are still paid the low wages.

So it would just be a modification to the high school graduates that would -- and then that would create the benefits of encouraging, employing, those with a criminal history, while at the same time, helping those who don't have a high school diploma working in the industry to move up.

And my second point is regarding the estimate and council member spelman, I think this is also important for your questions.

Our estimates that we have done in the past have been less than half of a percent on prevailing wage projects, but we didn't want to just base it on foundation communities.

We actually went out and picked the most comparable projects we could find in town which is built on third and brazos, a concrete tower and we did estimates through a developer and they I think did that work because we asked for it and it came out between 4/10 of a percent and 5/10 of a percent, that which is significantly less 5 percent which has been presented to us.

5 percent number came to us very late in the game a couple of days ago from general contractors who have come and testified against this ordinance, so it's important to know that some of these general contractors are bidding for the job and, also, that trammell crow has emailed many general contractors about this deal and some of them have contacted me, because they want to know -- they want me to know what is going on, and so it's important for you to know that there are two different numbers, not one is coming from a certain place and others coming from an other place.

It might be somewhere in between but those have been the estimates that have been given to us and honesty was between 4/10 and 5/10 of a percentile on a project when we asked educationally, resources, educationally inform us and that's what they did.

>> Council members if we may, we spoke with roger-brian who is the contractor of that project.

I understand that greg said he spoke with riverside resources.

That is not the same story that

[00:20:00]

we perceived from rogers-brian who is the general contractor on that project.

Their estimate was 5% above the current construction costs, note, please, they are not paying prevailing wage so their 5% is above market labor rate.

council member spelman.

>> Spelman: Let me see if I can nail down a number.

Your construction costs \$100 million all end?

Is that right?

>> My there.

>> Spelman: There was a flurry of words, I wasn't sure 5%, 2 and a half percent or 5 plus 2 and a half percent.

I was wondering if you can do it slowly.

20, i don't think real fast.

>> I am with you.

5 Percent is the prevailing wage cost, so we pay -- we are estimating today, we may 5% more than we would pay otherwise for prevailing wage.

>> Spelman: So if we did not require you to pay or you were not offering, the same thing for our purposes, if you were not paying prevailing wage, you could pay some people less than 50 for being common laborers, for example?

>> I can't comment on what minimum wage is generally for laborers, for most workers on our importants, it wouldn't be 50 an hour i wouldn't imagine but I couldn't common.

>> It is increasing your cost by 5%?

>> It increases overall construction costs by 5%, inclusive of it.

>> Spelman: I understand and making you adhere to \$12 an hour would increase another 2 and a half percent?

>> On top of that, correct.

>> And your current construction costs of \$400 million includes prevailing wages, so it would be cheaper if we didn't hold you to prevailing wage standard and a little bit more expensive than 400 million if we held you to the higher standard of 12 bucks

[00:22:02]

an hour.

>> That's correct.

>> Spelman: So the net cost of \$12 an hour, given where we are right now, would be \$20 million?

I am sorry, two and a half percent, \$10 million.

>> Yes, sir.

The prevailing wage is approximately 20 million.

>> Spelman: So if we held your feet to the fire, it's going to cost us \$10 million to do so, and we might decide it is a good idea.

We might not.

But that's going to be the price of it.

>> My, yes.

>> Spelman: Thanks.

thank you, sir.

>> Yes, sir.

council member martinez.

>> Martinez: Since you did these calculations, I am hoping you did further calculations, and maybe it is more of a value for this council to establish a floor.

So what would the net effect be if a 12-dollar an hour floor was established but market rate for every other trade above that was applied?

>> So it is an interesting question and we did not do that actual calculation.

I wish we would have.

The calculation we did was from prevailing wage, adding the \$12 an hour.

What we have heard from rogers brian is they believe the 12-dollar wage is approximately 5% more than the market cost of that project today, so my guess is that it's about a wash, but we have not run those numbers specifically.

>> Martinez: So if that holds true, council members, if our value is to set 12 -- if a stronger value for us is to set \$12 as the minimum, regardless of what job you have, by removing the prevailing wage scale, the net effect is the same.

It's \$12 an hour or market rate, which would be above \$12 an hour, regardless of what trade you are in if you just apply the prevailing wage scale, it is the same effect as 5%.

So that's something for us to consider as well.

If we want to establish a true floor, we establish that and then we let the market drive

[00:24:01]

everything above \$12 an hour.

I don't know if that's something you guys are interested in, but they are saying to us in their estimation the net effect is zero.

It is the same thing as applying a prevailing wage scale because a prevailing wage scale says that if you are an electrician, 18.66 an hour.

We wouldn't drive that cost.

We would say that would be market driven and that would be whatever that is.

I presume it would be less than this, but I don't know what that is.

So that's something -- that's another thing for us to contemplate if we truly want to establish just a floor.

would it be possible to give direction in -- for the city manager -- when the city manager negotiates and executes this contract, to give direction to -- given the flexibility of either the floor of \$12 an hour or a prevailing wage, whichever works out best in the numbers?

>> I think that's -- I didn't know -- I thought you were talking to me since I had the dya.

no, i wasn't talking to you, but you can listen.

[Laughter]

>> Martinez: Well, I think i would like to respond.

>> Mayor leffingwell: okay.

You can do that.

>> Martinez: Because obviously i think that's within our purview as a policy maker to give that option to the city manager.

I am trying to determine what is do we want to establish a 12-dollar an hour floor or do we want to apply prevailing wage?

the only --

>> Martinez: Or do we want to blend the two?

the only reason I suggested that way because the only comment was it was a guess it was a wash, that they hadn't run the numbers and if it is a wash, then the council would decide that's our

[00:26:03]

value, the \$12 as opposed to the prevailing wage.

But if it turns out to be wildly inaccurate, then we have to -- i think we have to have the flexibility to negotiate that in the agreement.

>> Martinez: Well, I would err on the side of what I just heard, I am willing to withdraw my second on the amendment that was just made and just establish a 12-dollar floor and allow the rest of the positions to be at a market rate.

[Applause].

Based on his response, I am willing to say that \$12 is the floor and everything else is market driven.

That establishes the floor.

It lets the market drive the rest and it still fits within their -- it is a guesstimate but I am taking his word for it.

so the motion is off the table until there is another second but i would like -- before we go any further, I would like to get your comment on if you are comfortable enough with that 12-dollar floor estimate and not the prevailing wage.

>> Mayor -- yes, I would say we are comfortable.

We are willing to work under that standard, if that's what we -- if that's what the council --

>> Martinez: I would like to make that amendment, mayor.

>> Cole: That amendment is acceptable to me.

Yes.

That was my original language.

make sure we are talking about the right thing, the motion is revised friendly amendment from council member martinez so all of the language in here about the prevailing wage is not -- no longer applicable.

[00:28:03]

>> Martinez: That's correct.

It is simply to -- the original motion is to approve the recommendation for the master development agreement and my amendment is to simply establish \$12 an hour as the floor for any position and the market drives any other price tag.

well, mayor pro tem, you are correct.

It looks like we are back to your original suggestion.

>> Cole: Let me ask a question.

I still want to emphasize the hiring of the hard to employ being able to hire lower than \$12 an hour.

>> I think that's -- I think that's a good goal.

I think it might be legal to say if you hire someone with a disability, you can pay them less, so I would be concerned about that.

I support the principle behind it but I am concerned about that language.

Illegal.

And if we are already being told that a majority of these folks doing this job doesn't have a high school diploma, I think the net effect doesn't gain anything.

They are going to gain something by us establishing a 12-dollar an hour floor.

>> Cole: But we have been told they don't have a high school diploma.

We have not been told they have disabilities or criminal records.

>> Martinez: The other concern with criminal records is we as a body have removed that from our own city application process because we don't want to get into determining who has a criminal record or not or asking them to reveal that.

>> Cole: We are not asking.

We are asking as a part of this agreement that they -- if someone makes -- that they do good faith efforts to hire people with criminal records or disabilities or only a high school diploma if they are going to pay them less than \$12 an hour, which may be market driven in and of itself but I would just like to spell that out.

well, you

[00:30:00]

know, I think council member martinez has outlined it pretty correctly when he says -- you have to decide what your value is, a 12-dollar floor or the prevailing wage, and I think we've got to talk a little bit more about what that value should be, because we've heard a lot of -- from a lot of folks here that like the 12-dollar floor, but I also know there are a lot of folks out there, particularly in the building trades groups who would much rather have the prevailing wage because if you are talking about prevailing wage for highly skilled labor, like electricians, plumbers, et cetera, I can almost guarantee you they are not going to be too happy about that option.

And they are not here to speak for themselves.

[Applause].

Council member morrison.

>> Morrison: Sorry to go back to these numbers, but I do have to what I heard you say just to make sure, because we are sort of looking at different buckets of money to support different values of community benefits.

I heard you say that if we start with the construction project costs and then add -- without prevailing wage and then add prevailing wage, it adds 5%.

What about if we don't start with prevailing wage but just add the 12-dollar floor?

I heard you say 2 and a half but -- that's what he said, it would be about a wash.

>> Morrison: I am sorry.

i thought it was something different.

>> That's the same question i answered from council member martinez, though I think he asked it a little bit differently.

The reason it's 2 and a-percent on top of prevailing wage -- 2 and a half percent on top of prevailing wage because prevailing wage is paying some people who may be making \$11 an hour, they are now making above \$12 an hour, so you back down and then when you add 12-dollar minimum wage to it, it does

[00:32:00]

equate to approximately 5%, is what we have heard from rogers brian on their project at third and brazos.

So we believe it to be about a wash.

>> Morrison: It is about a wash if you start --

>> if you start from scratch with either one of them and you start there, it is about 5%.

If you add 12-dollar minimum on top of prevailing wage, together they are about 7 and a half percent, as opposed to together being approximately 10%.

>> Morrison: Okay. thank you.

>> Mayor leffingwell: okay.

So where are we?

We have a motion that sort of fragmented and not well defined at this point.

>> Cole: Let me re-word it.

Let me restate it, mayor.

all right.

>> Martinez: Wait.

It is my amendment so I would like to --

>> Cole: Go ahead.

>> Martinez: If somebody is going to restate it, I would like for it to be me.

>> Cole: Go ahead.

>> Martinez: The amendment is simply eliminating the prevailing wage scale from this agreement all together and simply saying that the entry level position is at 12-dollar an hour floor and every other job on this site is market driven.

So all nine positions in this prevailing wage scale, they are 12 bucks an hour.

Everything above that is whatever the market dictates when they hire them.

So it's \$12 an hour floor, period.

That's the amendment.

>> Cole: I accept that amendment and include it in the original motion that simply added what we have been discussing about the hard to employ.

council member tovo.

>> Cole: Would you like me to restate the whole -- all right.

Go ahead.

>> Mayor pro tem could you restate what you mean with the hard to employ and how that would relate to council member martinez.

>> I will give it to the clerk for everyone.

[00:34:00]

Developer shall require construction contractors and subcontractors engaged by the developer to construct the public improvements and the shale building improvements to pay at least \$12 per hour in further positions at market rate, period.

I am sorry, comma, unless a developer hires entry level positions, those individuals classified as difficult to employ.

In such cas the developer may use the prevailing wage schedule as may be modified by the city council.

A difficult to employ individual will be defined as an individual with a criminal record, a disability, or lacking a high school diploma.

we want the prevailing wage language in there?

>> Yes.

I think that's contrary to the amendment that council member martinez stated.

>> Cole: Well, I think we should then simply say a wage lower than the 12-dollar floor.

>> Council member, I am sorry, mayor pro tem.

>> Cole: Do you understand the intent before you give me language?

>> No.

I am just trying to make sure that we don't have an inconsistent motion -- language that is inconsistent.

Do you have it in writing and maybe we can look at it?

>> Cole: Yes.

council member martinez.

>> Martinez: Sorry, mayor, but i have to chime in because my amendment was simply to add a 12-dollar an hour floor, period, nothing else.

[00:36:00]

I don't like the language of public improvements and the shale improvements.

I don't know what any of that means and quite honestly, i don't care.

It is either \$12 an hour for the entire project as a floor or it's not.

I don't know what shell improvements and all of that stuff means.

>> Cole: That language is already in the master development agreement in that section and I just didn't know much about what it was, either, but I didn't want to take it out.

all right r.

>> Mayor pro tem, I think council member martinez is trying to amend that language that's currently in the agreement with his proposal.

all right.

We are going to be in recess for five minutes here while we discuss this motion with the city attorney.

We are in recess for five minutes.

S.

>> Mayor leffingwell: okay.

We are out of recess.

We are out of recess and what i think we need to do is just get with -- withdraw the original motion.

>> Cole: Exactly.

and with a concurrence of a second.

So the floor will be open for a new motion.

>> Martinez: Mayor.

council member martinez.

>> Martinez: I am going to try a stab at a new motion, to adopt the proposed master development agreement for green water treatment plant site but to

[00:48:00]

maintain what's in that agreement.

I am not making any amendments.

What piece in there is the prevailing wage scale for all positions as it's being proposed from staff.

>> Morrison: Mayor.

motion by council member martinez to approve item number 12.

Council member morrison.

>> Morrison: I would like to offer to second that but with an amendment.

council member morrison seconds and is going to propose a friendly amendment.

>> Morrison: I hope it's friendly and an amendment.

We will see.

My second contention on this -- and that is, and this is language that we have heard from workers defense, prior to the date of the first takedown the developer shall sign an agreement with the workers defense project that shall ensure, number one, community safety, monitoring every payday and number three, there is no number two here, a target goal of 20% hiring from a local - graduates of a local hands-on construction training school that offers bilingual classes free of charge with a wage floor of \$16 for these workers who have continued their education, so there is no 12-dollar minimum wage.

[Applause] is that friendly?

>> Martinez: Well, I am going to go through this one at a time.

The first one, I would suggest if you are going to do that to do it once per pay period because if they are busy on a job site dealing with another complaint, they may not be able to get there on payday but maybe they can get there monday and I would say at least once per pay period, if that's what you want to do, once a payday and can you restate the second one?

>> Morrison: Yes.

This second one, which is number 3 is a target goal of 20% hiring of graduates of a local hands on

[00:50:00]

construction training school that offers bilingual classes free of charge with a wage floor of \$16 per hour for these workers who have continued their education.

>> Martinez: Right.

And so this is not an exclusive agreement with workers deference -- workers defense but any job training with anybody which is what they do as well.

>> Morrison: That's correct.

>> Martinez: If and if somebody is hired, they would be hired at \$16 an hour.

>> Morrison: Right.

>> Martinez: And the goal is 20%?

>> Morrison: Right.

>> Martinez: That's fine.

>> Morrison: And I would like to hear from workers deference about how worker defense about not having the 12-dollar floor is.

>> While we were hoping for that along the prevailing wage, we do understand the prevailing wage does benefit many workers so on this sort of like 11th hour or 15th hour, whatever time it is.

[Laughter] would not want to, without hearing from those workers, we wouldn't want to start any -- cause any problems.

Therefore, we think that a really great way to move workers out of low wages into better jobs is for them to get training but for it to be available free of charge and for there to be classes that are available in english and spanish and we would look really hard with trammell crow to make sure hard to employ people, those folks with criminal records or they are high school drop-outs would have the opportunities for that training and we would just work out, you know, the kinks of how we would monitor the job site safety and what workers could be hired.

I would like to get the agent's opinion on this before we incorporate into the motion.

Because we are talking about additional costs here.

>> Council members, I would ask one issue to consider.

It's my understanding that there is currently one training program in the city of austin

[00:52:00]

that provides free bilingual classes, so you are essentially by doing this forcing 20% hiring from a single training program at a wage rate that is higher than they would otherwise earn at a price that we have not estimated and have no way to estimate at this point because we don't know who the workers are, if it is going to be a laborer who is hired who is moving from \$8 an hour to 12 or if it's going to be a bricklayer who will move from 11 to 16.

So it's not a price we can estimate and there is only one training program, our understanding, that would meet those qualifications.

>> Morrison: Can you help us, by any chance, say, put parameters around it that would make it something you can estimate and be a little bit predictable?

>> We are happy to hire from local training programs and we currently, through the mwbe ordinance and the third party ordinance that we have already agreed to, we have the requirement to hire locally, so we are more than happy and in fact have agreed with workers defense to advertise all open positions within the contractors labor forces at training programs certified by the workers defense project.

That's not to limit other training schools, because we would love to work with skill point alliance and a number of other ones but we are happy to advertise at those programs.

I don't understand how we could guarantee a specific wage for those workers not knowing and a better example is if it is a pipefitter who comes out who, by prevailing wage, should be making \$35 an hour, are we then saying that the minimum for that worker would be less?

And that's the problem I think we are having at this point in estimating that but we are happy to hire locally and from local training programs -- all local training programs.

so council member morrison, can you modify your motion to fit those

[00:54:04]

parameters so that they have the flexibility to do this when and if available but with no hard and fast -- no hard and fast requirements that they have to make, is basically the general objective to follow this procedure, for upgrading skills?

>> Morrison: Well, it does definitely say a target goal of 20%, as opposed to a hard and fast requirement so, in fact, if there aren't people coming out that are trained and available, then you are not held to that.

I don't know if that term "target goal"

with the specificity of 20% has any legal meaning or not.

>> I think it would be very difficult to quantify at the end of the day.

I mean, if we are hiring workers on this project who may be are working month on our project and then leaving and coming back, i don't know how you quantify if labor force by which the 20% is33 does that make sense?

maybe we should leave the 20% out of it, then.

20 Percent target out of it and have it as an objective.

>> Martinez: Mayor.

>> Mayor leffingwell: hold on.

Just a second.

Council member martinez.

>> Martinez: I just wanted to ask a question.

So is it the specific language about a bilingual program that causes problems and if we add language that says training programs that could include bilingual training would leave it open to those that like the black contractors or asian contractors who may not have a bilingual program but certainly have a workforce that would want to try to engage in the opportunities that exist in this

[00:56:00]

project?

>> Aside from the wage -- the 16-dollar wage which is impossible, I think, for us to estimate the cost impact of, we are more than happy to be as inclusive as we possibly can on training programs within the cit of austin.

It is our understanding there is only one which is bilingual and free.

So if -- as you've mentioned all of the minority trade associations have their own trade programs, agc, skill point alliance has a great one and if I may add one additional item.

We are currently offering workers defense the ability to come monthly and attend our safety walks with our employee who is 30 hour safety train and the general contract employees who are 30 hour safety trained.

We ask workers defense also supply an employee who is 30 hour safety train and we would be happy to increase the frequency of those but we would ask that they be attended by our employees and by the general contractor.

We have also offered to workers defense to mitigate some of their concerns the ability to have signage, encouraging workers to reach out to them.

They are welcome to be just outside of our project site at the gates.

They can talk to contractors on their way in and their way out.

We have added language that said we will not retaliate against contractors if anyone -- if any worker says anything about the contractor, so I think we have hit 90% of what workers defense has asked for and I would ask that you add whatever we add 2g and put it in the mda as opposed to forcing me to sign an agreement that I have not seen with an entity that I haven't been able to negotiate an agreement with, so if you can request of what you want from me in the mda, the city will always be able to enforce it if the workers defense project believes we are defaulting, they will always have the right to call the city

[00:58:00]

and the city can place me in default if I am not meeting the requirements of the mda but i would rather not enter into an agreement directly with the workers defense.

>> Morrison: I appreciate that point and I wonder if I can talk cesar in a minute about that.

With regard to the agreement with mda as opposed to a agreement indirectly.

We would direct staff to work on agreement.

>> Right.

And issue that we see time and time again, which is what we have tried to bring up in our testimony and our comments is that so often things are -- a lot of things are written in but we don't necessarily see them happen so we think an excellent way to ensure that somebody is on it is that they just write that into the agreement with us.

They don't have to write anything else into the we just will make sure that the safety measures are actually being met and that folks coming out of local training schools are actually being hired.

If it's written in with the city, while we would -- while that might seem helpful, we see so often that workers aren't getting [indiscernible] and they aren't on the courthouse and it takes month to deal with that, whereas an agreement directly with them, we have to --

>> Morrison: Whereas you were specifically identified in the mda, in a document that the city signs and trammell crow signs that says workers defense will be doing this?

>> That sounds fine but I -- could you explain that a little more for us?

Because that's new to me.

>> Morrison: Well, just that in the mda it would say workers defense will be doing a community safety monitoring once per pay period.

>> Yes, I think that's --

>> Morrison: So they wouldn't have anything signed with you.

It would just be with the city.

>> The city would require -- would, then, have us inspect the trammell crow construction project?

>> Morrison: Yes.

If the city thinks that could be possible.

Can we put something like that in the mda?

>> I think we have it in there, that they are currently allowed monthly to come inspect all safety issues.

As council member morrison, i met --

>> Morrison: It sounded a little different than monitoring once per pay period.

It sounded like going to osha.

>> I would request that whoever comes to monitor our site, whoever comes total tax walk our site be an osha 30 supervised safety expert.

We would prefer not to have people to come in monitor safety on air site who are not safety experts.

Given that requirement, they have the right currently to come monthly and we are more than happy to increase that so they can come -- and I have told greg from the many meetings we have had over the last few weeks that safety is never an issue with we are fully committed to safety.

We havewritten a letter which you may or may not have seen to greg kasar signed by our general counsel, signed by our ceo that during dates exactly -- that dictates exactly the safety requirements we are willing to meet and the type of goals for the project and those are the exact same items included in this mda and we are happy to include this version of that letter as well.

>> Morrison: I get that, your people that monitor.

>> Everybody would be osha 30 and we have people that work with us -- that certify folks as so that 30.

>> Morrison: Terrific.

>> The difference between what we are asking for and what trammell crow has offered, trammell crow offered once a month for one of our folks to walk alongside with one of their folks to spot check for safety, to make sure there is a possibility that everything could be making sure it is safe that one time a month and we walk and see everything is fine and leave.

>> MorrisWHAT IS YOUR Perspective.

>> That if we sign an actual agreement and they have to work with us in our safety and wage monitoring program that we get to talk to workers during their lunch breaks and they can show us their pay stubs and make sure folks have workers compensation insurance, all of the issues you heard of, it is more than taking a lap around the construction site and having a look around.

It is a more complicated process that's why we want to work with trammell crow.

>> Can you envision that more complicated process?

>> Council member morrison, workers defense with a safety person can come out and we can agree to something more than once a month but they will walk with our employee, our 30 hour a site.

They can spend as long as they want.

They can climb every scaffolding they have.

We make it a full safety walk.

We cannot turn over the safety requirements of our site to an entity that we don't know.

Osha regulates safety within the construction industry.

We are happy to meet all osha regulations and I have told greg from day one we will and we are happy to have him come and inspect it on a periodic basis but we cannot turn over our entire safety program to the workers defense project.

>> Morrison: I didn't think anybody was envisioning you all turning your safe program over, that that would be the workers deference program of the safety program.

>> That's fine.

If they notice osha issues, we will fix immediately as we drafted in the mda.

>> Morrison: It is also, as i understand it, not necessarily just safety, because you are talking about workers' rights issues, in addition.

>> Right, we are talking about for instance, somebody is not getting paid the prevailing wage rate.

We can talk to somebody and let us know.

>> Morrison: Would you call that a safety issue?

>> We would consider that just following the law.

>> Morrison: So maybe, in fact, the language is police leading here.

It says community monitoring once per pay period.

Community worker monitoring.

>> Worker monitoring.

>> If I may.

We are perfectly happy with osha.

We have signage to allow are safety workers at any time.

I have told greg and it is written in the mda if there is any complaint we will go and i think the mda covers this but i don't understand any other worker program -- it's not under -- we say if there is a complaint we will immediately investigate it.

They can sit at the gates to our construction site and speak to every construction worker as they walk out the door.

>> Morrison: You are saying it is already in there.

>> It is there.

>> Have you read the mda.

>> I have.

>> Morrison: This is different from what is in the mda.

>> The mda says we will walk the construction site once a month with the trammell crow representative.

What we are talking about is actually having a process and procedure where we alert them when we are coming on site.

They know exactly when we are coming on site but we can talk to workers and ask them about how much they got paid that week and they can show us their pay stubs and it requires that relationship to be built and just on, just in the past couple of months, when we have done this exact partnership with foundation communities, we have recovered \$5,000 in wages.

Spotted scaffold that is were dangerous that had to be reassembled.

>> Morrison: So I think maybe we get a little off track because it is not really a safety monitoring.

It is more labor.

>> General everything.

>> Labor, or something like that.

So I guess I -- we are not talking about safety.

That's why it is not in the mda.

g roman 10 says that we will work with wdp, which is a defined term in our document, to reasonably investigate and address concerns raised by construction workers regarding and we are --

>> Morrison: Right but I think they are talking -- what I am hearing, this is more about access to the workers to talk to them, to build relations so they can hear about -- [applause].

And --

>> yes, ma'am.

Yes, ma'am.

And all I am saying is that we cannot allow free reign access from an entity that we don't have a relationship with.

>> Morrison: So it is more about concern about free reign, they would need to be somehow constrained or accompanied.

>> If they want to come out and walk twice a month with us and if we would like to change the walk -- the safety walk to include safety walk and talks with workers, we don't have an issue with them being on site.

We have an issue with them being on site without us.

Without having any idea what their insurance is.

>> Morrison: Does that work, would be accompanied?

>> Sure, so -- we would be okay with it if I could hear language so I know what I am agreeing to.

We would be eeoc if we were -- we would be okay if we were given more access and we could speak with workers and we are not afraid we are going to be sort of holed into one day.

Foundation communities they let they are a small nonprofit and we --

>> Morrison: Right.

I am sorry, but it's about being accompanied, as I company it, being accompanied.

>> That's the reason the original language of coming to an agreement because I hoped we could hammer these things out and say, okay, that's fine we will walk with you.

You follow us.

We would like to come the days and we could actually come to an agreement.

>> Morrison: Okay.

all right.

So council member morrison, do you want to state your proposed amendment and restate your proposed amendment in light of this discussion?

>> Morrison: I am going to -- prior to the date of the first takedown -- oh, excuse me, because we had the developer would sign an agreement.

So I will just say that the mda -- make a motion that we add an amendment to the mda that there be a section describing a partnership between the developer and workers defense project whereby workers defense project will be provided access for community -- for worker welfare monitoring once per pay period, and then number three stays the same.

provide that language to the clerk.

And I think that sounds like it would be acceptable.

Council member martinez, is that acceptable to you?

>> Martinez: Yes.

Let me just add, can we just put, at least once per pay period.

It is like we are forcing them to go once a week and if things are going well, they may not need to go but at least once a week, but let me add a couple of comments, because this is really important, and this is what i tried to negotiate with workers defense this week.

I understand what they are trying to accomplish.

It is what every union and representative wants to accomplish and that's unfettered access to the people that they represent.

I get it.

But it's never, ever that easy and it is never given that easy.

It is negotiated.

It is talked about, and a that's what we are trying to do right now so I appreciate it, council member morrison.

I accept it as friendly.

>> Cole: Mayor, I have a friendly amendment.

mayor pro tem.

>> Cole: Of course I still want to try to capture the difficult to employ as a part of this agreement, but we have some legal issues with the disability language and also I do -- i heard greg loud and clear when you stated that you have a lot of people already in employment that have high school diplomas and they are actually trying to move to higher wages, and so i don't want to defeat that, especially in light of the current amendment.

So the friendly amendment that i would like to offer now is that the developer shall not inquire regarding an individual's criminal record in the initial application process unless otherwise required by law.

And the other wise required by law may come up in safety issues.

do you understand that --

>> Martinez: Mayor, if I may, we we hire general contractors and i would -- that's something i cannot control.

Every contractor has their own policy and I don't know that i can effectively control that piece of it.

It's the sub of the sub of the sub of the sub who is actually hiring the laborer, and it would be very difficult.

can i suggest that language along these lines, that the developer will ensure that a good faith effort is made to include hiring of --

>> Cole: I would like legal representation on that because initially I had good faith effort and I was advised against that.

>> Well, I just think that here at the city, that particular term has a particular meaning under our mbewbd ordinance and i would be concerned that it hasn't been kind of fleshed out in these agreements.

What does that mean?

In the way we currently use that, we have standards, particular standards as to what is a good faith effort and that's my --

>> Cole: Well, how about the developer shall exercise due diligence?

>> I think that's fine.

Okay.

>> Cole: That's why I --

>> that's why I discouraged you from using that language.

I thought good faith effort did have a legal meaning?

All right.

So the developer will use due diligence to encourage hiring of underserved individuals in the community.

>> Cole: Individuals with a community record, vulnerable population.

sounds okay.

Council member martinez.

Council member martinez has a headache.

[Laughter]

>> Cole: Is it me or is it the amendment?

>> Can you just repeat it again so we can make sure we've got it down.

>> Cole: The developer shall exercise due diligence in its relationship with its contractors in the hiring of -- promoting the hiring.

>> Cole: Promoting the hiring of applicants with a criminal record.

>> That's okay.

And as far as -- from a legal perspective.

I can't speak for the developer.

all right, council member martinez, city attorney says that's acceptable language.

>> Cole: I would like to ask the developer >> .

I saw you shaking your head, is "

>> mayor leffingwell: he did.

>> Yes, ma'am.

council member martinez accepts.

Council member spelman.

>> Spelman: I do not have an amendment.

I know you are going to be happy about that, but I do want -- i would like to make public something which I just found out a few minutes ago, which actually has come up in part of our discussion.

evans I think is the best person to describe this.

robins and I think some other people as well suggested that since this is a water utility site, that the water utility needs to be made whole for having given up its site.

I wondered if you could describe what is going to happen with the proceeds of the land sale as far as this deal.

Where is the money going to go?

>> I can speak to item 13 and what's contained in item 13 regarding what's contemplated but if there are questions regarding the legal issues that Robins raised, then --

>> Spelman: Let me see if I can make it simpler for you.

The issues brought before us is here we are with selling the water utilities land and we aren't giving the money back to the water utility and spending money on other stuff.

I wondered if you could address that issue.

>> Council member Spelman, I will interpret your question as a legal one and we have staff here that can speak to the flow of funds and give you dollar figures, as I know you are often interested in all of the different subparts of this, but --

>> Spelman: I may not need all 15 in the morning.

>> Okay.

>> But essentially we are confident that the ordinances that are before you with regard to the flow of funds and the use of the proceeds are in compliance with applicable law.

Basically, under state law, and the city's bond ordinances, the sale proceeds must be deposited into a special fund of the Austin water utility.

And this is provided for in the ordinance that's before you authorizing execution of the MDA, and this is also spelled out in the 2008 legal opinion that's been mentioned earlier this evening.

Under state law and the bond covenants, net surplus revenues are any proceeds remaining after satisfying required payments or making adequate and sufficient provision thereof for utility function, such as acquiring necessary or desirable property, satisfying required debt payments or other utility purposes, and on the advice of our bond council, if the city is current on all of those debt payments, and if the city is meeting its obligation and as the language says, if they have made sufficient provisions for meeting those obligations, then the remaining funds for that cycle are net surplus revenues and can be used for the purposes that were spelled out in the 2008 resolution that initiated for the green water treatment plant and those purposes are spelled out in the resolution and they include the infrastructure improvements that have been talked about in the Seaholm district.

Neither state law nor the bond covenants require that if there is net surplus revenue that it remain entirely with the water utility.

>> Spelman: Okay.

So we have water utility that gets paid off.

It gets a fair value for the land.

The electric unit is involved because some of this land is the electric utilities land and they get a value for their piece of it and we use the rest of it for streets and a bridge.

For the infrastructure to support the development.

But we are not taking money -- we are not taking the land away from the water utility and using it for some other purpose.

The water utility is being made whole for its giving up this land.

Is that an accurate statement?

>> I think we have the financial officer that can add detail to this, but --

>> Spelman: Yes or no would be suffer at this point.

>> Under the law -- well, i don't want to miss -- I don't want to agree to your statement and then have it be wrong and it's -- on this particular.

>> Spelman: I understand.

>> Essentially if the revenue funds from the sale will be deposited under these ordinances under a special fund of the water utility, to the extent there are net surplus revenues remaining, that money can be transferred and appropriated and used for purposes nonwater utility purposes that are spelled out in the 2008 resolution.

>> Spelman: Okay.

So the water utility is entitled to -- the water utility is not entitled to take the entire profit on the sale but they are entitled to get their money back?

>> They are entitled to have if the money used as required for the bond covenants to make sure that adequate debt payments are being made and that decommissioning costs for the green water treatment plant are covered.

There are remaining decommissioning costs in connection with this green water treatment plant and the proceeds will be used to cover those remaining costs.

>> Spelman: I think we agree completely.

Thank you, sir.

all right.

Council member morrison.

>> Morrison: I don't know if this is good news or not but i want to talk about a different topic.

And I've got some things to pass out to my colleagues and I would like to make a motion to actually remove some of the restrictions at our that are in the uses there and I do have a copy to set up on the screen.

Are you awake?

The mda includes some of our restrictions.

I brought this up at a work session on tuesday and I was concerned because I saw restrictions and uses in there that sort of said to me we want this to be an upscale luxury kind of complex.

That's how it read to me and staff has explained in some answers that really the list of uses that were restricted were just carried over from the restrictions on second street and that those listed are often single destination uses that wouldn't entail retail vitality and all of that.

But I wanted to take a more careful look at that and see if we might strike some of the uses and I hope in nims wouldn't mind if I actually suggest loosening up the requirements at all.

I will tell you there is one that I am going to suggest that might have a little bit of a limitation.

So in terms of the use restrictions, it says no operator may operate or permit on this portion of the property and if you go down to a3, a couple of the uses that were restricted were a thrift shop, eg good will or saint vincent de paul or a flea market and i wanted to strike both of those.

I had talked to council member tovo about how -- thoughts about having flea markets downtown on plazas and all and I think thrift shops are sort of great places to go, and then in item number 7, on the next page, we scratched out, there was a restriction against any pet store other than a boutique pet store and I would rather change that to a restriction against a veterinary hospital with large animals or livestock.

[Laughter] or animals raising or boarding facilities.

So that loosens it up a little bit so we can have more general pet stores, and then --

>> [indiscernible] can we just -- the cover sheet is the summary.

>> Morrison: And then section 10 -- excuse me xiv, there were restrictions against stores selling alcoholic beverages for off premises, so liquor stores, other than, and then just some limitations that they can only be up-scale stores and that particular worried me like stores selling wines and similar alcoholic beverages but to me i think twin liquors would be great here.

So I wanted to strike that.

I wanted to strike xvi, bowling alleys on the ground level now that we know high ball is a I would height for you all not to be able to have a high ball and then xxiii, workers compensation offices.

I think that those would be reasonable to have.

Strike the limitation on a day-care center larger than 5,000 square feet, because we do want to encourage day-cares and family friendly amenities.

The only restriction that I want to actually change that increases is the very last one on that page, it's 7.

It was limited to just high-end tobacco shops, so tobacco shops, unless they were high end but i think that, in fact, we are working on tobacco free austin and all of that, so I think it would make sense and serve a public purpose to actually limit and restrict any tobacco shop.

johns you are looking at me a little stunned.

>> Morrison: I think it is important that this development is a place where everybody is comfortable and feels relevant and it is not just.

[Applause] it is not just about boutique clothing stores, which are wonderful, but it's not just about that.

It's not just about upscale stuff but I think this -- this is a great discussion for people who have nothing better to do at 1:30 in the morning.

>> Morrison: mayor, i would have been happy to have done this a lot a earlier but i wouldn't want this to go without passing up this opportunity so that's my motion to amend, council member martinez.

council member martinez, friendly amendment, summarized on basically just gives more flexibility to the developer.

>> Martinez: I want to clarify that this is not any kind of set aside or mandate.

That it's market driven and if somebody wants to pay \$500 a square foot for a thrift store, they can.

>> Morrison: I love thrift stores and I hope they will.

>> Martinez: Okay.

I am fine with that.

all right.

That's accepted by the maker and the second.

So with that, all in favor --

>> Tovo: Mayor.

council member tovo.

>> Tovo: Sorry, I have had several motion sheets here most of the night and I guess the good news is that one of them is now moot because we have resolved all of those issues but I do have one remaining item i would like to address.

We discussed it a little bit earlier.

And just for the record, i really appreciate having some of those uses back in.

I think we can have some very lively flee markets if you look at cities like washington and new york, they have high dollar -- certainly high dollar real estate and they manage to have thrift stores and other kinds of vibrant places downtown and I think it is very important for the day-care use to get back in there.

I really appreciate the discussion we have had about heritage trees and we have had a lot of folks contact our offices and have educated me and all of us about the importance of following our process and I do think it is important to at least contemplate.

We do have a heritage tree ordinance that is really a model for other areas of the country and I ink it's -- I would like to see us follow the process.

So with that, I would propose the following motion, that in accordance with the heritage tree ordinance, the and can't must have a variance for removal of any tree that meets definition of heritage tree tree and does not meet the approval for administrative variance.

I understand from the applicants earlier comments that this poses a financial hardship.

We had some discussion.

We didn't really delve into details about whether or not there were some other designs proposed, if it were a different kind of evening, I would propose we postpone it but I think we've blasted on this far and I sense from my colleagues that they are ready to finish this so if it would help you, I would be willing to make a motion to postpone so you can go back and recalculate and come back with additional information about this or any other of the other issues we have talked about.

>> We would prefer not to postpone if possible, council member tovo, but I am happy to address the trees if you'd like me to in any more detail.

[One moment, please, for change in captioners]

>> [inaudible] amendment is a poison pill, agreement.

let me hear from some of my colleagues and i will amend my amendment if it sounds like that is a direction we want to go.

i think we've been told fairly plainly that this deal will not work with this amendment on the tree ordinance.

toaf I heard that message loud and clear.

I guess I would say i haven't seen quite enough evidence to feel confident that that assertion is the only answer out there about this.

But let me go ahead and make -- [applause] with all due respect -- with all due respect, I just think there may be other opinions about site redesign and other kinds of options.

But let me suggest instead that we add direction in some form of amendment to the mda that the developer work with the city arborist to determine whether and how trees might be incorporated into the design of this project as it moves on through the process.

So it would be a direction, recommendation, not a requirement, to go through the formal process.

it sounds to me like whether or how, sounds to me like you have the flexibility to say, no, we can't do it.

I guess that's my question at the end of the day is where does the decision lie on what a reasonable solution is, because reasonable solution, I think, has different meanings to different people when it comes to design and development and the cost of development and the types of developments that can be done while still accounting for what I have to account for, which are the requirements that I've now agreed to on affordability, they're the requirements for prevailing wage.

I have a very large list of mandatory requirements that I don't have room on under the mda, so I don't know -- I guess that's my question, is how we would identify where the responsibility lies -- we don't -- we don't want to cut down trees.

We never do.

We developed the arboretum here in austin.

Our company has \$5 billion under -- today, over 4 billion is under leed capacity, some capacity, whether it's leed served or like austin green building.

[Inaudible] the world's only carbon neutral real estate.

We have 35 employees who are carbon neutral.

We're dedicated to sustainability.

Cutting down trees is never our first option, and I want to make that clear, but we do have to have some amount of certainty when the mda is executed, because what we can't do is spend additional capital without certainty that the development can be completed in accordance with the rest of the requirements of the mda.

And so I guess that's the only question I have is how we -- how we make sure we've got the certainty that it can be developed.

i think I understand from the city attorney that you do have that certainly, you do have that flexibility to take the steps under this proposed friendly amendment that would enable you to develop the project with certainty.

Did I -- did I overinterpret you there?

>> I mean, I can tell you what I wrote down but I'm not exactly sure if that captured what council member tovo said.

So I would just ask council member tovo to repeat it because I wrote "work with the arborist to determine whether or how -- my shorthand -- to protect trees on the property.

you have the first section right the.

The second part is to determine how the trees might be incorporated into the design.

>> See, I didn't get that right, mayor.

I guess I would just say we heard some testimony earlier about that it is not -- the site not grandfathered and our sp doesn't grandfather it.

We can as a council require it to go through the heritage tree ordinance.

There has been -- i understand you've been negotiating with staff for a long time and that you've explored other designs.

You know, unfortunately we've had some discussion tonight about protocol and process and unfortunately with an agreement of this sort it doesn't go through a board and commission process.

We haven't had citizen boards who could weigh in on housing, on the tree ordinance, none of these issues came before any of our citizens board for any kind of vetting process so we're dealing with a lot of issues that have arisen at the last minute.

And so again, I understand you say you've been through other design options.

I'm not familiar with them.

So again, at least what I'm trying to encourage here is a dialogue with the city arborist.

It didn't sound like much of that had necessarily taken place until now, and if there are options I hope you will strongly consider taking those and incorporating them into the design.

I think certainly it could be a great benefit to your project.

if i may -- and it sounds like you've got a strong understanding of that as a value based on the information you talked about with regard to the arboretum and the other projects you've been involved in.

>> Yes, ma'am.

If I may make one very brief comment and I'll let sue talk.

But currently we have mitigation and tree transplantation that by our estimates total close to 5 or \$600,000 in total cost.

So to the extent that we could incorporate a tree, it's only to our benefit to do so, and we are therefore incentivized because of the payments to do that.

It's not that we don't want to do that.

It's just see we don't see around it.

>> Tovo: I understand that.

I'm glad you're providing with the mitigation.

If you can comply with those you're hearing loud and clear from the community we want you to explore those options.

they already have explored those options.

>> Sue edwards.

I can attest to the fact we've been working with them for over a year and probably five months of that year was talking about other options because everyone recognized the importance of those trees.

They're beautiful trees, and no one wanted to see them removed.

So we had a number of different designs that we looked at and because of the setbacks that the developer has talked about that we have imposed on them, there just really is not that much leeway on the site.

I think it is fine.

We will work -- we have worked with the arborist.

The arborist has walked that property.

The arborist has worked with fred evans on many, many occasions.

We've had discussions as late as today with the arborist about that, talking about trees, the possibility that we might be able to save one other tree to transplant.

So it's not as if -- I just want to make sure that the council understands that it's not as if this was taken lightly and it's not as if there has not been months of discussion about this.

Unfortunately there's just little leeway.

Thank you.

>> Tovo: I appreciate that.

Thank you.

And thank you for your willingness to go back and look at it again.

We've seen this development really evolve since our first briefing on it last month, and the affordable housing provisions that are now in the mda and the workers defense items have -- you know, really have brought it to a better place and I think that's a result of all of the public testimony we've received and the input from council.

And so you said you had a discussion as early as today and there may be some new options and who knows, there may be some options that surface from an additional dialogue with the city arborist.

>> And we would be happy to discuss with them.

>> Tovo: great.

council member martinez?

Do you accept that as a friendly amendment?

that's a good point because I did want to clarify this.

Can you read your language one more time, please?

the developer will work with the city arborist to determine whether and how the heritage trees on the site might be incorporated into the design of the project.

well, I just wonder -- I'm not trying to throw the grenade out there on the floor at this hour.

But would language like that contemplate something coming as an administrative decision saying, okay, we can save the trees but we're going to violate the waterfront overlay?

I'm sorry, I didn't follow how it could violate -- how the -- because few create more density, if you create more height, you could potentially create a needlepoint that would save the trees on the perimeter and that's a concern of mine if your flexibility in that language would allow an administrative decision like that to be made.

that would not be something I could support, so I hope it doesn't but let's ask city legal to clarify.

This amendment could not override our [inaudible] overlay and the need to get a variance if they wanted to exceed it.

>> Come and help on this one.

I'm taking this as more direction to work with the arborist, but brent, can you speak to the words threat overlay?

>> I think the amendment was meant to require there will be more discussion with the arborist and consultation with the arborist.

Certainly I would not interpret the language that you suggested as waiving any regulatory requirements and the rfp that initiated this process specifically said the project must comply with the waterfront overlay.

thank you for that clarification, and thank you for the clarification, because we certainly -- again, that's not my intent.

council member morrison?

I do accept that.

I just want to make one quick comment because this has been a little bit grueling and I just have to nims, because the movement and evolution of the affordable housing component in this was nothing short of miraculous, and I thank heather way and francey ferguson.

I know you guys spent -- i think a long weekend together it sounded like.

[Laughter]

>> we did.

and I know how you really came to the table and were willing to work in good faith to really try and work it out and the results of it show that you did that, and that for me is a very important component in of this.

I know this is not perfect probably in anybody's eyes but I wanted to make sure especially after we grilled you so much tonight that i had a chance to thank you for that.

>> Thank you very much.

and I do think that this is a -- just a perfect example of how the discussion about economic incentives and how we incorporate our values into different projects and how we trade them off really needs to be had at a broader level and the affordability issue for all of our public/private partnerships has sort of gotten lost by the wayside and hopefully we can set some benchmarks and standards for that in the future.

i think it also demonstrates the flexibility that we have to have in developing these agreements, et cetera.

Thank you very much.

All in favor of the motion say --

>> I'm sorry, guys, one last ool council member riley?

will we'll return to the heritage tree issue.

I see the current language addressing the mitigation funds, which is section subparagraph g.

It refers to new trees, the mitigation trees to be located in city of austin public parks that are as close proximity to the property as possible.

And so I understand from the friendly amendment that we are -- the arborist will be working with the developer to identify a suitable location.

Does working with the arborist extend to that part of it as well?

I guess my -- my hope is that we would be able to -- when we say as close as possible, there really would be -- wind up -- the mitigation would wind up being very close to the site so that while trees would be removed, we would actually still have trees very close to the site.

You've walked this, you've looked in the area, have you identified any areas near the site where replacement trees could be placed?

>> Replacement trees that are not -- that are not planted on this specific site will be targeted for lady bird lake and we'll have to work closely with the parks and recreation department.

That's the close proximity that we're referring to.

the old austin -- the original austin neighborhood association has suggested that shoal creek -- the shoal creek greenway and [inaudible] park and peas park could also be considered.

Are those possibilities?

>> If that's the proximity you're looking for then we can extend it even further than -- shoal creek and lady bird lake.

I think it is important to respect the ordinance.

, Tree canopy.

There are concerns losing the tree canopy especially in that part of the shoal creek, green way, so to the extent we could mitigate through new trees as close to the site as possible right there along shoal creek, that would be ideal.

I would like to include that as part of the direction from council, that in the course of working with the arborist that you all seek locations on shoal creek right by the project where the trees could be placed.

Okay.

That's it.

>> Mayor leffingwell: great.

Understand?

City manager?

>> Thank you, mayor.

I know you all are about to vote, but before you do that I wanted to take a moment to acknowledge my staff and all of their hard work and efforts, kevin johns, their team, the city attorney's office and a number of others that have been working on this for a long time with trammell crow.

nims, thank you to your team as well for hanging in there and working with us.

>> Thank you, and I would reiterate that her team has been great to work with.

>> Super.

Thank you very much.

Thank you all.

all right.

All in favor of the motion say aye.

>> Aye.

>> Mayor leffingwell: aye.

Opposed say no.

Passes on a vote of 7-0.

Him.

[Applause] [applause]

>> mayor, I move approval of item 13.

>> Second.

for say aye.

>> Aye.

opposed say no.