

## City Council Transcripts 8/23/2012

gary

dyer from the austin baptist church.

Please rise.

>> May we pray?

Oh go our father we come today with praise and gratitude to you for your goodness as well as your greatness, for your mercy as well as your might.

We thank you for the privilege and the bless of living in a great nation and a great state and certainly a great, great city.

Father even though it a great city we know there are bill challenges that face any city of any significance today.

We know that makes the matters before this council and this mayor weighty and important and vital.

So we pray that you will give them the ability to go with wisdom and give some great insight into the right choices, that they would go beyond that which is popular to that which is proper, and that they would be guided by you in all that they think and do and decide and discuss.

We thank you for their  
commitment knowing that they  
are faced with many  
challenges and many would  
think they could do a better  
job who aren't in it, and  
that's just the way it goes.

But we know that you've  
guided them to this place,  
you've given them a burden  
for the city.

And we pray that today as  
they act they would know  
your leadership and our city  
would be better for not just  
the days to come, but  
generations to come as a  
result of the choices they  
make and the actions they  
take.

We ask this for your honor,  
amen.

>> Mayor Leffingwell:  
Amen.

Thank you, pastor.

Please be seated.

[10:10:00]

A quorum is present so I'll  
call this meeting of the  
austin city council to order  
ON THURSDAY, AUGUST 23rd,  
2012 At 10:10 a.m.

We're meeting in the council  
chambers, austin city hall,  
301 west streaked, austin,  
texas.

We'll go to the changes and corrections first for today's agenda.

On item number 1, strike 18 after special called meetings of august 17th, etcetera, strike 18.

That is not included.

Item number 26 is withdrawn.

Item number 28 is withdrawn.

Item number 30 is postponed until september 27th, 2012.

Items 34, 35 and 36 and 41 and 40 pulled out of order there.

34, 35, 36, 40 And 41 add recommended by the electric utility commission.

Item 43 is withdrawn.

Item 46 add recommended by the water and wastewater commission and the electric utility commission.

Item 48 add postponed until -- it will be postponed until september 27th, 2012.

On item number 69 add as a second co-sponsor councilmember martinez.

On item 71 add as a second co-sponsor mayor pro tem cole.

On item 75 add sponsors  
councilmember riley,  
councilmember martinez and  
councilmember cole.

Item number 80 is postponed

[10:12:01]

until october 8th, 2012.

Time certain items for today  
at 12 noon we'll have  
general citizens  
communication.

we'll have a  
discussion and possible  
action on bond sales.

or after is a  
time certain for recessing  
the council meeting and  
convening the mueller local  
government corporation  
meeting.

And on the title page to  
that add as a change, add  
william spelman as a  
director.

And under the officers  
heading add kevin johns and  
delete rodney gonzalez.

or after we'll  
take up our zoning matters.

At 4:00 our public hearings.

30 live music and  
proclamations.

And the musician for today  
is the sons of orpheus.

It may be one musician.

The consent agenda for today is items 1 through 78, and item number 60, which will remain on the agenda, I will read into the record.

And there will be other items which I will go through in a minute that will be pulled from the consent agenda.

Another lengthy list of appointments.

Or nominations I should say.

To the african-american resource advisory chiquita eugene nominated by councilmember martinez.

To the animal advisory commission, david lund stead.

By councilmember martinez, howard katz.

Mayor pro tem to the austin airport advisory commission, steven hart, councilmember martinez.

To the austin mayor's committee for people with

[10:14:04]

disabilities, kathy kasprisin, councilmember martinez.

To the austin music  
commission, richard garza,  
councilmember martinez.

To the bond oversight  
committee, councilmember  
martinez.

Building and fire code board  
of appeals, james sullivan  
by councilmember martinez.

Building and standards  
commission, stacy helpowitz  
by may.

To the commission on  
immigrant affairs, thomas  
esparza, councilmember  
martinez.

To the community development  
commission, margaret  
(indiscernible),  
representative of colony  
park by councilmember  
martinez.

Sandy mcmillan,  
representative of south  
austin by mayor pro tem cole  
and terri shepherdson,  
councilmember martinez.

To the design commission,  
juan cotera senior,  
councilmember martinez.

To the downtown community  
court advisory committee,  
bruce smells, councilmember  
martinez.

Early childhood council,  
john kyle holder,  
councilmember martinez.

Electric board, richard  
schmidt, councilmember  
martinez.

Electric utility commission,  
boerne personfield,  
companies.

Environmental board, marissa  
(indiscernible),  
councilmember martinez.

Ethics review commission,  
dennis bates, councilmember  
martinez.

Historic landmark  
commission, john row so the  
tow, councilmember martinez.

And andrea roberts,  
councilmember spelman.

To the impact fee advisory  
committee, rick conway,  
councilmember martinez.

And hank kidwell, mayor  
leffingwell.

Library commission, ben  
armas, councilmember  
martinez.

, westbound and  
small business enterprise  
procurement program advisory  
committee, ed low enburg,  
councilmember martinez.

[10:16:00]

Mechanical plumbing and  
solar board, steven cox,  
councilmember martinez.

To the mexican-american  
cultural center advisory  
board, sylvia roscoe,  
councilmember martinez.

Parks and recreation board,  
susana almanza,  
councilmember martinez.

Residential design and  
compatibility commission,  
lucy katz, councilmember  
martinez.

Resource management  
harry crush  
sha, councilmember martinez.

To the rma plan  
implementation advisory  
commission, carol drennan,  
councilmember spelman.

And james dwyer,  
councilmember martinez.

To the parks board  
(indiscernible), urban  
forestry board  
(indiscernible),  
councilmember martinez.

To the urban renewal board,  
andrew bucknal, gary smith  
all nominated by mayor  
leffingwell.

Water and wastewater  
commission dale grave by  
councilmember martinez.

Waterfront planning advisory  
board, brooke bailey,  
councilmember martinez.

Several waivers for today.



Approve a waiver of the residency requirements of the city code for steven hart's service on the austin airport advisory commission.

And fool charles cotman service on the building and standards commission.

And for cassandra taylor's service on community development commission.

And for robert smith on the electric board.

And also approve a waiver of the attendance requirement in section 2126 of the city code for james kelsey's

[10:18:01]

service on the airport advisory commission.

The waiver includes absences from today's date, same waiver and same language applies to stacy (indiscernible) service on the building and standards commission.

And for randy walden's service on the electric board.

And for sheila holbrook white's service on the urban transportation commission.

So those are our appointments and waivers for boards and commissions.

And we have several items that will be pulled off of the consent agenda.

We'll go through those now.

Again, items 1 through 78 with item 3 pulled by mayor leffingwell.

Item 18 will be pulled for a presentation by the law department.

Item 22 will be pulled to be heard after executive session.

Items 32, 46 and 69 pulled by councilmember morrison.

Items 61, 6263 and 64 pulled by mayor leffingwell.

These are our evaluation ordinances.

And item 72 pulled by councilmember martinez.

Are are there any additions?

>> Martinez: Can you pull item 21 and can we have some staff available for a few questions on 21?

>> Mayor Leffingwell: Item

[10:20:01]

number 21 also pulled by councilmember martinez.

So we have several speakers who are signed up to speak on the consent agenda.

I will pull item num 35.

Add that to the list of items pulled.

Melinda rodriguez?

Is melinda rodriguez here?

You have to come up to the podium to speak.

And you have three minutes to speak on any item on the consent agenda.

>> I am speaking, my name is melinda rodriguez.

I'm speaking on agenda number 49.

This is to approve the funding or the purchase of the helicopter for the austin police department.

I am the president of the citizens police academy alumni association and I'm here representing them as well.

I have witnessed firsthand as a volunteer for the police department how beneficial having a helicopter can be.

I am out on fridays and saturday nights assisting

the police, interpreting for  
our citizens.

And so I've witnessed on  
multiple occasions how  
austin air one is called  
out.

I'm privy to listen to the  
radio traffic, so on any  
given friday or saturday  
night, which is the busiest  
times, they are called out  
three or four times a night  
to assist with police  
chases, high speed chases,  
missing individuals, a  
suspect who has fled on

[10:22:02]

foot.

And I cannot express to you  
or stress enough how  
beneficial this would be.

You really have to think  
about what price do you want  
to put on someone's life.

If an elderly person is  
missing in the woods, who  
would they call?

This aircraft that they have  
now is a bit older, so it is  
money to  
maintain this helicopter as  
it is.

We need something that's  
knewer, something that is a  
little bit -- that is not  
going to be so costly to the  
city.

As a volunteer and as some of our other members are volunteers, we have given countless hours of volunteer work to the department and have saved not just the department, but has saved the city thousands and hundreds of thousands of dollars in the work that we do.

We don't get paid.

I have a full-time job.

I work 40 to 60 hours a week and still manage to put in another -- it's almost like a part-time job for me to come help a.p.d.

I ask that you please consider and vote in favor of spending this money.

We are doing /the city/constituent a favor of saving you money, so in turn maybe you could potentially consider using this money and grant them this additional -- this aircraft that is knew irrelevant and will eventually save you guys money.

>> Mayor Leffingwell:  
Thank you.

I will also pull item number 46 from the consent agenda.

It's already pulled?

Okay.

Paul robbins.

Three minutes to speak on any item on the consent agenda.

>> Council, I'm here to support item 67, which is the regulation of water

[10:24:00]

wells in the austin area.

I support it, I appreciate the councilmembers who thought it up.

I do want to comment if there are three reasons that people are drilling wells in austin.

One is that they are not limited to two days per week watering as the rest of the city.

It is my opinion that you could justify a requirement for well users to comply with this on the rationale that it encourages conservation, which is for the greater good of the city.

Even though they are not on the water system, the austin water utility system.

Second is that austin has steep tiers for successively increasing amounts of consumption.

You could change this and it would reduce the cost to high users.

I would not advise it because the high tiers are an economic incentive for the rest of the public to conserve.

The third reason is that have you heard?

Austin has the highest water cost of the top 10 cities in texas.

This is to you to high debt, high electric consumption, a high percentage of money transferred to the general fund.

And to a lesser extent vacant land that the utility could gain profit from and they have not sold it.

Or the development rights to it.

And having some of the higher water cost in texas, the utility seems to likely ignore the predicament.

They come in year after year

[10:26:01]

and expect council to rubber stamp rate increases, and i would ask you to start digging into why the costs are so high and what might be done about it.

Thank you.

>> Mayor Leffingwell: If i could make a comment and make sure I understand correctly.

robbins said  
this called for the  
regulations.

The resolution I'm reading says requires for registration to come back on november first and talk about a permitting process that would ensure compliance with state and local laws.

So it's for registration,  
not regulation.

I think we have libby  
zacorro.

>> [Inaudible - no mic].

>> Mayor Leffingwell:  
Thank you.

69 Is pulled.

Disregard that.

I don't believe 78 has been  
pulled.

78, Steve metcalf.

>> Mayor, councilmembers,  
steve metcalf.

On item 78 I'm talking about  
the estancia hill country  
project, which is listed as  
one of the items to start



the process for full purpose annexation.

We started talking to staff and management about eight months ago on doing a p.u.d.

And a p.i.d. on this tract.

[10:28:01]

And what we proposed would be to do limited purpose annexation so we avoid the double taxation.

We've been talking to staff about this for awhile.

I think staff believes that we can still do the p.i.d.

And have full purpose annexation and have the two taxes, and our client doesn't believe that will work with the market.

So if this land gets full purpose annexed, we will not and p.i.d. that goes with it.

It would be a standard city code project where if we do the mid pud and the mid we're talking about doing affordable housing, we're talking about doing volume met tick water control or drainage controls, tree preservation, all the things that do with the superiority that comes with a p.u.d.

So what we are asking is --

>> Mayor Leffingwell:  
metcalf, this item is  
only to set the public  
hearing.

So there will be ample  
opportunity to make your  
meritorious arguments at the  
actual public hearing.

I just wanted to make sure  
you knew that.

>> I understand.

So anyway, I just wanted to  
get it out there before this  
means too far down the  
process that we really don't  
think it would work to be  
full purpose annex and do  
that we want to  
do and create the project  
that we want to create.

So I'm happy to leave it at  
that.

I just wanted to get that  
out there publicly before  
this gets too far down.

>> Mayor Leffingwell:  
Thank you.

Councilmember morrison may  
have a question for you.

>> Morrison: I don't  
really have a question, but  
I do have a follow-up  
request from staff.

And that is that I hope that  
when we get to the hearing  
we'll be able to have some

clear options and evaluations from staff on the two different approaches, what the scenario will be if we have full purpose annexation, but then also what the scenario would be if we do limited full purpose annexation as you have been talking about.

[10:30:00]

So I would ask staff to be prepared for that when we have our hearing.

>> Mayor Leffingwell:  
Councilmember riley.

>> Riley: I would like to join councilmember morrison in voicing my interest in hearing a full explanation from staff about why we might be shifting gears with respect to the annexation plans.

>> Mayor Leffingwell: Is there a motion to approve the consent agenda?

>> Cole: Mayor, I'll make that motion, but --

>> Mayor Leffingwell:  
Mayor pro tem moves to approve.

There's a second.

Councilmember cole?

>> Cole: I want to echo the concerns especially in

terms of the property tax  
and economic impacts on the  
limited purpose annexation  
versus the full purpose  
annexation.

And providing those  
services.

Actually for staff to be  
prepared to show us a  
competent return on  
investment with respect to  
those.

All in favor say aye all in  
favor of the motion say aye?

Oppose said no.

It passes on a vote of six  
to zero with councilmember  
spelman off the dais.

And now without objection,  
council, we'll go to item  
69.

We do have one speaker  
signed up.

Councilmember morrison  
recognized.

>> Morrison: I would like  
to first introduce this  
item, mayor.

This is an item to consider  
an honorary renaming of  
fourth street from congress  
to rio grande, to have the  
honorary title of bettie  
nailer street.

Bettie passed away last april and when she did we lost a very special person in our community.

>> Mayor Leffingwell:  
Councilmember morrison, just a second.

As you leave the chambers, please hold it down because we're tipping to do business here.

Thank you.

>> Morrison: We all know that bettie was a fierce advocate for the lbgt

[10:32:00]

community and women's rights.

She worked tirelessly for people to stand up to find their voice.

She had amazing involvement in so many things over the decade.

Her early civic involvement was in women's rights causes when she helped women organize and unite against unfair wages.

She was a founding member of the human rights campaign, a founder of the texas and national women's political caucus.

She co-founded out youth,  
which is a terrific  
organization here in town.

She was a leader for  
equality texas and for  
austin pride fills, which is  
a partner of austin habitat  
for humanity.

Some of the organizations  
that she and her partner,  
libby, were involved in, and  
helped, were aids services  
of austin, project  
transition, pro choice  
texas, annie's list, atta  
circle, capital hear  
democratic women's, zach  
scott theater and america's  
youth works and she was also  
a staple around the capitol.

So I think it's entirely  
fitting that we honor bettie  
this renaming.

We are fortunate enough to  
have with us this morning,  
libby, bettie's partner, and  
I wanted to invite libby up  
to make a few comments if  
she would like.

>> Mayor Leffingwell:  
Welcome.

>> Good morning.

I first off wanted to  
especially give thanks to  
councilmember spelman and  
morrison for bringing this  
consent item.

Bettie woke up everyday with a desire to know and do what she could for her community.

And it was in no regard to race, religion, social standings.

There was no one unworthy of

[10:34:00]

her time and her efforts to make this a better community for all of us.

But I think this honor is especially outstanding for the lbgt community of austin, texas, that we have a council who is progressive enough to look at this great honor for this wonderful woman and who I'm able to speak for and say she would be tremendously honored.

And I am honored to live in austin, texas.

Thank you so much.

>> Mayor Leffingwell:  
Thank you.

>> Morrison: This obviously has a lot of meaning for a lot of people.

And we received an email from one -- from several people supporting this item.

There was one that particularly spoke to me because it talked about the

impact that bettie had on  
this person's life.

And I just wanted to briefly  
read parts of this message  
that we received and it was  
to all members of the  
council and the mayor.

And they say I was so happy  
to learn that before you on  
thursday's meeting will be  
the opportunity to  
memorialize a woman who has  
done so much for so many  
over the course of her  
career.

Her efforts for women and  
for the lgbt community are a  
tribute to her unwaivering  
commitment to equality and  
her compassion for others.

There could be no finer  
person to pay tribute to  
that than bettie.

Her life gave the lgbt  
community, of which I am a  
member, this person writes,  
an example of the type of  
way to go about seeking  
equality as well as  
believing in one's self  
regardless of social norms  
and the odds you may face.

It would make me so proud to  
walk down what is now west  
fourth street and see a sign  
that reads bettie naylor  
street.



So I think that says it  
better than pretty much  
anybody could.

And before I move approval i

[10:36:00]

do want to recognize and  
thank my past staff member  
and also councilmember  
spelman's office who were  
behind getting this through  
all the bureaucracy that we  
seem to be able to find in  
the city of austin.

So the plans are that this  
is -- the signs will go up  
in september in time for a  
celebration and unveiling  
and coordination with pride,  
which is later in september.

Stay tuned for that.

And we hope also not only to  
have libby there with us at  
the time and many of  
bettie's friends, but also  
bettie's children, sharon,  
rick and chuck.

So with that, mayor, I move  
approval.

>> Mayor Leffingwell:  
Councilmember morrison moves  
approval, seconded by  
councilmember martinez.

Is there any further  
discussion?

Congratulations, we've done  
this a few times in the last

couple of years to honor very prominent citizens in the city of austin with an honorary street name, which of course enables people who use that street or live on that street to get their mail and their contacts at either one of those two addresses.

So congratulations again and we appreciate the life of bettie naylor.

All in favor say aye?

Opposed say no.

It passes on a vote of six to zero with councilmember spelman off the dais.

[Applause]  
without objection, council, I'd like to bring up items 61, 62, 63 and 64 together.

These items relate to compensation for council appointees, including the city manager, the city clerk, the city auditor and the clerk of the municipal court.

I think you have in front of

[10:38:05]

you some resolutions for items 61, 63 and 64, and a substitute ordinance for item number 62.

The substitute documents are yellow sheets, and these documents contain current compensation numbers for each of these appointees and language adjusting their compensation beginning at the first period of the next fiscal year, which against OCTOBER 1st.

By way of background, mayor and council have evaluated the performance of these appointees separately during executive sessions that were held on june 14th, june 28th and august 16th of this year.

The substitute resolutions and substitute ordinance, proposed salary adjustments for these appointees based on these evaluations.

The substitute resolutions for the city manager, the city clerk and the auditor state that their current base salaries will be adjusted at the same time in the same way and under the same conditions as any annual base pay adjustment for non-civil service employees throughout the annual budget process for the 2012-13 budget.

In other words, those resolutions do not state that the city manager, the city clerk and the auditor will automatically get an increase, but if council

approves an increase for the general non-civil service workforce in the 2012-2013 budget, then the manager, the clerk and the auditor will get the same adjustment as the non-civil service workforce beginning at the same time.

The substitute ordinance establishing compensation for the municipal court clerk will increase the clerk's annual salary by five percent from their

[10:40:00]

current level beginning with the first pay period on the 2012-13 fiscal year which BEGINS ON SEPTEMBER 23rd.

The reason for the difference in this treatment in the municipal court clerk's compensation is to bring that salary closer to the market rate.

The others are already at or very near the market rates, but that's for the municipal court clerk's salary based on salary reviews, and those reviews were conducted by city staff.

All of the other compensation and benefit terms for these appointees remain unchanged from their present levels.

So I think, mayor pro tem, as a co-sponsor, would you make a motion to approve items 61 through 64 and all three substitute resolutions in the substitute ordinance before you?

>> Cole: Yes, mayor.

I move approval of items 61, 62, 63 and 64 and all of the substitute motions.

>> Mayor Leffingwell: And I will second that.

And for the ordinance that will be on all three readings.

Is there any discussion?

>> Cole: Yes, mayor, i would like to make a few comments.

I think sometimes it's confusing because we do have a city manager form of government, that there actually be major city employees who report directly to us.

And that is the city clerk and the city manager and the municipal court and the auditor.

We have evaluated their performance in executive session and found them all quite satisfactory and are proposing as the mayor said a potential may increase

with the annual budget as that may go for non-civil service employees.

So I would like to thank them for their continued service.

>> Mayor Leffingwell:  
Yeah.

And I would just like to say from my personal perspective, all of these employees deserve more, but as we know we live in a difficult time and balancing

[10:42:01]

our budget this year as it has been for the past several years, has been very difficult.

So we wanted to do as much as we possibly could for all and i think that's what this ordinance and these resolutions reflect.

All in favor say aye?

Opposed say no.

It passes on a vote of six to zero with councilmember spelman off the dais.

I need to step off the dais just for a second, but i would like to bring up item 18 with a brief presentation by law and turn it over to

mayor pro tem for just a second.

>> Good morning, mayor pro tem, council.

My name is meagan riley and I represent the law department.

I'm here today to recommend settlement in harper park versus city of austin, which is a chapter 245 lawsuit brought by harper park to clarify its rights for development.

This week reprovided you with a memo that provides additional details about the case, but as we recently pointed out, we tried this lawsuit to a travis county district court judge where the city initially prevailed in district court.

Harper's park appealed it to the appeals court.

The city brought this before the supreme court where the supreme court denied the appeal and remanded the case back to the district court on the sole remaining issues of attorneys fees and cost.

With that we recommend supplement of attorneys fees and costs on the following we recommend payment of the attorneys' fees to the attorneys representing harper park in the amount of

[10:44:01]

89,500, which represents both the trial and appellate costs in this case.

This amount would be paid out of the city's liability reserve fund.

In exchange for this payment, the parties will seek dismissal of the remaining portion of the lawsuit and seek a mutual release.

We recommend therefore that the council approve payment of the settlement of 89,500 to the legal representative of harper park.

Any questions?

>> Cole: Questions, colleagues?

Motions?

Councilmember riley.

>> Riley: Move approval of the settlement as recommended.

>> Cole: I'll second that.

All in favor say aye?

That passes on a vote of four in favor, two missing from the dais, that being councilmember martinez and councilmember spelman, and mayor leffingwell.



Thank you.

The next item I'll call for speakers is item number 46, which was actually pulled by councilmember morrison.

Would you like to make a comment before the speakers?

>> Morrison: Thank you, mayor pro tem.

I wonder if we have staff here that could answer some questions for us?

Particularly from arr.

Some questions have arisen about what actually is included or not included in this item.

And secondarily or maybe not secondarily, we do have a recommendation on this item from the water and wastewater commission and the electric utility commission, but we don't have a recommendation one way or the other from the zero waste advisory

[10:46:01]

commission.

And I wondered about if we could get straight exactly what is included in this because there were some questions about the arr item.

And also what is the process for taking items to the commission.

>> Yes.

Bob gettert.

We have a couple of issues here.

One is that there is confusion on the posting of this item.

This item does not include the rolloff trucks and chassis and boxes that were discussed earlier.

And that was pulled from the agenda item a couple of weeks ago and not itemized in this agenda item.

So that will come to council at a later date and be fully discussed at swac.

That has not been discussed in full.

So we will be moving that in a separate tracking for truck purchases.

The vehicles that are currently on the listing for posting today was discussed at swac last may or june in the budget process for the adoption of this year's budget.

And there was a slide we talked about trucks, this is

the follow-up purchase for what was adopted in last year's budget.

>> Morrison: Okay, great.

I know we have some speakers, so I would be happy to defer to them.

>> Mayor Leffingwell: We have speakers?

And the first speaker is michael whelan.

>> Michael whelan on behalf of tds.

I think he summarize it had when he said there's been confusion for this item.

What happened was there was a request to purchase a bunch of rolloff equipment in july and then unilaterally was pulled off and wasn't listed in the august 8th director's report.

All the other equipment purchases were listed in the directors report for swac,

[10:48:01]

but these items were not listed.

Each though the items had been discussed at swac.

So I think the confusion primarily comes from fact that they weren't listed.

They showed up.

And yes, there was a last minute flurry in the last 24 hours when we realized that there was this confusion because there were emails from purchasing about bunch of other equipment.

And it is unclear to us primarily when you brooke at the agenda item, whether the chassis, which can be used for rolloff equipment, will or will not be used for rolloff equipment.

I think that's the type of clarity that can quickly be handled at swac and should have been handled at swac.

I also think there's no reason to rush.

If we just breathe for 30 days, send it back to swac, we can let the other haulers who are in this business a broader hauler involvement i think is appropriate for something like this.

So I don't think there's any reason to rush something when we know that there is, as has been acknowledged, some confusion on the item.

So I think all we would like is for this to go back to swac.

Just the austin resource recovery items, all the other items for them if they would like to have that discussion and to get broader hauler involvement on the item.

We're not in the rolloff -- that isn't our contract.

That's an allied waste contract, but I think they too may have an opinion about the chassis that are being built -- that are being purchased.

So again, if there's any questions, I'm happy to them, but I think there's no reason to delay the other items, but for these items at austin resource recovery is seeking they weren't listed on the august 8th report as were all the other items that were being purchased today by the department, and there's no reason to simply postpone that for 30 days.

>> Mayor Leffingwell:  
Questions for you from councilmember morrison.

>> Morrison: Are you suggesting taking all of the arr items off the list or just the chassis?

[10:50:01]

>> Well, I think if you look at the items, there's no reason why these items can't be taken off at this point.

I don't think there's any urgency with some of these items that are listed, any health, safety reason for a 30-day delay to have swac look at them, have them listed on director's report and if there's somebody that wants to weigh in from the broader hauler community they can once they're there.

>> Morrison: I'll talk to staff about planning issues, but my question is are there particular items on this list that did not show up on the report previously?

>> I don't think any of the items under the austin resource recover diablo department list that were on the report august eighth and the chassis are the chassis that -- I think that's a run crank carrier refuse chassis and two dump truck chassis would be champs that are not on and they can be converted for different purposes.

>> And those are the ones that are of particular concern.

>> Correct.

>> Morrison: Thank you.

>> Mayor Leffingwell:  
Bryan hobbs.

No comments?

waylan, you don't need  
any more time, I assume?

I guess I have a question  
for the director.

So it's my understanding  
what I'm hearing is it would  
be normal to post these, run  
them by the -- I believe  
it's now called zwac  
commission for  
recommendation.

>> I am open to new  
processes.

Our past practice has been  
to summarize vehicles for --  
itemize vehicles for  
purchases in the  
powerpoints.

I usually give two or three  
budgetary discussions with

[10:52:01]

zwac in the budget process,  
and that includes the  
trucks.

We don't normally go back to  
zwac with truck purchases  
when they are ready for the  
purchase because they've  
been adopted within the  
budget.

We can change our process at -- I'm completely open to that process.

We have identified the vehicles that are currently on this list as replacement vehicles.

The chassis that were in question are chassis for the replacement vehicles and bodies that are listed here.

None of these are abnormal purchases.

The only abnormal purchase has been taken off, and that is the roll you've containers.

And trucks.

Rolloff containers and trucks.

>> Mayor Leffingwell: Is there any hardship in going back to the zwac for this group of items?

>> There's no hardship on these items to go back and delay and go through that process.

That would be okay with me.

My concern is that this is a multidepartment item and i don't want to affect the items from the other departments.



>> Mayor Leffingwell:  
Well, I guess it would be possible to focus only on you, just pick on you and not on the others.

Thank you.

>> Morrison: Mayor?

I would like to make a motion that we approve this item with an amendment that we remove the equipment that's listed under austin resource recovery and ask that staff make those -- i call it zwac.

You know what we're talking about, bob.

And return and do time.

And I wonder if there's an issue, other things would have to be amended besides just the motion to approve with the removal of the arr item.

>> We understand the

[10:54:01]

directive would be to -- that council would be approving all items with deletion of the items from solid waste from the zwac that would be approved by swac, which is still the solid waste advisory commission, for arr.

>> Mayor Leffingwell:  
You're behind that one too.

It's zwac.

>> My apologies.

And we'll work with the city  
clerk and get the exact  
total to match that total.

>> Morrison: Great.

That's my motion.

>> Mayor Leffingwell:  
Motion by councilmember  
morrison.

>> Cole: I'll second that.

>> Mayor Leffingwell:  
Seconded by the mayor pro  
tem.

Further discussion?

All in favor say aye?

Opposed say no.

That passes on a vote of six  
to zero with councilmember  
spelman off the dais.

We'll go to item number  
three.

No citizens signed up to  
speak.

I pulled this item off just  
for further discussion if  
need be.

I made some remarks the day before yesterday in the work session.

The comment that I wanted to make was this has to do with an extraordinary, extra expense to austin energy, and suggesting that we go back out with another r.f.p.

To replace the one that was turned down sometime ago.

Could somebody from staff address the practicality of that suggestion?

>> Buy on johnson, purchasing.

I'm happy to do that and we can run through budget or anything else.

[10:56:00]

From the purchasing standpoint we have a contract in place.

That contract currently does not expire for a period of time.

So we have it on a month-to-month basis.

We can certainly go back with a new solicitation that would give us whatever scope is desired.

>> Mayor Leffingwell:  
Mayor pro tem?

>> Cole: Byron, I have a couple of questions to make sure I understand this item.

And unfortunately I was not at the work session on tuesday.

Can you give me the background?

This seems to be an item that we sent back that you had brought forward earlier.

Is that correct?

>> We're going to tag team this.

>> Cole: I remember there were some benefits.

>> This, you had an item that was for the --

>> Mayor Leffingwell:  
Could I interrupt for you a second?

I just remembered mayor pro tem was not here that work session, so we can reiterate that discussion for her.

>> There was an item at council for a contract renewal.

There was a proposal for a budget for the building services to perform that work.

We then -- purchasing brought fourth another

temporary contract to provide time to be able to have all that transition happen.

Then building services worked with budget for the budget appropriation and authority to be able to have the positions.

And so eric can bring you up to date on the item.

>> The item that you have before you today includes the original scope of work and facilities that were considered in march by the council.

[10:58:00]

It also includes additional facilities which are under construction such as the service control center and some other facilities that are under contract for custodial services that will expire in the coming years.

So what you see, the 28 positions include the original facilities that were considered in march plus the additional facilities that will be coming online.

We provide the total cost differential estimate, the 3 million over a five-year period of time.

The cost differential to the facilities that were considered in march was 3 million at that time when that analysis was done.

But that did not include the additional facilities.

>> Cole: Okay.

What I'm trying to be clear about is the additional cost.

Why is -- are we incurring, I guess a \$682,000 per year additional cost, is that right, from --

>> that's correct.

Part of that cost is -- a large part of that cost, 391 or 392,000.

And that's associated with new facilities that were not considered in the analysis in march.

And that includes roughly 200,000 square foot service control center which is under construction or being remodeled and will come online in november/december.

That was not part of the original contract proposal and it wasn't compared to contractor costs at that time in march.

These are additional facilities and we're making the assumption that we will bring all the facilities in-house to building services for custodial services.

What you see before you is that additional cost.

>> Let me make sure i understand it.

When you say additional facilities are you saying the additional cost is related to more work that the services that we bring in-house that they will be doing?

>> Correct.

>> Okay.

So it's not a situation of its inside cost versus outsourcing.

Or is it both?

>> Well, --

>> Mayor Leffingwell:  
Could I interrupt here?

If what you say is correct and I accept that, then the backup material is wrong.

What the backup material says, this cost is 682,000.

It's seven dollars more than the projected cost if the

services were provided by an outside source.

>> Cole: Thank you, mayor.

Which is it?

We can't have it both ways.

Go ahead.

>> The costs represented here, we added the new facilities that were not considered in march and we estimated what the contract costs would be for private sector in order to continue this analysis to include those facilities.

The additional cost for the newer facilities included an additional full time equivalent, 13 and a half.

And we did a side by side, which is in the second chart.

We estimated what private contractor costs would be based on the terms of the contracts that were considered in march and the cost differential which comes out to 92,000 for the additional facilities and the additional 13 and a half 's and their equipment.

>> Cole: So are you saying if we brought the positions in we would use fewer people -- we would use more



people if we -- I'm not understanding you.

Are you saying that -- I'm trying to reconcile the idea that it's cheaper to actually outsource versus to do it with in-house personnel or not.

>> Okay.

The cost differ are rene marsh shall is primarily related to the benefits.

The city's costs for those items is -- as far as we can tell are higher than it is for the private contract that was considered in march.

>> Cole: One more time because I want to make sure that we got it because it's important to my vote.

Because we're in a budgets negotiations or time period where we're analyzing that and we want to make sure we're getting the best return on investment for the taxpayer dollar and at the same time trying to be sensitive to what we can provide to people that we actually outsource with.

So when I saw this, that it would be \$682,000 more and that's per year and the total additional cost would 3 million, I was concerned that we were

entering into a contract that was over three million dollars that if we outsourced would be considerably less.

So tell me if that is a correct analysis.

>> It is correct based on this analysis if we outsource it would be 3 million cheaper in our estimation.

>> Okay.

Ed, did you want to follow up with clarity on that?

>> Yes.

I just wanted to -- your analysis is correct.

That the contract costs would be less expensive.

If you look at the analysis we did we broke it out by line item.

It's labor cost.

The city's labor cost with benefits would be more expensive and to run the various facilities that eric's been talking about, \$680,000 per year more for the city to deliver those services than the contractor to deliver those services, primarily due to our high labor costs.

>> Cole: Okay.

Thank you, ed.

Given the increased cost,  
and I certainly appreciate  
the full discussion we've  
had before about trying to  
provide more benefits to  
services that are  
outsourced, but I will not  
be supporting this motion.

>> Mayor Leffingwell: Is  
that a motion?

>> Cole: I am not  
supporting the motion.

>> Mayor Leffingwell:  
There isn't one.

>> Cole: I will not be  
supporting it.

>> Mayor Leffingwell: You  
are not making a motion?

Councilmember martinez?

>> Martinez: We all hear a  
lot and talk a lot about  
things like affordability  
and ensuring that everyone  
in austin has an opportunity  
to be successful, to take  
care of their families.

We can't control the private  
sector.

We can control what we do  
with the city of austin.

And yes, it's three million dollars more over the life of this time span.

But that means that folks will have a job with a decent living wage with benefits to provide for their families and to be a full part of austin.

And so that to me is the policy issue.

It's not just about do we save money, do we contract out.

If that's the case, then where do we stop?

Do we contract out our firefighters next?

Do we contract out our e.m.s. next?

To me this is a decision about those exact values that we all talk about and that we hear about all the time.

How do we impact peep's lives in austin?

This is one way, bringing them in-house, making them city of austin employees, providing them with benefits, and potentially giving them civil service if the voters vote for it in november.

So that to me is a policy  
premise as well.

I absolutely appreciate the  
financial concerns.

Those are real concerns as  
I'm not ignoring  
those.

But for me when we're  
continually challenged to  
try to figure out ways to  
try to help our community,  
this is one way that we  
truly can.

This is one decision that  
will impact -- yes, it's  
only 20 something, folks,  
but those 20 something folks  
need those jobs, we need  
those benefits and most  
likely they'll be  
african-americans and  
hispanics.

And most definitely they'll  
be lower socioeconomic  
status.

So I'm going to be voting  
for this item.

>> Mayor Leffingwell: Let  
me say that certainly i  
appreciate -- did you make a  
motion?

Seconded by councilmember  
morrison.

I didn't hear the motion.

I just heard you say you  
would be voting for it.

So there's a motion with a second on the table.

Let me just say that we have many contracts that we outsource and correct me if I'm wrong but for all the contracts is a living wage that the city requires.

There's some discussion with benefits, but I think the main savings that occur is councilmember martinez of scale.

On -- is economies of scale.

If we get someone to contract that is basically in that business, they can cover a lot more territory than us trying to hire employees to focus on a task that is isolated.

I appreciate everything you said, but there are times when we have to outsource and there are times when we have to look closely at the dollar amounts that could be saved.

And also we have to look at the contractors.

Councilmember martinez mentioned that in many cases these would be minority employees and probably may many cases of owners are small businesses owned by minority contractors and that's a factor too.

So let me just say that in view of the nag in a 'tude of this differential what I'm asking is to go back and ask for another proposal and maybe we can get these numbers a little bit closer together, maybe we can't, but I would at least like to try.

Councilmember morrison.

>> Morrison: I think councilmember martinez's statement was very clearly laid o the issues.

So all I can say is for me this is an opportunity for us as a council to walk the walk and not just talk the talk.

>> Mayor Leffingwell:  
Further discussion?

Councilmember tovo.

>> Tovo: I'm going to support the motion for all the reasons that councilmember martinez articulated.

And I just want to add that I think there are appropriate times to hire contract labor when we have very specialized tasks, when we need expertise that doesn't exist in the city.

This is clearly an ongoing need for permanent custodial

assistance in these buildings.

And as councilmember martinez articulated, i mean, if we were really looking for ways to contract labor out, we probably could find lots of opportunities to do so.

But I don't think that's the right way to go about creating a strong city government that functions well for the city of austin when we have permanent ongoing needs for staffing assistance.

Those should be permanent employees.

So I will be supporting the motion.

And I do appreciate all the concerns people have raised.

>> Riley: I have a question for staff that relates to this subject.

We actually covered some of this in the work session, but if we could go back over it.

The question as come up to what extent we can require certain wage levels in the course of the procurement process.

>> If I may, would you like a legal opinion?



>> Riley: I think there's a legal answer to that.

When we go to contract can we say that we as a condition of a particular procurement for services like this, can we say and the employees must get at least \$11 an hour?

>> Lee Crawford, city law department.

We do have the ability, councilmember, when we're letting a contract like this for services to stipulate a wage rate for the contractor who will be performing work for the city under that contract.

There is a state law that gives us the ability to do that.

>> So we are restricted from looking at benefits offered by the employers and what we heard in work session the other day.

>> That is correct, councilmember.

There is an attorney general opinion that talks about the kinds of restrictions that we can put on bid stipulations and conditions when we let out contracts for goods and services.

All of those stipulations and conditions need to

relate directly to the quality or count of goods and services that the city is purchasing.

And the attorney general has opined on that statute and indicates that requiring health benefits for employees of a contractor does not relate directly to the quality or quantity of the goods and services, therefore that is a condition we are not permitted to make under state law.

>> Riley: We can set conditions with respect to the amounts to pay and have we typically done that with our procurement?

>> I'm not sure how widespread the provision is, but it gives us that authority.

>> Riley: Can you give us our past practice?

>> Thank you.

Did council have the directive that as a resolution that is passed that it's called the universally wage.

And we put that in contracts that have services for those people that directly work at our facility.

So if it's a janitorial contract and they are working at our facility, then those wage rates are in there.

And that is a provision that it is there.

If that employees works for the company and they don't work for just our facility, they may work on multiple contracts, maybe they're a part-time employee and they work at our facility and then they work at another facility for another business that they have a contract work, it only applies to work on our contract.

>> Riley: So the estimate that we got on the cost, the comparison of the cost of outsourcing versus the employees in-house, did that -- did that assessment started from the presumption that we would be requiring a living wage and of course outsourcing?

>> That is correct.

The bids that we had that were for -- they do sign this commitment that they do have the living wage rate and that is monitored and it is something that we do monitor and watch carefully and make sure they do comply.

We make them have employees sign that they are actually being paid at that rate.

The difference as the mayor pro tem said, is the wage rate that we pay versus the wage rates that are in the contracts plus the benefits and the pension and the other things that we have that we use as what's called the loaded wage rate.

>> Riley: So it's our sense of for outsourcing that we do prescribe a rate structure that the pay rate then following the living wage, but the difference is likely due to the benefits, which we can't control.

>> Pension, benefits and the other things that go into our living wage rate.

>> Riley: Can I just ask the city manager to provide a brief update on where we are with respect to this holistic assessment about outsourcing?

I understand -- or maybe buy on you could provide that information about where -- i know there is ongoing work to look at all of our city contracts and I just wanted to see if we could find out where we are on that.

>> We are working on that and I can give you a bit of an update.

I think during the work session I believe that byron in conjunction with gavino are on point carrying out that analysis.

I'm going to -- ed, do you want to come forward and talk about the status as you did this past tuesday?

>> Sure.

Based on council resolution staff has started down the path of doing a contract insourcing review.

We started off I believe in the neighborhood of 1800 contracts.

This was obviously a bit overwhelming.

So we had some discussion and we provided a memorandum to the city council narrowing it down both in time frame and scope to 54 contracts that are currently under analysis, things that would be good canned dots for insourcing for things like tree trimming to custodial services.

Things of an ongoing nature.

We didn't want to look at things that were very seasonal where we maybe only needed the employees for a few months and had work for them to do for the rest of the year.

Weaseled it down -- we scaled it down a lot and so contracts that are set to be expired or set to be renewed by the end of the calendar is what we're looking at.

And we've committed to council they would get that report back to you by OCTOBER 1st.

And I think I just mentioned that it is -- it's turning out to be a tremendous amount of work and we're looking into some of these contracts and looking at the scope of work being provided, in some cases the scopes of work are 20, 30, 40, in one case even 400 pages of the scope of work that we have to go through and figure out what would it take staffwise to do this same scope of work that's being done by these outside contractors.

So we are doing that work for those 54 contracts.

[One moment, please, for change in captioners]  
that would provide some general rules, conditions under which the -- it is appropriate for the city to outsource as opposed to bring employees in-house.

In making a decision about which way we go with those contracts, we're going to have to apply some kind of

rule or guidelines in order to make that decision.

I fully agree with councilmember tovo that if we're talking about -- about positions that address a permanent year-round need, and -- same councilmember martinez said, there are -- [indiscernible], we just had a request about security guards at water utilities and there were some fairly persuasive cases with respect to those security guards for a number of reasons.

It does make more sense to outsource security guards.

Seems like we would want some coherent set of rules to guide that decision.

That's what we would be applying in the course of that holistic effort is byron, is that your sense of -- of what's at work there?

>> The city manager is -- work association, we are hoping to come forward with date that that you will be able to review and we'll be provided direction.

>> Riley: Given that we will have that holistic discussion with respect to that whole report in october, then would it be possible to extend -- to

extend contracts with respect to these employees on a short-term basis so that we -- so that we can decide -- decide, make that decision with respect to these positions at the same time that we're making decisions about all of those other contracts?

>> We have contracts in place that will cover on through sufficient time so that you could -- you could decide to not take an action on this item today and still have plenty of coverage for -- for the existing work to be able to -- [indiscernible] definitely an opportunity.

>> Riley: Okay.

Would there be, we are talking about the -- about the [indiscernible] operating budget.

If we make that -- if we're making those decisions in october, well beyond the current fiscal year, i suppose that we should be talking, having a similar discussion about the next year's budget.

>> [Indiscernible] talk about the '13 budget.

>> Riley: Right.

>> What we were doing in this resolution before



council was adding the 28 positions that would be needed, the audioal positions would be needed to do the -- do the work.

Austin energy is already included in their budget.

The cost of doing this.

And they would be reimbursing building services for the work, so short answer is that the dollars are already in the proposed budget.

That -- that is before council, just the positions aren't.

So at some point in time we would have to come back and seek council approval to get these positions added that would then be reimbursed by the dollars that are in austin energy's budget.

If council decides to go to stay with the contractual services, then the dollars are [indiscernible] in the budget to do the contractual services.

>> One more question for you.

Do we have an austin energy staffer here.

I guess the question is at this point is there -- when we had this decision to make

with respect to the -- with respect to the security guards for water facilities, there was a fairly persuasive case that there are reasons why it makes to outsource that particular function.

Because of the -- because of the job requirements of security services, you need a large workforce, you need to be able to execute people in and the water utility -- to substitute people in and the water utility didn't have the skills necessary to supervise that whole work source, in a number of ways it made sense to do more outsourcing.

The electric utility does it feel like it has [indiscernible] or on the other handled is this something that has long been a regular part of what the utility -- what the electric utility does and y'all could easily bring these positions in house?

Just trying to figure out is this clearly on one side or the other, one side of the line or the other or should be really -- because this is so close to [indiscernible] we should put this off until we are having the whole discussion in a few months.

>> Carey overton with austin energy.

As it relates to the discussion that you had with security guards and as well as the janitorial services, there are some characteristics that for us we have a combined workforce.

It's very clear that we have es that perform those duties and those tasks, based on their expertise.

These are areas that -- that in our analysis -- that the contract services would be much better provision in the terms of services that are managed with a very routine, very specific skill.

With the mobility of replacement of someone not being at work, we don't have as a need to back that individual up, we will rely on the contracting services in these particular areas.

The contractor just simply continues to provide that service on a day-to-day basis.

In the analysis, I think that's part of what's coming out in the october report, there's some reasons that would support either side of the argument.

Austin energy's original proposal was to continue to

move forward and extend the contracts.

>> The -- for outsourcing?

>> Yes, sir.

>> Okay.

Well, mayor, I would -- i think this is an important discussion to have.

I fully -- I fully agree with the comments made by -- by councilmember martinez and tovo and morrison that there are quality of life issues at stake with respect to -- to employees being able to meet basic needs.

But I also recognize that this is -- this is an issue that goes beyond just this one set of contracts.

I think that we need to have a -- have a -- a discussion about this with respect to all of the contracts.

We expect that we will be having that discussion in october.

And I think that it's going to require us setting some clear guidelines as to when you do or don't outsource.

At this point I haven't heard a compelling case that this contract -- that these positions fall clearly on

one side of the line or the other.

They are somewhere, it sounds like it really could go either way.

So at this point, I'm -- I'm going to side with the mayor and the mayor pro tem that -- and -- and I don't think we're ready to make this judgment with respect to these particular contracts.

I'm open to revisiting it when we address all of the other contracts in october.

So that we can have one clear coherent set of rules.

I would just note that we are talking about very long-term implications for the entire city budget and the decisions we make that have a fiscal impact have affordability implications, not just for the employees involved, but for all austin taxpayers, as tax burdens continue to rise, affordability is a continuing concern for taxpayers, we need to keep in mind with every decision we make that -- that there are real -- real implications for people paying the taxes, as well as the people who are actually performing these services.

And we -- I would just suggest that those -- that we need to proceed carefully, make thoughtful decisions, with respect to the whole workforce, we expect that we will be having that conversation in october, so in the meantime, I will not be supporting this -- this budget amendment.

>> Mayor Leffingwell:  
Mayor pro tem.

>> Cole: I would like to say I fully support what councilmember riley said, agree that these are long-term budgetary decisions, this is not just a part of a debate that we are having on the council.

We all support social services and certainly providing jobs to minorities.

But at the same time, we have to think about the overall fiscal impact for all of our taxpayers and because this is occurring on the national level, I think that as part of your analysis I would like to ask staff to -- to look at not just benefits versus how we could use it outsourcing, but also the implications for -- for -- for -- the long term implications over time, if these employees

also become civil service employees.

I think that's only fair since we're putting that -- that out there as far as -- as far as financial implications.

And that we also look at all of the other contracts that we have and that we think about it in terms of what truly does make sense to outsource because I'm certainly not saying we should not -- we should outsource the police department or outsource the fire department, those are just really not on the table.

But if we have a number of contracts that we are outsourcing, that would make more sense to bring in-house, we should do that and if there are contracts that we are considering keeping in house that financially should be outsourced we should consider that and those policy issues should be brought before council.

Thank you, mayor.

>> Mayor Leffingwell:  
Councilmember morrison?

>> Thank you.

I do want to follow up on councilmember riley's

comments because I do think that -- that we have had some really good examples and careful analysis and explanations by our staff, particularly the water department, the water utility, as well as the parks department have done a really good job of explaining when they are doing contracts of why it makes sense.

To do them on contracts and not full-time employees.

I think the simplest to understand, for instance, is the parks department that has maintenance efforts that need to be done and tasks in the summer or spring and not in the wintertime.

So obviously those are places we want to be able to contract and so there is a bright -- there is a line and it's -- it's -- I'm -- i think that it's terrific that we are doing the -- we passed that resolution to actually do the analysis and have a thoughtful conversation.

But for me, this is one of those items that is not anywhere near the line.

Last -- when we discussed this before, when it came up in terms of are we going to do a contract or not and it was postponed and staff did



a really nice analysis for us, it was very clear, the difference was if we did it in-house, it would be employees that have benefits.

If we contract it, it will be contracted employees that don't have benefits.

So to me this is nowhere near the line and it makes sense to move forward.

In -- still, in the context of having the broader conversation and I look forward conversation.

>> Mayor Leffingwell: I'm not going to support the motion because I think councilmember riley outlined it pretty well.

We do have a process ongoing, it's not going to be a hardship, there's no hurry to make this decision.

We can be more fully informed after the -- after the report comes back and -- and regardless of how this turns out, I would like to ask when you do that analysis, a lot of this seems to hang up on -- on health care.

The health care aspect is changing.

We do have a phased in approved national health care plan and I would like -- I would like for your analysis to -- to include how that's going to impact outsourcing in this situation.

[Indiscernible] I don't know what the time table is.

We don't keep up with that.

We are so fortunate hear to not have to worry about that kind of thing, but I know that it's going to have a big impact on the private sector.

Councilmember tovo.

>> I have an additional question.

In the budget that is before us that we have been discussing for the next fiscal year, how have you handled this issue?

Does the budget that we're reviewing right now include these positions?

>> It does not include these positions.

It does include the dollars that would be needed to fund the positions, but until council authorizes the positions they can't be -- they condition be filled, of course, and so the dollars

are -- in the '13 budget and it's just a matter of do those dollars get allocated to positions [indiscernible] or continue to get allocated to contracts.

[Sound is very low]  
13 budget for these positions at -- assuming that they would be full-time positions rather than contract.

>> We do.

>> Tovo: Okay.

Thanks.

I just wanted to be clear on that.

Can you remind me what would be the budget implication?

I guess we can handle that afterward.

But thank you.

I just want to point out that I think, you know, if we start down the path of -- of calculating what a civil service amendment -- I mean what -- what that charter amendment does for these positions, we certainly would have to do that for all of the other positions that are being contemplated as being added in the fiscal year '13 budget.

So I -- so I would suggest that that might be a lot to ask of staff.

We are adding -- I mean, we are reviewing a budget that 's contemplated in various different departments.

>> Cole: Mayor.

>> Mayor Leffingwell: Mayor pro tem.

>> Cole: I think councilmember tovo brings up an excellent point.

We are not sure how that civil servant ballot item is going to go.

So why don't we wait to actually do that type of analysis after the november election and see what the implications it may have on this analysis.

>> Mayor Leffingwell: I would just say we have a motion on the table and second and -- just to make sure that everybody is aware of this, the motion -- it will require four votes to pass the motion.

Otherwise the item would be denied.

Councilmember morrison?

>> Morrison: I do want to mention that I guess it was

last week, we had a fiscal analysis and memo from the city manager about the impacts of that charter amendment.

And I don't know if it would need to be updated, thinking about -- thinking about an additional number of 's in our next budget, but I don't know if you want to comment on that, city manager?

It seemed to me that it might be a negligible if we're talking --

>> Mayor Leffingwell: City manager.

>> It probably would be negligible.

We would have to certainly do the math.

I think the analysis was based upon the workforce as it currently exists.

>> Morrison: Right.

If the workforce went from 12,000 or I guess it's fewer, because it's only -- it's only the currently non-civil service folks.

>> Right.

>> Morrison: If we were to add 100 to that, I guess the question needs to be asked, is that going to make --

have a significant impact on the dollar numbers that came out in your memo?

>> Well, it will have some impact, you know, it's -- it's -- it's hard to anticipate particularly given the discussion hiring people as opposed to contracting out is a variable, because I don't know how far that's going to go.

As I said before, the analysis was based on the existing workforce.

We do have some additional positions that are proposed in the budget as you know, but again that's a variable because you have it -- you haven't approved the budget yet.

But, you know, once some decisions are made in that regard, that will be able to revise our figures.

>> Morrison: I think that would be helpful since the question has been raised, i think we need to be able to answer it.

If it wouldn't be too troublesome just to get an update -- wait, we're going to be looking at the budget september 10, 11 or 12, that should be plenty of time.

Thank you.

>> Mayor Leffingwell: I just have a quick comment to make and then I will recognize councilmember martinez.

There's a new report that just came out by the state comptroller, I haven't had time to read it fully yet.

You about the topic of -- but the topic of discussion is how local government expenditures are exploding.

Not just around the country, but especially here in texas.

Due to whatever reason, it could be -- it could be because state and federal governments are cutting their budgets and these things are kind of deinvolving down and -- we are sort at the bottom of the trough here.

But I think that we have to be really careful about considering, counting our pennies going forward, because this is a trend that's falling upon us and if we're not careful, we could find ourselves in fiscal trouble.

Councilmember martinez?

>> Martinez: Thanks, mayor.

A couple of comments were in regards to -- to health care coverage for some of these employees.

What I would want to just add is as we look into that, I hope that we reach out to -- to other folks in the community like central health to help us get a better understanding of -- of what impact we have on local taxpayers if we do contract out services and don't provide health care benefits.

Because there truly is a financial impact because those folks are going to seek health care through central health or through -- you know, showing up at the er and not being able to pay for it.

So I want to keep that in mind and make that a part of the comprehensive look that we're going to take on any policy that we put in place as it outsourcing.

>> City manager.

>> We're happy to look at that.

I guess the only cost estimate that I would offer based on the conversation that I'm hearing is that the scope of this project was significant to begin with



and it has, you know, the things that have been added in the course of this conversation have added to that substantially.

So I'm a little bit concerned about being able to respond sufficiently within the time frame that you all have been talking about.

We'll do our best, but i just wanted to point that out.

>> You know, again, I -- you know, that it's a worthy policy discussion as the council to have.

As your city manager, though, I remain concerned.

An overarching context of what the costs associated with what we're talking about here.

I don't have to tell you what, you know, we've been through, through the past four and a half years, you know.

And, you know, the -- this pushes up against the kinds of, you know, strategies that we've applied financially to get through the past four years.

And in fact if you look across the country, other municipalities, some of

which from time to time I've cited, those in extreme dire situations filing bankruptcy and the like, but generally speaking the trends across the country in terms of municipalities is the antithesis of what's being talked about here today.

In response to the economy and physical stress and strain that it's placed on municipalities are tending in the other direction.

It is notable, you know, the underverting reasons behind the desire to assist or employee people who are unemployed.

Again I am, as your city manager, also I have to be mindful of the fiscal implications of doing that.

So as we go forward, it's going to be really important that we strike a proper balance and that we are, as all point out so many times, mindful of the relative tax burden, financial burden, that we put on taxpayers.

One of the things that you have talked a lot about is affordability.

Ultimately, this can go straight to that issue.

We just need to be mindful of that as well, as I trust you are.

>> Mayor Leffingwell:  
Motion on the table to  
approve item 3.

All in favor say aye.

>> Aye.

>> Opposed say no.

>> No.

No.

>> Mayor Leffingwell: That  
fails on a vote of 3 to 3  
with councilmember riley,  
myself and mayor pro tem  
cole voting no.

So -- so we'll go now to  
item 21.

Pulled by councilmember  
martinez.

When when do you want to do  
it?

We've already called up 21  
now.

>> Martinez: Thanks,  
mayor.

>> Mayor Leffingwell:  
Councilmember martinez.

>> Martinez: I had some  
questions, rosy, on this  
item.

We have an item that's  
coming before us that is --  
I don't know the exact  
number, but it's a six

figure number to contract with the university of texas for training services within the small business development program.

Is that correct?

>> Today.

>> Martinez: Not today.

But it's pending.

>> It's pending.

It's a multi-year contract, interlocal agreement.

>> Martinez: So this item specifically, just reading through the backup and looking into it after some concerns were raised to our office, is for additional space for training, is that part of it?

>> Yes, sir.

We -- council approved a year ago the entrepreneur center that has a large training room and also conference room and that's where we conduct our training classes, our education classes.

We also use that facility as the location where we're closing the loans and other related events and programs connected to the family business loan program that council also approved.

And this additional space has become available to us, when we lease the space -- when we leased the space originally, the property owner told us it would probably become available in the next 18 to 24 months, it became available to us sooner than later.

It's a small square footage, I think less than 600 square foot and we will be able to facilitate smaller groups, sessions, in there.

I do want to say to council and let you know that since you approved the lease originally, we opened the center on may 1, started doing programming there.

In the last 15 weeks, we've had over 700 participants in our events at that facility.

The small training room will accommodate small groups, small group work.

We're getting ready to launch, also later on this year, a -- a facilitated sessions by the -- that we're going to get trained on on the [indiscernible] foundation again connected to the family business loan program, making our local entrepreneurs stronger entrepreneurs.

>> So -- so if I'm understanding what you are

saying is that you can utilize a smaller room, to -- to accommodate smaller groups.

>> Correct, yes, sir.

>> Martinez: But it doesn't preclude you from using the larger room, not a larger room, the one that's there right.

>> You can.

If there's such a high usage for the larger room, then looking for space for a small -- for smaller groups is you just a more efficient use of space.

>> What is that usage since may 1, you said 700 participants, but what's the usage, all in one day or --

>> oh, no, sir.

We've had I think over 40 event and classes in that 15-week period.

We about over 732 participants at those events.

>> Martinez: Those classes, do they run all day long?

>> Some classes are all day.

Sometimes they're half day sessions and we repeat it.

You know, you were mentioning texas health plan, you know, we've got two sessions I think coming up in october with them.

We do work regularly with them.

So they use our facilities to get information about -- about health insurance and how -- you know, how we can help them there.

We have extensive use by sba.

They come at least quarterly, I think, is what the schedule is and they do several, you know, sessions on one day, use it all one day and maybe talking about three or four different sba programs.

We offer classes in the morning, we will offer a class in the afternoon, and then we will repeat it maybe in the evening.

>> Martinez: So is this -- is this request for additional space based on demand or is it just based on wanting to provide more if the opportunity arises?

>> Well, you know, I guess we don't have an established demand right now because we don't have it.

But I mean, you know, the room but I know that it will be utilized.

No doubt about it.

>> Martinez: I'm sure.

And we could use more space here at city hall.

It will get utilized if we find it.

But my understanding is of the 80 sessions, 40 of them are an hour and a half each.

So I don't understand how this room, if you've -- if over the last 80 days, you've had 40 sessions that were only one and a half hours, seems like the room is underutilized.

>> No, I don't know where the hour and a half.

classes at a minimum are three hours long.

You know, I was involved, you know, with some sessions recently there that were about two hours long, so i don't know where the hour and a half.

Vicki valdez is our small business administrator is in the audience, she might be able to attest to specifically the length of the classes, but normally



the classes are three hours long.

A couple of our classes are actually eight hours.

We have moved all of our quickbooks classes there, those are full eight-hour classes the quickbooks classes there.

>> Martinez: So is this request is it kind of -- not kind of.

Is it in conjunction with the potential can are the that we will agree to with ?

>> It doesn't have really a direct connection to it.

You know, the smaller group, the smaller work group, we will be using it, we know for a fact.

When we start teaching the kaufman foundation classes.

You know, I doubt that the classes are usually larger, you know, that's why we want for a larger training room because we wanted to teach and reach more people.

The larger training room accommodates I think 42, 47 people.

So it really it's not a direct connection.

>> Martinez: So if we don't authorize the u.t.

Contract, wouldn't the -- wouldn't the larger training room have less of a demand?

>> If council deems not to approve the u.t. -- the u.t.

Interlocal, we probably will be looking for other ways to deliver that same training through other kinds of services, either through pro bono or through, you know, smaller contracts or frankly maybe even staff doing the training.

>> Martinez: That is the whole reason why I pulled this item and why these concerns were brought to me is because, as you know, you are well aware, many other groups are feeling like they have not been given the opportunity to provide the training that we are and when they see this item on the agenda, it just further incenses them that, you know, staff is moving forward as if the u.t.

Contract is already approved and asking for more space, with the anticipation that we'll vote for this.

At a later date.

And I just -- I want to get beyond the record and I want

you to be on the record that  
that is not the case, not  
the intention.

>> That is correct.

And that is not our  
intention.

>> Martinez: Okay.

Thank you.

>> Uh-huh.

>> Thank you, rosy.

Councilmember martinez, do  
you want to entertain a  
motion?

Move approval.

Councilmember morrison  
seconds.

All those if favor say aye.

>> Aye.

>> Councilmember tovo, did  
you have -- all those in  
favor say aye.

>> Aye.

>> Cole: That passes on a  
vote of 4 with councilmember  
spelman and mayor  
leffingwell off the dais.

The next item I believe we  
have is from councilmember  
morrison pulled --

>> Tovo: Mayor.

>> Cole: I'm sorry,  
councilmember.

>> Tovo: Mayor or mayor  
pro tem, I would like to  
move reconsideration of  
number 68, please.

>> Mayor Leffingwell:  
Councilmember tovo moves to  
reconsider item 68 and i  
believe you voted for it  
since it was on the consent  
agenda.

Is there a second?

Councilmember morrison.

>> Tovo: Colleagues, i  
apologize, there was -- i  
had some confusion with  
regard to the yellow sheet  
of paper that is on  
dais.

This offered a small  
amendment to the resolution  
and it -- it apparently what  
we passed this morning does  
not include this small  
amendment.

And so I'll read it for your  
consideration, this would  
add an amendment to explore  
whether any operations  
currently under the  
responsibility of the city  
could be affordably  
provided with public/private  
partnerships with local  
funeral homes.

This was a point raised by community members that contacted our office.

There are state regulations that heavily govern this area.

All that we're asking staff to do as they begin this exploration is to consider whether any of the responsibilities could further involve private funeral homes.

So apologies that this didn't get handled before we passed the consent agenda.

But I would ask that -- i would make a motion to approve item 68, with this amendment --

>> Mayor Leffingwell:  
First we've got to vote on the reconsideration.

>> I forgot we hadn't done that.

>> Mayor Leffingwell: All in favor of the motion to 68 say aye.

>> Aye.

>> Opposed say no.

Passes 6-0.

Councilmember spelman off the dais.

Now you can make your motion.

>> Tovo: I would like to move approval of item 68 with the amendment that i just read on the yellow sheet on the dais included.

>> Mayor Leffingwell:  
Motion by councilmember tovo, seconded by councilmember morrison.

Further discussion?

All in favor say aye.

>> Aye.

>> Mayor Leffingwell:  
Opposed say no?

Passes on a vote of 6-0,  
councilmember spelman off the dais.

We will call up item no. 32.

Whicieve was pulled  
by councilmember morrison.

>> Morrison: Thank you, mayor, I wonder if we could have our purchasing officer come up.

This is an item to enter into a cooperative purchasing agreement with the austin independent school district.

And welcome, byron again, back.

I wonder if you could give us a little explanation about what this really brings to the table for the school district.

>> Byron Johnson, purchasing officer.

Yes, this item is to allow aid to use our contracts.

As part of the program that the city manager asked us to do for best managed.

We have taken the lead in going to other agencies and asking if they would like to use any of our contracts, use the fact that we have in some cases some bigger quantities than they have.

And they will be able to participate.

This is different than the other cooperatives in the fact that we do not charge, there is not an impact fee for them to use the contract and there's no impact fee for the vendor.

So it is cost neutral for both of those.

Our cost to implement it from internal costs was staff cost only.

It's been a very good program.

We have -- we started out with a small one with cedar park.

We then have travis county.

And travis county has access to our contracts and so aid to do this and so they looked at things, so, for instance, they have security guards, they could use our uniform contract and be able to get our price break for the big quantities that we use.

>> Morrison: That's terrific.

It's really sort of an outgrowth of the discussion.

Actually, we mentioned on tuesday, also, of -- of working for ways to help out with aid and hard times that they had and we had -- we approved item 52, which is another item brought forward by staff to -- to share some of our franchise fees that we were allowed to share.

So could you -- I ask this in -- in the q and a.

So we are sharing sort of our buying power with other folks and also other government agencies or entities.

Could you talk about which other local entities we're



thinking about doing this with?

>> Yes, I can.

Council, we are looking and are working on a possible fuel agreement.

We have hays county, williamson county, we are looking at cities such as burnet, bee caves, and any of the smaller cities around for participating on that has actually looked at a possibility of joining us in this.

So we are reaching out to them through our government purchasing group.

We think it's part of the city's role as being a co-partner in this.

>> Morrison: I appreciate that.

I guess that I just want to ask also for you to consider reaching out to all of the 's that they are -- i forget is it seven that are actually in our boundaries, at least all of them and others as you see fit.

Is that something that you might do?

>> We can do that when our -- our legal department has worked really well with their legal departments, i

will give them credit for helping us.

>> Morrison: Trick.

Thank you, I he -- terrific, I appreciate the staff's initiative on working on this.

I move to approve.

>> Mayor Leffingwell:  
Seconded by councilmember tovo.

Discussion?

All in favor say aye.

>> Passes 6-0 with councilmember spelman off the dais.

35, i pulled it off the agenda because it has two speakers.

We'll go directly to those.

Laura presley.

Is lori bartlett here?

You have up to six minutes.

>> Councilmembers, mayor pro tem and mayor leffingwell.

laura presley, I'm a business owner here in austin and allendale resident.

I have been in austin 23 years.

I want to talk a little bit  
approximate about this item  
no. 35 for austin energy.

And I really appreciate the  
discussions that you had  
earlier with regard to the  
cost of running the city of  
austin and with how the  
impacts are -- how that  
impacts our taxpayers.

This item is a little bit  
over and above and I want to  
go through some items here.

We want \$400,000 to assist  
staff in the implementation  
of the software programs for  
austin energy to implement  
their new rate structure.

This is over \$100,000 a  
week.

That's a lot of money for  
four weeks.

Because it has to be  
implemented by octob  
1st.

It's \$100,000 a week.

Are we artificially in a  
crisis mode where we have to  
spend this much money?

How many hours is this going  
to take for engineers to  
come in and rewrite the  
software, so we can have  
these rate structures in  
place and bill citizens of  
austin.

\$100,000 A week.

That's a lot of money.

Can we change the  
implementation date from  
10/1 to allow more time and  
save our taxpayers these  
dollars.

I know several software  
engineers who could do this  
FOR ABOUT 1/10th OF THE  
Cost.

This is simple to do.

Semiconductor companies in  
town do this all of the  
time.

I know that you are laughing  
manager ott, but it is true.

These are very simple  
actions with oracle and the  
software.

This work is very standard,  
like I said.

If you look at this, if you  
have to have this  
implemented on octob  
1st, THERE'S ABOUT 200  
Work hours until 10/1.

Okay?

That's about \$200,000 an  
hour.

It doesn't make sense.

This is a huge amount of  
money.

\$100,000 A week for the next four weeks.

Are we the best managed city if we have to have this emergency almost half million dollars to implement this system?

I think something is wrong.

So I would like you to really look at this and see if there's another solution, which is to extend the time, and not require \$100,000 a week that we have to bring in to do this.

Thank you.

>> Mayor Leffingwell: City manager would like to respond?

>> Not so much to the issue you raised, but to your comment about my laughing.

I want to assure you, presley, that I have a great deal of respect for you.

I've seen you here before and I would not presume to -- to make fun or laugh at your comments.

If you got that impression, I apologize.

>> Thank you.

I would like you to address --

>> Mayor Leffingwell: No,  
it wasn't a question.

But I would just like to  
also say that it's really my  
fault because I made him  
laugh.

I said maybe I should vote  
against this, my electric  
bill is getting ready to go  
UP OCTOBER 10th.

Thank you.

-- OCTOBER 1st.

[Laughter]  
I will entertain a motion on  
item 35.

Mayor pro tem moves  
approval.

Seconded by councilmember  
morrison.

All in favor say aye.

>> Aye.

>> Mayor Leffingwell:  
Opposed say no?

Passes on a vote of 5-0 with  
councilmember martinez and  
councilmember spelman off  
the dais.

We have one item  
left, which is likely to be  
a longer discussion.

So we will go ahead and go  
to our citizens  
communications and we will

make sure that if anyone is not here right now, that -- that where he go back and give them another opportunity.

First signed up is walter olenick, you are here.

We will give you time for that.

Wicce,.

>> Good afternoon, throughout our nearly four years of speaking here at city hall against the water fluoridation, one has been omitted the low income children.

Three receipt particularly the city does this for economically disadvantaged children five to seven years of age, the period when permanent teeth are coming in.

I thought of this recently when I happened to discover census bureau's website that over 20% of austinities live below the poverty line today.

Yeah.

Okay.

And that's -- that's 162,000 people.

This group doesn't have much of a political voice.

I can't bring your kids here.

But I can count them.

Again, from the census bureau's 2010 austin fact sheet -- next slide.

Yeah.

Within the age group in question, age five to 11, there are 11,800 boys and 8,600 -- almost 700 girls.

Making a total of 20,500 elementary school aged children.

The city's solution to their dental problems is to annually throw a half million dollars worth of hydro fluoro [indiscernible] acid into the water supply for them and anybody else to drink.

That discharges all of your obligation to them according to the cdc whose marching orders you follow.

Are these kids getting any real dental care?

We know 80% of dentists don't accept medicaid, we also know that you the city council have no idea, what, if anything, what the city spends on direct dental services for our needest children because you have admitted that.



Outside entities would seem  
have taken over that  
responsibility.

Next slide.

Okay.

david's foundation  
dental program is one of  
these.

They operate a fleet of  
mobile dental offices that  
rotate among aisd's 50 title  
1 elementary schools  
providing free dental care.

This includes fillings,  
xrays, root canals,  
extractions and emergency  
care plus preventive  
measures like cleaning,  
sealant it is and oral  
hygiene education.

In school years nine and 10  
they saw nearly 6,000  
patients, most from  
[indiscernible] schools and  
2 million  
in services.

80% Of the second graders at  
david's personnel  
screened that year has  
identifiable oral problems.

Yet those children grew up  
drinking fluoridated water.

It really doesn't work.

The city of austin spend a  
half a million on

fluoridation and got nothing.

Half a million would buy and stock one of those dental vans or support the operation of one for a year.

>> Mayor Leffingwell:  
Thank you, your time has expired.

Next speaker is joe zamecki.

Joe zamecki has no specified topic.

And you know what that means when you don't have a reason that you are asked for a topic is that you don't have a topic, we can't discuss it with you.

But you can go ahead and talk to us.

>> Right.

I mentioned that I had something to speak about that was not on today's agenda.

My name is joe zamecki, thank you very much for allowing citizens to have this time to speak.

What I wanted to speak to you today about was the city seal of austin.

You may have heard in the news recently the travis county seal had some issue

about a cross and there's a  
cross on the city seal in  
austin, of course.

This is all over town.

And I just wanted to let  
y'all know in case you  
didn't know some austinites  
don't prefer that to be  
there.

You know how sometimes there  
will be a case where someone  
will say nobody complained  
about it before.

And they may be right about  
that.

But I wanted you to know and  
remind you that some people  
have complained about that  
cross and there was actually  
a lawsuit in the '90s and it  
failed of course.

But just wanted to let you  
for that there are some --  
to know there are some  
people in austin that don't  
like that to be there  
because we are not all  
christians, no offense, I do  
appreciate your time.

Have a great day.

>> Mayor Leffingwell:  
Thank you.

Sylvia mendosa.

Sylvia mendoza.

Also has no topic.

Well, it was not posted.

It was just posted as city issues which is no topic.

>> City council, I have not had to come and speak in almost two years.

I'm here today because i feel this matter needs to be addressed.

I'm here on behalf and representing south austin traffic patrol.

So may I have your attention, please?

According to my research, this city has outgrown its usefulness for right turn on red lights.

First, it is presently treated as a driver who gets to the light first can turn without making a complete stop.

And before making sure that it is safe and without any consideration for the other driver who has a green light.

Secondly, most drivers rush through right on red, only watching for other vehicles and not for pedestrians.

Thirdly, some bus drivers have informed me that most drivers who turn right on

red cut them off  
consistently.

They should know they are  
always on the road.

Fourthly, red light right  
turners, sometimes block  
traffic and the green light  
drivers cannot go on green.

I have polled and surveyed  
the public and I have found  
that the younger generation  
has grown up with it.

So they get away with as  
much as they can.

They can take the right turn  
without slowing down or ever  
coming to a complete stop.

I may step on the gas and --  
they may step on the gas, be  
really close, not thinking  
that they got cut off and  
you almost got hit and the  
person that had the  
right-of-way will have to  
brake.

For these reasons I is it  
the council of making the  
process of making the city  
of austin a no right on red  
city.

If there was an ordinance in  
the future public  
transportation could be  
exempt if agreed upon and of  
course emergency vehicles.

One of the reasons right on  
red was originally created

was for the purpose of fuel conservation.

It is now more important to preserve lives.

The percentage of pedestrians is rapidly increasing.

In conclusion, few people are being courteous anymore.

It is a constant headache with all of the beeping and road rage.

It is impeding traffic.

It is hazardous and dangerous.

It is out of control.

Thank you very much for your time and attention.

Any questions?

>> Mayor Leffingwell:  
Thank you.

>> Kunda wicce.

Impact on health is your topic.

>> Good afternoon.

Mayor leffingwell and city council members, my name is kunda wicce.

I'm here to express my concern about austin's cole

fired power plant in fayette county.

Coal fire power plant.

I am embarrassed that we have rained mercury and soot down on our members of the community there.

The [indiscernible] former pecan farmers, we listened to the presentation of the health impacts of our power plant on their county.

I learned that research from our own clean air task force tells us that we cause in fayette county an average of three deaths a month.

We kill three people a month there.

There's an average of four to five heart attacks per month and each day there are two new cases of asthma because of our coal fired power plant there.

While I was listening to that presentation, I became acutely aware of the pervasive smell in the air and I was embarrassed because I wanted to leave.

I didn't want to be breathing the air that we insist that we inflict on these people.

That we impose on them.

I learned from the woman sitting next to me at the meeting she used to raise canaries and turkeys for sale and that within two years after the plant opened they quit reproducing and then died.

Imagine the impact on local wild birds in that county.

A former pecan farmer mentioned that he had been shopping at Home Depot and almost bought some fruit trees.

And then quietly he said, and then I remembered.

I'm sure you all know by now that pecan trees are the plant version of canaries when it comes to coal mines and apparently fruit trees don't fare well, either.

The numbers are.

It will cost us the same to continue to retro fit that plant as it will cost us to switch to clean renewable energy.

If we sell it, it will continue to kill.

People care about the health impacts of pollution and we people count on you people our representatives in government to take a bold step, take the bold step and commit to work with IERA to



decommission that coal fired power plant.

It's time it went.

Thank you.

>> Mayor Leffingwell: Next speaker is mona gonzalez.

Mona gonzalez.

Next speaker, susana almanza, montopolis community needs, city council support on economic development, safety transportation and neighborhood planning.

>> Good afternoon, mayor and city council members, I'm susana almanza president of the montopolis neighborhood contact team and the montopolis neighborhood associations, for those who are not familiar, the boundaries for the montopolis area is grove boulevard to the west and north, ben white to the south, 183 to the east.

And there's over 6,000 residents who live in that area.

82% Hispanic, 10% black, 7% white.

And 1% other.

1% of those residents live below the poverty area.

62% Do not have a high school education.

We are the only school district that is -- community in austin that is split into two in the school districts, aisd and del valle independent school.

Last year we had kevin johns and jessie mccormick come to our community to begin to look at certain areas where we could do economic development.

We are in a dire need for economic development and in that particular area and we ask that you ask staff to look more closely and look at other departments of how they can help the unemployed there, which is about 32%.

In that area.

So we really do need economic development for montopolis.

Also, we have submitted our neighborhood plan priorities, 10 priorities.

Only to have staff tell us that we cannot include certain priorities in our plan because they are not listed in the 2001 montopolis neighborhood plan, which if you look on the general subtitles, look at transportation and safety because a lot of those

issues are about  
transportation and safety.

Every day we have residents  
who are seeing a new cross  
walk with the red lights  
going up on riverside, east  
seventh street, lamar,  
different places.

Yet montopolis, which has  
had numerous accidents on  
montopolis drive and fairway  
where children and families  
have to cross to go to the  
store, we do not have a  
cross walk.

Where we do have a cross  
walk, next to macc on  
carnation, [indiscernible]  
and montopolis it's just a  
yellow light, which so many  
traffic, people driving, do  
not even adhere that light.

We need those new red lights  
out in our community  
immediately, so we need to  
have the transportation  
department out there  
safeguarding this community  
that has been neglected for  
such a long time which has  
been allowed to deteriorate  
and continue to live in  
poverty.

The other issue is that we  
now have staff saying that  
we have to hold a meeting  
regarding the flum, the  
future land use map, on  
property at 7003 riverside  
drive that has not even had  
a zoning case initiated.

Why are we busy trying to change the flum on our neighborhood plan when a zoning case has not even been done for our property.

These are things that we constantly have staff either [buzzer sounding], you know, I feel -- trying on to overpower our plan, thank you so much.

>> Mayor Leffingwell:  
Thank you, councilmember morrison has a question for you.

>> Morrison: First of all, congratulations on your appointment to the pard board.

>> Thank you.

>> Morrison: I do have a question for staff because it sounds like you brought up a couple of issues much one is can we address some of the traffic safety issues.

Even though maybe they're not in the neighborhood plan.

And then secondly, I guess that I am curious about how a flum change would be coming forward on its own.

guernsey here, i wonder if he could help us with answers to both of those.

>> Hi, greg guernsey,  
planning and development  
review department.

The first step in changing  
any property before zoning  
change would occur actually  
is to do an amendment to the  
future land use map.

So it's not something that  
would be out of the ordinary  
for someone to submit the  
change for the future land  
use map before the zoning  
change.

It would save time and money  
probably for the owner as  
well if they are successful  
with, you know, convincing  
the neighborhood contact  
team and moving forward  
through that process, there  
would be no need to actually  
submit the zoning change.

>>

>> Morrison: But this is a  
neighborhood plan amendment  
being proposed by the  
property owner?

>> I'm not sure of the  
particular case that's being  
brought forward.

The contact team has the  
ability through their  
process to bring amendments  
to the neighborhood plan.

Such as you have today the  
north loop neighborhood is

bringing three of the tools that they wish to add.

An individual property owner during certain times of the year can bring forward a request and also work with the contact team to bring a request that's out of order.

I mean out of that sequence forwards.

It's not uncommon I think for someone to consider a change to the future land use map without submitting a zoning change.

>> Morrison: Could you when you --

>> I can talk to suzanna.

>> Morrison: If you could, also let me know what property this, was it a property owner initiated or neighborhood plan contact team or was it staff, so -- you can just get back to me on that.

>> I don't know if transportation is here.

We work with transportation in bringing those items that are in a neighborhood plan to their attention but if there's something that meets certain warrants that require a signal to be installed or some other traffic control to be installed, I think they have

acted on those things where something is something is not safe and warranted.

>> Morrison: Sounds like what the community is hearing is that it's somehow tied to the neighborhood plan.

Maybe we could ask you to circle back around on that, also, make sure that we don't have unnecessary barriers, thank you.

>> Mayor Leffingwell: Angelica noyola?

Sammt easterday.

Tom jones?

Topic is complaint against the legal department.

Sometimes known as the law department.

>> May I give the council some --

>> Mayor Leffingwell: Pass that to the mayor pro tem and she'll pass it down.

>> Go ahead, you have three minutes.

>> My name is tom jones, i come before the council today to respectfully request your help in resolving the important matter that affects all citizens of austin-travis

county we are involved in an out of control battle with your law department over a land use issue in the county needlessly costing the taxpayers hundreds of announce if not millions of dollars.

I have been a small business austin over 50 years and building homes in a subdivision since 1995.

There are thousands of homes in these old county divisions most platted back in the 1960s, austin 5 miles of paved county streets and the city provided electricity to all homes there and always considered them legal.

But your law department reneged on its promise of cooperation and declared this 300 lot subdivision illegal and refuses to provide electric meters stating that the city never approved a permit for the subdivision and never even new that it existed and they have lied under oath.

I have recently discovered new evidence that the city council did approve permits for this decision and it's a legal one as we've always claimed the other staff members also recommended against the legal department's capricious



actions to withhold electric meters.

The travis county appraisal district my spec home for sale there has a tax value of two dollars and my lots worth one dollar so the taxpayers are losing crucial funds there, also, your legal staff has brought years of needless litigation, refused to process my permit applications, refused to hear my appeals, red tagged my homes, took away my property and forced me under duress to build an uninquired water quality pond on a cliff on are residential lots with poor soil.

The city engineers agreed ..

Travis county waived any detention requirements.

The old faded pond later inevitably failed.

That's why there's a state law against retrofitting these old grandfathered project, your staff doesn't like that law, but nonetheless it is the law.

The city responded by filing criminal charges against me individually in municipal court which has no jurisdiction in the county.

The court docket has now over 2200 entries, I can no longer afford an attorney or anyone to appear on my behalf.

Our lovely neighborhood is in shambles over this atrocity and the city halted all construction and our hoa has had to deny lot openers permission to build new homes for lack of electric service.

All I'm guilty of is being a home builder and a man who stands up for his constitutional right and i paid a heavy price for speaking the truth.

Your staff has now imposed liability for the unrequired pond on our homeowners association who is going to have to file yet another needlessly experience lawsuit to settle this unless we come to a ration in a agreement.

I think incumbent for you to bring this travis vest community to an end.

It's not a legal issue, it's a political issue.

The city's official policy is that it's beset by this law.

It's not what you can get away with, it's about what's right and wrong, it's about

city's moral, legal  
obligation to do the right  
thing under the law.

I have a workable solution  
to this whole issue that  
will cost the city nothing.

>> Mayor Leffingwell: Your  
time expired.

>> We all continue to lose.

>> Mayor Leffingwell: Your  
time expired, I will be glad  
for you to get together with  
a representative of the law  
department to -- to discuss  
your issue.

Can we -- can we have  
someone discuss this?

>> There's no one there that  
will talk to me.

>> Mayor Leffingwell: We  
will send someone out to  
discuss it with you, all  
right?

>> I appreciate it.

>> Mayor Leffingwell: Next  
speaker is -- is brian  
leonard speaking on the  
parks.

>> Thank you for your final,  
council, I'm brian leonard,  
an austin homeowner, daily  
swimmer at barton springs.

I am here to bring to your  
awareness a very serious  
issue at barton springs.

There's a dangerous fundamental design flaw of the bypass scheduled to begin in late october of this year.

If no action is taken by council to top this, the current plan will not only destroy the natural aesthetic of the pool, but also bring many injuries and possible future lawsuits against the city.

I don't think that you would consider a project a success if it generated injury for the citizens and liability for the city.

This is a very real concern and what is about to happen.

I'm certain some of you are aware of the bypass repair plan at barton springs, or you may not be aware of the dangerous, shrub and noon pool friendly surface that they are proposing to cover the sidewalk with.

What is happening is simple.

There is so much concern about the new decorative infill tile plan for the surface of the tunnel sidewalk that they have not correctly considered all of the safety implications of the materials needed to embed the tiles into the sidewalk.

Because of this agenda,  
comments and safety  
considerations are being  
ignored.

Even now at deep eddy there  
are many people slipping,  
falling, getting hurt  
because there was inaccurate  
engineering estimates made  
in that project.

I'm sure that you would have  
to agree a very serious  
mistake was made when it was  
decided to pour a surface  
near a poolside that becomes  
very slippery when wet.

Major safety concerns were  
overlooked in that project's  
disaster and I'm here to  
warn you that the same thing  
is about to happen at barton  
springs.

Please take action now to  
protect the safety of  
austin's citizens.

This very speech recorded in  
city records serves as  
notice to not take action  
and ensure safety  
considerations are top  
priority in the proposed new  
surface of the bypass tunnel  
at barton springs would be  
neglect.

I attended joint committee  
meetings, none of the three  
different tile toppings that  
I saw exhibited were in any  
way appropriate for a wet  
environment.

Surprisingly committee members did very little to demand any accurate safety information, even though it was obvious that the surface tiles presented could introduce a dangerous element to the barton springs environment.

That meeting was allowed to proceed without proper concern for public safety and that is why I am here.

I am asking council to seriously into this matter and demand that safety be the highest priority when considering how to resurface the bypass tunnel or perhaps do as others have suggested is possible to repair the tunnel from the inside and leave the current sidewalk untouched.

There really is no reason to resurface the tunnel.

The pebble-like aggregate that is there now is perfectly safe and blend well with the natural environment.

I think it would be the wisest of all possible choices.

The situation provides a great opportunity for you to take action and prevent something very dangerous from being created at barton springs.

I know that preventive action now could give you a lot of peace of minds in the future.

>> Mayor Leffingwell:  
Thank you.

Councilmember morrison?

>> Morrison: I wonder if we have any staff here that -- that I could ask some questions of.

I know that we have approved the contract and worked through some issues in terms of communities concerns.

As I recall we actually talked when we did approve it about the surface, resurfacing of the sidewalk and there was some working done, trying to figure out at that time what it was going to be.

Are there -- can you explain the safety standards that we use as -- I assume that safety is of course of concern.

>> Good after cora wright, assistant director for the parks department.

Councilmember morrison, what I would like to do because we did not anticipate the details of his concern today is to express that this is certainly something we want

to be able to look further into.

Affiliated with this project obviously are our concerns about optimum safety.

The department does have its own safety officer.

What we will do is lend our safety officer to the project team, have another look at it, summarize what our findings might be and get with the citizen today and make sure that we cover all of his concerns and then provide you a recommendation next steps.

But we would like the opportunity to take a closer look, if we can.

>> Morrison: Sounds perfect, thank you very much.

>> You're welcome.

>> Mayor Leffingwell: And I believe mona gonzalez is here now?

To talk about the -- the funding support for river city youth foundation dove springs.

>> Good afternoon, mayor, councilmembers.

This is a happy thing.



I'm here with our board members, supporters from the community at large, and the children and the families whom we serve.

Sometimes you just have to come out and just say thank you.

I went to the meeting just a couple of days ago, the public health and human services committee meeting, and was informed of good news.

That the desire and the intent of the public health and human services committee and of your group to continue the services of river city youth foundation and they were very, very busy, bert lumbreras I saw in the city manager's office trying to figure out how that's going to happen.

Although it's not all been worked out, it was good news to take back to a community that needed good news.

The next step, once you get the good news is to assess the blessing.

In dove springs we have many needs and that goes without saying.

But we're raising up the future leaders, we're raising up the bilingual tech force of tomorrow,

we're raising up young  
people who are truly going  
to be leaders in the future  
and in so doing we have to  
teach gratitude.

We are here today in  
gratitude.

Not everything is done,  
seldom is everything  
completed, seldom is 100% of  
everything you need funded.

But this is a victory for  
our community because it  
will continue the mentoring,  
it will continue the  
psychosocial groups that  
take place that are so  
important for families, it  
will continue the year-round  
tutoring and the support for  
families, the summer camps,  
the summer of safety that  
takes place as one of the  
only things that's going on  
south of william cannon.

It will continue to serve  
those who need these  
services most.

So it is time to say thank  
you.

And I do apologize that we  
arrived a little bit late,  
but I think our vans had a  
little bit of trouble  
finding parking because we  
do have a full garage  
downstairs.

I'm just happy to be here  
with our wonderful  
supporters.

They come from near and far.

We learned a long time ago  
that in order to be  
successful with our children  
and families, we must invite  
the fellowship as well as  
the collaboration of  
everyone who wants to be  
around the table.

So you have here represented  
tarrytown united methodist,  
austin ridge bible church,  
bannockburn baptist church,  
groups from outside of the  
community [buzzer sounding]  
who desire to help.

So with the limited time, on  
the count of three, we are  
going to say thank you.

..

>> Thank you!

>> Gracias.

God bless each one of you.

>> Mayor Leffingwell: You  
are very welcome, thanks for  
coming down.

[ Applause ]  
so -- without objection the  
council will go into closed  
session to take up the  
following items pursuant to  
071 of the  
government code, the council

will consult with legal counsel regarding the following item, item 81, discuss legal issues related to open government matters, 071 of and 072 of the government code, the council will consider the following items, item 22 to discuss legal and real estate matters related to -- to rainy street.

Is there any objection to going into executive session?

Hearing none, we are in executive session.

Testing 1, 2, 3, 4.

Testing 1, 2, 3, 4.

>> We are out of closed session.

In closed session we took up and discussed legal issues related to item number 81 and real issues on real property matters related to item 22.

We will now take up our scheduled discussion and topical action on bond sales which is item 82 through 86.

We have several folks signed up.

We will have the public comment part will apply to 82-86, so if you are signed up to speak on any one of those items, you can speak on all of them and have

the public comment period it --  
instead of have it separately.

Do you want to say something  
before we begin that?

Go ahead and do the  
presentation.

>> I am dennis wayly with public  
financial management.

We are the financial add say  
sore to the city.

We had find bond sales for year  
to date, four of which are  
public improvement bonds or  
general obligation bonds.

If you will notice on the first  
page that the par values on  
these bonds is lower than you  
might have noticed in the agenda  
and that is because of the  
premium that was paid on the  
bonds so interest rates, they  
pay the higher bond and yield it  
down, you will have a premium,  
you reduce the par amount and  
have a premium, you get get that  
number.

Page 2, public improvement  
bonds, both taxable and tax  
exempt for capital improvements  
for voter authorized projects,  
certificate of obligation for  
capital projects and contractual  
obligation for various equipment  
and on page 3, we issue bonds  
for mueller project for tif  
supported bonds.

On page 4, the four city issues  
were issued competitively.

An ders and kerrs was bond council and of course city council was rated triple a on all three.

Mueller bonds we issued negotiated.

Nicholas was the lead underwriter with lou capitol and mccall with bond council and they are rated double a plus and page 6, rating agency comments, extremely positive comments from the rating agency about the city of austin as they always have been.

Healthy general funds reserves, conservative management, strong and diverse economic base, moderate debt levels.

Out standing comments from the rating agency, you should be very proud that all three have been rated triple a.

Page 7 is market comment that you can look at when you have an opportunity, page 8 shows borrowing rate.

You will notice that borrowing rates are at historic lows.

So we g 9 which is the good part, you notice numerous bids for all of the bonds, borrowing costs.

I think these borrowing costs are lower than they ever have been hutchinson bought the bonds and then the [indiscernible] and

rw bear bought the taxable bonds at 294.

The reason they are lower than the tax exempt bonds is the amortization of the tax bonds are the longest.

Higherjafrey bought the certificates at 476 and morgan stanley bought the 7 year bonds 02 percent and page 11 has the maturity schedules and then the last page which is page 12 shows the maturity is schedule for the mueller bond and the tic on that 3 4% and with that I will be happy to answer any questions.

it seems like every time you make a presentation, the rates are lower than they ever have been before.

>> Yes, outstanding bonds, very good.

>> Mayor leffingwell:  
Any questions?

Okay.

We will hear the public hearing.

Laura, lori bartlett.

Vera gibbons.

Three minutes.

>> Mayor and council, I am just here to [indiscernible] we are very concerned about the fact

that the center is not usable at this time and you have it scheduled for repair.

Here is hoping that when it is restored, it will be safe for the children and the residents in the area to use without in harm's way.

That's all I wanted to say.

>> Mayor leffingwell: okay.

That's all of the speakers we have signed up that are here.

So with that, and we will work our way through this and entertain a motion on item 82.

Mayor pro tem moves approval.

Second by council member martinez.

Discussion?

"

aye.

Opposed say no.

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

Item 82, I will entertain a motion.

Council member -- excuse me, 83.

Council member tovo moves approval.



Second by council member  
morrison.

"

aye.

Opposed say no.

Passes on 6-0 with council  
member spelman off the dyas and  
84, council member morrison  
moves approval.

I will second.

Discussion?

"

aye.

Opposed say no, passes 6-0,  
council member spelman off the  
dyas.

Eighty-five, council member  
morrison moves approval.

Second by council member tovo.

"

aye.

Opposed said no.

That passes on a vote of 6-0,  
with council member spelman off  
the dyas.

Eighty-six.

Mayor pro tem moves approval.

Second by council member  
martinez.

"

aye.

Opposed say no?

Passes on a vote of 6-0, council  
member spelman off the dice.

That concludes our action on  
bond sales for today and I think  
there is still time to get to  
market with that.

Thank you very much.

>> Mayor pro tem the next item,  
is the viewer local government  
corporation and also the bond  
sale issue.

I am  
going back -- we will get to  
that.

Going back to the eminent domain  
item, and those are items number  
89 -- excuse me, 79 and 80.

As you know by now there is a  
specific script that I will read  
and entertain a motion, with  
respect to 79 and 80 being  
condemnation item, the motion  
should be the city council  
authorizes the use of power of  
eminent domain to acquire the  
property set forth and described  
in the agenda for the current  
meeting for the public use  
described there in.

This vote will apply to all units of property, items 79 and 80 to be condemned.

I will entertain that motion.

Council member martinez so moves.

>> Second.

>> Second by mayor pro tem cole.

Is there any discussion?

"

aye.

Opposed say no?

Passes on a vote of 6-0, council member spelman off the dyas.

Now we will go to recess, this meeting of the austin city council and call to order a meeting of the mueller local government corporation, three items on the agenda to consider.

>> Sir, I am sorry.

I just have to clarify something.

Item 80 was pulled from the agenda earlier to really the motion in both have only been for item number 79, eminent domain item that we did.

too late  
now.

It already has been approved.

>> Okay.

But honestly, we didn't want to condemn item 80.

can i  
make the simple statement that  
item 80 has previously been  
removed, so that motion only  
applies to item 79.

>> Thank you for the  
clarification, sir.

all  
right.

Thank you.

The three agenda items for the  
board.

I will call this meeting of the  
board to order and three items  
to consider.

Do you want to take us through  
the agenda.

>> Greg canally.

>> There are consent item  
approval for apventment of vice  
president and others as well as  
the bond sale for the contract  
wayly  
walked you through that he  
walked you through so i  
recommend approval.

>> The agenda for the mueller  
local government corporation is  
items 1, 2, 3.

Council member -- excuse me,  
board member morrison moves  
approval.

Is there a second?

Second by board member martinez.

Discussion.

"

aye.

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

So that concludes the agenda  
items for august -- the  
august 23rd, 2012 meeting for  
the mueller local government  
corporation.

Without objection, the mueller  
local government corporation  
adjourned and we call  
back to order this meeting of  
the austin city council.

We do have one item for this  
morning item number 72.

Still we have to deal with item  
number 22.

I entertain a motion on item  
number 22 to post tone --  
council member tovo.

>> Tovo: Yes, I would like to  
move to postpone that item.

so  
september -- september 27th,  
correct?

Council member tovo moves to postpone until september 627, second by council member morrison.

-- September 27.

"

aye.

Posed say no.

That passes 6-0 with council member spelman off the dyas.

Now, item 72.

Item 72 was pulled by council member martinez.

>> Martinez: Thank you, mayor.

I just want to ask a few questions on this item, because I fully support the intent of the item but I don't think it's much different than what we voted on as a council a little while back.

We passed a resolution, 70 directing the city manager to create a special events office and they actually are all moving into that office this week.

It's all put together.

I wanted to ask if -- what's outlined in this resolution, that's asking staff to contemplate, if that is already what the special events office is planning on doing or is already doing.

And I don't know if we have anybody here from the special events office that can speak to that.

Rodney.

looks  
like we do.

>> Mayor and council, rodney gonzales the deputy director for the city's growth and reeconomic development services office.

I am not with the special events office but am assisting with this project.

Back in may of this year, as council member mentioned, the city council approved an amendment to create a special events team to act as one stop shop for special events within the city.

I was running downstairs and a little bit out of breath.

That team is to be comprised of representatives of various departments, that includes transportation, the department -- for the officer of special events, -- the office of special events, fire department, planning code of review, planning department, health and human services and the ego music office and the charge by council at that time is to notify staffing change to change the creation of the special events team and as council member mentioned, we are gearing up to

move into that space at one  
texas center.

We are slightly delayed due to  
electrical code issues but we  
are moving within the next week  
to two weeks.

>> Martinez: So rodney, do you  
know what the special events  
team is working on?

This is part of function of the  
officer, to coordinate with  
stakeholders on -- this was  
anticipated because of the fl  
request.

I am assuming where that came  
from out of the conversation  
last week.

Obviously it is more  
comprehensive than that.

Not one of them.

Just asking to take a look at  
multiple open space areas that  
are used for events or all  
around the city.

Getting the stakeholder  
and pressing an event the reason  
for doing that?

>> The reason for the charge --  
you are absolutely right on  
putting the special events team  
together which is to have a more  
proactive approach in regards to  
reviewing special event permit  
quests and we got a few of those  
throughout the year and it is  
challenging to review those  
because the team members are



throughout this city and multiple offices and so having them under one umbrella, same roof, if you will, will facilitate that processing of the special events.

The special events team, undoubtedly look at any type of street closure, right away closure that is required.

When you get into the parks situation, such as auditorium shores, zilker park, fiesta gardens and then parks department getted involved and cory can speak to that.

There is overlap in that regards, so the special events team, their charge of course is to review permit quest for all special events types of activities but then when you throw in those parks activities as well, then that's where parks comes in so there is overlap with regard to that cross.

>> Martinez: Is there a part of a fte for that.

>> There are parts that are, because there are some functions that don't go through the special events process.

For example, I have been told as far as family pick licks and family reunions, those smaller type of special events wouldn't necessarily go to the special events team.

Those would be housed completely within parks and recreation.

>> Martinez: wright, would you like to comment on this?

>> I am with the parks department and I want to ditto gonzales shared with you.

From the parks standpoint when it comes to special events, we have a events manager that has a small staff and concerned about hosting large events, rentals for properties, et cetera, that occur on dedicated park land.

When those events are -- reach a scale that we consider large-scale events, those that are a thousan over and trigger the need for the help from other departments in terms of public safety, then that same self-events manager, jason moller who participates with the special events team, works collaboratively to ensure there is a smooth transition, in terms of setup for the event and then event management during the time that site is reserved.

The major difference is, obviously, the spirit of this resolution is to encourage the department to take a look at how we do special events that are hosted on park land, more specifically, those events that are hosted at auditorium shores and zilker.

The council may very well know we have an events policy that is very unique to the parks department.

It is a policy that originated over 14 years ago so under this resolution, it will give us an opportunity to look at how effective those policies and rules are with respect to events on park land, and then make certain recommendations, with the input from stakeholders and the neighborhood.

We think we have done a pretty good job in managing events in such a way that we consider the impact to surrounding neighborhoods but obviously the demand is growing and obviously we want to be in a town where we have a balance of music and special events but without compromise to neighborhood quality.

So we do see a relationship under mr. mower.

We interface with the large scale or the city-wide team who is concerned about events management throughout the city, how we can collaborate across departments, but for the most mower is concerned for the parks department about those events that originate and are hosted on park land.

>> Martinez: So does this resolution -- do the sponsors contemplate the special events office being one of those

stakeholders or involved in  
crafting whatever  
recommendations come back to  
council?

who would  
like to add?

Council member morrison.

>> Thank you, council member  
martinez, because I appreciate  
you bringing this issue up and i  
would be certainly thinking that  
they need to be a part of this  
discussion and I would be very  
happy to entertain a motion to  
reference them specifically as  
an amendment.

But absolutely, I mean --

>> MarAS LONG AS WE CAN  
Agree, it easton the record,  
that's fine.

>> Morrison: Absolutely.

>> The second question is what  
you contemplate for a public  
input process.

I know you have, it looks like  
members of different boards and  
commissions, but will this go  
through a normal board and  
commission process?

>> Morrison: I think that -- i  
would like to leave it somewhat  
up to staff to be able to  
develop a workable process and  
certainly with recommendations  
coming out of that process, that  
they would -- that the  
recommendations, I would

envision, would go to the relevant commission once they are ready.

>> Absolutely.

Council member, it is our practice, once we have configured a recommendation for moving forward, we typically take those recommendations through the parks and recreation board, which is another layer of vetting it and giving the general public an opportunity to comment, but with respect to this resolution, we already anticipated the need to interface with members on the city-wide special events team, because we work with them every day, but, also, we are anticipating the involvement of the convention center, et cetera, so as we look at this, to the extent that we can really do a comprehensive job, we are -- we are planning.

>> Morrison: I appreciate that and I think the important thing to remember is I think it's really the events of last week that helped to start a conversation that said -- especially because there was a reference to it was actually removed but a reference to suggest that the city manager come up with a recommendation for more events, a number of additional events at auditorium shores and with respect to the fact that the existing limit that we have was a stakeholder process and we all evolved and

we all understand that they are going to be complex and there are more demands, that we really ought to have a broader conversation about that, so as opposed to -- I think the special events office is a very exciting opportunity to be coordinating a specific event that's going on and the knowledge of those staff will definitely help to inform this process.

And mayor, I would like to note that we do have a yellow copy on the dyas that there were a couple of stakeholders that we wanted to be able to include here that has come up, certainly, so it's under the second be it resolved, you will see some additional stakeholders, the palmer event center, park advocate, and then the next page, representatives from the original town lake park stakeholders group.

So --  
looks  
like we've got everybody in town there.

>> Morrison: And you are welcome to join them, mayor.

no  
thanks.

>> Morrison: I move approval.

>> And, mayor, also --  
council  
member morrison moves approval.

Mayor pro tem.

>> Cole: Second.

second by  
mayor pro tem.

>> Cole: I would like to make a  
brief comment.

I am pleased to be a cosponsor  
on this item and very familiar  
with the events we had last  
week, trying to figure out the  
use of some of our most valuable  
public resources.

The only thing I wanted to point  
out that I don't think has been  
said is that we are looking at  
uses of these facilities and not  
necessarily aca says to these  
facilities -- not necessarily  
access to these facilities and  
that is an important distinction  
to the stakeholders and for  
everybody to understand because  
or understand this.

And, again, thank you for the  
work you are going to be doing.

Thank you.

council  
member tovo.

>> Tovo: Yes, I echo the  
sentiments that has been  
expressed.

I am also pleased to be a  
cosponsor on this item.

I think it's important.

We've got some great resources here in austin, great natural resources and there always be a demand for their use and we've got -- they have played hope to many interesting and exciting festivals and we need to craft a vision going forward that really balances the use of those fights with traffic issues and quality of life issues for the nearby residents and I think this is very kin to the street closure task force in some ways that i believe the mayor sponsored many years ago where you got diverse stakeholders together, talking about, you know, some of the challenges and they were able to craft some very good recommendations looking forward that has, in some ways, I think led to the better coordination that we have seen with our special events division.

So thanks very much to the lead sponsor and to my colleague, mayor pro tem cole for sponsoring it as well.

I think it is a very good move forward.

council  
member riley.

>> Riley: I am glad to support the resolution and I want to express appreciation.

[Indiscernible] there was one other thing I have that I wanted clarification on and that relates to one of the bullet points, the third bullet point



to the end says comprehensive parking studies to be addressed and I just wanted to get some clarification.

My understanding is that the -- is that this analysis would just take into account those studies that have already been done in this area and by this action -- our action today is not intended to authorize additional traffic studies.

>> Morrison: That's my intent.

>> Riley: Okay.

Thanks.

I will be glad to support the motion.

and i will just say with all of this horsepower and the mass of stakeholders that are involved with this, I am very confident that we will come up with a solution in short order that everyone will be happy with -- happy to vote for.

"

aye.

Opposed say no, passes on a vote of 6-0 with council member spelman off the dyas.

I think that brings us to our 2:00 o'clock zoning cases.

>> Thank you mayor and council,  
I am greg guernsey, planning and  
review department.

This is where the public hearing  
is open and there is possible  
action and these are the items  
that I will offer for consent,  
first number is 88  
02 and it is to adopt  
three, residential design tools  
area wide and parking placement  
and impervious structure for  
single family and garage  
placement and single family  
front porch placements extending  
for new single family  
construction and existing single  
it is recommended  
to you by staff and the  
commission for consent of  
approval all three readings, and  
then number 89c14-2012-0057, for  
the north loop neighborhood  
planning area to add design  
tools, they were recommended to  
you to grant for the adoption of  
the design tools by the planning  
commission and this is ready for  
approval on all three readings.

The next one is 90,  
c14-2012-0051, fell ter lane and  
the staff is asking for  
postponement and 91, is  
c14-2011-0165 for the property  
on 2108 east 51st street, this  
is a combined interest  
centurying and the plan is to  
combine multi-family residence  
low density neighborhood  
planning or mf2-np combining  
district zoning.

This is asked for approval on  
all three of these.

If you have any questions, i  
will be happy to answer them.

so excuse  
me the consent agenda is to  
close the public hearing and  
approval items 88 and 89 on all  
three readings and postpone 90  
until september 27 and close the  
public hearing and approve all  
three readings item number 91.

Council member martinez moves  
approval.

Second by pro tem cole.

"

aye.

Opposed say no?

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

>> Thank you.

and i  
believe city clerk, 72 and 86  
are dis -- are disposed of, i  
believe that brings us with all  
items completed until  
4:00 o'clock.

We are recessed until  
4:00 o'clock.

Orpheus, sons of orpheus,.

>>>

>

>> I would like too reconvene this meeting of the austin city council.

We are on item no. 92.

Which involves a public hearing to consider an appeal.

Before we open this hearing, are there any requests for postponement or issues outstanding that anyone would like to raise?

Hearing none, we will have a brief report from city staff.

Mr. guernsey?

12450 Good evening, john McDONALD WITH THE Residential review section of planning and development review, the appellant richard and andrea stoveall are appealing the rdcc denial of a modification request to increase the 2% above the maximum allowable of 40%, granting the appeal would allow the applicant to have a floor to area ratio 2% or 5,335 square feet where the maximum far 6 square feet.

The appellant challenges that the residential design and compatible commission decision's to deny the increase the floor to area

ratio based on 10 reasons that are summarized.

It's separate structure and does not add any bulk to the existing house, the accessory building is not visible from the street therefore it does not impact the street scape, accessory building is only visible to two neighbors who submitted written letters in support, accessory building is situated far from my property lines and does not block light, air flow, nor views from any neighbors, accessory building has surrounding retaining walls that make it blend in visually.

The building is designed with the architectural style of the existing home and follows the same architectural style for neighborhood.

The accessory building does not include air and would not increase street parking.

The floor to area ratio would remain under the 5% increase.

I think that may be a typo.

50%.

The accessory building solves a unique need including people's safety whereas the need cannot be

solved with the existing footprint of the house and the bathroom being added as an accessory building would not set any precedent as subchapter f allows for granting modification to a project with reasonable need and with a reasonable harmonious design.

>> Thank you, mr.

McDONALD.

Do we have a presentation by the applicant?

Coming on down.

Please state your name.

>> My name is ellie  
[indiscernible]  
I'm here on behalf of  
stovall of 1807  
stanford lane and jeff  
howard will follow me up and  
have something to say as  
well.

We have a packet of images.

For each of you.

So we are here to request a waiver to increase the allowable floor to area ratio in order to build a 132 square foot detached, unair conditioned accessory one story structure.

To serve as a poolside bathroom and storage area.

This proposed bathroom is important for the family's safety and their neighbor's safety.

And the structure has been designed in full compliance WITH the McMansion codes criteria for general modification waiver.

The slides on the screen will correspond to the pages in your packet.

Page 1 shows the front of the house.

And an aerial indicating in yellow the location and size of the proposed bathroom.

Is this how I forward?

Page 2 shows a recent image of the back yard.

Please note that we have proceeded to this point in construction after many consultations with residential reviewers and city inspectors, that -- that we would have believed that this bathroom is permissible because it's an accessory building under 200 square feet by code it doesn't require a permit.

Page 3, shows the route from the pool to the only existing downstairs bathroom.

The stovalls want to have a bathroom that would be within earshot and within sight of their pool for the safe of children.

Without this, each time a child needs to go to the bathroom, every child would need to get out of the pool so that the supervising parent could go inside with the child.

Even if a person were -- who is needing to go to the bathroom were old enough to go alone, the interior floor surface is in staircase on the way to the inside bathroom are slippery when wet.

401.2 Increase in far.

Page 4 shows an image of the proposed solution.

It's a small accessory structure built into the retaining walls.

And it would contain a sink, a toilet and a closet.

Page 5, shows why a pool accessible bathroom could not be integrated into the existing footprint of the house.

There is one area where -- wherein the house where a pool accessible bathroom could fit, shown here in blue.



But not without trenching through the critical root zone of a charitably oak tree and a heritage magnolia treat.

We have also brought a letter from an architect supporting that.

Page 6 shows in red the city approved sewer line.

From the proposed bathroom location.

We did meet with michael [indiscernible] the city arborist along with the stovall's arborist on site.

The only route that they approved runs along the north side of the house because it does not go through any critical root zone.

Please see pages 7 and 2 for more of the bathroom design and how it goes with the contour of the site.

This bathroom meets all of the stated approval criteria from subchapter f to qualify for a general modification waiver.

These are the same criteria that john mcdonald just listed.

That is a separate structure.

It won't add any bulk to the existing house.

It's not visible from the street.

It's visible to only two neighbors, both of whom have written letters of support.

It's situated far from property lines and doesn't block light or air flow or views.

It's built into the back retaining wall so it's subtle.

It's designed in the architectural style of the house and in harmony with the architectural styles of the neighborhood and many houses in the vicinity have accessory structures or are already over far.

It would not be air conditioned and would not have any impact on street parking.

The resulting far would remain under point 5.

It solves a unique need including people's safety and this need cannot be satisfied with the existing footprint of the house.

And this bathroom would not set a precedent as John McDONALD STATED, IT IS Following a precedent as a

subchapter f codes allows  
for granting a waiver to a  
project with a reasonable  
need and with a reasonable  
and harmonious design.

We respectfully ask that you  
grant the modification  
waiver for this bathroom.

Thank you.

>> Cole: Thank you,  
ms. ellie.

If there's any questions --  
I would have called you by  
your last name, but i  
couldn't say it.

>> I couldn't say it at  
first, either [laughter]

>> Cole: Thank you, if  
there's not any questions,  
jeff  
howard in support of the  
appeal.

>> Thank you, mayor pro tem,  
good endanger auto, council,  
my name is jeff howard, I'm  
here on behalf of the  
owners.

richard stovall and his  
wife andrea.

They have three small  
children.

This is their home and  
they've put down roots here,  
bought the house after it  
was built.

They bought it in 2010.

The house as originally  
built in 2004 has .47 far.

It was not required to  
COMPLY WITH the McMansion  
ordinance at the time it was  
built and this proposed 132  
square foot structure will  
012  
excuse me far.

To the building.

As -- as was stated, the  
McMANSION ORDINANCE  
Specifically allows  
modifications to the far.

This is something that  
current code allows and in  
fact staff directed the  
applicants here before the  
residential design  
commission.

There are a series of  
factors or criteria that are  
set forth in the code for  
granting a modification and  
this request complies with  
all of them.

Those criteria are  
compliance with neighborhood  
design guidelines,  
consistency with street  
scape, consistency with mass  
and scale and proximity of  
structures, impact on  
privacy of adjacent rear  
yards and topography and lot  
shape.

As those slides clearly demonstrated, the outdoor bathroom is not visible from the street scape.

It is one story so it does not impact privacy.

It's not air conditioned.

So it's not habitable.

It is located towards the rear of the property line but in the center of the property, so it doesn't have any impact on views or light or air of the adjacent properties.

It's built in the back, topo, so it's actually not visible from the rear property, the rear property has a -- has a privacy fence or wall that's much, much higher and screens this -- this building.

So for those reasons, it meets all of the criteria of the residential design commission.

Or excuse me of the  
McMANSION ORDINANCE FOR  
Granting a modification to  
far.

When it went before rdcc the vote was three votes in favor, two against, that's why we appealed.

We didn't have enough commissioners to get to the

four votes and so we had to appeal.

I want to quote briefly what burkehart said, the chairman, he said I'm of the opinion that the request in this case is extremely modest based on the scale of the property and neighborhood, it does not damage.

It's not contributing to anything of the things we are concerned about.

I strongly support granting the request in this case, later, when it was discussed what the intent of the McMANSION ORDINANCE WAS And some of the things that folks who worked so hard on that ordinance were concerned about, he went further and said if this were a request for additional mass in the house and the structure itself, i would say I agree with you, but this isn't.

This is 130 square foot single story, unconditioned out building, this is not the kind of thing that concerns the reason that we all came together, meaning the McMansion ordinance.

So if there are any other questions I would be happy to answer them, but we would respectfully request that you grant the appeal and

grant the moves as  
requested.

-- The modification as  
requested.

>> Cole: Thank you, mr.

Howard, any questions,  
councilmember martinez?

>> Martinez: Yeah, mayor  
pro tem I'm going to move  
approval of the appeal.

>> Cole: Councilmember  
martinez moves approval of  
the appeal.

And councilmember morrison  
seconds.

Is that to close the public  
hearing, also?

>> Martinez: Yes.

>> Cole: Councilmember  
morrison.

>> Morrison: I want to  
comment real briefly.

I know this council has been  
very careful about granting  
appeals and I appreciate  
that because union the  
McMANSION ORDINANCE IS  
There to deal with something  
burkehart mentioned  
was very clearly as an  
issue, I agree with mr.

Burkehart that this was  
modest, one of the things  
that I look for in

particular in granting an appeal or looking at a situation that I think is most important is are there mitigating factors, is this adding to the mass that we were trying to deal with.

And the fact that it's built into the back retaining wall and especially that it doesn't impact the privacy that was another issue that we're having, privacy being impacted with big looming buildings over people's back yards, I think this is a very good example of when we should allow a waiver.

I do have a question for staff.

IF I MAY, MR. McDONALD.

There -- the reason that I want to ask a question of staff is because I think that I heard that -- that the applicant when they first went to -- to look at building this, they were told that they don't need a permit because it's under 200 square feet.

But on the other hand, they did need a permit because of something else.

Is that -- so we -- we probably didn't get a good comprehensive look and a comprehensive answer to them in the first place.



Is that an accurate assessment of what went on?

>> Yes, they went to pull the plumbing trade permit from the permit center, they were told even though it's under 200 square foot and it's exempt from a building perm, when you have plumbing associated with a structure, the exemption no longer applies as far as from the size standpoint of being under 200 square feet.

>> Morrison: So when did they find out there was going to be an issue with the far?

>> When they came over to my section and filled out the application and had to put in all of the gross floor area numbers, we saw that the site was over on far.

>> Morrison: I see, okay.

Because it sounds like having a one stop shop we are hoping that people really can do sort of one stop and understand that -- what all of the requirements are.

Do you think that we've got that in place or was there some disconnect in this case?

>> I think we've got it under control.

I mean, it's understood, even though it is a smaller building that there are requirements that have to be met for -- for ceiling heights and bathrooms and such as that.

I think maybe, possibly, there is a situation where the person that tried to pull the plumbing trade permit may not have known and just went straight to pull a plumbing trade only without the building permit.

>> Morrison: Great, thank you, I am fully support i  
iveof this appeal.

>> Cole: We have a motion on the floor and a second.

All those in favor say aye.

>> Aye.

>> That motion passes unanimously on a 5 vote with councilmember spelman and mayor pro tem -- I mean mayor leffingwell -- mayor pro tem included in the vote and mayor leffingwell off the dais.

Next we will conduct a public hearing and receive public comment on the -- 93, which is the proposed increase for the drainage fee of the watershed protection department.

Does staff have any presentation?

Can -- victoria, can you come up a second and answer some questions.

We do not have any speakers on this item.

Victoria, I simply wanted to ask what is the proposed amount of the increase?

>> The proposed amount is 60 cents per equivalent residential unit.

>> Cole: And when did we last have an increase in the drainage utility?

>> For year -- for last year, fiscal year '12 and fiscal year '11, we did not have any increase.

So it's two years ago.

>> Cole: Two years ago.

Okay, are there any questions, colleagues?

I'll entertain a motion to close the public hearing.

Councilmember morrison makes the motion to close the public hearing.

Councilmember martinez seconds that motion.

All those in favor say aye.

>> Aye.

>> That motion passes on a vote of 5-0, with mayor leffingwell and councilmember spelman off the dais.

Thank you.

>> Thank you.

>> Cole: Thank you, victoria.

Next we will conduct a public hearing to receive public comment on the proposed rate and fee changes for the water utility.

And we have two citizens signed up to speak.

Linda salaman, please come forward.

>> Good afternoon, my name is linda solomon, I live in west minster glen, which is a neighborhood whose water utility or delivery system was recently acquired by austin water.

And I've had extensive discussions with people at the water utility, including going to a community forum recently held out in our area as well as speaking to them live and actually someone from the water utility come to my house to

do an evaluation for conservation purposes.

The reason that I'm here is because although I think council with the best of intentions developed a rate scheme to support conservation, may have overlooked inadvertently people who live outside of the city who have different residential situations and i would just like to highlight that so for future consideration you can take that into account because in my discussions with the people at the water utility, both in finance and at public affairs and in the conservation area, all of them admitted that we were basically an oversight.

So we have been hit with the highest possible rate increase, close to 85%.

We had a young man from the city of austin water come out and everything he suggested that we do, we were already doing.

We've moved to drip irrigation, we have low-flow toilets, we are airators on water systems, we have turned off the auto fill on our pool, we've -- he was really great and did a very thorough job.

We water less than is suggested.

So instead of watering  
weekly we water twice a  
month.

Ful and we completely turned  
off the water in our back  
yard, which is now  
completely dead.

And I also back up on a high  
fire area, I back up to  
balcones canyons land  
preserve.

Within four miles of the  
steiner ranch fires last  
year.

So it is crispy in my back  
yard.

What I'm asking you to  
consider is for people who  
live on large lots, but are  
already doing everything and  
more than is suggested by  
the water utility, that  
perhaps your rate structure  
is punitive.

And instead of coming here  
with no ideas, I'm trying to  
come here with something --  
we already conserve.

So what I'm trying to do  
here with is a suggestion,  
maybe you've got others  
which would be very welcome,  
but the young man that came  
out to our house said  
"

what if like a tax appeal  
for someone in my situation,  
you were to give a rating

from a zero to 10 and if we are serving at a nine then there's some sort of a break.

Because we live in an area that the city has zoned one acre minimum lot size, we're on septic systems.

And it is -- [buzzer sounding] -- I guess I'm out of time.

>> Cole: Why don't you go ahead and finish your thought, linda.

>> In conclusion, many of my neighbors could not be here today.

People are concerned and quite frankly a little upset.

Because we feel like we're being penalized where we have done nothing different and if your own people at austin water are saying that you are doing a good job and you are conserving and we are not even watering 20% of our yard, then is the heiest rate structure really appropriate?

I understand you are driving conservation, it doesn't take into account if you live on a large lot and are conserving.

>> Cole: Thank you.

>> It just isn't addressed.

>> Thank you, ms. solomon.

Our next speaker is benjamin jacobson.

>> Good afternoon, my name is benefit jacobson, i live -- ben jacobson.

I live in west minster glen as well.

There's been a change in the ownership of our water so the community as a whole is concerned.

I, too, conserve water and i think that the situation that has been put in front of us is that we are being penalized for using too much water, that's the way the structure was set up.

But I think that somebody needs to take look at the community average water usage.

Like linda mentioned, we live on larger lots, and i am a family of move, we use water, we're getting penalized for that, it's really just to bring attention to the right people to take a step back to look at the situation, our community as a whole, is being penalized and -- you know, it -- it's concerning to me that -- that it's a one-size fits all for



everybody and I think that there's some really good changes that can be made and so for somebody who does conserve, I need help.

I need help on how do i maintain the cost structure and -- and that that has been established for many, many years in the community.

And so -- just I'm really here to bring awareness and also to -- also to hopefully get some forward progress for our community.

Thank you.

>> Thank you, mr. jacobson.

>> Cole: If there are not any questions, I will entertain a motion to close the public hearing on the proposed -- so moved by councilmember martinez, seconded by councilmember morrison.

All those in favor say aye.

>> Aye.

>> Cole: That motion passes on 5-0 with mayor leffingwell and councilmember spelman off the dais.

Next we will take up agenda item 95 to conduct a public hearing and receive public comment on the city of

austin 2012-2013 proposed budget.

Council will hear more public comment on the proposed budget on august 30th, 2012.

The first speaker that we have is stewart hersch, please come down, stewart.

>> Thank you, mayor pro tem and members of the council.

My name is stew hart harry hersch, like most in austin I rents, as usual I am solely responsible for the contents of this message.

I have proposed several budget amendments based on the information that's available on the budget website and all of the responsive information that I have received in the last week under my open records request that I discussed with you last week during testimony.

First amendment is one million for the go repair program so that the current budget measure, which calls for only 26 homes being repaired can be increased.

The way to fund that is \$602,132 from the housing trust fund and \$397,868 from the building permit windfall revenue that based on open records will be coming in

that and in excess of that between now and the end of the fiscal year.

The second budget amendment is to fund \$600,000 for planning studies, so that the housing investment that we do next fiscal year meets federal requirements, local market conditions and council priorities.

I recommend you take that from the code compliance budget, since code compliance strategies need to align with housing affordability goals.

If you take the 602,000 from the housing trust fund, for home repair, then that will leave you with a deficit of 550,000 for the nhcd staff that was going to be mostly paid for out of the housing trust fund under the proposed budget.

I recommend that you spend 557,000 for nhcd construction, inspection and monitoring staff, take that from the code compliance budget so that city code requirements for property maintenance and in compliance are met using available funds for code compliance.

The fourth item doesn't require a budget amendment.

It's just to confirm that weatherization and holly repair funds will be available for home repair and improvements in the next budget year.

I can't find them in the draft budget.

Hopefully they're there somewhere and I can't see them.

And then if you do all of that, you can reprogram \$400,000 of community development block grant budgeted for the general obligation repair program that won't need to be spent for that, that could then be made for permanent supportive housing in very high and high opportunity areas to promote your geographic dispersion policy.

In addition to that, I'm back again this week, not as a representative of mexic-arte museum, but just because I identified some funds to help them out.

I think that you will find that there's building permit and plan review windfall revenue in the current and next budget year that could assist.

Currently you are collecting 447 hotel occupancy tax fees for hotels, motels and bed

and breakfasts [buzzer sounding] and you could -- but we're only licensing 155.

>> Cole: Thank you.

>> The rest of my suggestions are on your sheet, I really appreciate your patience with me and hopefully you can incorporate some of these creative suggestions as you adopt the budget.

Thank you very much.

>> Cole: Thank you.

Laura presley.

[One moment please for change in captioners]

>> one of the things that as a body the council's evaluating property rate increases because of this increased expenditures and the need for the extra dollars for the budget.

It's interesting in the 2012 budget that thing is about 1400 pages, we had a good list of budget cuts and savings for 2012.

Nowhere in the new budget is there such a list.

I think it's interesting if you compare them both, 2012 to 2013, the budget cuts and

cost savings category is missing.

And that's a little concerning as a citizens when you're looking at raising my property taxes, my property tax rate.

Part of the largest expenditures is the amount of bond debt that you just approved for today.

It's about 15.5 million.

That is the largest increase from last year, and that's pretty consistent with other years where you've had bond issuance and we have to absorb that interest and that -- payments for those.

This is my problem is where are the cost savings?

We've heard the city manager say before we do cost savings constantly for large departments.

Where is that?

It's missing.

And I would propose that you guys set the policy -- this is not the first time I've said this.

I've said it for months.

You guys need to set the policy for cost reductions, a goal for austin energy and

for the water utility, the large departments that you are over.

And if you don't set that policy it won't happen.

You have to set a bar and set expectations for that.

And as leaders we need to you do it.

We cannot continue these property -- property tax increases.

We're seeing it all across the board.

Central health district is doing it.

We've got the county doing it with the 200-million-dollar courthouse that's going to be on deck for the november election.

We've got more bonds that are coming up.

People cannot handle this.

We need your help.

We need to find the waste.

There's clearly waste in government.

Let's find it and you guys set the policy and goals for us to do that and cut it.

Thank you.

>> Cole: Thank you, laura.

Next we have janet barkley  
buhur.

Correct me on your last name  
if I got that wrong.

>> Thank you, mayor pro tem.

My name is janette barkley  
buhur.

You did pretty good.

>> Cole: Thank you.

>> Thank you,  
councilmembers.

I'm here representing again  
the southeast austin  
combined neighborhood plan  
contact team.

And let's see, there's the  
little slide.

And 78744 is within that  
area.

And of course 78744 is one  
of the major roads to the  
new airport.

Our concern, the contact  
team's concern, number one  
concern is safety in the  
area because the crime rate  
since 2000 has shot up 61%.

And most of the crimes or a  
good number of the crimes



are crimes against people,  
they're violent crimes.

So the residents don't feel  
safe.

So we're asking that in the  
new operating budget the  
city include enough money to  
have increased police  
attention to the 78744 area  
to include a police  
storefront in the heart of  
78744, somewhere in the area  
of the dove springs  
recreation area, help with  
the neighborhood watch  
effort that the community  
now is building in that  
area.

Can we flip slides?

And also have bicycle police  
in the community to so that  
there's more one on one  
contact with individuals in  
the community.

While the crime rate has  
shot up 61%, the police  
storefront that was there  
was pulled out in the early  
2000's and the population  
has increased 38%.

So now there's in the  
neighborhood of 50,000  
people in that area.

So we asked the city to do  
its part and to help the  
community get its crime  
under control.

And we ask for increased police attention and responsiveness in reducing the crime.

Thank you very much for your time.

Thank you, councilmembers, for your public service.

And also thank you for adding an expansion, small expansion of the dove springs recreation center and improvements in parks in the area in the bond package.

>> Cole: Thank you.

Yes, councilmember morrison.

>> Morrison: I just wanted to mention that yet at our work session on the budget when we were going through budget, I don't know if you had an opportunity to see, but we had quite an extensive conversation with the police chief and chief mcdonald about storefronts and the suggestion of storefronts.

And let's just say they were pushing back a little bit, but what we ended up doing is coming to the conclusion that we need to get down there and visit and talk about what's really going on and see if we can't find some ways to deal with it.

So you will be seeing some folks show up pretty soon.

>> Thank you very much.

>> Morrison: Thank you for really trying to raise the issue and all the work you and your neighbors are doing.

>> Thank you very much.

Thank you, council.

>> Cole: Thank you.

Council, I wanted to let you know and the public know that mayor leffingwell had a family emergency, but he asked that we continue and that he plans to be back.

Next is mr. bob nix.

I didn't see bob.

Next after bob we have gus pena.

Next we have aleta banks.

>> Mayor pro tem, councilmembers, aleta banks, speaking on behalf of asian contractor association.

If you remember on april 26th the council voted unanimously to adopt a , wbe advisory board to increase the minority trade associations.

And item 1 on the resolution states, and I read, there is a disparity in funding among service provider contracts by smbr and by egrso.

And there should be an increase in funding for the minority trade contractor associations based on a graduated scale of yearly increases throughout the life of the service agreement, with the agreements having a minimum of three years with one year options.

That was item number 1.

But in this year the new proposed budget, the city did add \$5,000 to each of the three minority trade associations, using the leftover fund from the previously terminated contract.

But this amount is really a far cry from what we have requested, at least from the asian contractor association.

We have requested -- actually, we needed \$120,000 to -- in order to service our multiethnic asian community.

Since -- just give you a little background.

Since 2001 the asian contractor association has

received a yearly contract of \$45,000 from the city of austin to provide outreach program to a multiple group of peims in the asian community suchs the taiwanese, vietnamese, koreans and indians to name a few.

And since 2001 there has never been an increase in our funding or any important adjustments to our program to keep up with times and community needs.

And we found in the survey in 2010 from our contractors that they do desperately need technical assistance to help them step by step, to walk them through the procurement process.

Such as documentation, bonding, technical assistance such as the regulations and ordinances, how to come up with different documentations, documents.

And other topics such as planned reading and cost estimating, but current funding is really limited to only outreach.

And the outreach endeavor and only to very limited groups as well.

And also compared to other cities service providers who received steady increases

year after year, the trade associations -- sorry.

>> Cole: Go ahead and give you your thought.

>> Including the asian, black and the hispanic contractors associations are singularly left behind.

,  
wbe program is to redress the racial discrimination in contracting activities by the government, the city can start with the trade associations in my opinion.

So I'm here to ask for your support.

>> Cole: Thank you.

carol  
hadnot.

There she is.

>> Good afternoon, mayor pro tem and councilmembers.

Aleta has pretty much covered everything that i was going to cover, but I'm here to represent all of us, the minority trade alliance, which is made up of the asians, the african-american and hispanic contractors.

And we are here to request additional funding for fiscal year 2012 and '13.

We requested this earlier in the year and submitted our proposed program and justification as well as dollar amount for funding to smbr.

And we found out later that it declined our request.

And we don't know who management is because we're not told who they are.

But we are requesting additional funding.

We have not had an increase in 10 years.

And if you would look at the handout material on page two you will see the disparity in the funding.

And on page two you would see what we each are requesting.

And additional the pwbe advisory economy did request that they would do a study, an assessment.

The assessment was done, but it was flawed because it truly did not reflect what the trade associations provide.

All we're asking is a rate of return on our tax dollars back on our community to help develop and grow our businesses, give them the

tools and the skill sets  
that they need to compete  
for contracts.

And when we had this once  
before a few years back, you  
didn't see us down here  
because we were doing much  
better.

But now since we have not  
had an increase you can't  
fire hire people to do the  
estimating and give the  
legal advice that's needed  
to negotiate contracts to  
mediate issues.

So we're asking respectfully  
that you restore -- increase  
our funding to the amounts  
that we have requested.

And thank you.

>> Cole: Thank you.

Mr. harris, rb harris?

I don't know if that's an  
error.

Mr. harris?

There's no mr. marris.

Next we'll hear from juan  
erwardos.

Can you say it for me when  
you get to the mic?

>> Juan (saying name) good  
afternoon, mayor pro tem and  
councilmembers.



hispanic  
contractors association and  
I'm also here in support  
with my colleagues to look  
for additional funding.

And all we have in mind is  
to get some parity in  
funding with the other  
organizations that deliver  
educational services to  
their constituents and to  
their membership.

We have a rare opportunity  
to invest in a community of  
contractors that we don't  
really show a good practice  
of investment over the  
years.

We've not had any funding to  
speak of for the last 10  
years, and last year i  
conducted some classes that  
had to do with just how to  
read city plans.

We have contractors that  
cannot access city plans  
because it's extremely  
difficult to look through  
spec books and plans and  
we're not there to teach  
them how to be contractors,  
we just want to teach them  
how to maneuver and  
negotiate a project when  
they're looking at volumes  
of specs and where to go and  
what to do and what to do  
next.

So these classes are very  
needed and very necessary.

The more contractors we had that can access city projects, the more economic development happens.

The more people they can hire.

And they fuel the economy.

So and so it's a thing to invest in our contracting community.

And as my colleagues have said, we do have a need of different services for our constituents.

I also did some leed classes, environmentally friendly leed classes, which many of our contractors don't know about.

They're usually at the very end, at the tail end of movement in construction and leed of course is very important.

And they don't know the first thing about it.

They don't know where to look, what it means, who to work with.

So it was a very good, successful pilot program.

But we need support to hire the people that can actually give us the time to spend and teach our contractors how to build green.

And so there are many other services that our associations need and we hope you will consider getting some parity for the contractor associations for the city to support our contractors.

>> Cole: Thank you.

Next we have tom smith.

Mr. smith, are you here?

>> Good afternoon.

My name is tom smith.

I'm better known as smitty, director of public citizens texas office.

I'm here to talk very briefly with you all today about the austin energy budget and the solar provisions within that.

As you recall, several months ago you all created something called the local solar advisory committee.

And you asked us to come back to you with a recommendation on how much we should set aside in the budget for this next fiscal year.

And then you gave us a deadline of october 1st to complete our deliberations.

Unfortunately figuring out how much we need before we've had a chance to complete our deliberations and clean programs has been somewhat daunting, so what I'm here to do today is to report to you quickly on our interim progress and say what we would like to do is ask you all to put a placeholder in for \$10 million.

We think that would get us 10 megawatts of solar, up significantly from the approximately four megawatts of residential solar we're getting right now, and really take advantage and harvest a lot of the commercial solar that is potentially available out there and utilize the federal tax incentives.

Now, when we look at what we're spending currently and in this remarkably small chart at the bottom, which I may not be able to read because I didn't bring my glasses, what you find in the middle column is that our current expenditure rate, about a third of the way down there on residential at current burn rates is about \$5.6 million.

What Austin Energy is asking for next year is four million dollars for all the solar programs.

Then in addition about 250,000 for the projects currently being proposed for commercial solar.

And for that we're getting about six megawatts instead of the 10 we're hoping to be able to get next year.

We were told this is the way we budget commercial is for the payments or the production incentive payments on an annual basis as opposed to the full value of those over a 10 year period of time, which would be about \$3.5 million.

And there was a lot of question as to whether that is truth in budgeting.

This is to say what you think what the real budget would be is real close to 10 million if we looked at keeping our current expenditure rate for solar 6 for residential and the three million for the commercial plus a little bit of a bump.

How are we going to do all this, get 10 million and stay within the budget numbers.

We believe and have had a discussion that the incentive programs can and should be adjusted down, as we think the price of solar will drop significantly --

>> Cole: Can you get to --  
why don't you go ahead and  
close it.

>> I will.

And we will be back to  
propose to you some changes  
in the commercial solar  
program that allows us to  
harvest far more money.

For the moment we're asking  
for a place holder of  
\$10 million just to make  
sure that we can do all  
these things and get the  
right budget numbers  
truthfully in here to talk  
about what this program is  
going to be costing us.

Thank you for your time.

You have three minute.

>> My name is julio trevino.

Thank you, mayor pro tem and  
council person, thank you  
for taking the time.

I'm here in support of the  
association -- the the  
austin black contractors  
association and the hispanic  
association.

I'm a contractor and I'm a  
disabled veteran and I had  
one job with the city of  
austin and I have not gotten  
paid for the last four  
months.

But if it wasn't for these people I would have lost this money already.

They've supported me, helped me out for the last four months and they walked me through the points that I've had to do, whether it's 00 at night.

They don't get paid to do all this, but they're out there supporting this, the contractors.

I'm not the only minority contractors having these problems.

These contractors come from out of state, they come out here and they just abuse us minority contractors.

And if -- with this raise that hopefully they get, we could probably get an attorney that will help us hispanics and blacks.

And minority contractors.

>> Cole: Adrian moore.

Thank you, mr. trevino?

>> Yes, good afternoon, mayor pro tem and councilmembers.

Adrian moore director on the council of at risk youth.

I would like to talk about delinquently presentation, drug abuse prevention for at risk kids.

I had an opportunity to speak before the austin public advisory committee on six occasions from december to may.

I summarized some of those comments in a letter to you in june of this year.

The highlights there are that we have a serious number of school age children that are arrested each year.

On average we've had 18,000 kids coming into the criminal justice system.

That's a problem.

We need to prevent that.

Secondly, we know based on recent research that the minority of all kids who go into the criminal justice system all pass through our school disciplinary system.

The gateway into the pipeline to prison.

We can do something about that.

Thirdly, I shared there are any number of imminence based programs, science proven programs that prevent



blink went si, -- present  
delinquency, prevent youth  
violence.

We've had numerous  
independent evaluators over  
the years, five of them.

Carey programs work, they  
turn things around, they  
reduce violence, they reduce  
serious delinquent kinds of  
activities.

We need to look forward in  
the future to building a  
youth violence prevention  
infrastructure prevention is  
less costly than criminal  
justice.

We have an excellent  
criminal justice system,  
however criminal justice in  
austin, texas, around the  
country, is a mop-up system.

It occurs after the fact,  
after the crime has been  
committed.

We know who the kids are who  
are going to commit the  
crimes, we know when they  
arrive in our school  
disciplinary system.

We have evidence-based  
programs that carey has  
demonstrate and proven can  
work collaboratively with  
the austin independent  
school district.

We need to invest in  
building that infrastructure

for early intervention for  
pregnancy and youth  
violence.

We do want to prevent crime.

We can do that.

It's achievable.

It's far less costly than  
criminal justice.

So I encourage the council  
to let's look forward in the  
next year or so to working  
to looking at ways and means  
to develop that prevention  
and intervention  
infrastructure.

Thank you very much.

We appreciate your support  
for these past eight years.

>> Thank you, mr. moore.

>> Cole: That concludes  
all of our speakers on item  
number 95, the city of  
austin's 2012-2013 proposed  
budget.

Council will continue to  
receive public comment on  
the proposed budget on  
august 30th, 2012 at  
and will vote to  
adopt the budget of  
2012-2013 at the annual  
meetings here at the austin  
city council chamber.

These meetings will begin at  
on monday,

SEPTEMBER THE 10th,  
Tuesday september the 11th  
and wednesday state  
representative 12th.

I will entertain a motion to  
recess today's public  
comment portion of the  
budget hearing and that  
motion was made by  
councilmember martinez and  
seconded by councilmember  
tovo.

All those in favor say aye?

That passes unanimously with  
mayor leffingwell and  
councilmember spelman off  
the dais.

I move to recess today's  
public comment portion of  
the budget hearing.

I will entertain a motion to  
recess today's.

Moved by councilmember  
martinez and seconded by  
councilmember morrison.

All in favor say aye.

Now the budget hearing is  
recessed.

Next we have item number 96,  
which is a public hearing to  
receive public comment on  
the proposed rate and fee  
changes for austin energy.

And we have linda solomon  
signed up to speak on austin  
energy.

Linda, are you still here?

Next we also have benjamin jacobson signed up to speak.

And we also had tom smitty -- tom smith, which is smitty.

There are no further speakers, so I will entertain a motion to close the public hearing.

That was moved by councilmember martinez and seconded by councilmember morrison.

All in favor say aye?

That motion passes unanimously with mayor leffingwell and councilmember spelman off the dais.

Next we have item number 97, which we will take up to conduct the first of two public hearings to receive comments on the proposed maximum property tax rate of 50 cents per 100-dollar valuation for fiscal year 2012-2103.

The second public hearing on august 30th here in council chambers.

We have one citizen signed up to speak.

Two citizens.

Casey ramos?

>> Council, thank you.

My name is monique drew.

And what I am here today to share with you is the length of time that I have spent for the last almost 10 years researching.

And I have found several curious and disconcerting situations that i feel are occurring with -- between the tax assessor's office and the -- and tcad as far as deeds are concerned.

Some of these deeds aren't even being filed for a few years.

Which I find disconcerting.

The other thing that's very shocking to me was while we still had the reports, the records, the travis county record books, the original books, alongside the wall on I guess it was the fourth floor of the courthouse, on almost every one of those volumes you can find entries that have been covered up -- entries that have been covered up with whiteout.

Some of these entries go back into the 1800's.

It took them almost nine months to move those volumes from public access to behind

a counter where you had to check them out.

The other thing that is very, very disconcerting are these official forms that are mailed out to property owners once a year that are accessible at the tax assessor office at the terminal that the public have access to.

It was in the printers drawer.

A stack.

I don't know.

Does that make sense that an official government document is accessible to walkup public?

Does it?

It's scary to me.

This!

>> Cole: I understand.

We generally don't make comments, we just ask questions.

I know it's kind of strange, but go ahead.

>> I'm sorry.

So I just found a couple of things that are really, really strange to me, and

nobody has answered or responded to this.

And one of these things was a tax permit that was issued to me in '98 with carol keeton rylander's signature and the same exact form, same exact date.

Everything is identical.

John sharp's signature is on that.

And I just happened to find this, but it's perplexing to me.

So it just seems like there are a lot of deeds that are not being --  
[ buzzer sounds ]  
-- properly --

>> Cole: Why don't you finish your thought.

>> Thank you.

>> Cole: But a few seconds.

>> Okay.

It seems to be recurring and it seems to be going on for a long time.

And it's going on with a lot of documents, with death certificates.

It's just rampant.

So I just wanted to share that with you because i think it's a dangerous thing.

>> Tovo: Could I ask your name, please?

>> My name is monique drew.

>> Tovo: I thought the mayor pro tem called up someone else.

>> She signed up for me.

>> Cole: Will you see the clerk and get your name on the record?

>> Yes.

And I also would just like to say that I have volumes of documents that have been issued by agencies in texas that --

>> Cole: The clerk is waiting for you to give that information.

Next we'll have ross smith.

>> Good afternoon, mayor pro tem and council.

I'd like to call your attention to an item that ran in the paper earlier this week regarding bonds that have been approved by the voters in previous years and never issued.



One that I know that I've read about recently is bonding for improvements at butler park, which apparently went through back around 1998 and that has never been issued.

The reason the writer in the paper suggested that you all should get an accounting of all of the bonds that have been approved, but never issued to make sure that your current bond proposal doesn't have any overlap.

And I think that would be an excellent idea.

We don't want to be paying twice for something.

The other reason is because if the bonds were approved years ago, a tax -- a particular tax level was also approved to cover those bonds, but if they've never been issued it means that we've been paying for things all these years that we have not received.

And we should either get a tax refund or the rate that you are going to adopt for the coming year should be adjusted to reflect the fact that we've been overpaying for years.

So I suggest that you, if possible, hold off on setting the tax rate until you get an accounting from

staff on what bonding authority is already out there waiting to be used and potentially to be cancelled, and what that effect would have how much we have been paying for that bonding authority over the years that has not been used.

And what -- how much the tax rate should be adjusted in order to account for that.

Thank you.

>> Cole: Thank you, mr. smith.

That concludes our first public hearing on the proposed tax rate.

And that first public hearing is now closed.

The next item we have is -- I'll entertain a motion to close the first public hearing.

That's the safe way to do it.

That is moved by councilmember tovo and seconded by councilmember morrison.

Let us move to close the first public hearing on the property tax rate.

All in favor say aye?

That passes on a vote of five with councilmember spelman and mayor leffingwell off the dais.

Next we'll have to conduct a public hearing to receive public comment on the proposed tax rate and fee changes for the austin resource recovery department.

Councilmember martinez moves to close the public hearing, and that is seconded by councilmember tovo.

The motion has been made and seconded.

All in favor say aye?

That passes on a vote of five with councilmember spelman and mayor leffingwell off the dais.

Next we have a public hearing to adopt an ordinance approving an interim consent agreement and I believe we have a presentation by staff for the rio devida municipal utility district.

>> Thank you, mayor pro tem and council.

My name is greg guernsey, director of the planning, development review department.

It's for waiving certain sections that relate to interim consent ordinance for the rio devida m.u.d.

is approximately 2,130 acres and it's located in travis county, eastern travis county, north of colorado and on either side of state highway 130 in austin's e.t.j.

As you may recall back in 2011 city council approved a resolution consenting to special legislation that 's in austin's e.t.j.

The texas legislature es, including this one, and conditioned on the city's entering into a consent agreement with each m.u.d.

That would protect the city's interest until september 1st of this year.

The city successfully negotiated terms and entered into consent agreements with 's earlier this year.

And with the september 1st deadline quickly approaching and in consideration of the fact that council was ameanable to working with last year, today's action would provide an opportunity to extend the

time for negotiations with  
the rio de vida m.u.d.

Before it expires.

I would like to remind you  
that similar to the other  
's, full staff review  
and board and commission  
review and another council  
hearing would be required  
before the council  
consideration of a permanent  
consent agreement  
would take place.

So this in essence would  
basically allow them to be  
in the same position that  
they are today for an  
additional period of time.

It does not necessarily  
create the district by the  
action on a permanent basis.

So with that I'll try to  
answer any questions that  
you may have.

There's a representative  
here of the rio de vida  
property and also legal  
counsel is here if you have  
questions about the more  
technical documents.

>> Cole: Richard mcdonald  
is signed up to speak, i  
believe for the rioio  
de vida property.

Councilmember martinez.

>> Martinez: I have  
questions for staff.

Because I remember the legislation and all the work that we kind of joined in and it was something i worked on specifically because we didn't want the m.u.d.'s hanging out there.

We wanted it negotiated, done and we created specially a consent agreement so that either party -- it put a very high level of ensuring that we would come to an agreement or something would happen.

So I wanted to ask about -- because I don't know that the statute speaks to an interim consent agreement and I just want to know what effect that has because in my mind a consent agreement means both people agree.

can move forward.

hasn't gone through the boards and commissions process, it hasn't gone through public input.

And I just want to know that we're not avoiding that.

>> I'm going to let sharon smith with the law department come forward and she can kind of go through those technical portions of your question.

>> Martinez: smith, if you could, can you briefly explain to us why we're asking asked to approve a consent agreement?

I know that the one-year date is approaching, but why haven't we achieved a full consent agreement in that year?

>> I'm sharon smith with the law department.

Since we adopted this legislation there's been litigation involving this property and who is going to be the utility service provider.

And that's been continuing on ever since then.

And since that's such a key component of what an overall consent agreement in the terms might include, the developer has not negotiated anything further with the city until the significant question of who the service provider is going to be.

We've initiated a declaratory judgment action to try to speed that along, but we haven't been successful so far.

So that's why we not only haven't completed negotiations, but haven't started negotiations on this

in any kind of substantive way.

>> Martinez: Is it a water utility lawsuit or a wastewater or electricity?

>> It's water and wastewater.

The property is partly in the ccn, the certificate of agreement and necessary area of southwest water company and partly in the city of austin's ccn.

policy provides that the property should be entirely within the city's ccn or at least served by the city of austin and that's not the facts on the ground at this time.

>> Martinez: Didn't we go through a similar situation with the creedmore ccn and a with the karma development?

>> Well, in that case the developer was able to get release from creedmore's service area and be served by us.

Southwest water's position is that each if they got out of southwest water's ccn that they would be prohibited from being served by us.

So that's different.



>> Martinez: Can I ask mader a couple of questions, program?

Pam?

>> Pamela mader on behalf of rio de vida.

>> Martinez: So give me a sense of this lawsuit and where you think it's headed and how long this consent agreement is going to sit in place until we move forward with something that is fully planned and discussed?

>> Yes.

As for the lawsuit, the lawsuit is between the city of austin and southwest water.

And so it's the city that is actively working on that lawsuit.

I can tell you that we are very eager to see that lawsuit resolved.

As sharon smith mentioned, policy requires the city of austin to be the utility provider unless council decides otherwise.

is very eager to be able to work through the terms of a permanent consent agreement with the city of austin and to work with staff and come

forward and go through the boards and commissions process.

And also ultimately to city council to show the boards and commissions and council has the extraordinary benefits, superior development and enhances other city interests that is set forth and required by the city's m.u.d. policy.

Timing on the lawsuit, just because it's difficult to know how long a lawsuit will take, is difficult to predict, but I know that the city is actively working on that lawsuit and is eager to see it move ahead just as we are.

As for the time period, i believe you asked to negotiate a permanent consent agreement.

I can tell you that the is eager to work forward on a consent agreement and the terms in an expedited manner.

So we are happy to go forward just as soon as it makes sense related to the status of the lawsuit and how that is proceeding.

Right now the interim consent agreement provides one year, so it's -- so it would need to be completed,

a permanent consent agreement would need to be entered into by september first of 2013.

And then I believe there's a one-year -- the city has the option for a one-year extension.

>> Martinez: So when we discussed this project previously I recall it being a full mixed use project with commercial and retail and in the ordinance that's in backup it speaks only to residential units.

Has the project changed?

>> No, the project has not changed.

It's approximately 2,132 acres, including 3 acres of colorado river and sh 130 frontage.

It is a mixed use project.

There have been no details changed about the project since the city last saw it about a year, year and a half ago.

It is a mix used project with all of those aspects.

Not just residential.

>> Martinez: Thank you.

smith, so can you --  
what assurance requests you  
provide to the council that  
this interim consent  
agreement, one, provides us  
the protections that we need  
to have a full public  
process as to what the final  
development would look like,  
and two, the assurances that  
if we  
don't achieve a full -- i  
don't know what we're  
calling it, a full  
consent --

>> permanent consent  
agreement.

>> Martinez: Permanent  
consent agreement in 12  
months?

>>

>> this is unique  
legislation, let me remind  
everyone.

It's unique to have  
legislation that provides  
for a drop dead date on a  
district like this and to  
condition that drop dead  
date with the extension of  
that on the city taking some  
action.

So all of these things that  
I'll be talking about are  
matters of first impression  
and based on the existing  
law that we have and what we  
think is the best path for  
enforceability.

To our consent agreement, the statutory language provides that the temporary director for the legislation cannot hold an election until the city has consented.

And it also provides that if the city does not consent by SEPTEMBER 1st, THEN THE District goes away.

So we're in a position of trying to determine how to extend that deadline.

The city cannot extend a legislative deadline unilaterally.

So what we're offering to you is an ordinance that consents to the creation of a district, but sets a term on the period of time that the consent agreement exists.

All consent agreements have some term.

It could be one day, it could be 10 years in our case we're setting a one-year with a one-year extension.

And it provides for unilaterally termination by any party on three days' notice as well as other terminations for cause.

And it also provides that the district will be

dissolved upon termination  
of the consent agreement.

Does that answer your  
question?

>> Martinez: Yes.

One minor point.

The unilateral, dissolving  
of the district, is that  
with cause or --

>> without.

>> Martinez: It's without.

Okay.

Great.

Thank you.

>> Cole: Councilmember  
morrison.

>> Morrison: Thank you.

Can you just remind us what  
the usual process has been  
's that  
we've worked with?

I know we had --  
(indiscernible).

>> A strategic partnership  
agreement.

>> Morrison: As well as a  
consent agreement.

And there were some  
extensive conversations  
about what was going -- what

community benefits were going to be.

>> The way that works for pilot knob and southeast 's, the two major projects we brought in nine districts before you last spring, we negotiated the consent agreement last fall in 2011 you all set public hearings for the consent agreement in january and you took action on the consent agreement in march.

And that consent agreement contained a number of exhibits that had the substance of what the terms of the consent agreement would be with respect to all the components of water and wastewater service, land use, public safety and so on.

So that was included in the consent agreement.

The consent agreement then required that the city and the district ebb interia strategic partnership agreement.

So that was accompanied by a limited purpose annexation item.

So all in april set two public hearing for the strategic partnership agreement because that's

required to do limited purpose annexation.

And we entered into the strategic partnership in may.

>> Morrison: And I heard guernsey, I think i heard him say that this doesn't actually create the district, but I read it differently.

It does actually create the dimmit county, but it just can't do anything.

Is that correct?

>> That's right.

And that's how the that's a fine line in the way that the district creations are talked about.

Because the district was created by the legislation, but the district is not really effect waited until we've entered a consent agreement.

In our case our consent agreement is conditioning that further on a permanent consent agreement that goes through all the processes that we talked about before with boards and commissions and so on.

>> Morrison: Then one piece of -- I don't know if you all have the consent



agreement in front of you,  
but one that caught my eye  
01 where it's  
talking about the permanent  
board members may not be  
elected until a permanent  
consent agreement is  
executed by the parties but  
then it went on to say  
meaning -- meetings,  
organizational meetings and  
conducting organizational  
business, temporary board  
members may not take any  
action without prior written  
approval of the city manager  
or his designee, which was  
concerning to me because  
everything else has to come  
through council.

So I was concerned about why  
potential things could then  
be -- the city manager would  
then have authority to do  
those?

>> Well, the state law on  
what temporary directors  
can do is determined in part  
by attorney general  
statements that say only  
that which is set out in the  
statutes can be performed.

The only limitation that  
there is, generally  
speaking, in the m.u.d.

Statutes, is that temporary  
directors cannot hold a  
confirmation election or  
appoint permanent directors.

And therefore without that -- without doing that they can't issue bonds.

So that's sort of the major gate keeper issue that's of interest to cities.

But we were wanting to describe what our expectations between the parties were as to what the temporary directors could do such as conduct that original meeting, open up a bank account if they needed to, establish an address and so on.

I don't think that those things are really delineated by statute because obviously temporary directors have to do those things in order to convene a meeting, hold a permanent director's confirmation election.

So one option is to take that rang out of there, let the attorney general's opinion on what the statutes provide for prevail.

We still have the protection in there that bonds cannot be issued and essentially unless something else is specifically provided to by statute, temporary directors can't do it.

And the only thing that is provided in this enabling legislation is to hold a

confirmation election a and  
elect permanent directors.

>> Morrison: I don't know  
if this is a question for  
you or for greg.

If we don't approve this,  
then it sun sets like was  
originally envisioned.

And I assume then the option  
would be for them to go get  
similar legislation passed  
again when it's -- when the  
litigation, for instance, is  
settled.

I see greg nodding his head.

And do we have a staff  
recommendation on this?

>> Our recommendation is  
that if you desire to  
lengthen that time period --

>> Morrison: The question  
is do you recommend that  
we -- do you have a  
recommendation that we  
approve this or not?

>> Staff would recommend  
that we go forward and do  
this.

I think it's in good faith  
on both sides.

We're acting -- we don't see  
this as a permanent  
condition.

And really this is just --  
from staff's standpoint it's

just keeping -- keeping it in place for another year and hopefully the issue is resolving -- are resulting from the litigation are resolved and the utility services and once that's taken care of then we can go into the process that you see similar for the other m.u.d.'s that w year.

>> Morrison: I appreciate that.

The main concern that I have is I want to make sure -- because we have>> ioing eere ps and con aavin egatedtth having tlope hg the option of going tceq for a standard m.u.d.

So we feel and staff feels that both sides in this situation benefit from the legislatively created m.u.d.

And that's the reason why staff is recommending it because when we have this legislatively created m.u.d.

It gives us the ability to , which is of great interes and to require the utility service and the other things that are in the m.u.d. policy.

And similarly the developer gets certain benefits such as being able to use the bond money for surface restoration because it's a

(indiscernible) right now  
which is not part of the  
m.u.d.

>> Morrison: And i  
understand that, but let me  
ask you some other questions  
because I know we had a  
chance to talk before, but  
since then I read the rest  
of the agreement.

And it's raise some day  
questions for me since this  
is uncharted territory as  
you said.

This is a matter of first  
impressions of the the first  
thing is in this section it  
says that the date of this  
agreement has been signed --  
the effective date is the  
date that this agreement has  
been signed by the city and  
developer.

And I thought there were  
three parties to this  
agreement.

>> There are, but we want  
the effective date to be  
immediately.

And it was upon execution  
because it needs to be  
before september first,  
2012.

And we provide in this  
agreement that although the  
district can sign it, it's  
going to continue to be  
effective without the  
district's execution.

>> Morrison: So theoretically this agreement creates a district, but doesn't require that they agree to it.

And if they don't, it says 01 that it dissolves.

>> Correct.

>> Morrison: And it says that the ordinance will be void if they don't -- the ordinance as well as the agreement will be void unless it's executed by both the district and the developer.

Can we actually void ordinances?

I was under the impression that only council would avoid ordinances with another ordinance.

>> That might be right.

I'm not sure.

I'll look at that.

>> Morrison: Okay.

And then the other -- i think there's a typo.

You provided me with the statute and it was section 8379.

>> That's correct.

We'll make that change.

>> Morrison: And then in 09, this is where I'm concerned about making sure that there aren't any leeches of our lever raj in terms of coming up with agreements because -- well, first of all it says the city, the district and the developer each agree to execute such further documents or instruments as may be necessary to evidence their agreements.

Do we believe that each though district is severely limited in what they can do, like we just talked about, basically they can't do anything except for come into existence, that they will be able to execute such agreements?

>> This is just standard language that we would pickup put in there if there were something like that that needed to be executed.

I don't know what that might be.

>> Morrison: Okay.

And so then in b, it talks about the city agrees to cooperate with the developer in connection with any waivers or approvals the developer may desire from travis county in order to avoid duplication.

I guess I was under the impression there wouldn't be any development under the timelines of the life of this agreement.

That's 4.09-b.

>> There's another section that I'm looking for.

In several places in the agreement that are provisions that if the developer submits development applications or enters into service agreements that we can terminate the agreement.

We can still do that unilaterally.

This is standard language that's in these agreements.

I would have to ask greg to talk more about what might be envisioned under that or whether this language is necessary.

We erred on the side of including things if we thought there was some amount of authority that might be needed, but if there's no possibility to effect the way that, I don't think we need to take it out.

>> There's two other issues.

I'll just say there are two other issues in here that



tell me that this is  
uncharted territory nod to  
these others that make  
necessity uncomfortable.

So I wouldn't really be able  
to support this.

But in c there's language  
that says if any future  
legislation would have the  
effect of prohibiting  
annexation, the intent of  
the parties, that the  
district would be governed  
by the provisions of this  
agreement notwithstanding  
such legislation.

So I'm really concerned  
about what that actually is  
foreseeing and I don't know  
which side of the argument  
we would be on.

And the last one is d, where  
it says in the event of any  
third party lawsuit or any  
claim relating to the  
validity of this agreement  
that the city will agree to  
cooperate in the defense of  
such a suit.

And again, one would think  
that if we're -- if we're  
signing this that we would  
want to do that, but I just  
don't have a good enough  
sense that we have our feet  
on the ground with all of  
this.

So I know it's close to  
5:30.

I'm going to make a motion  
that we not approve this  
extension.

>> Cole: Councilmember  
morrison makes a motion that  
we not approve the  
extension.

Councilmember martinez?

>> I'm going to try to make  
a substitute motion that we  
consider a postponement to  
next thursday, which I think  
would still give us time to  
enact it by september 1.

>> That's correct.

>> Martinez: So that we  
can talk it this through, so  
that the mayor can get back  
here, because you need four  
votes on an ordinance and we  
may not have four votes  
on --

>> you need five votes --

>> Cole: For all three  
readings we'll need five.

>> Martinez: I'm going to  
give us a chance to talk  
about this for another week,  
see if we can clean it up.

If we vote positively.

So I'll make a motion to  
postpone until next  
thursday.

I know we only have a public  
hearing on budget, but this

is an important item and i would ask that we consider putting it on for thursday.

>> Cole: Councilmember tovo.

>> Tovo: I'd like to second that.

I think we have additional questions to ask of staff.

>> Cole: I would like to add that I believe that councilmember morrison has pointed out several additional questions that bear consideration and i will be supporting this motion.

Any further comments?

All those in favor of the motion to substitute please say aye.

That passes on a vote of five to zero with councilmember spelman and mayor leffingwell off the die -- on the substitute motion passes on a vote of five with councilmember spelman off the dais and mayor leffingwell off the dais.

We will have live music and 30, but without objection, I will entertain a motion to adjourn.

So moved by councilmember  
morrison.

Seconded by councilmember  
martinez who is standing.

And all those in favor say  
aye.

This meeting of the austin  
city council is now  
adjourned and we will begin  
live music and  
proclamations.

>> Cole: Joining us today  
is suns of orpheus.

Just last month fredericko  
hand picked seasoned  
musicians to embark on a  
musical vision of  
international, psychedelic  
pop sound.

Thus suns of orpheus was  
born, influenced by american  
funk, world beat music of  
the early 1970's, the group  
exudes singular energy and  
charisma in their live  
shows.

They were voted among the  
top 10 best new bands in  
2011 austin chronicle music  
ballet.

Today they release their  
album.

Their music represents our  
ability to thrive in  
diversity and hope.

In recognition of musical  
excellence and cultural  
outreach, we present sons of  
orpheus.

[Applause]  
[♪♪music playing♪♪]

>> thank you very much.

[Applause]

>> Cole: For that  
wonderful presentation we  
have a proclamation that i  
will read.

Be it known that whereas the  
local music community makes  
many contributions toward  
the development of austin's  
social, economic and  
cultural diversity and  
whereas the dedicated  
efforts of artists further  
austin's status as the live  
music capitol of the world  
now therefore i, lee  
leffingwell, mayor of the  
city of austin, here by  
PROCLAIM AUGUST 23rd, 2012  
As sons of orpheus day.

[Applause]

>> thank you so much for the  
honor.

On behalf of the whole band  
we want to thank the city of  
austin and the mayor of  
austin for promoting music  
and doing what you guys can  
for local musicians here in  
town.

I want to thank our  
community as well.

We have been working many,  
many years, everybody here,  
both as educators of music  
as well as folks who listen  
to music and world beat  
musics and we try to bring  
that to communities all over  
the austin area.

In the name of the sun sons  
of orpheus, we want to say  
thank you to the supporters  
of arts in the area and we  
want to thank our ancestors,  
our families and our  
community.

It's a great honor.

I arrived here in austin,  
texas about 14 years ago as  
a brazilian who came to  
study and I ended up falling  
in love with this place.

And austin really opened its  
arms and hearts to this kind  
of music.

And I don't think a mix of  
american and brazilian music  
would thrive as well as it  
does here.

Very few places on the  
planet.

Thank you so much for the  
opportunity to create music  
for you guys.

Appreciate it.

[Applause]

I would just say that yes,  
we are releasing a record  
today.

It's available at our site,  
com and  
tonight we celebrate at  
antone's, antone's, a  
legendary place here in  
austin, opened its doors to  
us.

We will be there at antone's  
tonight.

Check it out, sons of  
orpheus.

We are out there.

Thank you so much.

[Applause]

>> Riley: Hey there.

I am austin city  
councilmember chris riley  
and as a proud alumnus of o.

Henry junior high school it  
gives me a proud opportunity  
to do this proclamation n  
recognition of a very  
significant event coming up.

It is the 150th birthday  
henry, otherwise known  
as william sydney porter.

As many of you know william  
sydney porter lived about a  
third of his life in texas,  
spending much of that time  
in austin.

He became a very important  
part of our local history  
and folklore.

And so this event is a great  
opportunity to remember him  
and take account of all the  
time that he spent here.

And share some stories about  
his contributions to our  
local culture.

So with that in mind I'd  
like to present this  
proclamation to michael who  
runs the show over there at  
henry museum, which  
many of you know is over on  
brush square near the  
convention center.

The proclamation reads as  
be it known that  
whereas september 11th  
marks the sesquicentennial  
birthday of william sydney  
porter.

The short story writer  
henry  
who authored such classics  
as gift of the magi, the  
ransom of the red chief and  
the last leaf.

henry spent  
about a third of his hiv in  
texas and from 1893 to 1895  
he rented the house in  
austin that is now the o.

Henry museum.



He worked at the first  
national bank and the  
general land office.

Whereas a handful of his  
stories are established in  
austin and while here he had  
a newspaper called the  
rolling stone, which is now  
the -- for those of you who  
henry, you know  
that's the paper over at  
henry middle school I guess  
it is now.

henry  
museum is opening a new  
henry, original  
slacker.

And has many festivities  
planned to help our  
community celebrate his  
150th birthday.

Now therefore i, lee  
leffingwell, mayor of the  
city of austin, texas, do  
here by proclaim  
SEPTEMBER 11th, 2012 AS O.

Henry's 150th birthday.

So I'm going to present this  
to michael.

[Applause]

>> thanks, councilmember  
riley and the rest of the  
city council.

My name is michael and i  
henry museum  
at 409 east fifth street.

It is the former residence  
Henry, who was born  
William Sydney Porter in  
Greensboro, North Carolina  
September 11th, 1862.

We are in the Parks and  
Recreation Department.

Henry, as was mentioned,  
a famous short story  
writer.

He wrote three, four, five  
hundred short stories.

Henry is  
you can ask five people  
their interpretation of one  
thing and you get five  
different stories.

There's no like clear  
picture on O. Henry.

Going back to the gifts of  
the Magi, we were having a  
conflict about the title.

A lot of people think it is  
the gift of the Magi organism,  
but we actually have a copy  
of the original story as it  
was published in the New  
York World in 1905 hanging in  
our museum and it says gift  
of the Magi, so that's what  
I go by.

With a show of hands can I  
see who has read gift of the  
Magi?

For those of you who have  
not read it, the short story  
about a poor New York couple

that want to buy each other  
christmas presents.

They don't have a lot of  
money.

The woman has this long,  
luxurious hair that she  
decides to cut and sell so  
she can buy her husband a  
fob for his pocket watch.

It kind of connects it to  
the pants.

He meanwhile sells his  
pocket watch so he can buy  
combs for the hair she's  
just cut.

henry was known for  
those twist endings.

That story was based in new  
york city, but as was  
henry cut his  
teeth as a writer here in  
austin.

But he was not just a  
writer.

He was quite the renaissance  
man.

He was a musician.

He performed in a band  
called the hill city  
quartet.

They started as a serenading  
group and turned into a  
popular club band.

He was also a cartoonist.

For awhile ran the rolling  
stone, a weekly newspaper  
here that I like to equate  
to kind of a precursor to  
the onion.

It was is a tear kel, poked  
's and  
I don't think it stuck  
around very long.

He did all the illustrations  
for that.

A lot of people say that  
drawing was his primary  
gift, but he thought it was  
drudgery to draw, so he  
didn't want to pursue that  
as a career.

In any case, one other job  
henry had here in town,  
one other profession he had,  
he was a bank teller, worked  
at the first national bank  
of austin.

He was actually convicted of  
embezzlement, stealing from  
the bank.

I find it sweet justice that  
we're here today praising  
him.

A lot of people say he  
didn't do it.

That's what we go by at the  
museum.

[Laughter].

A great way to learn more  
henry is to attend

an event that we are hosting  
at the museum on saturday  
september 15th.

henry  
150th birthday crawl.

And we're hosting it in  
conjunction with the austin  
history center and the  
capital visitors center.

It's going to be a day long  
slate of events from noon to  
5:00.

Free.

There will be complimentary  
shuttle service between  
sites, which is always  
incentive.

I want to talk just  
specifically about what  
we're going to do at the o.

Henry museum, which again is  
located at 409 east fifth  
street and our website is o.

Henry museum.org.

We're going to open our new  
henry, original  
slacker, in which we show  
henry forged the  
template for the popular  
character in richard link  
later's film slacker.

We're going to have a live  
performance by the new hills  
city quartet, which is a  
reinterpretation of o.

Henry's parlor band here in  
austin from the 1890's.

We're going to have a mass  
reading of buried treasure,  
an o. henry short story.

We'll have turk partnership  
kin, sarah bird, steven hair  
began, some really heavy  
hitters here in austin.

And we're also going to have  
the unveiling of the united  
states postal service's new  
stamp honoring o. henry.

We'll have a lot of cool  
stuff.

I urge you to come down and  
learn about as one facebook  
commenter I saw today  
henry as one  
wild and crazy dude.

SEPTEMBER 11th 15TH, O.

Henry, be there.

>> Next we have austin  
diversity month.

I am so proud and privileged  
to do this.

This is all the city staff  
representing and celebrating  
diversity.

You know what's coming?

[Laughter].

Okay.

This is a proclamation for  
all that you do to promote  
diversity.

Be it known that whereas  
diversity can be defined as  
an individual, distinct  
qualities and differences  
and the sensitivity it takes  
to respect those  
differences.

And whereas by valuing  
culturally diverse  
individuals and developing a  
positive work environment,  
our city can ensure a high  
level of productivity among  
professional city staff  
while preserving the best  
that each employee has to  
offer.

And whereas the city is  
committed to appealing to  
the ever changing  
demographics of austin for  
public services -- for  
public service who are  
accountable, who exhibit the  
highest ethical conduct and  
who operate with integrity.

And whereas understanding  
and accepting the concept of  
various cultures, working in  
harmony will enable all of  
us to enjoy the reality of  
diversity and lead austin to  
become the most liveable and  
best managed city in the  
nation.

Now therefore i, lee  
leffingwell, mayor of the

city of austin, do here by  
month.

[Applause]  
[one moment, please, for  
change in captioners]

>> we are planning several  
special events for this  
month, but we believe that  
we want to celebrate  
diversity all year long.

So on behalf of marc ott,  
our city manager, our acm  
anthony snipes and the human  
resources director, let me  
now thank you all for your  
support.

[Applause]  
next we have a  
proclamation for childhood  
cancer month.

Hi, sweetie.

How are you?

Come up here.

We h proclamation to  
recognize childhood cancer  
as being a leading cause  
that we must address.

Okay?

I'm going to read it, okay?

Childhood cancer is the  
number one disease killer  
and second leading cause of  
death of children aside from  
accidents, and whereas on  
any given school day



approximately 46 young people are diagnosed with cancer, totaling more than 12,500 children diagnosed each year, and whereas every year more than 2500 children under the age 20 our most precious resource and the treasures of our hearts, lose their lives to cancer.

Now, therefore, i, lee leffingwell, mayor of the city of austin, texas, do hereby proclaim september 2012 as national childhood cancer awareness month.

[Applause]

>> hi.

My name is georgia and I'm 12-year-old.

I love to read and jog and swim and next week I'll be starting 7th grade at the ann richards school for young women leaders.

[Cheers and applause]  
I am also a childhood cancer survivor.

I was diagnosed with acute limb for blast tick luc the day after my 10th birthday, and on april 29 I completed 28 months of treatment.

I was treated at dell children's hospital and the children's blood and cancer center and most of the time

I was on a clinical trial  
that tested different ways  
to give the chemotherapy i  
was getting.

Most kids in treatment are  
on some type of clinical  
trial because there are not  
enough good medicines  
available to cure them or  
treat them without making  
them sicker.

That's why supporting  
childhood cancer research is  
so important.

September is national  
childhood cancer awareness  
month and I'm asking for  
your help.

You can raise awareness by  
wearing a gold ribbon, which  
is a symbol for childhood  
cancer or putting one in  
your yard or on your car.

You can tell people that 46  
kids just like me get  
diagnosed with cancer every  
weekday.

You can donate blood and  
register as a bone marrow  
donor.

You can support cancer  
research by walking with us  
in the austin cure search  
walk on saturday,  
september 29 at southpark  
meadows.

Or by donating to other  
charities that specifically

benefit childhood cancer  
research.

I'm blessed and lucky to be  
standing here today, but i  
want all kids to enjoy the  
same victory I had.

Please do something in  
september to raise awareness  
of childhood cancer because  
kids can't fight this battle  
alone.

Thank you.

[Applause]  
leukemia  
now we will hear a  
proclamation for take a  
loved one to workday, and i  
hope my mom is watching.

Be it known that whereas a  
serious health gap exists  
between racial and ethnic  
minority populations and the  
general public showing that  
they are more apt to suffer  
from such problems as heart  
disease, stroke, cancer,  
diabetes, sexually  
transmitted diseases, infant  
mortality, hiv, aids, and  
whereas early detection of  
disease, proper referral to  
quality health care  
resources and immunizations  
against diseases are  
essential steps towards  
reducing such health  
disparities and whereas the  
national take a loved one  
for a checkup day campaign  
is aimed at encouraging  
individuals, especially

those in need, to live  
healthier lives and to visit  
a health care professional.

Now, therefore, I lee  
leffingwell, mayor of the  
city of austin, do hereby  
proclaim september 15, 2012  
as take a loved one for a  
checkup day.

Thank you.

[Applause]

>> stephanie, haggan, please  
step down to the -- on  
behalf of carlos rivera, I'm  
shannon jones, deputy  
director of austin/travis  
county health & human  
services department.

We'd like to thank the  
service for its support for  
this initiative for the last  
seven years.

As you know this is one of  
the initiatives of the  
african-american quality of  
life and has been very  
engaged in outreach  
community and carrying  
services to the community.

But we do it not by  
ourselves, we do it in  
partnership with many of the  
agencies in our community  
who are represented here  
today.

So I'm going to call upon  
sam price to come forth and

acknowledge the work has been done.

A little bit about take your loved one to a doctor's day, which is a national initiative and what we're doing here in austin and acknowledge our partners, sam.

>> I just want to give you a little bit more information about this event.

Like he said, this is our 7th year of sponsoring this event, and we hope we can do plenty more years of sponsoring this event.

But I would like to first say that this event -- one of the things we want to accomplish with this event is prevention through lifestyle changes to delay on set of disease, prevention through screening to detect early signs of illness and community partnerships to expand range of service in the community.

With that said, I would like to recognize -- a lot of them aren't here today but we want to recognize everybody on the list, and the ones that are here you can kind of raise your hand up and say, hey.

has sponsored this event for the last seven years.

We're really grateful for  
for giving us the  
space and opportunity to do  
this on their parking lot,  
and there's no one from  
here but I'd just  
like to, you know, thank  
them for giving us that  
space and being a  
co-sponsor.

First of all, seton family  
hospitals, I want to  
recognize, and they're not  
here.

Amir group, they're not  
here.

Smile dental, united health  
care, top ladies of  
distinction, and that's our  
volunteers.

They're great.

Health & human services  
department, we have a  
handful of them here.

Abercrom home health,  
american nurses, well med,  
health care services,  
doctors on wheels,  
shinika jackson, next  
care and community care.

As you can see, we do have a  
lot of community partners  
because we're -- without  
them I don't think we could  
do anything in this  
community and be successful  
attacking the diseases and  
all the health disparity.

So we're very, very grateful  
to have all our community  
partners here and I want to  
thank them for giving us the  
help of addressing these  
issues.

With that said I guess  
that's it.

We can take some pictures,  
huh?

[Applause]  
oh, let me say, I'm sorry,  
this event will take  
place -- as I said, the  
springdale and it's  
located at 7112 ed bluestein  
from 11:00 to 4:00 p.m.

Come on over.

Luc  
limb for blastoma  
next we're here to  
recognize the jazz in motion  
youth concert.

We have a proclamation.

Be it known that whereas the  
women in jazz association is  
an organization committed to  
providing jazz performances  
and education to austin  
residents in an effort to  
keep this important american  
art form alive, and whereas  
the jazz and motion youth  
concert sponsored by women  
in jazz features austin  
presenting amuse music  
cal history of jazz through  
industry, sing goes, jazz  
and poetry, we're pleased to

recognize performers  
including lava dance  
company, flava dance  
company, the jazz group  
frontier live, musicians  
blane sacks ton, simone  
washington, clayton winfrey,  
jonathan johnson, justice  
philip and singers kylely  
PHILLIPS, shannon McKizik  
and tree gee and pamela hart  
heart and james polk are  
providing artistic directing  
mentoring and coaching for  
this performance.

Now, therefore, I lee  
leffingwell, mayor of the  
city of austin, texas, do  
hereby proclaim  
september 15, 2012 as the  
jazz in motion youth  
concert.

[Applause]

>> thank you, council member  
cole.

We are very excited to be  
able to present jazz in  
motion on september 15, and  
just as women in jazz  
usually does, we have a  
wonderful lineup for austin,  
and we are most excited that  
it's all about passing the  
torch to young people.

And we have with us a  
representative from our  
board of directors,  
kevin hart, and  
charlisa russell but  
we're also excited to have  
one of our fabulous



performers, and this is  
blane sixton, and he is  
going to be playing the alto  
saxophone in the show and  
his very supportive mother,  
la arnie ayuna is here with  
his little brother.

Blane, do you want to tell  
them what you'll be playing  
on the 15th?

>> On the 15th I'm going to  
be playing alto saxophone,  
and the songs I'm going to  
be playing are starlight,  
autumn leaves and  
[inaudible] by charlie  
parker.

All right.

[Applause]

>> so they're going to be  
doing traditional jazz  
starting with the 1920s,  
doing big band era, ella  
fitzgerald, into the '40s  
and '50s for the charlotte  
charlie parker all the way  
up to the 2000s with india  
miri and modern things.

We have singers, we also  
have another saxophone  
player, a pianist, drummer  
and a young band, frontier  
live and the flavor dance  
company.

So again we're passing the  
torch to these young folks  
and we're going to be at  
reagan high school on  
september 15 and we sure

appreciate the city's  
support.

This is a project that is  
funded in part by the city  
of austin through cultural  
contracts, which women in  
jazz has been supported for  
over 1 by the city  
and we appreciate that  
support.

Thank you very much.

[Applause]  
we are about to  
recognize peace and dignity  
day, and we have a  
proclamation that states, be  
it known that whereas peace  
and dignity journey runners  
embarked on a run from  
chickaloo alaska to tekai  
guatemala on may 1 to pray  
for and raise consciousness  
of the need to preserve  
clean water for all the  
people of the world.

And whereas we join the  
indigenous people of texas,  
apache, calahoot arc,  
complanchy members of the --  
comanche members, maya, at  
tecata, mexican and other  
indigenous -- wait, I'm  
saying this wrong.

I want to say it right.

Read those for me.

[Reading names]  
lacota, mashika.

>> And other indigenous nations who reside here and showing support for the runners, and we are pleased to welcome the peace and dignity runners and to wish them much success on their mission as they pass through our city on their seven month trek through north and central america.

Now, therefore, I lee leffingwell, mayor of the city of austin, do hereby proclaim september 17, 2012 as peace and dignity day.

Thank you.

[Applause]

>> well, thank you very much.

I know it's late and everybody is hungry so i want to make it sweet and short.

It is known that the waters of the world are very contaminated, and the native people have taken up on their shoulders the awareness action of running as we used to do it back in the old days, so we're back in that same mode of thousands of years ago.

And we started -- I say we because I had the honor of starting in alaska in chickaloon on the first day of the run, which was may

the 1st, and the runners on one of the legs is going to pass through austin on september the 16th.

They will arrive at barton springs, to which we also request the addition of a name which is the original name.

It was in quwavileteco and it's called [inaudible], which means sacred springs, and we are requesting the council, whoever is in charge of that naming, if they can include that name as the original name.

Also, we have a fundraising that's going to take place on the 9th here at la pena.

If you're willing to help, you're welcome.

00 to  
00, the raise some funds for the runners.

They need gas, they need food, and they also need probably a bath right after they finish the run that day because we're going to start in waco.

And we are going to arrive at barton springs so we request that barton springs be open for the runners.

I don't know if that's possible from the city government.

But anyway, we'll have  
this -- and I also want to  
present the people that are  
here, and I want to  
acknowledge bob carroll,  
which is a dear brother of  
mine.

Diana woalok, barrago which  
represents a nation of  
mexico, rita cheroge, which  
is a native american woman  
but she adopted the dakota  
ways of living.

Two other people which are  
members of the mayan nation.

Thank you very much.

[Applause]