

Austin City Council Meeting Transcript - 9/27/2012

Morning. Austin austin mayor lee leffingwell. We'll begin with the invocation today. To be given by pastor joseph moore of the central presbyterian church. Please rise. mayor, distinguished councilmembers, before our invocation, I want to thank each of you for the work that you do on behalf of all the citizens of austin. And I want to thank you for your courage and leadership as you help make austin a more just, loving, humane and inclusive city. A city where space is created and maintained for all of god's children. And so as you consider today's marriage resolution, I am reminded of the greatest command found in many of our faith traditions and that is the command that we love one another. Today you have an opportunity to help our city and encourage our state to become a place where all forms of love and commitment might be honored and for that I am grateful. And I want you to know that there is a diverse group of people from all faith traditions who will stand with you as together we stand with our lgbt brothers and sisters. Let us pray. Source of grace and love, we give you thanks on this day for your call to love. We give you thanks for the ways in which you have created us to love one another and for the many forms that love takes. We ask that you would give us eyes to see and hearts and minds that are open to the great diversity of love in the world, love that can only be called devine. Give this city council and each of us the courage to do justice, to love mercy and to walk humbly in your spirit of love. Bless the council's work on this day and every day we pray. Amen.

[10:06:29]

>> Mayor Leffingwell: Amen. Please be seated. Before we start the meeting today, a point of personal privilege, I would like to recognize capital metro executive director linda watson.

>> Thank you, mayor. Good morning city council members, city manager mark ott, it's a pleasure to be here today. And what I would like to do is express my appreciation to you for your support of the metro rail line, and in particular funding friday and saturday night service. Prior to operating the rail -- prior to operating friday and saturday night service, we were averaging about 1800 trips a day on that line, which is double what we were operating the previous year. And once we started operating friday and saturday night service, ridership has jumped up to 2400 a day, which is three times, almost three times the ridership numbers that we saw just a year ago. In fact, during peak, during the morning and afternoon peak, we are at capacity on the rail line, and we believe that the weekend service is partly the reason that ridership has jumped up so much. We believe that people try the system on the weekend, found it to be very convenient, very reliable and decided to park their cars and take the rail to commute to work. Also I think it's worth noting that today we have over \$95 million in transit oriented development around the rail line with another \$125 million of development in progress. I'm also pleased to tell you that we will be operating service this saturday for the pecan street festival. Last year we provided over 5,000 trips to that festival on a saturday and we're hoping that we can break a record on that this year. Our single highest ridership day was last year during sxsw, which is also patrick's day, and we provided over 7,000 trips into the downtown area. We think we can also be very helpful during the f1 festival that's coming up in a couple of months. We're negotiating right now with some partners to sponsor operating that service and we think we have the potential to break ridership records during -- during that event as well. Metro rail is a part of the system and it

couldn't be possible without the partnership we've had with the city. I'm grateful that we've been able to work together to finish this system, and the next piece of this will be our best rapid transit project, which we had a very successful ground breaking last week. Mayor, I want to thank you and councilmembers riley and martinez for attending that. I'm very excited about the future of transit in this community and working with the city council and the city staff to build the service that we believe this community will -- will appreciate and use. And to thank you for the funding of friday and saturday night service, I'm going to leave just a token of our appreciation with all of you. I know sometimes public service is a thankless job and you don't hear from people about all the good things you do, so on behalf of the capital metro board and the staff, thank you so much for your support and especially friday and saturday night rail service. Thank you, mayor.

[10:10:38]

>> Mayor Leffingwell: Thank you, linda. So a quorum is present so I'll call this meeting of the austin city council meeting to order on thursday, september 27, 2012, at 10:12 a.m. We're meeting this the council chambers, austin city hall, 301 west second street, austin, texas. We'll start with the changes and corrections to today's agenda, and they are many and complex. First, on item number 1, when we talk about the budget reading of september 10 and 11, delete the words and 11. It will remain budget reading of september 10, 2012. Item number 22 is postponed UNTIL OCTOBER 11th. Item number 26, add the phrase recommended by the public health and human services committee. Item 44, add the phrase "recommended by the parks " item 63 is postponed until october 18, 2012. Item 69 is withdrawn. Item 72 will be set for a time certain at council request at 3:30 p.m. It will be at or after 3:30 p.m. Item number 79 is postponed UNTIL OCTOBER 11th. 2012. On item number 89, delete as sponsor councilmember -- delete kathie tovo and add laura morrison, and as a co-sponsor delete laura morrison and add chris riley. Item 89 is related to -- add related to item number 91 and to item 91 add the " item number 142, atity time , it will be postponed until NOVEMBER 1st, 2012. Item number 143, at its time certain it will be postponed until november 1, 2012. Item 144 will be postponed UNTIL OCTOBER 18th. Item number 145 atity time will be postponed until NOVEMBER 8th. These are all 2012, by the way. Item 146 will be postponed UNTIL OCTOBER 11th. I think this is a misprint on the agenda here. We have two briefings for a 30, but i have to check this because it doesn't list on the -- at 30 time certain, we'll have two briefings. One is on the seaholm district and public spaces in the new central library, and the second is titled "positive impact for climate " 00 noon we'll have our general citizens communication. take up our zoning matters. recess the meeting of the council and convene a meeting of the austin housing finance corporation. we'll take up our public hearings. 30 our live music and proclamations. The performance today will be by the tapestry dance company. The consent agenda is items 1 through 95 with several exceptions that will be pulled off the consent that I'll read in just a moment. Item number 76 are appointments to our boards and commissions. This will remain on consent and I'll read it into the record now. To the animal advisory commission, dr. rita geigle. Lulu flores, councilmember martinez's nominee. To the austin telecommunications wendall ramsey. To the austin mayor's committee for people with disabilities, jesus lardizabal is councilman spelman's nominee and ron lucey is mayor leffingwell's nominee. To the austin music commission joe stallone. Councilmember spelman's nominee. To the board of adjustment sally bruchette, councilmember spelman's nominee. Building and standards commission tim hill, councilmember riley's nominee. To the commission for women, marilyn vostic, mayor pro tem cole's nominee. To the community development

commission, ruben montoya, representative of the east austin neighborhood representative is councilmember spelman's nominee. To the construction advisory committee, shane smith, mayor leffingwell's nominee. To the downtown commission, martin berrara, councilmember martinez's nominee. Dan o'leary, who represents the historic landmark commission, mayor leffingwell's nominee. Lynn osgood, parks and recreation, councilmember tovo's nominee. Myron smith representing the planning commission, councilmember morrison's nominee. Early childhood council cindy rodriguez is councilmember spelman's nominee. To the electric utility commission, aaron adden is councilmember tovo's nominee. Michael webber, councilmember spelman's nominee. To the mechanical, plumbing and solar board, jerry garza, mayor leffingwell's nominee. Park and recreation board, susan roth. Residential design and compatible, chuck lane. Resource management commission, grace zee. To the sign review board, kathie french, mayor leffingwell's nominee. To the urban transportation commission, jay stallone. To the zero waste advisory commission, baez causey. Zoning and platting commission, gabrielle rojas. Intergovernmental bodies, the austin-travis county integral care board of trustees, robert chapa jr. We have the following waivers. A waiver for the residency requirement in section 2-1-21 for joe stallone's service on the austin music commission. Waiver of the attendance requirement in section 2-1-26 of the code for the service of mart crasant. Waiver includes absences through today's date. Approve the residency requirement in 2-1-21 for shane smith's service on the construction advisory committee. A waiver of the residency requirement in 2-1-21 of the code for bruce mills' service on the downtown austin community core advisory committee. Waiver of the attendance requirement in 2-1-26 of the code for michael webber's service on electric utility commission. The waiver includes absences through today's date and to approve a waiver of the residency requirement in 2-1 of the code for jerry garza's service on the mechanical, plumbing and solar board. Those are appointments to our boards and commissions. Again, the consent agenda is items 1 through 95 with the following exceptions. Item 14 is pulled by councilmember riley. Item 21 pulled by councilmember spelman. Item 22, I believe that's error. 22 Has been postponed until 10-11. Item number 23 will be pulled for executive session. Item 35 is pulled for a presentation by the law department. Items 41 through 44 are pulled by councilmember morrison. And items 46 and 47 are pulled for executive session. Item 67 and -- 67 and 75 pulled by councilmember riley. Item 68 pulled by councilmember tovo. Item 88 pulled by expect. Councilmember spelman. The following items were pulled off the consent agenda due to speakers: Item number 18 and item number 72. And I believe 72 it was already announced the time certain on that will be 3:30. Councilmember spelman.

[10:21:04]

>> Spelman: I will not need to pull item 88 any longer.

>> Mayor Leffingwell: Okay. Thank you. So 88 will remain on the consent agenda. And so before we take a motion to approve the consent agenda, we have several speakers who are signed up. We now have added number 74 pulled off consent by councilmember spelman. And councilmember, there was another -- 87 or 88 going to pull also. Okay. Put it back on. All right. So 87 and 88 will remain on the consent agenda and the clerk will show myself voting no on those two items. We have several speakers who are signed up to speak on the consent agenda. The first is laura presley. You have three minutes.

>> Thank you, council, Laura Presley, small business owner, resident of Allen Dale here in Austin. I want to speak on three items. Number 70, which is one of the largest line items for the purchasing office. And we have talked about this many times. Are our tax dollars staying in Austin. And the information that's provided to taxpayers, we don't have that information. This information has been removed from the visibility of our taxpayers and at the request of the city manager and with the acquiescence and permission of this city council. This is our money and our information and we demand to know where our dollars are going. Council, fix this and direct the city manager to be transparent with our tax dollars and where our dollars are either staying in Austin or going outside. Item number 62 is regarding -- regarding vegetation control in our Austin creeks. We need to know what the herbicide is that's being used. And that information is not provided to the public. The reason we need this information is to monitor and beware at these potential -- that these chemicals are potentially leaching into our water supply. How can the public get the information on the actual herbicide chemical that's being used in our creeks. This has gone on for years. The third item is number 85, which is the transparency of where our bond money is going. And I want to really encourage that you do put this information on line. We simply need to make the capital improvement office's review document for where our money is going available to taxpayers. It's very simple. I don't see why this is real expensive. Their documents should be put in the pdf format and put on line, this is really simple, so I hope this happens soon. Any questions? We need to know the herbicide that's going in our creeks. How do we get that?

[10:25:01]

>> Mayor Leffingwell: Okay, next speaker is Scott Johnson.

>> Good morning, mayor, council, staff. Item 63 is an item that I'm neutral on. I'm aware that that's environmental criteria for tree trimming that was used. What happened in 2005 when I was working closely with the purchasing department is that we actually had to spell out a list of available pieces of equipment for landscaping jobs in order for them to know that there were propane alternative option equipments. There was some electric option equipment. While that may have been done here, the city -- could you cue up item 61. The city is piloting electric chain saws. Item 63. Is piloting electric chain saws and that's something that if the council can give direction to the city on that, the contractors that that's an option, that would be ideal. Also while -

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>> Mayor Leffingwell: Excuse me, Scott. Could you start the timer, please. All right. Go ahead.

>> Item 62, please. Also, another opportunity is for the city, even though it may not be a major part of this particular contract for tree trimming, so ask that gas powered leaf blowers be not used on this prosecutor project. The city need to move more assertively by not even sent I haveizing the use of low emission or alternative fuel equipment but it's best -- should not be using for their contracts for their personal use of gas powered leaf blowers which creates a large ozone emissions as well as carbon emissions. Switching to item 81 on the hope farmers market, I strongly support the hope farmers market and this is the asset is where the city forester aid they are gooding to try electric chain saws. Item 81, back in 2008 I worked successfully with councilmember Martinez's office as well as other offices and staff and citizens to try to push

forward the idea that we need to green up those events that the city sponsors. That reached a head when there was push-back from some groups such as the kite festival folks, sxsw who were concerned about the brought ideas and recommendations to reduce landfill waste, to increase recycling, to decrease water use, energy use and improve air quality. What this morphed into back in 2009 and 2010 -- next slide, please -- is the event through recycling rebate. Those folks coming in asking for rent I have or fee waivers are given regularly, you should ask do you know about the event recycling rebate. That rebate pays \$750 towards the cost of recycling and/or composting services and that's something that a planner can utilize in order to green up the event. The city gives me fee waivers without necessarily setting a threshold and saying we would like to you recycle better, reduce water use, energy use and help improve air quality. And I think if your staff dealing with these requests could do that, that would be helpful not only to reduce --

[10:28:41]

[buzzer sounding] -- emissions and improve natural resource use, but to teach people about how they can recycle because these events --

>> Mayor Leffingwell: Thank you, Scott. Councilmember Tovo.

>> Tovo: I wanted to point out item 63 will be postponed. Assuming we pass that in a minute. It will be postponed until OCTOBER 18th. I hope staff will have an opportunity to think about that [inaudible].

>> Mayor Leffingwell: Joseph Riley.

>> I have signed up --

>> Mayor Leffingwell: Speaking on anything you want to that's on the consent agenda.

>> Okay, well, today the first one I'm speaking on HIV/AIDS. You guys have a resolution for that. As a team member for

[indiscernible] and a positive peddler, I feel it's important that we continue to provide services to those people that are living with HIV/AIDS. I ride all across the United States and bringing awareness and also to raise money to help those organizations across the United States that

[inaudible] AIDS or H.I.V. Services, particularly the one here in Austin. The other one I have is the gay marriage issue. As a gay man, I believe that every person should have the right to be able to get married. My being able to get married should have no effect on heterosexuals to get married because his ability to be married is not going to affect my marriage and mine is not going to affect his. I feel it's time for the city of Austin and the state of Texas and all the other states in the union to recognize that marriage between two individuals whether it be heterosexual or homosexual be the

[inaudible] of those two people in that party. It's time to end class citizenship. Gay people pay taxes too and we should be treated equally and have the same rights as the heterosexuals. I'll wait on the other two that are coming up later.

[10:31:17]

>> Mayor Leffingwell: Thank you. Richard troxell. mayor, councilmembers, thank you so much for being here and for everything you do for the city. My name is -- pardon me. Richard troxell, president of house the homeless. Item 31 is the reauthorization of front steps as the operator of the arch. What I would like to do is just add some more information to this picture. Steven, if you would please put up the first picture. This is the waller creek, a slice of the waller creek area, the big elephant in the room is waller creek. You can see it traverses red RIVER, 7th STREET, CESAR Chavez and on down there. What's not on here is -- slide 2, steven. Thank you, sir. What I've done is I've placed the homeless service providers in the immediate downtown area on to the slide, the graphic. In the upper left-hand corner you can see first baptist church that provides bus passes. Coming down salvation army next door to the arch, next door is caritas. Over to the left-hand side of the screen is trinity center with the increased emphasis on people experiencing homelessness, especially women. Coming down the chart we see palm school, and to the right of the middle of the screen you see angel house that provides lunch. Palm school, by the way, provides all sorts of social services including food stamps and these types of things. Coming down 35 at 56 avenue or mhmr, austin county integral care now called. Over to the right if you walk down cesar chavez, turn right on comal, you go five streets, you hit martin middle school. This the evenings we have legal aid provides legal services there. My point is this. Every day we have hundreds, no, maybe a thousand people that are experiencing homelessness that are walking across this corridor. This -- this corridor, waller creek, that is now being developed massively is going to bring millions, perhaps billions of dollars to this city if gambling is passed and we have a gambling boat ends up on town lake, lady bird lake. My point is this. There's been a huge hue and cry to move these organizations in the last couple of weeks, the last few days, even from our police chief has chimed in, chief acevedo. These places aren't going to be anywhere because of nimbyism. We have tried many times, but if we had private dollars --

[10:34:40]

[buzzer sounding] -- if the business community got together and said we could provide these dollars, we could consider moving individual --

>> Mayor Leffingwell: Thank you, richard.

>> -- Any or all of these organizations.

>> Mayor Leffingwell: Mayor pro tem cole.

>> Cole: Richard, could you break down briefly what -- what do you mean by private dollars? Private individuals?

>> To me, what I would do, I've already called a gathering of the social service providers and discussed this with them. I think that they need to now meet with the members of the business community in the downtown austin area. We have a bid down there. I think that they should consider raising massive amounts of money to look at this picture and help us collectively as a community put the dollars on the table to end homelessness in this .

>> Cole: As you know, we've been working on it and I support you wholeheartedly in that effort to have collaboration between the social service community and the business community, and I especially support you on the idea of waller creek bringing billions of dollars to this community.

>> I know you do. Thank you so much, councilmember. Thank you, mr. mayor. Thank you, council.

>> Mayor Leffingwell: Gus pena.

>> Good morning, mayor, councilmembers. Gus pena, proud native east austinite, proud marine corps veteran. I am also a former council on attorney for vietnam. My topics are item number 26 and 32, I believe. Specifically dealing with mental health issues. Mayor and councilmembers, city manager, I've worked with the youth and children many years even when I was a student at johnston high school in the sick tease. Mental health issues are the rise. Anger management with youth and adults and the family. Add, adhd, bullying on the increase. This is a mental health issue. And we started dialoguing with the aisd back in 1980 about bullying and that was in 1980 and now it's become an increased problem. We're seeing mental health issues on the rise and families that includes a veteran who is returning from iraq or even afghanistan. These kids tend to, these children or youth tend to pick up on the adults. It's not the adults' fault. When we were in vietnam, we picked up a lot of mental health issues. Ptsd, agent orange, whatever. But issue is we need to find more funding. And I thank dave evans and austin-travis county integral care for providing -- and other agencies for providing mental health care treatment because it's very important to keep these youth in a proper direction. We're trying to -- it's a big battle to capture the hearts and minds of our children used to lead them into the path of higher education and positive activities. Healthy lifestyles and sufficient employment. We don't want them to become batterers, to assault their wives and girl. This is a no-no. We teach them not to do that, although it does occur. But I wanted to tell you we need to allocate more funding to curb and combat mental health issues. It is on the increase. A lot of people cannot find jobs because this is one of the issues that keeps them from being gainfully employed. troxell's statements. Back when will wynn was councilmember, one of the areas that we were strategizing was use the old school on airport boulevard and 7th street, it had an amphitheater, it had a clinic, it had everything. It didn't come to fruition because of richard says nimby, not in my backyard. I can tell you horror stories about being homeless. You want to listen to them? You know about that. In 1996 when I ran for city council, you were -- '97, excuse me, but anyway, the issues are there, it's going to get worse, a bad economy. I don't care what people say we don't have a middle class anymore. It's the haves and have nots and the haves are increasing. Thank you very much.

[10:39:26]

>> Mayor Leffingwell: Thank you. Rachel fisher.

>> Good morning, mayor, council, city attorney, city manager. My name is Rachel Fisher representing the Austin Apartment Association speaking on item 8, the director's rules and just want to show my support for the department, director Getter, Cohen, Jessica, they've all done a great job and opened our comments. Obviously this will affect our apartment owners, managers and just here to say they were very open, thorough, thoughtful and I am here to support passage. That's it so thanks for your time.

>> Mayor Leffingwell: Thank you. Chuck Smith.

>> Good morning, my name is Chuck Smith, interim director of Equality Texas here to speak on item 77. On behalf of our partners, the Human Rights Campaign, Anti-Defamation League, the NAACP, the Mexican-American Legal Defense and Education Fund, we would like to commend the mayor, mayor pro tem and councilmember Morrison for bringing forth the resolution supporting the freedom to marry. Seven years ago when the state of Texas went to the polls, the city of Austin and Travis County bucked that trend and as the community voted against putting discrimination in the constitution. Seven years later the city of Austin is prepared to go on the record and support the equal treatment of all its residents by supporting equality in marriage and the ability of lesbian and gay couples to marry the person that they love. It is symbolic in nature but it's important in its symbolism. You have the ability today to go on record and be on the right side of history and support the equal treatment of all residents just as the residents did seven years ago. Again, I thank the sponsors of this resolution and urge your support. Thank you.

>> Mayor Leffingwell: Thank you. Those are all the speakers that we have to speak on the consent agenda.

>> Cole: Mayor, I have a quick question.

>> Mayor Leffingwell: Mayor pro tem Cole, a question quick for you. One of the items that came up this morning is the fact that there's so much activity in connection with marriage equality and other discrimination issues at the legislature that you are working on. And I wanted you to give a brief summary of those -- I mean really brief because I would like to see us support those in some capacity as the legislature.

[10:42:13]

>> Sure. The city of Austin is a leader in equal treatment and continues to be and we're very grateful for that. Employment nondiscrimination is prohibited by the city of Austin. That cannot be said at a statewide level in the state of Texas. There is no statewide prohibition against firing someone because of their sexual orientation or gender identity. That's something that needs to be changed at the Texas legislature. Two parents, if a child is legally adopted by two mothers or two fathers, it is not currently possible in this state for that child to have both parents' names on their better certificate because by law an amended birth certificate for an adopted child is limited to a mother or father. Those are two of the most important things that need to be changed at a state level and we would welcome your support.

>> Mayor Leffingwell: Entertain a motion to approve the consent agenda. Moved and seconded. Councilmember morrison.

>> Morrison: On the changes and corrections, you noted item 44 was recommended by the --

>> Mayor Leffingwell: Parks and recreation board.

>> Morrison: And in fact it's my understanding they only recommended part of that. I'll pulled that off consent but since the changes and corrections were part of consent, I just wanted to get that identified right now and perhaps change the changes and corrections to say partially recommended by the parks and --

>> Mayor Leffingwell: We'll issue a changes and corrections to the changes and corrections a little later. All in favor say aye. Opposed say no. Passes on a vote of 7-0. With that, we will go to our morning briefings and the first one is on the seaholm district.

>> Good morning, mayor and city council, bert lumbreras, assistant city manager over city services. I'm here representing the team that's been working specifically on this project along with my colleague sue edwards who is overseeing this area as well. As you know, the city has had several significant projects that are in the works and being designed for the seaholm development district.

>> Mayor Leffingwell: Excuse me, bert. Could I ask everyone to hold it down as you exit the chamber. We can't hear the speaker right now. Please. Thank you.

>> Thank you, mayor. If,s as I mentioned, there are significant projects being designed for the seaholm district, redevelopment of the former seaholm plant and the green water treatment plant site. The upcoming new central library which we're very excited. The art wall surrounding the electric substation and then several key street extensions that go in line with this overall redevelopment. Each major project will design and construct component pieces of the surrounding public grounds. Since we have multiple design teams that are involved in realizing the public space improvements, it certainly has been a challenge to really get a good visual of the totality of what the public will see. So you get an opportunity this morning to see and experience for the first time a commission 3-d rendering that has been stitched together -- that stitches together the design of what has been the great work and the extensive work of five project teams that have really, really been working hard on this, and I'm very proud to be associated with it. So with that, let me introduce fred evans of egrso and cindy jordan of public works that are going to walk you there you the 3-d animation so you can really see the vision for the seaholm development district and the public spaces. So thank you.

[10:46:19]

>> Good morning, council.

>> Going to have to hang on just a second. Okay. We're on. Go ahead.

>> Good morning, council. Fred evans with the city of austin's economic growth and redevelopment services office. I'm very pleased to present to you all today a view into the public realm that we're creating this the seaholm development district. This first aerial is showing the heart of our district. On the left or west side is the union pacific railroad tracks. The seaholm power plant, the generator building, the seaholm substation. In the middle is shoal creek and to the right or east is the former green water treatment plant site. And then proceeding east is the second street district that we have in place today. As bert mentioned, we have many different projects in the works for redevelopment of the district at the seaholm power plant site as well as the new central library. The hardest led team that's producing a screen wall tore the seaholm substation, sentence of the roads through green water treatment plant and over to seaholm including new bridge and then the green water treatment plant redevelopment itself. Our animation starts out where the second street district currently ends as west end. As you approach the intersection of second and san antonio right now you have a view of the decommissioned and deconstructed water site and you can see the stacks of the historic generator building. The animation will pick up from this intersection and start to carry us through the green water treatment plant site. As you can see we're carrying the second street district through the green water treatment plant site. This includes the wide 32-foot sidewalks with double row of trees on the north side and the 18-foot sidewalk on the south side as well as the pedestrian improvements that go along with the great streets. On the right is where trammell crow is proposing to do the office tower. Trammell crow's design is probably the least developed of all the projects that we're working on now. They are just entering into design for green water, but they were able to provide us massing models to drop into our animation. On the south side of second street along both blocks trammell crow is proposing to have residential over retail. Continuing to the new intersection, we will be extending nueces down to cesar chavez. That's nueces that we're crossing. As we cross the street on the right-hand side of the north side of the street, trammell crow is proposing a hotel. You can see starting to emerge in the background is shoal creek and the new bridge that we're installing over shoal creek. At this point in the presentation I'm going to turn it over to cindy jordan, who is the project manager over the second street extension and the new shoal creek bridge as well as the central library.

[10:50:17]

>> Thank you, fred. What you are seeing here, again, is a gateway of where we're going to cross over shoal creek and enter into the last piece of the extension of second street. We're standing here basically on the north pedestrian way of our new bridge. The bridge is what we're calling a butterfly arch. The arches are trapezoidal fields and that's the criss-cross that you see. The pedestrian is separated from the vehicular way with openings so that light will be able to get down in from the bridge down to shoal creek. From this vantage point you can look north and see the hike and bike trail and the lance armstrong bikeway. You can see the screen wall around the substation as well in the distance the highrise from the seaholm redeveloper to the right and the new central library to the left. This is an earlier image of the screen wall that is going around the seaholm substation. I'm not sure fred mentioned, but all of our projects are basically a design development phase which is 60% of the design so we still have some work to do, but we really wanted to bring this forth at this time. The animation continues over the bridge and into the last section of second street. We are designing this section of second street as well as west avenue as a festival street. There will be no raised curbs, there will be level with the pedestrian and

vehicular way and the separation is going to be installed with bollards. Retractable or removable that will allow any festivals an open and clear area for pedestrian and festivalgoers to use the area. This is a more rendered image of what the area would likely when opened with vehicles. You are seeing the green areas we're going to be installing rain gardens for water quality control for our roadway. We move further down to the intersection of west and second street and this is what the final image looks like at the intersection. You see the historic seaholm power plant building in the ground as well as the roadway and the under section with the bollards is going to be constructed. As part of the seaholm screen wall, there is going to be an element of a bench that's going to be included as well as overhangs. It's not contactly at this location but it's further down the way so it's a really nice public amenity to have pedestrians or any visitors in the area to be able to have a place to sit. I'm turning this back to fred.

[10:53:15]

>> As we -- this is still at the intersection of west avenue and second street. We're starting to look around the screen wall. And you can see the opening between the historic generator building and the new construction to the north of it that is the gateway into the seaholm plaza. The seaholm plaza will be acting as the destination and anchor for the west end of the second street district. The seaholm developer, seaholm power, llc, provided these renderings of the public plaza that will be within the seaholm development standing in the southeast corner of the plaza, what you see on the right is the ground floor level of the highrise residential which will have retail and restaurant spaces and the background is the low-rise portion of the new construction that would have trader joe's on the ground floor and offices above. As you can see, we're planning very well landscaped plaza area which is like the city hall plaza, it for the most part is a green roof over an underground parking garage. Switching the vantage point to the southwest looking back to the northeast, again, the highrise apartment tower sitting on the garage podium and with retail and restaurant below. And another vantage point of the amenities in the plaza. And then this would be standing outside the plaza side, trader joe's entrance looking back towards the historic power plant. The stairs to the left go down into the underground garage that would be serving this development. We'll move from here to the intersection of third and west avenue. Right now this is a view of what we currently have there with third street being the green area that proceeds off to the left and the west of west avenue to the right. When the art wall is put in place, we will have a corner condition that is much more presentable and as you might recall the screen wall has large dimension timbers or cast elements that form the screen wall on the north side transitioning to perforated metal panels on west avenue until the masonry on second street. Animation will take us down west avenue along the art wall. And as we are heading south towards cesar chavez, as you can see the central library is very prominent on the left as we approach the intersection. More rendered view again in west looking south at the intersection with second street. The entrance to the seaholm plaza is to the right and library is to the left. The animation will carry us around the corner. Give us a chance to look at second street. Again, from the intersection with west avenue, but in this case looking back toward the east. I guess making this corner is tough on the computer. It slows down. This is that view looking back to the east. Again, second and west avenue intersection, library on the right, substation on the left. As you can see, we're creating a very nice space th could be used abprogrammed for festivals or other events. This the background you see the foot of the arches on the bridge and the kind of mustard

color masses are the models for the green water treatment plant redevelopment. At this point I'll turn it back to cindy jordan.

[10:57:39]

>> Thank you. Now we're at the intersection of the extension of west avenue and cesar chavez, the southwest corner of the library. We're going to be able to -- what you are seeing in front of you is the lance armstrong bike way crossing as well as the pedestrian way crossing. You you will be getting a briefing on the library in just a minute. This is what the southeast section will look like, the lance armstrong bike way and there's a intersection precinct the pedestrian way and the led which we're changing the materials so the intersection is highly visible for pedestrians and cyclists. The pedestrian way is the -- coming from the bridge over shoal creek on cesar chavez and we're taking pedestrians on to the plaza of the library which we think is a really great idea. Interact in that location. This is an image of what the bank of shoal creek looked like earlier this summer as if you were standing on the shoal creek bridge, cesar chavez bridge, and this is how we hope it's going to be when we complete the development. In an earlier rendition of it. The planting materials will be much softer, but you can see the trail is coming down, it will connect to the existing trail at lady bird lake and the lance armstrong bikeway going up along cesar chavez. You see in the distance we're going to be building an amphitheater in the park and you see the bridge there to the right a little. Again, we are on the lance armstrong bikeway. You can see the amphitheater to the left and the new development from trammell crow in the background. This is another image that's further up the trail. This is where the two separate, shoal creek trail to the right. You can see the bridge again in the ground. This is an image of what the bridge could look like in the evening. We're going to be lighting the trapezoidal shaped arch with narrowly focused led lights and the handrail will also have a light to light the path way. Now we're going to go to the north. This section right here is where the trail, existing trail meets the new trail. And we're coming south and we're going to come and identify, there's stairs that are going to be able to allow pedestrians to leave the trail and either go up a stairway to second street or back at the transition point from the new trail -- the new trail and existing trail, we will have a a.d.a. Ramp that's going to allow pedestrians and cyclists and any other mobility impaired individuals to be able to leave the trail to go up to second street. This is just another rendering of that intersection. The animation takes you further down under as we're coming close to the bridge. We will have lighting. It will be secure. We're excited about these amenities in this area. I'm going to pass it back to fred again. Thank you.

>> That concludes our presentation on the public spaces as we've been able to stitch them together from the various design teams. And we stand ready and available to take any questions you might have.

>> Mayor Leffingwell: Councilmember riley.

>> Riley: Fred, first i want to thank you for the presentation and for all the work on this. It's a very exciting to see it all come together and so much of what we've seen, it's going to be spectacular and I appreciate all the work and the thought that's gone into it. I have just a couple of questions to clarify some of what we've seen. First, as you showed that image as you are heading west along second street past -- past san antonio on to the old green water treatment

plant plant, we saw the buildings, the office tower and the hotel. I think you mentioned the office would have retail at the ground level and i didn't hear about the ground level of the hotel. But we didn't really see any activity in the -- in the video. Right now on second street an important part of the existing second street is the sidewalk cafe that has risen up along with retail uses. Would you expect we would see some sidewalk cafes and other active uses all along second street similar to what we see on the

[inaudible]?

>> Yes, absolutely. When the city selected our development partner, one of the things we made very clear, we wanted the continuation of second street. And as part of the master development agreement that's been executed, they have minimum square footage requirements for the redevelopment of ground floor retail spaces including, if I remember correctly, 50,000 square feet minimum along second street itself.

>> Riley: And you would expect some of that restaurant space that would have sidewalk cafes is this.

>> Yes, very much. The retail spaces that we're permitting are similar to what we set out had the rest of the second street district.

>> Riley: Great. I wanted to touch briefly on part of this that's been a challenge for all of us and that is along west avenue. And a lot of it stems from the fact we have a great active plaza and very cool use of spacing into that plaza north of the seaholm power plant. What that means is the service for those buildings that surround the plaza, you can't really have those services that go on to plaza, they get moved to the outside and in particular west avenue and I know that's created difficulties in terms of activating space along west avenue between second and third street because you've got -- on the one side you've got the art wall for the substation and on the west side you've got the residential tower. And the issue is what are the conditions going to be like along west avenue. And we've talked about that a lot and I appreciate all your work. Can you just touch on first how wide do you expect those sidewalks to be? It looks like the one along the wall is going to be wider on the other side.

>> Along the wall it will vary because the screen wall and the gates and the access and maneuvering room for the vehicles that go into the substation vary. It does narrow it down at the pinch point to a minimum of five foot clear between the wall and the bollard so we have minimal pedestrian passageaway. We kept what we could on the west side of the sea mobile home development where we have street trees and other amenities. That -- I don't believe it ever gets narrower than 12 feet this that area. You might recall the design team or the developer has actually recessed at the very tightest pinch point has recessed their building in the ground level at the southeast corner to produce a much more generous pedestrian space in that area. The design team has heard all of our concerns very clearly and is looking right now at at least two different design approaches for the ground level of the residential tower, which as you said is not as highly activated because it has transformer and other services uses. They are looking at both. One scheme we particularly like is where they are proposing to take salvaged glass insulators from electric utilities and creating light, recessed lighting that could be also animated itself in the wall.

They are also looking at the possibility of doing like a austin energy time line. But they are trying to provide some level of articulation and interest along that wall that ties to the history of the site as part of the austin energy infrastructure.

>> Riley: So there won't actually be any active use along that frontage, but we might be able to do

[inaudible] for the creative use materials like you are describing.

>> Right.

>> Riley: The last thing i wanted to talk about the shoal creek trail. I appreciate all the images of what people are going to see when they come up the trail and glad to see the trail going under the new second street bridge. When we get to third street, outside the scope. Some years ago the trail used to be under the trestle, but when we -- the 72-inch pipeline that crosses the creek, put in a new pedestrian bridge, at that point the trail -- they weren't able to get the trail under the inch bruchette, it comes up and around. We've talked about the long-term goal of getting that back up above the bridge. Have you all looked at that and do you all see a future in which that can be accommodated?

>> Yes. We've in working with the parks and recreation department as well as watershed, that is clearly our goal. And throughout and working with the bike and ped community. Our goal is to take the main trail under the vehicular ways and provide a.d.a. Accessible ways up to the street. It will be the missing link when we complete this and we hope to be able to address that in the future capital improvements.

>> Riley: Future capital improvements. I know we've been able to do some infrastructure improvements on some improvements in the area through the t.i.f. I know the bowie underpass is funded largely through the t.i.f. Is there any way that could be funded through the ?

>> Council's policy directions we would have to look at the cost and the projected revenue from the to confirm that it could accommodate it within the duration of the t.i.f.

>> Riley: Okay. I think based on the sorts of things we've seen here, i expect this is going to be a very successful project. There's going to be a lot of excitement, a lot of energy in that area. And as we see more and more trail users down there, i think there's going to be excitement about how cool the trail is and that's one little area where people are going to have to come up to the road. I think we'll have the conversation about fixing the gap. I would note further upstream right now, of course, there is a gap between west avenuen a fifth street along shoal creek trail, but there is an active project that will fix that. By the time this stuff is in place, we will have fixed that gap, am I right, so it actually will be a continuous trail all the way up to pease park. It going to be a lot more prominent and see a lot more usage at the time this comes together. Anyway, I know you all have invested a lot of energy and resources into this and I'm very excited about it and appreciate all your work.

>> Mayor Leffingwell: Councimember spelman.

>> Spelman: Councilmember riley actually made the point about the wall that i wanted to make. Your animation clarifies how interesting the space is going to be. To see that wall and how uninteresting the space becomes when you have that flat wall on the right-hand side of the street and anything you could do and just seconding councilmember riley's concerns, art installation, I know we don't have enough space for food trucks but food vendors or anything else that will create the opportunity to stop and do something rather than trying to get past that wall as quickly as possible and get to the next thing that might be interesting. The only other issue I had was with the bridge over shoal creek. That butterfly confirmation, is that an engineering issue, is that a design element? Why was it done that way is this.

>> It was just a design element. We had multiple different choices and we worked through a systematic way of deciding which we liked the best. But whether to have a vertical arch or whether went to cant, we all agreed the cant was much more attractive as you stood on the street and looked down. Anything vertical would look like a tree. You cant it and immediately it looks different and draws you to it.

>> Spelman: It opens up the space a lot and also provides some measure of aesthetic protection as you are walking down the pedestrian walkway on the other side. Looks like a great idea. Wanted to congratulate you on that.

>> Thanks. We had a really good team.

>> Spelman: One last point. Just a little thing. I notice that you had a lot of pictures and people in those pictures and I noticed at some point they are the same people. There are only six people taking the tour.

>> We follow them through the district. They were just walking everywhere so we just followed them.

>> They seem to be having a good time because they were everywhere. If you have a few thousand extra bucks, buy a few more people.

>> Along with a yellow vw bug.

>> Mayor Leffingwell: Councilmember morrison, did you --

>>

>> Morrison: Just briefly, I think it was really great to get a feel for it and i think treatment of the creek is important and I enjoyed the way it's shaping up along the library because i think that's a great opportunity for having some urban nature. You all probably read an article recently in the newspaper that raised the question of the underpass at bowie which I think is going 8 million and if I remember properly we had to expand to cover some of that. And the question raised was do we really need that connection with all the other connections going on there. Do you have any initial response to that or have you all sort of looked at that holistically? And maybe you are not

the right person to answer that question and maybe you don't want to answer it now, but i think it's a good question to ask.

>> The -- one of the primary challenges to the bowie underpass was that we would have these additional north-south corrections. Seaholm boulevard just being --

>> no, go ahead.

[Inaudible].

>> Sue edwards. We had that discussion yesterday and we have a memo coming out to you later on today or first thing in the morning which we believe clarifies some of those issues because some of the article was incorrect. And I'm going to ask greg kilo to talk about the funding. And we have bike representatives here also to might be able to clarify that too.

>> Thank you.

[One moment, please, for change in captioners] .. before the project was put on hold during negotiations and the project changed since then. We've added elements, including the -- the bridge replacement over second street, where we extended it by the seaholm power plant, so there are elements of the project that go beyond the regional concept. And that's why the project grew and initially we were saying five million. A bit of a guess. And now we've -- we've 8 million if necessary. I don't think it's going to cost that much, but we don't -- I can't give you an answer, a better answer than that today. In a couple of months, when we look a little more at the railroad, have our 30% cost estimates and drawings, we will have a better answer. The other item that we wanted to point out, the statesman questioned some of the -- whether some of the adjacent roads could serve as alternatives to that. Ment and we -- we, including the bike program, which is working very closely on this as well, don't believe that the same kind of quality, accommodations are available on the adjacent streets because they are narrow, there aren't room for bike lanes, they have steep sections, they have a lot of -- a lot of loading dock and parking garage entrances and exits. So we believe the plan that has been through a very lengthy process and to council several times is still the best plan and there are some other improvements. If you have others, bike-specific questions, chad might be able to help answer those. Ful.

>> Morrison: Appreciate that. I'll look forward to the memo. I think it's not a simple oh, let's just not do that and planning something else, I realize, because it's really the extension of the pfluger bridge and just not doing that wouldn't be a simple answer and i understand the connectivity is really the key here and if the bike representative could just comment on the connectivity issues, I would appreciate acreage that.

>> Sure. Good morning, councilmember. My name is chad craiger, I'm with public works, neighborhood connectivity project manager. And the -- the article itself mentioned four other north-south routes and that the bowie underpass was a fifth. And those routes are starting from the west, that will be the new at-grade crossing that's by the amtrak station. Note that's on the west side of lamar, if you are a cyclist or pedestrian coming across the pfluger bridge, that's somewhat of a detour to get over that. The crossing at bp is part of the bowie underpass project

that greg mentioned. It's not just the bowie underpass that we are talking about. The second place that the article mentioned was going up seaholm drive, seaholm drive as part of the new district will not have bicycle facilities, there's not enough room for bicycle facilities on that roadway. The next north-south street is west. Again west street. There's not enough room in the right-of-way to have bicycle facilities. So those two roadways without bicycle facilities, while they're north-south routes, but not necessarily for a bike friendly city. The fourth option was using the lance armstrong/shoal creek trail. That route while very nice once the gap project is done between fifth street and west streets, doesn't have as many ways to get back up to grade. It's more of a recreation or long-term commuter route. There's no many ways you can get up to where whole foods is or other areas along there. So it's also about half a mile out of the way to the east. And so it does not directly line up. And if we look at the bicycle network as you would with vehicles, what we're trying to do is establish a network where people can go north-south and east-west easily on bicycle friendly facilities. I will just reiterate while the article mentioned that the bowie underpass, it didn't mention at the at-grade crossing and didn't mention also the second street bridge which right now second street is closed. There's some barricades up there. Once that bridge is replaced as parts of this project, that will also help vehicle mobility. I will point out that the overall project helps vehicles, pedestrians and bicycles for mobility in austin.

>> Morrison: Thank you for that explanation.

>> Sure.

>> Mayor Leffingwell: Councilmember cole. I just had a couple of questions. We in a resolution actually made a big issue about the pedestrian areas along this trail and shoal creek and i want to make sure you talked a little bit about the electrical vault and while we want to have ae safety i don't want that to interfere with the pedestrian walkway. Can you talk a little bit about that?

>> I believe I was trying to think of which -- which vault we were talking about, along west avenue.

>> Cole: Yes.

>> At the service level. The design council has opened the door for -- for -- for transfer of vaults to be other than at grade. But the design was so far along at this point that it was not available to locate the transformer vault from west avenue. So if -- if it had to remain there along with the loading dock, along with the fire pump, along with several other support functions.

>> So it's not going to be as pretty as we want it. Okay.

>> Pretty as I want it.

>> Okay. But I appreciate your efforts to do that and I'm assuming that we'll do so in the future with other --

>> yes, we were very pleased that option is back on the table in future developments.

>> Okay, thank you.

>> Councilmember tovo.

>> The thanks very much for presenting this vision to us, it has very interesting elements so thank you. I wanted to talk a little bit about the resolution that this council passed and probably about 2010 that austin should -- austin aims to be the most family friendly city in the nation and part of that resolution, if it wasn't contained in the resolution, it certainly was in the families and children task force report that all of our public spaces should be designed with an eye towards the needs of family and children. Part of that is pedestrian ways and go sidewalks, but i wanted you to talk about the families and children, to the extent of focus groups with parents and children to help you brainstorm for elements that would be family friendly or could you just speak to that? I'm reminded of an ongoing process that the -- that the waller creek conservancy has undertaken and they have brought together some parents who are very actively brainstorming looking at best practices, compiling ideas for palm park, they are called i think parents for palm. Mayor pro tem cole just stepped off so she can't help me out with the name. They have come up I hear very interesting ideas. I think we really need that kind of energy brought to bear on these public spaces. I wondered if you had an opportunity to do that and if not what your plans are do for doing so.

>> Well, throughout the district, we have kept an eye toward family friendly trails and pedestrian amenities that we've seen. There's also art in public places project that's associated with the second street extension that has a family friendly focus. The art wall designers have been looking for ways to make the wall itself more engaging and interactive. Within the seaholm development, when we initially started the design way back, the city helped bring in people for public spaces to help define how to activate that plaza and make it accessible and usable by all. That design I object put has carried forward -- input has carried forward into the design. But we have not on the seaholm project had specific community outreach effort on that subject.

>> Tovo: Thanks. You said that the project was public spaces.

>> Yes.

>> Tovo: I see mr. Lumbreras, maybe he would like to jump in here. I appreciate the work that you've done, I think that it's important, but I do think that we need to approach these kinds of public spaces differently than we have in the past. Sidewalks are great. And having pedestrian comfortable areas are part of it. But we really do need to take a more assertive role, I think, in reaching out and pulling together some of the newer more innovative thinking that's out there.

>> That's correct, councilmember tovo. We have had some initial meetings where we've actually had some input into overall thoughts in particular regarding the new central library, that was the presentation we were about to do next, we have had initial discussions incorporating any interactive elements that we could. And I know that staff is planning to continue to have those focus groups and continue to have input as we get closer to final, you know, design element, which we're not there yet. But we're committed to making sure that we incorporate as many interactive elements as we can around and even inside the facility itself. That includes not only

the children and the teen areas but then also outside around the creek and anywhere that we can within the facility. And I know that I've charged kimberly mcneely and sarah hensley in the parks department to kind of lead that effort and they have been very much a part of that discussion.

>> Tovo: Great. I know we have had that conversation with regard to the central library, I have heard through the grapevine of people who reviewed it that there are some exciting things going on. So now let's talk about the street scape and the public libraries all around the central library because those are critical. If we are really going to become the most family friendly city in the nation, we really do need to think about not just areas that are traditionally appealing to families but all of our street scapes. We have very limited scroll over our what private developers do downtown but we have lots of control over the areas that are public space. So thank you very much, i hope we can continue this and maybe think about ways to really bring in that element in an authentic and full way.

>> Mayor Leffingwell: Continue with your briefing.

>> Thank you, mayor. The next piece is we are presenting now the updated plans for the new central library, which will continue to develop from the schematic designs that this city council did approve last fall. The design continues to follow the council's direction to deliver an icon iconic signature facility which we have termed the library for the future, we are excited about that. Today sid bowen and david lake with lake flato are going to walk you through the program designs. It's 60%. We are in line with our schedule for design completion scheduled for the spring of next year. Later on, before we close in terms of our next steps, we will point out to you in february we're going to bring an item back to council for the construction cost limitation. Ment and then, of course, the much anticipated breaking ground for the facility that we're scheduled for the fall of next year. So at this time, let me turn it over to sid bowen and david lake so they can make the presentation.

>> Good morning. Well, we're excited to be here, this is a view of the library from across lady bird lake looking at the welcoming lantern of the central library and a really important new presence in the city and really a home, speaking of families, for all families and all citizens to enjoy.

>> To the question that was raised with respect to families and children, the programming of this project began really almost three years ago much and we hell focus groups with a number of citizen committees and groups, including students. And so the whole issue of how the library is going to serve the community was addressed as much as possible and as early as possible. But fundamentally, as you know, as the age of electronic delivery of information has overtaken us, I had to remind a reporter yesterday that when this project began the ipad had not yet been introduced, so we're really in a period of change. But this is a public building. So flexibility, blended spaces that blend the traditional library which is the place for books with more space for people, a focus on electronic delivery of information, state-of-the-art technologies, community gathering places that promote discourse, discourse somehow got dropped from that slide but that's what it's about. A mixture of both lively and contemplative spaces, to encourage discovery, much more like a retail environment than a traditional library where you have to find the books.

We are going to intersperse the books for places to sit so they will discover things they might not discover otherwise. There was a 200 car parking garage. If everyone drives a yellow volkswagen we can get more spaces in, but we are counting on 200 of other sizes.

>> So looking at the plan of the building, one of the elements that was critical in our feeling to the success of the building was to be very welcoming and embrace all aspects of how people are going to approach the building, so from cesar chavez, which is the bottom of the slide, there's an entrance from cesar chavez. There's an entrance from shoal creek. Which is to the right. Right off of shoal creek and there's also an entrance from second street. So now all of a sudden this building, which is highly unusual for the central library to have three access points and I have to applaud the library for really getting their arms around this and being open minded about having a library that has so many points of entry, and it's really serving again ways of getting to the library and you can imagine as many times as cesar chavez gets closed for events and being able to move in from the south, in from shoal creek, really a fun way to come into the building and the entrance from second street is actually on the second level of the library because of the change in grade. So the building is really accommodating the 12 feet of fall across the site in approximate a really elegant way that's accommodating movement through the building. Then this -- whoa. That was quick. What happened? I go from there, to there. It doesn't want to s that. There. That's the view from -- from cesar chavez at the entrance, the very center of the slide, that's the cesar chavez entrance and on the right, the two story porches which are I think going to be an iconic element to any line in the united states, outdoors in this climate and then underneath that porch is the entrance into the event forum and this is what happens when me and technology. I just --

>> I'm going to step away from the mic.

[Laughter] the first floor, the cesar chavez entrance, is really serving primary an event forum. It does have a mind of its own. The event forum shown on the lower right of this slide is not like an auditorium in the sense of tiered seating. It's open for many types of uses, that was a fundamental goal to make the being flexible in all levels. That slide that keeps jumping by us is showing one way they anticipate the space to be used. It's a new space for the library. We've had lots of conversations about how to make it active at all times. At the same time because it's on a separate floor from the main circulation desk on the second street or second level, it doesn't have to be active for the library to be an active space. From second street at the second level, you'll see an entry that leads you into what we call the center of the library. This is what permits us to have three entrances. We can basically control the library from this center point on what is the second level. So from whichever direction the public arrives, they will be greeted at this level and then enter in essence the real library.

>> One thing that's critical in this floor is animating second street. You had a lot of questions about how is second street going to feel. So we have a cafe restaurant that opens directly to second street. And to the left of the entrance is the library's own book store, so we're going to great lengths to animate the second street facade, having tables and chairs filling out towards second street, have this incredible terrace that overlooks shoal creek. It is going to be a cool hangout for everyone. Including families.

>> Then once you walk in the front door and you move through to the lobby, this is really the heart of the library. It's a six-story atrium with easy to navigate stairs and means of moving through the building, but principally it's all about harvesting daylight. Really bringing daylight into the building all the way down to the first floor. And we've been working with specialists from the northwest to angle lighting elements to harvest the daylight and drive it into the building to make it one of the best day lit buildings in the united states. Then this is the view from second street looking towards seaholm and to the left is shoal creek and also to the left is the double height porch. Those are screened porches so you can hang out there and not worry about any mosquitoes, moths or whatever, also, you kid can't fling things off the porch. Something critical for the librarians to consider. No book tossing and then the very middle of the image is a projecting bay window, which is actually the teen room, on the other level. The upper level is the great reading room, below that is this wonderful restaurant looking out to shoal creek. To the left of the restaurant is the entrance from shoal creek the projecting arbor element. The level up, the third level, the level up from the circulation desk, contains level 3 and 4 on the west avenue side is staff, putting staff on two levels, in essence more opportunities for interactions between staff and public. At this level children and teens are the driving force for the program. The chin, as david mentioned, have a -- the children, as david mentioned have a porch of their own. The teens have their own area prominent from second and visible in the community. But it enables us to make both quiet spaces for those of us who want quiet spaces and slightly noisier spaces for kids.

>> This is a delightful screen porch from the kids level looking out to lady bird lake and you can tell it would be a very joyous exuberant space where kids can be as loud as they want and still be in the library. Then this is the teen level, which is a -- a bit more grownup feeling than the children's area and incredible views to second street and to downtown and to shoal creek, a really pl place on hang out and just be part of the city. And again this is the view from shoal creek looking from cesar chavez to the left. And there's the amphitheater that cindy mentioned earlier. So a lot of thought here about the space between the library and shoal creek. There's major spaces for families to gather, hang out, there's a bike porch on the right. For bike parking off of the hike and bike trail. So we call it the bike corral, but there's enough storage for over 200 bikes, that's on the right. So it's a very welcoming at the shoal creek level and to the left is the event forum that opens out to the porch, so you can mean when south-by-southwest or book festival happens, cesar chavez closes, you can move in and out of the library directly into the event space without actually having to go through the security of the library itself. So the room becomes a very flexible, fluid part of the -- great room for the city.

>> One of the other aspects of this project that's been challenging but important is this outdoor space that you are seeing here is really not part of the library project. We are building in essence from border to border on our site. But the integration and communication monday other projects in the city related to the second street bridge, the park area, adjacent shoal creek has been frankly wonderful. So we've had lot of conversation that's helped us all address both materials and spaces in a similar way. The next level up, level 4, is where you start to see in dark blue more of the books. But on the upper right is the reading room, which as david said is the second level of the lantern on second. Libraries historically have had great reading rooms. We're not going to copy and paste from the past. But this will be a space again day lit, focused more on a place to take a book rather than find a book and go and sit and do research or read. Above that, level 5

again much more space for books. You will notice around the atrium, day lit space, light green is spaces for the public. The trapezoidal spaces into the blue are meeting rooms, scattered basically throughout the building. You will see more of them against the light so they are visible when they are vacant, they are easy to get to. Then this is a view from the upper level atrium, again showing how the roof configuration is really beaming light down five to six stories, how ambient light is prevalent throughout the space. Very elegantly day lit environment and welcoming great city living room. Then when you finally get to level 6, there's an outdoor reading garden, a green roof, if you will, that's shaded by a solar array that's going to provide a significant amount of energy to this building.

>> Then the view from the west looking at the seaholm on the left, this building becomes a great portal to this district and to downtown, a very welcoming presence on the skyline.

[Laughter] there we go. Okay, so the building itself was designed from the very beginning to be highly sustainable. We are pursuing a leed gold designation, but more importantly the building integrates systems in a smart way. We've talked about daylighting, it uses natural materials from central texas, it's hooked into the chilled water system, it has a large photovoltaic array on the roof that is the largest 200-kilowatt array, the largest pv installation for a non-austin energy facility, in that regard it's clearly saying being proud of what we do. Also more importantly at the end of the day, operating at 30% more efficiency, more efficient than code requires, resulting in energy savings of equivalent to 130 households per year. So we are very committed about having the building perform in a smart, practical and efficient and sustainable way. Sustainable economically as well as ecologically.

>> As you know the construction budget for this project is \$90 million. We are through design development, hensel phelps, and an independent consultant on costs have given us cost estimate on the last few days, most of which are below the 90 million target. They are never in agreement when it begins, we need to work through all of those but we are within budget. We have this presentation and one to the library board on monday. In october of this year, design development is complete. There are still discussions with the city to review the work. But then we will move into construction documents. And we are looking for council approval on cost limitation in february. Construction documents complete next spring. Or sorry spring of 2013 and ground breaking fall of 2013 with opening in 2016. That's -- that's a conservative schedule. It could be beaten. We'll have to see.

>> We will end with the pretty slide. End with the pretty slide.

>> Okay. All right. With that if you have questions for us, we're happy to take them.

>>

>> Mayor Leffingwell: Any questions? Councilmember morrison?

>> Morrison: Thank you. There's no doubt that's going to be a great building, just going to feel great to be inside of that. It appreciate your work on that. One of the challenges that you mentioned is we are actually building property line to property line essentially and one of the

aspects that I've been a little bit concerned about is the southern entrance and just the feel of the southern along cesar chavez because it's pretty narrow, there's sort of an overhang. Could you talk a little bit about -- I guess I'm concerned about that being a gathering spot for people that just maybe want to hang out because I'm not clear how much activity there is going to be along there across there clearly across the street there as -- could you talk a little bit about how you are treating that?

>> One thing we acknowledged the -- we actually pulled the building back at the lower two floors. It was a big overhang. So it's actually more expansive there than I think -- well, the buildings in upper floors built to the property line, there's a very generous place for pedestrians to move into the front door. There is going to be the event forum that opens out to that space. That's going to be very activated, animated program by the library. I think the lance armstrong bikeway is going to be carrying a lot of traffic on it. I think once this whole district starts happening, you have movement around this building, the flows around this building are really going to be much like the flows that you see on the other side of the cesar chavez along the river. I think that as we know really creates security in a sense of movement and animation and welcomeness. So we don't really perceive that space as being problematic. We do feel that it's very comfortable and it's important that we provide the space for families and citizens to gather there and come in in a simple way and not feel tied to the street. It's actually set back quite a ways from the street.

>> Morrison: How far back is it?

>> Well, I could do the math. It's 7, 15, 22, it's about 35 to 40 feet back from the curb, give or take.

>> Morrison: The actual door.

>> Actual door, yeah, to the library.

>> Morrison: You mentioned it's two stories --

>> there's a loggia that protects you during rain and sun and facing south so you are protected, you are out of the weather, and you are well away from the fast speed traffic on cesar chavez.

>> And the bikeway goes right in front of it.

>> And the bikeway goes in front of it but there's a separate pedestrians way that parallels it. We know that bikers like to yell at pedestrians, that's just operator of their nature. -- Just part of there nature.

[Laughter] sorry, it happens.

>> Morrison: I'm sorry he will react to that in a minute. There's the bikeway, the road, the bikeway, the walkway and then the --

>> then the logia. So there's layers of movement as you move away from the lance armstrong bikeway.

>> Morrison: Thank you for that, then also you mentioned that you had been to the design and the downtown commission. Do you have a summary or some maybe just in a nutshell the kind of responses and comments that you got from folks there?

>> Good morning again, everybody was very excited about what they saw. They didn't have any major concerns with exactly this. They had more connectivity concerns with the presentation that fred and i gave a little earlier that we have taken back and were working with. So -- so without having my notes with me, I'm sorry to say, I don't believe we had anything of clear direction that they needed us to make adjustments to. They were very pleased with what they say.

>> Morrison: Great, you are taking is to the library commission yes.

>> On monday night for both presentations.

>> Morrison: Thank you very much.

>> Mayor Leffingwell: Councilmember riley.

>> Riley: I want to thank you all for a great presentation. It's so cool to see what's going to be happening down in this area. I want to ask just a couple of questions. Starting off with -- with questions about the first floor, if you could do -- could I get you to get to that point of your presentation where you are showing the -- the one level down. There. I think I heard you mention that you are looking at ways to activate that area around the event forum. And how often do you perceive that event forum actually being used for events?

>> Well, I think the library is committed to making this a -- a truly -- it's more important than just a community room. So there are lots of events that will be happening around the district, but more importantly there's opportunities when you have a convenient jew like this, what we found is that you don't really have a room like this now. For the city. Now this is a new -- this is a new opportunity. I think a lot of your citizens are going to want to use the room. I think the library is going to be sending people -- fending people off with a big stick fighting over the space. What we have found is there will be a breakfast event, lunch events, dinners events, after hours events. That's why we put this space where it is so it can be managed independently of running the entire library. So it really does become a true amenity beyond just the use of a library. So programming it is going to be very -- they have dedicated staff. Am I answering okay? I think that we're trying to go fast.

>> Riley: I think that you are absolutely right. I know the -- there's room in the history center that in the past has been -- there's been a huge demand for that. It's been booked solid practically. To the extent that it's made available for community groups I expect this space will be -- will be busy all the time. But I'm glad that you mentioned breakfast, lunch and evening events, one thing that I was wondering about is whether we could expect to have any -- suppose you want to go to something here and you want to have a cup of coffee, is there anywhere -- do you envision

anywhere in that area of the building -- i realize we're a level down from the cafe, so you complaint just -- it won't be that convenient to just step into the cafe and get something and bring it down to this area, would you envision anything like a coffee cart or anything else down in that area that would -- so if somebody could come here and -- and get some refreshments before --

>> well, I mean that's a good question. We have a catering kitchen. To support the event forum. And so there's opportunities for having more than just coffee. I mean, we imagine them capable of actually doing catered event, the light green to the left of the light green. Not only that being outdoors under the porch and having a coffee cart roll-out there for certain events. So there's all kinds of flexibility because of the catering kitchen located next to the space.

>> Riley: I know directly above this area just outside of the event forum, on level 2, there's -- there are a number of tables that are shown in that area. I guess if it's conceivable, if it is possible to get -- to get refreshments in the area that -- that you could always come in and place tables in that common area down here on level 1.

>> Oh, yeah.

>> That would be another seating place for people to hang.

>> I think that -- that it's going to be a fluid thing that -- that as citizens use it, the library uses it, being able to hang out on shoal creek at this intersection and look out to lady bird lake is a unique opportunity and it's shaded. It's under a big porch so it will be -- we anticipate it being used heavily. That's why we have shown big doors that go out to it. Can be opened for events. As I said before you can move in and out of the event forum without having to go through the lobby. So that allows it to really animate and be part of cesar chavez events as well as shoal creek.

>> Riley: So there's every reason to expect that this area would be active throughout the day?

>> Yeah, we really see the event space as being an animator, not a dark box. It needs to be programmed. We think as an amenity it will draw lots of attention.

>> Riley: Okay. I appreciated the slide on sustainable strategies, it's great to see everything that's happening here. Do you all have a particular leed rating in mind.

>> We are pursuing leed gold for the building. We think we are well on our way for that goal.

>> Riley: Can you give us a sense if we look around the country what other libraies have achieved gold or platinum? Is there a lot?

>> There are a few that have met that criteria. I think seattle was leed gold, perhaps minneapolis, but this building will be more day lit than those buildings are and more even day lit. We think the daylighting, access to views, okay this pivotal corner, it's really important that we have that sense of connectivity and be able to take advantage of this incredible site.

>> Riley: Really does seem like it responds very well, I appreciate your work, I'm excited about it.

>> Thank you.

>> Tovo: I just want to make a comment and just add my thanks. I think it's just going to be a fabulous project and i really appreciate the extent to which you have incorporated the ideas and concerns that you've heard earlier and especially thank you for highlighting the ways in which it is helping us advance to that -- in our goal of becoming the most family friendly city in the country. So thank you. It's very excited. It's a beautiful design and I can't wait until it's open.

>> Thank you.

>> Mayor Leffingwell: Thank you very much. Council, our second briefing is going to not be held today. Due to time factor of this -- that this briefing took about an hour. So we're going to schedule that -- either schedule it for a different time or send it out in memo form to all of the councilmembers. I would like to take up item 96 which is an eminent domain item. A motion requiring the language as follows with respect to 96 being a non-consent condemnation item. Motion that the city council of austin authorize the use of the power of eminent domain to acquire the property set forth and described in the agenda for the current meeting for the public uses described therein. So I will entertain a motion as I just read. Councilmember spelman so moves. Seconded by councilmember riley. All in favor say aye.

>> Aye.

>> Opposed say no. Passes on a vote of 7-0. We will go back to our morning agenda. 14, pulled by councilmember spelman. Riley, excuse me.

>> Riley: Thanks, mayor, i see mr. smith approaching. I do have a few questions about this. Item 14 is related to -- to parking area at the airport. This is the new employee parking lot project. And according to the backup, it entails the creation of -- of 1,750 paved parking spaces and a new parking area. So, jim, first thing that i wanted to ask, I wanted to get clear on who will be using those spaces. We talked about it at the work session. My understanding is that there's 300 some odd actual city employees who would be using the spaces. Is that right?

>> 1750 Spaces are broken over two lots. 250 Of them are expanding an existing customer lot. 15 Hunting into what we're -- 1500 into what we are calling the employee lot. In that employee lot we have our employees, all of our business partner employees, plus airline, crew, who have passed us to use that as well. There's a reminder, we only have 350 of the 3500 people who work the a the airport, work for the city of austin. So there's a lot of people who have to use that space 24 hours a day, as well as airline crews.

>> Riley: Okay. And I know when obviously when -- when regular folks come and use the main parking lot, they're charged for that. Is there -- is there any charge for the use -- do you expect there to be any charge for anyone using the -- this new employee parking lot?

>> Yes, we charge our business partners reduced rates for parking in there as well as the airline crews. It is not sufficient to come anywhere's close to recapturing what it costs us to build and separate those lots. So it's a -- it's a marginal fee.

>> It's a marginal fee. So we're -- we're paying for those parking spaces for all of our business partners. I asked the question about whether we were expending any resources towards supporting alternative transit as a way of reducing the demand for parking there. The answer I got was that regular employees get bus passes. Does anyone other than regular employees get bus passes?

>> I don't know. We did not poll our business partners to see what they do. With their employees.

>> Riley: When our business partners make use of those spaces, what's the basis of charging? Based on actual uses or does someone just get a pass that allows them unlimited usage.

>> They get a pass. Depends on the business partner. Some of the business partners pay directly and the employees don't pay. We have others that the business does not pay and the employees have to pay directly. So -- so it depends on the situation of who it is and they work it out with our parking manager and who pays what.

>> Currently the employees are parking in the regular parking, the same parking areas as the regular public?

>> Right now we don't have sufficient employee parking, so large chunks of our employees as well as flight crews, park at the same locates that our customers park in.

>> Okay. One thing that councilmember morrison asked about at the work session was the -- was the airport master plan. Just -- just recently at the end of june I believe it was, we approved an update to that master plan. I went back and looked at that. I was a little surprised to see that -- that you don't really see anything about this area, you don't see anything in that master plan about this step we're taking now. Even though we just -- it was actually the end -- it was june 28th when we approved it. That master plan sets out a number of anticipated improvements, including short-term and long-term improvements. The area that's getting a new parking lot now was actually in -- indicated under the future improvements for completion in 2035. It was nowhere to be seen on this short term improvements. Is there any plan that we haven't seen that does set out the plan to do what's proposed now?

[One moment please for change in captioners]

>> at that specific location, no.

>> Riley: The actual map of the airport doesn't indicate anything about that area in the long --

>> our master plan is essentially a bubble-type diagram that contemplates this area could be used for x amount of parking places, but it doesn't narrow it down.

>> Riley: Right. We've talked about in the past they talked about structured parking. Further expanding what I believe is the largest surface parking lot in Austin. And when I asked about that at the work session, the assistant city manager said yes, we intend to move towards structured parking which is the sort of thing might be addressed in a plan so we could no where we're going with long-term parking. Is there a plan to move towards structured parking?

>> Long term everyone airport runs into structure parking but you run out of land so but the difference between a surface parking space and 3 to 5 thousand and structured at 18 to 20 is significant. So one of the considerations is can you charge enough to recover your costs if once you go to structured parking. We try and balance out the number of structured parking places, what we think the demand for a higher rate of parking would be. And what we are doing currently is -- you are familiar with this, they award the design contracts and all of that for the contract facility. We're building a four-story garage that is going to have covered parking for our customers and four levels above that for rental cars. So the contemplation is over time the rest of that lot, which we call lot A now, the other half of that lot, which will remain surface at the time being, that will eventually be a four-story garage as well. But trying to time it for when it's appropriate for when we can recover -- the demand is there and we can recover the expense of actually building it.

>> Riley: When I look at the area, it looks like there's a lot of surfaces where you could just keep putting down surface parking. Have you actually done a plan to project out how far out, how much of that empty surface you would go with surface parking before you start moving towards structured parking?

>> It hinges on a variety of things. It's more the demand for the product and also has to do with our competition. We have two and about to be three parking competitors out there and the products they pray and where the customers want to choose to go. It isn't just all us driving the train. We also have to take into consideration what our competitors are doing and what their plans are for the future so we don't overbuild or extend what we're laying out and then not have sufficient demand to cover the cost.

>> Riley: I think that's a no, you don't have any sequence in mind, you don't have any plan how far you will go with surface parking before you move towards structured?

>> I think evaluated on a five-year turn-around time to take a check where we are, what it will look like the next several years and we do updates to our plans. But do we have one right now, no.

>> Riley: Is there an update to a plan that would indicate a use of this area for surface parking? You just mentioned doing updates to your plan. And that's the basis for when will you decide where parking goes. With this surface parking lot expansion has there been some plan to reflect the area for parking surface?

>> The master planning document is about seven, eight years old now. We update periodically when we think there's a need. Probably going to be updated in the next couple of years. Incrementally we may look at a variety of issues that pop up in between the adoption of that

master plan. Sometimes they are parking issues, sometimes they can be development issues, a variety of things. So we may bring in a consultant to evaluate that particular issue outside the scope of the larger master plan.

>> Riley: Okay. The last thing I just want to touch on is -- is the issue of parking cash outprograms. Right now one way to help fund the -- one way to fund parking expansion is to be able to use spaces for public use. Instead of having just a public subsidy place, i heard you say we're never going to cover the cost for this parking, one way to recover costs is to be able to make spaces available to the traveling public because those spaces will pay for themselves when given adequate demand when they are not being used for employees. On the other hand, if you move employees parking out of the common area and put them in a separate parking lot, there's never really any reason to encourage people to reduce it because the employee parking is going to be separate and whether somebody uses it or not it just going to sit there. With a fixed number of employee parking spaces and people pay, people get passes, there's no reason to use. The converse is when you have an area that's shared and then you can have set up parking cashout programs based on making spaces available to the traveling public when not being used by employees. Have you given any thought to parking cashout programs and how they would work for employees at the airport?

>> No.

>> Riley: Okay. Well, thank you for your work on this. Mayor, I appreciate the need for more parking for the public, we definitely need for parking to be available to the traveling public and employees coming to the airport. But I'm afraid I can't support this particular proposal for it. I think we can do better. There is an advantage to having parking in an area that is having employee parking in an area that is accessible to the public because then you can have a program that makes spaces available to the public when they are not being used by employees and it can be cheaper to provide parking that way. It also serves important public purposes. If we were just happy with everybody driving their car and parking in their designated -- in an employee parking space and -- and that's the way it's just going to be and that's the only way we expect it will get to the airport, then this plan would be fine. But we're not -- we do have goals in this city about reducing -- we are on the edge of nonattainment for air quality. We have congestion issues. There are a lot of reasons why we would want to encourage folks to consider other means of traveling. And one way to do that is to be able to encourage employees to leave their car at home and when they do that we can make those spaces available to the traveling public and the proceeds from that can be used to support those incentive programs. For instance, an employee could actually share in the proceeds, could actually be rewarded for making their space available to the public. We have a program along those lines in place now here at city hall so that when employees agree not to use their parking spaces, those spaces are made available to the public and employee gets 50 bucks a month and it's a way for the city to save costs and at the same time encourage alternate travel to the airport. I think programs like that are well worth considering. I think it's incumbent upon us to have high expectations of our city facilities to demonstrate best practices and creative approaches to alternative travel and other sustainability issues and i don't think we've done the best we can do there so I'm going to move that we disapprove this item.

>> Mayor Leffingwell: Councilmember riley moves to disapprove this item. Is there a second? Councilmember spelman seconds. I'm going to say, councilmember, I just agree with you -- I disagree with you on almost every point you make. First of all, there's a great need for additional spaces. Second of all, these additional spaces actually generate money for the airport that we need to -- need to operate the airport. It one of the major revenue sources. We do have structural parking. There are plans to do more structural parking. If we don't do the parking ourselves, there are at least two other commercial lots in the vicinity out there that would love to have this business, that business. They compete every day for that revenue. And that's where those cars will go, to the commercial lot, not to the -- not to the city lot. Having a long time been a commuter in the city of austin, a crew commuter, i can tell you that the employees are at the bottom of the barrel as far as parking spaces go and as far as the charges they pay. We've got a lot of complaints over a number of years about the cost of parking for commuting crews. They pay way more than their share and I can tell you that right now, maybe in some kind of golden future there will be a time when alternative transportation will be a good option but for those folks it is not a good option right now and they need to have those parking spaces to get to work and provide the air travel service that they do all over the country. There are people, crews that commute from austin over the entire country. If they choose to live in austin, that's a choice and we're glad they made it so I'm not going to vote for the motion. Councilmember morrison.

>> Spelman: I think the real question is not whether this -- whether it's sufficiently flexible a plan

[inaudible] that you were describing, mayor, where people do have alternative means of getting to the airport. And persuaded by councilmember riley's argument that it locks us into a situation where we have -- we can only use this from employee parking. I would like to ask a question if [inaudible] is still around. Sir, if there were alternative means of getting to the airport and a substantial number of employees did not need to park their cars, if we adopted a program similar to the one councilmember riley was suggesting where we would give people an allowance and you either take the cash and find some other way to get on the airport, there's some way we could buy people out and then make the spaces available to the public if the public wanted to use them, is that something that could be done with this parking lot as you envisioning it here or is that something we should largely off the table because of the design of this?

>> No, this parking lot is immediately adjacent to the terminal. We selected that location because we're going to construct walking paths to cut down on bus use to get the people from this lot to the terminal. Probably made a mistake calling it the employee parking lot. The next day we can take down the sign and make it a public lot and move employees to a different location or integrate the employees into the overall lot. It doesn't lock us into any scenario. We're saying between rental cars, employees, flight crews and customers, we need 1500 additional parking places to keep up with demand. And we're choosing to put all the employees in one location because our business partners and our customers, we've had a lot of feedback that a lot of times business passengers when we're picking them up from their cars don't really want to be on the bus with some of the mechanics and a variety of other team coming into the terminal. We found to some degree it's not good to mix employees coming to work with some of the customers. That's just a preference. So to some degree we're reacting for what our business partners are looking for and what our customers are telling us in terms of setting it up the way we have. But it

certainly doesn't lock us into anything going forward. The capital metro use of the bus is expanded dramatically, however, we run 24 hours a day and right thousand the earliest bus that comes to the airport is 30 in the morning and we have people that have to be there 3:30, 4:00. 30 at night and we have people that work beyond that.

>> Spelman: Nobody is expecting 100% of employees are going to be taking public transportation to work. That is a goal in the future farther off than even the mayor's horizon would envision. I think it's likely a larger percentage of people are going to be taking public transportation particularly if we can get a train to the airport which I suspect is something on your long-term horizon and at some point we should set ourselves up so that's something we can use. What you are suggesting to me is this parking lot has enough flexibility

[inaudible] we could still do that. Perhaps I should defer to councilmember riley on the issue of whether or not an employee buy out program is you've been talking about. Is this something you could consider in the future?

>> We can consider any policy direction the council provides us. If you want us to pursue it, but we have one tenth of the employees that work for the city of austin. So yes, we have a lot of control over what we can do with that group. We don't have the same level of control with the other 90% of employees that come to the airport.

>> Spelman: Are the other 90% working for retailers, airlines? , customs and border protection, concessionaires, support companies that help on the air field, a variety of players. There's over 100 companies who do business at the airport.

>> Spelman: Yet we have no -- or we're extremely limiting to control over how they are going to get to work by virtue of the contracts that we've sold forgiving up space, for example.

>> In many cases the contract is not ours. It's a contractor who works for an airline or a contractor who works for a concessionaire. So we don't have control over all the contracts that go out.

>> Spelman: Thanks.

>> Mayor Leffingwell: Councilmember morrison. And we're going to have to -- if we don't wrap up this fairly soon we're going to have to put it on the table until after citizens communication and executive session. But go ahead.

>> Morrison: I would be glad to do that. I was going to make a substitute motion because i can't support the item that's on the agenda today. It sounds to me like there's flexibility with this, it sounds like we don't really have a good concept of a holistic long-term parking plan or a long-term movement of people plan without plan for buyouts and what the flexibility is going to be. We know there's going to be structural parking in the future. And I might be able to get comfortable with this item if I could see how it's

[inaudible] in and if there is policy thought given to what we're going to do long term with the issue councilmember riley brought up so I wanted to make a substitute motion that we postpone this item, and I'm going to suggest a date and you are welcome to suggest another date, until OCTOBER 18th, WITH A Request that staff come back with the bigger picture on parking at the airport and what we might be able to do to ensure that this fits into that golden picture that we're working towards.

>> Mayor Leffingwell: Substitute motion to postpone until october 18th by councilmember morrison. I second. And I would just say when you do come back, I would like for you to talk a lot about or if this passes talk a lot more about the revenue that the city derives, the airport derives from this parking. Overall. Understand not just the employees. Councilmember martinez.

>> Martinez: I also want to make one point. To me this is something that's also pretty significant in this decision. Employees that we're talking about, these are service industry employees. And while I believe they should be taking public transportation as a cheaper alternative and more in line with our community values, the fact is, one, they can't afford alternative parking and they probably have demands on their work schedules with children that they are going to need some parking at the airport. They don't make a whole lot of money to begin with. They are the ones serving the food, they are the ones throwing your baggage around and I think we need to acknowledge the fact that, you know, these are the working employees of abia. While they may not work for the city of austin, they work for companies that we contract with and I think we need to keep that in mind, that they also need the ability to access work.

>> Mayor Leffingwell: All in favor of the motion? Councilmember riley.

>> Riley: I'm happy to support the substitute motion but I do have to point out nobody is talking about forcing employees to take alternative transit. The question is if someone chooses to take alternative transit, they should be able to do that and the city should be ready to embrace that and support it. Right now if somebody lives along east riverside and wants to take -- and doesn't have a car because they can't afford a car, they can take the bus in. But if they are an employee of a contractor, if they are an employee at the airport, they are not going to get help with the bus pass, any support from the city, they are on their own. If they are fortunate enough to own a car, we're going to spend taxpayer money to subsidize that. We're putting all our eggs in the baskets of single occupancy vehicles and those who can afford them and we're totally neglecting anyone who isn't in a position. If you are not, you are on your own.

>> Mayor Leffingwell: Co councilmember --

>> Riley: We need to give something to those folks and keep those folks in mind as we make parking decisions.

>> Mayor Leffingwell: All in favor of the substitute motion to postpone until october 18 say aye. Opposed say no. Passes on a vote of 7-0.

>> Tovo: Mayor?

>> Mayor Leffingwell: We need to go to citizens communication. We're already 20 minutes late and we make a very important point of trying to start this on time.

>> Tovo: Okay, I was just hoping --

>> Mayor Leffingwell: Many people take their lunch hour and you can never tell how long an item is going to take. I thought that would take five minutes. Considerably longer. So with that, let's go to our citizens communication. Ronnie reeferseed. Peace, freedom, fluoride and the kill grid.

>> That's the kill grid. The ongoing kill grid. Anyway, howdy, I'm ronnie reeferseed and I'm still here. No matter how many tantrums, arrogant citizens time delays you all -- and the hissy fits from the austin city council of criminals, our laughing stock of a mayor lee leffingwell, people all over the world have been laughing at you, sir, since alex jones yelled out ronnie reeferseed please call in. If you missed it, type in ronnie reeferseed to any search engine and you will be amazed. The whole world is still watching yet another person shot by another cop in the all-time paradise we used to have here. Sorry, charlie, the slimy criminals called austin city council have already wrecked everything. How? Let's talk about f1, besides poisoning everybody's water. Let's talk about f1, farley one. Chuck e is the new name. The nightmare petroleum intoing pollution from farley one will wake up a whole lot of environmentally concerned people as traffic will get much worse virtually overnight just so certain rich people can up close watch toxic waste go round and round in circles while they eagerly wait to watch deadly car wrecks. To research this issue, art acevedo and mayor leffingwell had to travel to europe, such obvious bribery, slimy criminals rejoice. This sickening likely nugget of hog wash will predict land all three of these criminals behind bars. Does anybody remember voting on this? Heck no, they just rammed it through without bothering to ask us, without bothering to research and documenting the damage to our fragile environment. No, we don't want it and all you can right farley one to huntsville. By the way, bubba is looking for a new girlfriend. Replacing the sociopathic service with true patriots like clay dafoe, lara presley and others. As one of the many -- as one of my many heroes would say, there's no need to fear, underdog is here. To learn more, turn off your t.v. I fm including the alex jones show or type com and click on the alex jones show and click on the link for continual broadcast or here's another one type in com, ron com and click on the word issues and learn something. The information is out there and we all need to wake up and do something.

[Buzzer sounding] anything. Bubba is waiting for you, mr. mayor.

>> Cole: Thank you, ronnie. Next we have linda greene. And after linda will be steve ellsworth.

>> Council, I'm sorry the mayor had to leave because i really wanted to commend you and thank you for a program that I understand you are implementing to help homeless people and you are bringing in some organization from miami where they use organic gardening to help these homeless people provide themselves with a livelihood. And I stress the word organic gardening because true organic garden will not have fluoridated water in it nor dillo dirt nor chlor amine, a combination of clorox and ammonia which is city also adds to our water. This is a flyer for you to examine about fluoride. My topic about fluoride is, again, about the federal government says

too much fluoride in the water. And I brought this up before, our citizens and you can research under youtube fed gov says too much fluoride in water. And that was the report that health and human services did in january 7-11 announcing that the e.p.a. Was citing the national research council report commissioned by our government linking bone damage and increased risk of fractures. So this is what fluoride does to our bodies. Not only does it call dental fluorosis but skeletal fluorosis. While I was doing my research this morning, i came upon a bone health and osteoporosis, a report issued october 2004. I know I won't get through all of this but I want to the prevalence of bone diseases is going to increase significantly as population ages. In united states the number of people age 65 and older is expected to rise from 35 to 86 million between 2000 and 2050. While the number of age 85 and older will increase 4 to 20 million. This is bone damage. Much of the increase will occur in the next 25 years as baby boomers reach their 70s AND 80s. Unless prevention activities are greatly enhanced, this demographic change alone will cause a substantial increase in the number of people with bone diseases. And the way we can reduce this is by you to stop adding fluoride, not just fluoride, but hexafluorosilicic acid to our water since it causes brittle bones and risk of bone fracture. In fact, these demographic changes could cause a number of hip fracture in the united states to double or triple by 2040.

[Buzzer sounding] this report says healthy people thousand called for nearly 15% reduction in --

>> Cole: Thank you.

>> But we've increased them by 17% it says.

>> Mayor Leffingwell: Thank you, ma'am. Time has expired. Steven ellsworth. Steven ellsworth. Edward sledge. Speaking on group home regulations.

>> Thanks, mayor. I have a handout here. Mayor leffingwell and city council, my name is edward sledge. I live in austin, texas. I'm here to speak about the regulation of group homes in the city of austin. City staff and members of the community have been working together on this for several years now. The problem of regulating group homes has proven to be very complex with no easy answers. In fact, there are cities across the nation -- across the state and across the nation that are presently and have been dealing with this issue for a long time. I have provided a fact information sheet which i hope you may find useful and if there are any questions, please ask. So far progress has been made, but comprehensive -- comprehensive solutions are not in sight. Group homes are a phenomenon that began after the movement to deinstitutional persons in mental hospitals, state hospitals and other such facilities in the 196 1960s AND 70s. The number of group homes continues to grow due to continued deinstitutionalization and normal population growth. Today I just found out, i called the -- I had put in the information that austin integral care has group homes, but they do no. And they have not for several years. And I couldn't get any further information on that. It's the old mhm center. They do not provide group homes. They do put people up in apartments or something like that, but like I said, i can't reach anybody to get any further information. Many people -- most people would agree that the main goal of regulation is to ensure the health and safety of residents in group homes and to protect them from abuse, neglect and exploitation. That's at least one -- i think for sure we all share. Solving this problem will demand much out of the box creative thinking by more than one person. A lot of people. I urge you to consider this. At this time there are at least three other

texas cities actively dealing with the same issue, dallas, san antonio and el paso. We can reach out to those and other communities to find best practices and solutions. The conference -- conferences with city staff from these three cities could be a start. Ongoing, collaborative efforts --

[buzzer sounding] -- could be beneficial not only to our own city but to city others.

>> Mayor Leffingwell: Thank you. Ed, your time has expired. Thank you. Michael zitz-evancih. Michael zitz-evancih. Scott johnson.

>> Hello again, mayor and council. Mr. good. Regarding the economic incentives, I spoke about this yesterday some and one of the points that I made is as part of the answering a lineberger sponsored by the city and and urbanist said economic incentives are down the list of the reasons why companies decide the relocate here or to expand here. And one of the things that's important and hopefully the testimony given by some of the speakers yesterday will allow the city to telegraph what our interests are better to companies that want to expand or relocate through egrso or through the greater austin chamber of commerce or other chambers of commerce and we should strengthen our posture knowing that we have so many quality elements in our city including enthusiastic workforce, some of whom are underemployed now but could be employed by companies who come here. And in the past the city, not necessarily you all, has been criticized as being a cheap date, and that situation has improved, but I still believe that right now we -- we don't necessarily need to give incentives in all cases when we give incentives. In fact, one of the greatest incentives that we don't necessarily tout enough is that austin energy gives companies that install high energy efficiency air conditioning systems a very large rebate and they have a program that's free, the green building program to help them build a greener building, and we have a robust solar program and those, to me, are economic incentives that are already built into the process that we need to telegraph in advance the companies if they don't already know that or have the chambers of commerce, plural, try to telegraph through the community. What I'm concerned about, even though it hasn't necessarily happened in recent years, is that when we allowed companies to move with out without incentives, the high-tech manufacturing companies going back to , 3-m, samsung, motorola, others, what they did in my opinion stretched the land use out well beyond the suburban areas. And in doing so, they force us to pull our resources for water and sewer and electricity beyond those areas which costs a good deal of money. So particularly if folks are asking for an incentive and that's not a strong part of the matrix to say, well, where are you locating, i know about this desired development zone and the water protection zone, but that issue is still in play and causing us costs to this day as neighborhood nest around some of those sites.

[Buzzer sounding]

>> Mayor Leffingwell: Thank you, scott.

>> Thank you very much.

>> Robbins. City issues.

>> Council, I'm here to talk about the announced overrun at water treatment plant number 4. My first point is we predicted it. The critics and I did say that this was likely to happen. Now, I'm going to give you my own reasons why i predicted it. One, building materials were going up at a time when the utility was claiming prices were declining. Two, the environmental problems that would be encountered during excavation were likely to be formidable. And another reason is, a third reason, it is a sense I got from living through the era of construction overruns at the south texas nuclear project. When construction costs escalated from \$1 billion to \$5.6 billion. After having gondola that era, you could call it a hunch. Now, I do not expect the water treatment plant to go up 460%. It is a different -- it's different circumstances and a different technology. But I do expect the final cost may even be higher than what is now predicted. Another reason is that the need for the plant was exaggerated and so I thought the whole concept might be flawed. With the completion of this plant, council will have 315 million gallons, austin will have 335 million gallons a day of capacity, and this hot summer we peaked at 203 million-gallon a day of capacity. Now, I'm here to remind you of the meaning of the word " the contract of this -- that this is -- this is under a contract variety called construction manager at risk. This means we paid a premium for a guaranteed price. Given that we bought this insurance policy, I see no reason to give the project more money. It is not the city's responsibility to bale this contractor out. My final point, I feel austin has been misled, and I have great worries that if you approve the overrun that is about to be requested, there will likely be another overrun before the project is in normal operation. Good afternoon.

[Applause]

>> Mayor Leffingwell: So those are all the speakers who are here today who signed up to speak. So without objection, the council will go into closed session to take up the following items. 071 of the government code, council will consult with legal counsel regarding the item 23, legal issues relating to cultural arts service contracts, item 46 and 47, legal issues related to the impervious cover agreement with william walters and its related funding. Item 99, legal issues related to open government matters. Item 100, legal issues related to byron carter sr. versus city of austin et al. 101, Legal issues related to homeowners united for rate fairness. 102, Legal issues related to eddie rodriguez, et al, versus rick perry et al. Is there any objection going into closed session on these items? Hearing none, we're now going into exutive session.

>> Mayor Leffingwell: We're out of closed session. In closed session we took up and discussed legal issues related to items 23, 46, 47, 99, and 100 through 102. So we'll begin now with -- we're going to take up our consent zoning cases and then our housing finance corporation cases and then we'll go back and start working our way through the morning agenda again.

>> Thank you, mayor and council, greg guernsey. 00 neighborhood and plan amendments where public hearings are open. I'll offer the items i believe are for consent or postponement. The first item is 103, case 01 for the property located at 4915 harmon avenue this the north loop neighborhood planning area. Staff is requesting indefinite postponement of item 104, this is the accompanying rezoning case and staff is recommending an indefinite postponement. Before the item comes back, we'll renotify and repost this item. Item 1 02 for the property on old bee caves road. And it's proposed change to the future land use map to neighborhood mixed use land use. Planning commission's recommendation was to grant the neighborhood mixed use category and

this is ready for consent approval on first reading only. Item number 106, case 01 for the property at 1700 1/2 frontier valley. Staff is recommending postponement of this item to YOUR OCTOBER 11th. This case will be considered by the planning commission at their october 9th meeting. Is accompanying case, c 14-2012-0067, item 107 for the property at 1700 1/2 frontier value drive, staff is requesting postponement also to october 11. Item 108 and 109 are discuss items. Num 02, bouldin creek neighborhood planning area for the property at 900, 904, 908 south second street, and some additional unaddressed properties on christopher street. This has a request from the applicant to indefinitely postpone these items. This also applies to item 111 and 112. Item 111, for the property located at 900 to 908 south second street and unaddressed properties on christopher street. Again, this is an applicant indefinite postponement on item 111. Item 112, for the property on south second street and south christopher street. Applicant's request for indefinite postponement. 01 for the property located at 826 houston street and 5536 and 5540 north lamar boulevard. This is in the brentwood, high land combined neighborhood planning area. Staff is requesting postponement to your november 1st agenda. Item 114, case c 14-2012-0053, the property located at 826 houston street, 5536-55540 north lamar boulevard, this is a rezoning case. And staff is requesting postponement to your november 1st agenda. Item number 115, this is for the property located at 827, 836, 900 and 902 houston street and 5527 sunshine drive. I think we have a postponement request by staff to your november 1st agenda. Item number 116, case c 14-2012-0052, for the property located at 828 houston street, this is a staff postponement request of this rezoning case to your november 1st agenda. Item number 117, c 14-2012-0054, for the property located at 5527 sunshine drive, staff is requesting postponement of this request to your november 1st meeting. Item number 118, case 05, for property located on west 49th street, this case has been withdrawn. No action is required. That's item 118. Number 119, 07, 4404 grover avenue, this case has been withdrawn. No action is required of council. Item number 120, 09 for the property located at 4802 grover avenue, this case has been withdrawn. No action is required by council. Item 121 through 125, I'll read through those in a minute, but those are an agreed joint postponement by the applicant and neighborhood. All of these will be postponement to december 6th so long as private agreements are finalized in three weeks before december 6. 01 for 3206 west avenue, 3205 and 3207 grand view street. This is a joint postponement, neighborhood and applic DECEMBER 6th. Item 122, c 14-2011-0131, 800 and 808 west 34th street, again the joint postponement to DECEMBER 6th. Item 123, c 14-2011-0132, again, a joint postponement TO DECEMBER 6th. Item 124, c 14-2011-0133 for the property at 801 west 34th street, 3205 and 3207 grand view, this is a joint postponement request to DECEMBER 6th. And item 125, c 14-2011-0134, property located at 17 -- or 715 west 34th street, again, a joint postponement to DECEMBER 6th. Those items 121 through 125, both parties agreed this would be the last postponement that either side would be making and this would be the final time it would be coming before you for your consideration at a public hearing. Their words, not mine on that. Item number 126 --

>> Mayor Leffingwell: Duly noted, mr. guernsey.

>> 126, 2814 San pedro street, staff is requesting postponement of this item to your november 8th meeting. The planning commission postponed this item last tuesday to their october 23rd meeting. Item number 127, case c 14-04-0181, staff is requesting postponement of this item to november 1st agenda. Item number 128 --

>> Mayor Leffingwell: Excuse me, on 126 you said 11-8. Did you mean 11-1?

>> 11-8, As I understand.

>> Mayor Leffingwell: 11-8. Okay. 11-1 On 127.

>> On 127 is 11-1, that's correct. On item number 128, case c 14-2012-0018, for the property located at 4108 ih-35 south, this case is withdrawn. Item 129 will be discussion. Item 130, c 14-2012-0061, 14400 boulevard, this is a request to mf-1 combined district zoning. The zoning commission recommendation was grant the zoning and this is ready on all three readings. Item number 14-2012-0063 is a discussion item. Item 132, for the property located at 7709 and 7731 manchaca road, this is to rezone the property to multi-family residence, low density district zoning. The zoning and planning commission recommendation was grant the multi-family residence, low density, conditional overlay and this is ready for consent approval on all three readings. Item number 133, the applicant would like to discuss this case. Item 134 for the property located at 729 east slaughter lane, this is to rezone to commercial liquor sales. The zoning and platting commission recommendation was to grant the cs-1 district zoning. Ready for consent on all three readings. Item 135, for the property located at 1142 lost creek boulevard, staff is requesting a postponement of this case to your october 18th agenda. The commission has yet to review this case. Item number 136, c 14-2012-0087 for the property located at 1209 red river, so zone to central business zoning. The planning commission recommendation was grant central business district zoning and this is ready for consent approval on all three readings. Item 137, c 14-2012-0095, this is a rezoning request at 13427 pond springs road. This is a zoning request to general commercial services. The zoning and platting commission's recommendation was grant general services, conditional overlay, combined district zoning and this is ready for consent approval, first reading only. Item number 138, case c 17, for the property located at 12045 1/2 cameron road, staff would like to pull this from your agenda. The applicant has amended their application and now it can be considered and has been approved as an administrative provision rather than doing a more measured revision that requires council approval. And that concludes the items that I can offer for consent at this time.

[One moment, please, for change in captioners] request for the applicant and neighborhood. Number -- postpone item 126 until november 8. Postpone item 127 until november 1. Item 128 is withdrawn. To close the public hearing and approve on all three readings item 130 and 132 and 134. Postpone item 135 until october 18. Close the public hearing and approve on all three readings item 136. Close the public hearing and approve on first reading only item 127. Item 138 is pulled from our agenda for administrative approval. Entertain a motion on the consent agenda. Council member spelman moves approval. Mayor pro tem cole second. Council member tovo. mayor, as I have on past agendas, I will be recusing myself from cases related to the south 34th scarce, 110, 111, 112, 122, 123, 124 and 125.

>> Show council member tovo as recusing herself for items 110, 111, 112 and 121 through 125. Motion and second. All in favor, say aye.

[Chorus of ayes] opposed, say no. Passes on a vote of 7-0.

>> Thank you, mayor and council.

>> Without objection, council will recess this meeting of the austin city council and call to order the meeting of the housing finance corporation. A, if you would, you can lead us through the consent agenda.

>> Good afternoon, board of directors. Betsy experiencer, treasurer of the austin housing and finance corporation. Item one is approval of the minutes from the august 2 and september 10 meetings. Item it is through 7 we offer on consent and I'm available for questions. consent is to approve items 1-7 is there a motion? Second by board member spelman is there any discussion? All those in favor, please say aye.

[Chorus of ayes] opposed, say no. Passes on a vote of 7-0. So that objection, this meeting of the housing finance option is adjourned and we will call back to order the meeting of the city council. We had a request from council member tovo to take up item number 68 since she assured me it will be a very brief discussion.

>> Thank you, mayor. My questions will be brief and apologies to the staff who i know have been waiting all day. I do have some follow-up questions to the questions i asked in the q&a process, so i wonder if we might have staff come up here. And my questions are really pretty much the same as though i asked in the q&a. I'm afraid I just didn't completely understand your johnson or whoever is best so the work, has the work been completed that we're being asked to authorize the payment for?

>> Yes, it has.

>> And, so, I had asked the question, why didn't the item come before council before the work was under taken, and as i understand the answer, was there was a misunderstanding about whether or not the lease allowed for that? I wonder if you might just explain the answer.

>> Yes. The ct 43 has an existing lease, the lease authorized build out, they proceeded with the idea this was an additional build out and could be added to the lease, but unfortunately, the tenant agreement really wouldn't allow that one because this payment needed to be made as a one-time payment so, if it had been added to the lease, they could have done that over the time period, but it couldn't because they needed to pay this contractor. So, ctm just assumed it could be done in the lease. Unfortunately, it couldn't, and so it became a ratification so the work needed to be done and it was done. But, they've looked at that time it, they looked at the lease and they understand any further build out has to be done and they have to be approved by council in advance.

>> So, is the misunderstanding as to whether or not the lease dollar amount included the cost of that renovation, or whether it would allow them to undertake?

>> It would allow them tounder take them to undertake and it would be added on the lease as part of the lease agreement.

>> Okay.

>> So they couldn't do that one because the contractor was paid by the landlord and so they need that money versus amortizing it over the lease period.

>> Okay. And this was triggered by the ctm staff moving out of 1 texas center to say date space for the special event center, is that correct?

>> That's correct.

>> Okay. So, basically there was just a misunderstanding about what the lease allowed them to do in terms of payments for that construction?

>> That's correct.

>> So, are we ending up spending more on the cost of the renovation than was anticipated?

>> There was a slight increase for what they wanted to do, but there is a huge savings annually because they won't be having to pay the rent that they had at 1 texas center. Their rent doesn't change where they are, what they did is they made smaller offices, they combined work areas to put those people from one texas center into their existing, so annually, here after, it will be a very significant savings for them.

>> So they were paying rent to the city for one texas center?

>> You get allocated rent as part of their allocation for one texas center, yes.

>> Okay. I think that handles it. Thank you. I appreciate it.

>> You're welcome. motion on item 68? Council member tovo >>kathie tovo: sorry, forget that part. Move approval. second by council member spelman. All opposed, say aye.

[Chorus of ayes] opposed, say no. Passes on a vote of 7-0. So, we do have proposed postponements for public hearings. We can run through those very quickly, if there is no objection. Postpone -- the motion would be to postpone items 142 and 143 until november 1. Postpone 144 until october 18. Postpone item 145 until november 8, and postpone item 146 until october 11. Council member martinez moved approval, second by council member spelman. All those in favor, please say aye

[chorus of ayes] opposed, say no. Passes on a vote of 7-0. Council member martinez will take up item 18.

>> We have two citizens signed up to speak.

>> And they assure me they won't need to speak if they get assurances regarding this item.

>> This item is for the methodology how we're going to deliver the new contracts for the program there has been some question about how the housing repair coalition they've committed to devote to weatherizing houses that the housing repair coalition might bring will come into play with this particular contract. So, Austin Energy has a firm commitment of \$125,000 to spend towards housing that the housing repair coalition would bring towards, to be weatherized through their program. Right now, we're not sure if those weatherization services are going to be covered under this contract that we're talking about procuring with this methodology we're coming forward with, or if it is going to be another contract. That is going to be worked out in the next couple weeks as we finalized detail, but there is a firm commitment from Austin Energy to spend the money, \$125,000 of Austin Energy company and \$25,000 for water utility money to provide weatherization services.

>> Move approval, mayor. Council member Martinez moves approval. Second by council member Morrison. Discussion? All those in favor, please say aye.

[Chorus of ayes]

>> Mayor. Council member Spelman. We have two signed up to speak are they not speaking. They are not going to speak. All those in favor, please say aye

[Chorus of ayes] opposed, say no. Passes on a vote of 7-0. Item number 21. Pulled by council member Spelman. No speakers signed up. Is there someone here from ACBD?

>> Julie Hart. Finance and operations for the Austin Convention and Visitor's Bureau. This represents a large increase over your fiscal year 12 expenses. And, as I counted it, it was 4 million higher than last year.

>> That's correct.

>> Spellman: is that right?

>> Yes, sir.

>> At what point did you find you had a lot more money to spend.

>> We get information from the city, generally in March and April our budget information comes out and we're based on the most recent occupancy tax results for the year and what happened with this particular year is, we were kind of underbudgeted for the current fiscal year, which is fiscal year 12, so that overage, we've had a good year, leading the state in occupancy and rates so we're excited about that, so that overage got pushed into next year and that was about a million dollars of that increase.

>> Spellman: help me with that. We have increase over the course of fiscal year '12 and we're still in it. We're a million dollars higher, but you couldn't actually spend any more money in this year because we budget on an annual basis.

>> Yes, sir. so that money has to be pushed over to next year and you found out in the middle of this year we're doing really well, we have a lot of beds being sold, and there we will have a lot more money next year.

>> Yes, sir. how did you decide to allocate that money?

>> We are of the opinion, we're a sales and marketing organization, and any extra funds we have go directly to sales and marketing. We're unfunded with other like-size communities we compete with in the state and nation with our marketing effort so that's where the funds are going. that's an increase in \$900,000 or so in marking. How are you going to spend that money.

>> I would like to ask julie chase, vice president of marketing, to join us and she can talk about our marketing plans for the year.

>>Spellman: thank you, ma'am.

>> Good afternoon, mayor and council members. The additional funds will be spent on marketing. We will do a little bit more traditional marketing, traditional print advertising. A lot more titles to go into in this upcoming year, a lot more opportunities that we can buy into through some cooperative opportunities that are being offered to us through not only state tourism office but also through brand usa, which is now organization that promotes the usa overseas, so we have more opportunities that we would like to put more marketing dollars to those. As you may not know, austin, last year, received 10% of all the overseas visitors that came into this state, and that's on top 2569% increase, -- top of the 25% increase. So we're looking at international market, germany, that geck in cooperatively cooperatively with brand usa and market the city. In addition, this certainly gives us an opportunity to have the efforts to promote the meetings market. One of the biggest things that we need to be doing in the city to promote the new inventory we need to fill. We will be doing that. We will go into more mobile internet, social media opportunities. All of those will tie into the traditional print opportunities that we have, and in addition, we just launched a new campaign, so this way we will be able to provide more frequency to the brand.

>> How much has the inventory gone up? You said you're talking about promoting new inventory. Presumably, we have more of a need for marketing now than we did time last year because we have more beds to sell. That's the inventory you're referring to.

>> Yeah, about the hotel rooms and anticipated hotel rooms, they're coming up in a few years.

>> So how much has that inventory gone up?

>> On the addition with the jw, it is over a thousand rooms that we're selling right now. And, with the new hyatt place that's coming on board, i believe that's about 300.

>>Spellman: 300 more.

>> Yes. And the fairmont comes on in 2015. so these won't come online yet, but they will in '14 and '15.

>> Right, but the opportunity to sell them know --

>> you sell conventions three, four, five years early, right.

>> (Inaudible).

>> As you know, most conventions book several years in advance so we're already actively marketing those properties.

>> Spellman: makes sense. Do we have a sense for, if you increase your marketing expenditures by a certain amount, what kind of consequences or results we're going to get? This is an increase of \$900,000 or so in your marketing expenses. Can we reasonably expect there will be a certain number of rooms sold that would not otherwise be sold, visitors to town that we would not otherwise be getting that sort of thing?

>> Yes, definitely we can track that on just about everything that's placed. Everything that's placed through media, any of the other pr-related, trade-related activities we conduct, any package, we can track the number of persons purchasing packages and we track the conventions in the sales department.

>> So you have an roi estimate for each of the outlet force advertising.

>> This is one of the largest we've put forward in digital advertising so we will have to go back and look at some of those opportunities and some of the places we're putting that.

>> What kind of metric are you using, an roi, benefit-cost ratio or what?

>> It is a mix. It is hard to compare what we're looking at when we track social activities verses digital, verses print, verses the leads with with generate off trade shows. So, it's a combination of those, but then we go back into each opportunity that we have, say with media, you know, how many people came to the website, how many people visited front page, how many visitors actually booked. We have a booking so we can go that direction. And convention sales, a direct result of a collection of a lead or pursuit of the lead.

>> So it sounds like there is a lot of different ways of measuring the value of the dollar of advertise different in places. Can you give me an overall sense for, if you put in \$900,000 more advertising in the kind of places where you're talking about putting it in, how many more beds do you think we will sell, how many more visitors to town will we get, how much more money will be spent in austin than otherwise would be.

>> One of the latest economic impact studies we've done, and we've done that in conjunction with the state, every dollar you spend, \$12 comes back to your local economy. And that's either for the hotels, the restaurant, state and local taxes, a conglomeration of what visitors will spend

money on while they are here. I hope you don't take this personally, I don't believe neigh is a benefit-cost ratio of 12-1.

>> That doesn't surprise me at all.

[Laughter]

>>spellman: I understand that. I would consider an average of one, maybe two, three, four, maybe six, but at some point i would expect it to flatten out and at some point you're not going to get the same value for the dollar as the last few dollars.

>> I think that is absolutely true, but I think we're in a little bit of a unique position because we have new inventory coming on. If we didn't have new inventory, I would say that hypothesis is exactly right. With the new inventory opening up, 2,000 more rooms that weren't available that we can put heads in beds. something now sell you didn't have before. Got you. Thank you very much. Mayor, I would like to ask somebody from the law department to discuss this, if I could.

>>Mayor leffingwell: coming up.

>> Assistant city attorney. miss fire side, we 04 until hotel/motel taxes available for putting into acvb purposes \$4 million more to spend this year than fiscal year '12. Am I right?

>> Yes. is there any other legal use we could put that money to?

>> There are a number of legal uses set out in the tax code. And then, also, thal low situation set out in our city code as percentages to the -- getting more delegates in, and then there are some funds for tourism and promotion, for historical restoration and for cultural arts funding. so, what happened, 5 million, or some number, increasing in our hotel, our bed taxes, and we have an allocation scheme, some goes to acvb and some to his historical preservation and some went somewhere else, but we used that allocation scheme and they ended up with 1.\$4 million.

>> That's my understanding, yes.

>> If I were to take the money out of acvb and put somewhere else, I would be overriding that policy we enacted that establishes what percentage of hotel/motel money goes to each of those sources.

>> Yes, and it is in the city code so you would need to do a code amendment.

>>Spellman: fair enough. That's what I need to know. Thank you. Mayor, I move approval of the item. second by council member morrison. Discussion? All those in favor, please say aye

[chorus of ayes] opposed say no. Passes on a vote of 7-0.

>>> Council, need to entertain a motion to postpone item 22 until october 11. We've already postponed the related item, 146,nal same date. Council member martinez, so moved. Council member tovo seconds. All in favor, say aye.

[Chorus of ayes] opposed, say no. Passes on a vote of 7-0. I would like to take up item 35 for a brief presentation by the law department.

>> Good afternoon, mayor and council. Megan riley here on behalf of the law department. I'm here this afternoon to recommend payment to an attorney's fees judgment in the case of hard pie verses the city of austin, which is just under \$75,000. Earlier this month, we sent you a memo detailing additional background about the case. As you may recall, and as we've discussed, this case was tried before the judge in u.s. District court and the city prevailed on its affirmative defense in response to harold's employment discrimination indication. A judge confirmed the ruling but sent it back to determine attorney's fees. As a result, the judge issued an 30 which reflected about a 40% reduction in the overall request of commander piatt. We think this is a good outcome for the city and recommend payment on that basis.

>>Mayor leffingwell: questions? Mayor pro tem, cole.

>> Move approval.

>> Second. Any discussion? All those in favor, please say aye.

[Chorus of ayes] opposed, say no. Passes on a vote of 7-0. Thank you go back to item 23. No citizens signed up to speak and this item was pulled for executive session. And, I think since -- you want to go ahead and move approval? All right, that's fine with me. Council member morrison moves approval.

>> Second.

>> Second by mayor pro tem cole.

>> I would like the regard to show me not voting on the theater grant action project, please.

>>Mayor leffingwell: say again?

>> It is the theater action project grant. Contract. so, the clerk will show council member tovo recused from voting on any grant to the theater project. So we have a motion and second on the tabling. All those in favor, please say aye.

[Chorus of ayes] opposed say no. Passes on a vote of 7-0. Pick up items number 41, 42 and 43 together. Those items were pulled by council member morrison and we have several people signed up to speak. So we'll go directly to our speakers and this is all three together. First speaker. Donating time, brianna garcia. She here so you have up to six minutes.

>> Good afternoon, mayor and council. City manager. I'm here to speak against item 41, 42 and 43. I have the great pleasure and honor to serve on the mack advisory board, appointed by the mayor. We had a couple program last night celebrating the history of the mack, which goes back very many years. I'm here because we're not against the development that is going to go across the alley from the mack, what we are against is the selling of this little piece of parcel that's right in front of the entrance to the mack. I want to start with the first slide here and show you that this is the view at the entrance of the mack, framed by two transmission line telephone poles, and we passed a resolution to make a recommendation to council back on june 6, and we've actually been talking about this issue for at least six months. If I could read the resolution we passed as a recommendation for you, it's about the acquisition of a city of austin public works owned parcel at the northwest intersection of randi street and river street adjacent to the entrance for usage and management by usb mack and continuous as being mack property. What our concern is about, and if we could have the next slide, please. Thank you. This is a parcel that we're looking at and it's actually about most of that parcel there, but if we could have the next slide, if this development goes through, it is going to block a significant portion of the view of the mack, and I'm sorry for the quality of the drawing but I'm not an architect. But, this is at least a two-story building here that we tried to represent, and so that's our primary concern is the aesthetics, first of all, it's not very appealing to have the two transmission lines, transmission poles at the entrance, and then we're going to have another building right in front of it, possibly the back of a 31-story building. Perhaps not all of that is going to be 31 story or mixed use. Perhaps some of that will be garage to be used on that side of the property, but, still that's something that it's just very difficult for us, aesthetically, and we're very brought of the mack and we certainly don't have a corner on pride in the community, but it is something that's very close and dear to our hearts and many people have worked very hard for this project for many years and we're just asking here and I'm appealing to your sense of community to transfer this piece of land over to the mack and not pass 41, 42 and 43.

>>Mayor leffingwell: thank you.

>> You're welcome. cynthia valdez. Is cynthia here? Okay. Cynthia valdez marta. I don't know if that's the same person or not. Paul soldana, donating time is rubin. Rubin, are you here? Corina is here, so you have up to six minutes.

>> Thank you. Good afternoon, mayor and council members. My name is paul, I'm actually here speaking on behalf of myself today. And I want to echo the comments that were made by the chairman of the mack board. A couple of issues. First, it's ironic it is hispanic heritage month and this year we're celebrating the fifth year anniversary of the opening of the mack. As you all know, there is a great deal of history associated with the hispanic community, speaks to the last 30 years of action by the city council. We've had numerous council resolutions and deemed in perpetuity for the mexican cultural center. This is probably the first mexican american neighborhood in austin county so this is an area that is very important to us and we were extremely proud when the voters approved the bond item for the mack in 1997, '98. So, we're respectfully asking at minimum that you postpone this item because we believe there is a conversation in the community that has not happened there has not been enough conversation with the mexican-american board of directors and none with the parks board and we would certainly like to have the opportunity to talk directly to the developer, assuming this property is

sold. I think there's still a disconnect or not an understanding how we got to this point. Clearly, over the year, going back to the first study being done about building the first mexican-american cultural center there were feasibility study, design studies done, location studies were done and this area was designated for the mack. The architect, when he opened his presentation to the architectural selection committee here with the city of austin, he talked about his vision for the mexican american cultural center and that vision was drafted as crescent-shape where they would be housed joined by three pyramids, modernized version, if you will, of mexico's -- to house a multipurpose room. The grand scheme is three phases. Obviously, we have edone phase one. There is two additional phases. Clearly there is a need for marking that we have. We feel this parking lot, this land could at least address the interim short-term for the parking needs of the mack and other facilities. There is not enough conversation with the communities, the mack board and parks board and to offer to sell the property for \$100,000. We just had a conversation about the amount of hotel/motel bed tax came in and some could be used for cultural arts. Take some money from that fund and leave it in the parks and recreation department. Our hope, I'm sorry some people weren't able to get here but our conversation, there was a meeting last night celebrating the fifth anniversary of the mack and a lot of folks couldn't be here today, I know we would look at minimum for you to postpone any action or vote against it, and if you postpone it there needs to be a couple meetings before it comes back to council. I think the mack board should have the opportunity to have some discussion. I think the parks board should have an opportunity to have discussion with that, I will close and be happy to answer any questions you may have.

>>Mayor leffingwell: thank you.

>> Thank you. you do have a question, council member tovo?

>> I do. I want to be sure you understood, I thought the mack board had passed a resolution regarding this.

>> They, did but one of the first things we're learning today, you may recall this item was on your council agenda about a month ago and we had very little information or detail about what potential development might occur and it wasn't until earlier this afternoon we learned this could be part of a potential 30-story building, multipurpose development, and this property in particular that's contemplating being sold could accommodate up to a five-story structure. Our concern is that it totally is a disregard for the design in the mack. Juan did a good job in illustrations about the negative impact it is would have to the entrance of this facility we worked so hard to bring to fruition and I think that's our concern. We have very little information about the developer -- I know the developer has a representative here today, but postponing this minimum would have and opportunity to have a discussion about the design they're talking about, we have concerned about blocking the view of the mack as you drive down river street on rainy street. One of the reasons reasons this location was selected was because of the history in this particular neighborhood being the first mexican-american neighborhood in austin, travis county. And not understanding the process your city staff, real estate division, used to put this out for bid, not understanding why we're only selling it for \$100,000, not understanding why, within your 1 billion budget, we can't find \$100,000 for purchase that property and keep it in parks and recreation to meet the long-term needs of the mack so there is a lot of questions that

have not been addressed and, most importantly there has not been conversation between city staff and the hispanic community. Part of the hand out last night, I think we were able to collect about 40 signatures. I guarantee you, you give us a couple more weeks and we can get a thousand signatures.

>> You were talking about the vision that the architectural team presented is did it actually encompass this site.

>> *ll*.

>> I believe did, because of the parking and the future phases. I think what we have approved the bond voters was a little over \$10 million, but all three phases it is a \$60 million project. And I think, again, one of the reasons this particular location was selected was because there was vacant land. The city owned land there, and i think this was part of the original plan. And that's changed. Again, we can go back and look at the history. There's been study, I think the first in 1985, and subsequent to that, probably two or three other studies in the milestones, I think that there's some resolutions that speak to those. So, yes, council member, that's one of the reasons we want to delay it.

>> Thank you.

>> Thank you. paul, i just want to, just for clarification, that we're considering all three of these items together, 41, 42 and 43, and the reason I want to clarify that, you mentioned \$100,000. That's just one of the three options.

>> Yes, sir. but, apparently, number 42 is the one that doesn't include anything in kind, it is just a total dollar amount, that's 1,200,000.

>> Yes. I still think it warrants to have a little bit more conversation so we better understand all the options that are being considered. and, you think there would be any purpose to, say, postponing all these items and coming out and having this discussion with the mack board and the potentially, developer, maybe we can ask that question after we get through all of our speak near absolutely, we welcome at least that opportunity for that meeting to take place. Thank you, mayor. council member morrison. you mentioned some years ago long-term plans for the mack? Do we have a master plan? I've heard about different phases and all.

>> Yes, ma'am, yes, council member. They date back to 1985. A subsequent one in '88, another in '93. Those are the three I can think of. There may be more. Speaking to the design, when the city went through the process of hiring an architect, the winning architect was martin del campo and his particular design and vision was proposed to be done in three phases, again, to sort .. in mexico, the smack envisioned to have three pyramids and right now we have one so the future phase would incorporated pyramids that would emulate. was this plot of plant part of that vision?

>> I believe so. This is one of the reason why is this land was acquired. I can go back to my days as an aide for gus, when we sponsored that in 1996 to deem this land in perpetuity for the mack, and the reason we did this, there was enough land in that area. At least that's my recollection.

>> And that would certainly be very important, I think.

>> Absolutely that's why we need to have more time to make sure that's the case. Thank you, council member. let me just ask, ask representative of the potential buyer of the property here in the chambers right now? Okay. So you could come forward, please. I just want to ask you if you would be amenable to postpone all three of these options, and as we discussed, we go out to the mack advisory board and have this discussion and bring it back at a later date.

>> Mayor, that is honestly probably a question for the developer, the potential property buyer. I know they've got some pretty firm deadlines with respect to their financing and getting their project designed, and so it's probably better answered by him. we could, our next meeting I believe is october 11. Is there someone that can answer that question? Okay. You understand what the question is?

>> Yes, mayor. I'm don reese, a partner with 70 rainy street limited, proposed buyer under this transaction. Obviously, would be our preference that we have been -- this has been a very lengthy process, and we do have certain financing and marketing limitations on what we do time wise. We would certainly have been amenable to meeting with the mack at any point. This is the first time we've heard a request to meet with them. So, if need be, yes, we can postpone it, if there is something to be accomplished by doing that. I will say if the object is if there is something built there that is taller than three or four stories that would be what would be ultimately built there. I mean, certainly, we would be willing to, and would anticipate as we have any project in the city deal with the neighborhood in terms of the come pattability and try to -- compatibility and try to enhance the surrounding area as much as we can, because it is a win/win scenario, the he he esplanade entry is something we would be willing to work with them. We would anticipate we would be good neighbors there. What could be accomplished in the next couple weeks in terms of any definitive -- we would be happy to share the information within that period of time, and I guess we are willing to postpone, but we would certainly -- that wouldn't be our preference. thank you for that we will see if there is a will on the council to try that option. I personally think it would be of benefit to at least go out and have that discussion. It's something I think probably should have happened before. So, what it would take would be a motion from someone on the council. What I was going to say, if we postpone it, we don't need to hear the other speakers. Well, okay. Council member tovo, I think, was first. it doesn't matter. I'll second. council member martinez moved to postpone the three items until october 2. mayor, may I make a request of staff if the intervening time, if this motion passes, we get clarity on the original vision for the mack and if the property is purchased and we can bring to bear. Do you have a suggestion for that?

>> And the other thing I wanted to ask is not only that to confirm what the long-term plan was but also the process that was used by your real estate division to sell this property, because that still is not clear and the three options, I think some of us understand it but a lot of folks in the community don't understand that, as well. If we canned ad that to the conversation, as well. I

think you can probably answer that, but the answer is that's probably going to be part of that discussion that you have.

>> Well, I just wanted to let the council members know that we acquired the property in 2003 as part of a trade. We had apartment complex that needed a right of way vacated and in lieu of money they traded us this piece of property.

>> Mayor Leffingwell: okay. We have a motion on the table now for postponement, and there is any other discussion about the postponement from the staff, that would be in order. Otherwise, mayor pro tem. I would like to make brief comment. I heard that there was not any discussion among the members of the board against the development, and so, in the process of educating the neighborhood, the community and the board, I would like to ask the staff to educate, also, about the fact that the property is within the Waller Creek development and TIF and it has been appraised at certain values to pay for that TIF. I will support the postponement but I think that needs to be part of the education process. and it will be a plenty education process, I have no doubt. Council member Morrison. briefly, in the discussion, I gather it is going to be a discussion whether we sell the property at all and there will be background on that. If we do sell the property and it is going to be developed before we sell the property, part of the discussion ought to be what could be some constraints about making it a compatible design.

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

[Chorus of ayes] opposed say no. Passes on a vote of 7-0. We will see you on October 11. Maybe. Item 44 pulled by council member Morrison no speakers. do we have the director of parks here? This is an item considering -- concerning the old bakery and emporium, and it is to do a few things. Number one, extend an existing agreement for 102 days or something like that, and then to authorize negotiation and execution of a longer term agreement. It is my understanding, what I heard from the parks board, they requested we limit it to negotiating, to negotiation and it come back through them to actually -- before we execute it, so I wanted to make sure that would work with your time line.

>> Absolutely there was some discussion, they have some questions that weren't necessarily in favor, they were all in favor of it and they actually were excited to see this space was being used and had been redeveloped but they wanted to have a little bit more dialogue about the contract and what kind of improvements and process to improve the park area, which there were some massive public involvement so this would not be bad to just go ahead and extend the contract because it does end on October 22 for 102 days, it allows us the opportunity to negotiate with the parks foundation and the Austin Alliance and we can come back through the parks and recreation board for execution of the agreement.

>> Terrific. motion by council member Morrison to approve item 44, negotiation only. Second by council member Spelman. Further discussion? All those in favor, please say aye.

[Chorus of ayes] opposed, say no. Passes on a vote of 7-0. Item number 46 and 47 together are next. Question start it, we may not be able to finish it. Let me see if we've got one or two that we can maybe finish. Call up item number 67 no speakers signed up. 67 is pulled by council

member riley. I effect to be pretty quick this item relates to auxilliary water, an assessment of various city ordinances related to auxilliary waters. I wanted to touch base with staff about this because it was related to an effort that's been ongoing for some time now, related to one type of auxilliary water, specifically gray water and I just wanted to make sure I have a handle on how this will affect that project and whether it will it and how it -- how the two projects can relate to each other. Can you address that?

>> Sure, assistant director at austin water. First of all, we will look at the back flow prevention requirements of gray water. Gray water will be one of the auxilliary water uses studied as part of this contract. Now, if you're with the -- you're inquiring also about the uniform plumbing code?

>>Riley: yes.

>> We're going to allow the -- we're going to hold everything back to do with this from the uniform plumbing code going forward. These are discussions we've had with our planning developer and review department, but we are going to, I've been going through this for several days, it might be a little complex to explain, but we are going to take the parts of the 2012 code with the exception of back flow, the parts of the 2012 code that apply to gray water and let them move forward through the process. We're going to maintain the protections we have, the back flow protections we have on gray water and all the other auxilliary water forms until it study is done. in light of the fact the gray water effort has been under way for some time now.

>> Probably six months, maybe longer. I can't remember. better part of a year, maybe. I hope that we could prioritize the aspects of this auxilliary water effort that relate to gray water so we don't slow the gray water effort down too much. If there are parts that with proceed sooner rather than later, it would be great to prioritize that so we can get and see progress on that. As you know, we've had a gray water working group, hard at work for some time, and that effort, of course, include as number of city staff from multiple departments. A lot of folks have been working on that and I hate to say that get thrown in with everything else and be on the exact same timetable with everything else. If there is a way to active sell rate the gray watt -- accelerate the gray water aspects that would be helpful if you think that may be possible.

>> I think it would be. Before I say yes, we will take a look at that and once the contract is approved, talk contractors. We would certainly be willing to take a look at that. Also, just holding back the back flow protections, pdr sing going to have a local amendment about professional design. But, some of the things recommended by that group will be going forward in spite, if you want to say, of this contract or separate from this contract, would be a better way of saying it. So they will get some much their recommendation -- some of their recommendations at least proposed through the upc process, but the back flow won't be one of them.

>> Okay. So we still could see some parts of the gray water effort moved ahead.

>> You would. and other parts that will be tied in with the our auxilliary water --

>> that's correct.

>>Riley: okay. I appreciate your effort on that and all your coordination with the gray water working group and I look forward to seeing the product of this new effort.

>> Appreciate that. Israeli that, may, I don't i will move -- with that, mayor, i will move approval.

>>Mayor leffingwell: thank you. Council member riley moves approval. Second. People in austin have been able to use a gray water system for a long time. We have procedures in place now?

>> We have very, very few of those systems. I know, but there are state rules that govern the use of gray water and aren't there also already city rules.

>> There's state and city rules, yes, sir.

>>Mayor leffingwell: yeah. So, obviously, the reason for kind of the strict construction procedures that we have right now, for health and safety.

>> That's right, yes, sir. The way we look at it, one is the biggest health advances in human history has been the centralized treatment and delivery of water and the of waste water that's one of the reasons, that's probably the primary reason water utilities are conservative or perceived as conservative, we don't want to risk going back on that at all that. 'S what the core of the effort here is to be able to allow auxiliary water uses for water conservation purposes without compromising or going back on any public safety protections that we've established over the years.

>> So this can, you know, certainly I support using it where it is appropriate but it can be pretty nasty stuff. And that's why, basically, the distribution has to be under ground and it has to be carefully controlled. And, I would not like to see -- I would like to make sure that public safety, health and safety standards, are upheld in any process we have going forward. Not only for the people that live in a place that's using the gray water system of some kind but for the next door neighbors. You know, pets, small children, that kind of thing. We've got to keep in mind this, as we go forward, this is really at its heart of the public health and safety issue. I'm going to support the motion, but --

>> we absolutely will do that. And even in the process that council member riley has been talking about we've had five departments involved. For instance, the health department, to make sure about the control that there's nothing allowed any water to stand that might do the mosquitoes, to watershed protection make sure it doesn't go into other people's property so we agree those are very important issues.

>>Mayor leffingwell: okay. All right. So, all those in favor, please say aye.

[Chorus of ayes] opposed, say no. Passes on a vote of 7-0. So, we're approaching time for live music and proclamations. Without objection, we are in recess. Test test

>> we have a very special treat today. We're being joined by -- we're joined by the pap industry dance company and I'm so glad to welcome you all. I take tap dance. I don't call myself a tap dancer. That's way beyond. So this is -- I've been waiting for this for four years, since I've been on council, to be able to welcome tapestry here. Joining me is north america's only professional dance company, tapestry dance company, founded in 1989 by asia gray and ballet a deidra strand, multi-form dance performance and education. Programs include seasonal multi-form concert repereers at the long center, the annual sole d sole festival, community outreach, rhythm, dance, music and you and touring residencies throughout the year. Let's see. Why don't you guys go ahead and hit it and then we'll talk a little bit more because I can't wait anymore.

>> Okay. All right.

[Applause]

[rhythms] zoll

[cheers and applause]

[rhythms] blank compusis planning

[cheers and applause]

>> morrison: more? Oh, no.

[Laughter] no, you don't.

>> How long have you been dancing?

>> A little while.

>> A little while.

>> Do you happen to know the shim sham?

>> Oh, no, I don't like that shim sham thing.

[Laughter]

>> why don't we do one more little shim sham. It's beautiful steps.

>> Morrison: excellent.

>> Come on. One, two, one, two, three, four.

[Rhythms]

[cheers and applause]

>> thank you, ladies and gentlemen. Thank you very much. We are a few of the principal dancers of tapestry dance company.

>> Here's a mic.

>> Excuse me. Hello? Oh, it works. Things are good here. We are a few of the dancers from tapestry dance company. Our web site is tapestry.org. We're a nonprofit organization that's been around austin for over 20 years. Getting close to 25, i think, and it's an absolute honor to have a day to celebrate this company that's vital to the city's arts community. So thank you very much.

[Cheers and applause] before we end, I have two things. First of all I want to mention that these folks brought tap dancing to china on a trip to shanghai last year. Are you going back this year?

>> We are not.

>> You're not going back this year.

>> We have a couple visitors from there coming here, though.

>> That's wonderful. And talk about a cultural exchange to be able to take tap dance to china. It's a fabulous thing. I want to introduce don dixon, who is the president of the board. Did I get that right? And we have a proclamation, be it known whereas the city of austin, texas has many musicians whose talent extends to every musical genre and our music thrives because austin supports good music and dance and legends, local favorites and newcomers, and we are pleased to showcase and support our local artists. Now, therefore, i, lee leffingwell, mayor of the live music capital of the world do hereby proclaim september 27 as tapestry dance company day in austin, texas.

[Cheers and applause]

>> councilwoman morrison, i can't thank you enough for this lovely recognition. My name is don dixon. I'm president of the board of directors of tapestry, and I could not be more proud to support these remarkable dancers and the thing that I love so much about this company is that it's not just a dance academy. It's truly an educational institution. These are teachers and they do wonderful work with our city's children, and we are so proud that this year we will be in partnership with the AISD under the any given child program to bring dance education into the public schools and to tie the performing arts to the core curriculum. It's a very exciting opportunity for us. I am so sorry that ac gray couldn't be here today. She is, in fact, teaching in mississippi today. But she asked me to send regards to everybody in attendance. I want to be -- I want to take this opportunity to thank mayor leffingwell and councilwoman morrison and all the members of the city council and all of the staff of the cultural arts division for the outstanding support that we have received from the city of austin for 23 years. We could not do what we do without this kind of help that we get from the city of austin, and we are very, very grateful for it. Thank you so much.

[Applause] so we have some very nice prizes and certificate of congratulations to a couple of winners from a contest sponsored by the clean air force, and for those of you who don't know what the clean air force is, it's an organization that's been around, I think about ten years.

>> 20. 20 years. I'm off a little bit. It started with the obvious purpose of promoting clean air in austin, texas. I happen to be the -- the mayor is an honorary position on their board of directors and so I'm proud to be on the board of this group that promotes all kinds of efforts and educational efforts to keep the city of austin in a state of non-attainment with regard to epa standards, and I have to tell you that now it is particularly sensitive because we're very, very close to exceeding the limitations. Our neighbor to the south, san antonio, just went into non-attainment status. As cities grow and you have more automobile traffic and industrial activity, it becomes a bigger and bigger challenge. But so far this year I think we're doing well. Deanna may tell us a little bit more about that. And as you may have noticed, one of the activities, one of the educational activities, is to post these ozone action day flags and we fly it actually in front of city hall whenever a day is designated ozone action day to encourage people to be extra careful on those days. You know, don't do -- maybe you could not mow your lawn that day. Frankly, there's a lot of days when I do not mow my lawn, so it's not that difficult for me. Maybe take alternative means of transportation. But I think we don't have an exact way to do it, but deanna, would you like to come up and say a couple words and then I'll read the certificates for our winners. Dina offenhoff director of the clean air force.

>> Thank you.

[Applause]

>> this is our 6th annual year to do this high school contest and it's really fun for us because we get to engage the high school students in air quality issues and we get to see all their cool creative ideas, and these two in particular were extremely, extremely creative, and you can see the first place winner on our web site, and we'll have them both on youtube also. But this contest is open to all high school students in the five-county region, and again, these are just our two winners, and I'll let mayor leffingwell read who those are. Thank you very much.

[Applause] so we actually have two winners, and I'm going to read the certificate -- actually I'll read one certificate, and i assume they're both pretty much the same, and read the two different names. It's a certificate of congratulations. We are pleased to congratulate alexis perry of manor, new technology high school, for taking first place in the clean air force in samsung high school public service announcement air quality contest. Alexis created a well-right-hand and thoughtful psa -- well researched and thoughtful psa on actions people can take to reduce ground level ozone in our area. We're pleased she's taking an active role in educating herself and all citizens about how small efforts by each of us can improve local air quality. This certificate is presented in recognition of her attention-getting ad this 27th day of september in the year 2012, by the city council of austin, texas, and signed by myself, lee leffingwell. So ale

[cheers and applause] and I have another -- yeah, I have another certificate, I'm not going to read it entirely because it's exactly the same, except for the name, certificate of congratulations to

benjamin hill of westlake high school for his well-researched and thoughtful psa. Benjamin, congratulations.

[Applause]

>> and also we have these nice little gifts. One is bigger than the other, so -- one is a 32 gigabyte and one is a 16 gigabyte -- how do we resolve this, deanna?

>> Alexis gets -- alexis gets the 32.

[Applause] and you get the other one. That ought to enable you to do a lot of very nice PSAs.

>> Yes. would you like to see a quick word? Would each of you like to say a word?

>> We want to recognize the teacher, les simpson. les simpson, a you're manor new technology. Thank you for your inspiration to your students. Thank you very much.

[Applause] so next week we're going to again celebrate national night out. Jill munoz is here, former -- joe munoz, retired police officer, retired into an auxiliary job community liaison and he's going to speak to you a little bit more in advance of my reading the proclamation -- I'll read the proclamation first, but -- I want to say, this is a national event, national night out, and the purpose of it is to encourage people to help each other -- to help keep each other safe. Talk to your neighbors, use lighting in your yards. Use porch lights and most of all keep an eye on what's going on and communicate to other people. The purpose of it is to increase public safety. It's been very successful across the nation, and next week there are going to be events all over the city of austin in celebration of national night out as an educational event. So I'll read the proclamation and then I'll let joe tell you a little bit more about it. Be it known that whereas national night out is a nationwide program designed to heighten crime awareness, increase participation in local anticrime programs, strengthen neighborhood spirit and police community partnerships and send a message to criminals that neighborhoods are organized and fighting back, and whereas, the austin police department plays a vital role in establishing joint crime and drug prevention efforts and encourages citizens to attend national night out to get -- to get to know one another and to learn how they can reduce crime, crime and drug abuse in their neighborhoods, and whereas, we join with apd, travis county sheriff's office and other law enforcement agencies and local business sponsors in supporting the 29th annual national night out. Now, therefore, i, lee leffingwell, mayor of the city of austin, texas, do hereby proclaim october 2, 2012, as national night out in austin, texas. Congratulations, joe, and thanks for your work.

[Applause] I'll give you this, and you can say a couple words.

>> Thank you, mayor. Thank you, mayor and council. I just want to remind everybody that this tuesday 00 in the afternoon, we move our austin-based party of all the citizens to come out and join us with some crime prevention measures, and that's going to be -- this year we've moved it to the domain, and the domain, everybody knows where that's at, northwest austin, and it's going to be in the parking lot just east of macy's. So if you have an opportunity, we have live music, we

have all kinds of give-aways, a lot of entertainment, and information as it relates to crime prevention. Also, we have approximately 400 neighborhood parties across the city, and it's still not -- it's still early enough to still have a party, if you just call us at 974-4700, we can get the information to you, or just go to the atd web site. But we are, for a city this size, we are fourth in the country and we've been locked in at fourth in the country for about six years now, and I've challenged my staff to increase the parties. We've increased the parties the last three years by 20%. So I don't know what san antonio is doing, but they keep oncoming out ahead of us, and -- like in the 2500 party types, but I think that with the participation of the community here we can definitely outdo san antonio. So thank you, mayor.

[Applause] now, we have a proclamation in support of our small businesses in austin. The biggest part of our economy, and I always use a few statistics, and actually they change over time, but i believe it's still fairly accurate to say that 80% of the businesses in austin, texas have fewer than 10 employees, and almost two-thirds of the jobs in the private sector are in companies that have fewer than 100 employees. So I think that's a pretty strong indication that small business is really the backbone of our economy. They don't get noticed that much. Of course our big businesses are important too, and we appreciate them, but in the process of trying to build our economy, we can't focus just on the large businesses because small business is such an important point -- part of it. In our economic development department we have within that a small business section. Rosy jalifi, who is beside me here, heads up that section and has done a great job over a number of years in trying to find new ways to help small business here. Today we're going to talk about one of those programs that has been very successful and very helpful. It's called the meet the lender program. If you're a big business and you need to acquire a lot of capital to grow or expand your business, you go hire a lawyer and you go down and talk to the banker and you work something out. Small businesses don't always -- mom and pop businesses don't have access to that kind of expertise, so that's where the city steps in and brings the mom and pops together with the lenders for a couple of days every year, and it's been a great benefit, much appreciated program. It's been in place for a long time because it has been very successful. So I'm going to read this proclamation and then I'll let the department head come up and tell you just a little bit more about it. Be it known that whereas access to capital is the number one business need for entrepreneurs wanting to start or expand a business, but seeking loans and discussing finance can be an intimidating experience, and whereas the city's ninth annual no cost business loan fair meet the lender is designed to give local entrepreneurs the opportunity to learn about the loan process and to meet almost 40 members in an informal and natural environment all under one roof, and whereas, meet the lender has been recognized nationally by harvard university and by the national league of cities as a standard model for other municipalities, and whereas the small business development program's goal is to ensure that austin and area small business owners are aware of the many and varied resources available to them so that they can have adequate capital to start their businesses or enhance their existing businesses. Now, therefore, i, lee leffingwell, mayor of the city of austin, texas, do hereby proclaim october 11, 2012 as meet the lender day in austin, texas. So congratulations to you and your entire department.

[Applause] and I want to say one more thing before you come up here. Just recently austin was named the best city in america for small business and I think that's quite an accomplishment. So rosy --

>> thank you, mayor, and yes, that is quite an honor, just to think of that, and all the cities in the united states, we're the best. That speaks volumes. I invite the viewing audience to come and join us at the ninth annual meet the lender. It's on october the 11th at palmer events center. The exhibit hall opens from 3:00 to 7:00. This year we're having a panel form -- panel discussion that will -- the speakers will be business owners who will be teaching other business owners about their experience in accessing capital and getting loans through banks, so that will be a very informative learning session. Last year we had more than close to about 7 or # 800 business owners attend and we had over 50 lenders there. So this year we're expecting to have the same attendance and we certainly encourage everyone in the viewing audience to attend. And if I may just put a small plug in, recently the city council approved a loan program for financing small business expansions. It's called the family business loan program. We are leveraging public and private sector money, specifically hud money 108 money. We'll be coming very soon on the agenda with some loans for council to consider. And so I invite the viewing audience to come and learn about the business program. It's designed to help those people who are in business now and who are ready to take their business to the next level, that is expand your business. So we'll have information on that program as well as the ussba will be there and lots of other community lenders will be there as well too as well as our great banking community. So thank you for the time. Thank you for the recognition, mayor, and for your continued support, and we invite you and hope to see all of you there on october 11 at palmer events. Thank you.

[Applause]

>> morrison: we are here. I'm joined by annie crawford AND bren McNamia tweed, here to recognize binational health week, which is a great opportunity across the americas to be able to raise awareness of health issues that affect especially underserved latino population. So we're very happy to be able to recognize the work that you all do with the consulate john roll of mexico, the salud director, which is the program here. I'm happy to present this proclamation to you all. It says be it known that whereas binational health week is a coordinated effort and the consulates of mexico, el salva guatemala, peru, to improve the life of underserved latino populations by expanding their access to health care, and whereas our country is home to more than 5 million people of latino origin, many of mobile populations requiring multiple approaches in service, design, delivery, funding priorities and a strong binational commitment. And whereas in austin the events in salud at the consulate of mexico coordinates binational health week and provides year-round outreach to insured and under insured latino populations, to raise awareness about preventative health and health services and whereas we recognize the services of the consulate and the many organizations and volunteers collaborating on health-related activities this week. Now, therefore, i, lee leffingwell, mayor of the city of austin, texas, do hereby proclaim october 1 to 14, 2012 as the 11th annual binational health week in austin. Congratulations.

[Applause] do you want to tell us a little bit about the program?

>> Thank you, council member morrison. As she said, I'm the director of the de salud which is the health outreach to the mexican consulate. This is one of our people doing outreach in the community. And binational health week is a two-week series of free health events so it's taking place october 1 through the 14th and we work with a wide range of community partners to create

free health events during this time. So there's nutrition classes, diabetes workshops, workshops on how to eliminate health disparities, flu shots, a wide range of health topics. All the events are free, they're bilingual and targeting the latino community but we want to highlight that everyone is welcome to participate and to join and our goal is just promoting health in the community. I would like to invite everyone to come to our kickoff event, which is this tuesday, october 2. It will be at the mexican consulate, which is at 410 baylor street just right down the road off 5th and lamar, and we'll be having free flu shots so it's a great chance for you to come out and start off the fall season healthy. And I also wanted to highlight another event, which is tuesday october 9, and we're working with the sustainable food center to create an event called the wellness stand, so we're creating a mobile event de salud that will take place each month at the farmers market where the double dollar wic and food stamps products are offered. We're trying to create a way to access health by bringing it into the community as well. So there's a whole range of activities. Those are all on the consulate web page, and people were contact us at the consulate at 478-2866, extension 117, with any questions. So I thank you for your ...

[Applause] I'm joined today, we're here to recognize, is it the 15th anniversary? Of livestron october 2, 16 years ago was actually the day that lance armstrong was diagnosed with cancer. And for 15 years we've had the livestrong foundation serving folks with cancer in our community and all around the world, at least around the nation.

>> Global. yeah, it's globally. And so it's obviously an important service and a unique service, I believe, to be able to help folks that are living with cancer. And so I'm delighted to be able to welcome ro canales who is the livestrong leader.

>> Correct. and a city of austin employee.

>> Austin energy.

>> Morrison: austin energy. Go austin energy. And clifford gorman, livestrong leader, and chris, what is your last name, chris?

>> Brewer. and tara williams from livestrong. So I am delighted to be able to present this proclamation to you, recognizing this great achievement and the great service that you all do. It says, be it known that whereas the day that lance armstrong was diagnosed with cancer has become a day that the livestrong movement shows cancer -- what they are made of -- I'm sorry, i hadn't read this before but I'm getting it now. The day that the livestrong movement shows cancer what they are made of, that they are determined, they are loud and they are fighters, and whereas as the livestrong foundation reaches its 15th anniversary, it has much to celebrate, having raised millions of dollars to assist cancer patients and having opened its cancer navigation center here in austin. , And whereas the center located in east austin is not a medical facility, but a source for emotional support and information for fertility risks and preservation options and help with insurance, employment and financial concerns as well as a general cancer and treatment information, and whereas the livestrong cancer navigation center helps people with any type of cancer at any stage of treatment, including patients, families, friends, loved ones, and health care professionals, they provide assistance in both english and spanish. Now, therefore, i, lee leffingwell, mayor of the city of austin, texas, do extend anniversary congratulations and do

hereby proclaim october 2, 2012 as livestrong day in austin. Congratulations and thank you for your work.

>> Thank you. Thank you very much.

[Applause]

>> good evening. My name is roland canales and I am a livestrong leader for the foundation, and i just wanted to say a couple of words. I would like to thank the mayor and the council for their support on this proclamation. I would like to especially acknowledge council member morrison for supporting this proclamation, and a couple of pieces of information that I wanted to share with the group is october 2 is livestrong day, and it's a day where we unite to continue to be the voice for many that cannot, that are afflicted with cancer. So we ask you to join us on livestrong day, and wear yellow, and support the foundation. Also wanted to mention to you that on october the 19th we will be celebrating the gala here in austin to commemorate the 15th year anniversary. We invite the community to come out and join us, and we want to make sure that everyone in the community and globally know that the navigation center is here to serve everyone. We support people one-on-one. We have a bilingual staff that is ready and willing to assist anyone that is afflicted with cancer and their family members, and council, we thank you again for this opportunity. thank you for your work.

[Applause]

>> morrison: well, you all. We are here to recognize domestic violence awareness month, and we're so fortunate in this town to have so many great organizations and people that are committed to putting an end to domestic violence and to serving folks that are -- have experienced domestic violence. And so this is a very important month, and I'm delighted that you all could come down, and I'm here with julia spann with safe place and several others who will introduce themselves, who work in the field. So we have a proclamation that says, be it known that whereas the family is the foundation of a safe and healthy community. However, the problem of domestic and sexual violence affects austinites in all racial, social, religious, ethnic, geographic and economic groups, and whereas in 2011 safe place received almost 16,000 hotline calls, provided 812 victims with emergency shelter, provided almost 1800 victims with 26,000 hours of counseling and provided 5,400 victims with safety and healing services, and whereas family violence counselors and the victims services unit of apd made contact with 2,695 victims of family violence, and whereas, we urge citizens to learn more about this issue and to become familiar with resources and programs to assist victims of domestic violence, this month, let us work together to eliminate violence in our community. Now, therefore, i, lee leffingwell, mayor of the city of austin, texas, do hereby proclaim october 2012 as domestic violence awareness month in austin. Thank you.

>> Thank you.

[Applause]

>> I'm julia spann with safe place, and one of the exciting things that we have happening in austin and travis county is that our community works together better than I think most places around the nation in having a really coordinated response to domestic violence. And so behind me are members of the austin/travis county family violence task force, and this is -- I'll have them introduce themselves, but it really is an awesome display of the way in which both the private and public sector have come together to work endlessly to try to end domestic violence in our community, and it's exciting to actually receive this proclamation at a time when we're also recognizing the night out, because it really is the responsibility of all citizens to help each other to be safe, and that's certainly our message. We'd also like to invite people to an event on october 4 at the rowing center, the texas rowing center. It's a time when we can all stand up for safe families. It's a paddle parade. It's going to be great fun where we can celebrate all the families that are safe and renew our vows to do our best to keep all families safe. With that I will thank you very much for this proclamation and let folks introduce themselves.

>> Hi, I'm kersha hereafterlaw and I work with the constable's office and travis county serves the protect orders to help keep families safe, and I'm the chair of this year's stand you have for safe families paddle parade and next thursday, it's a free event, 00 to 7:00.

>> My name is gretta gardner. I work for the traffic counseling and education services as the family violence director and also the chair of the austin/travis county family violence task force.

>> Hi, I'm will you pita will you has not and I work with the austin police department victims services.

>> I'm roxanne or tega heart and I'm a victim services counselor with the austin police department.

>> Hi, my name is larami and I'm a counselor with the travis county victims services. Thank you.

>> Hello, my name is carlos lopez and I'm chief deputy constable with the constable's office, precinct 5. Thank you very much. thank you all for your work.

>> Thank you.

[Applause]

>> good evening, I'm council member kathie tovo ann I'm presenting the next proclamation to otis latin -- who is the chair of the office of homeland security and emergency manage. As you may know, september 2012 -- 2012 marks the 9th annual preparedness month sponsored by the federal emergency management agency and the u.s. Department of headlines. And one goal of homeland security -- homeland security is to educate the public how best to prepare for emergencies, for natural disasters, mass calamities and other and terrorists attacks. Our city of austin office of homeland security and management does a fabulous job of educating our community about how they can prepare for emergencies of all kinds and prepare at a community level as well as at a family level. And so it is my pleasure to present this next proclamation, and

to ask latin to say a few words about how our families can prepare so be it known that whereas national preparedness month creates an opportunity for every austin resident to prepare their homes, businesses and community for emergencies, ranging from natural disasters to potential terrorist attacks, and whereas investing in preparedness can reduce fatalities in our comnts and in our nation, and whereas the austin office of homeland security and emergency management disaster-ready austin hscm disaster ready austin campaign, fema, citizens core and other agencies offer public activities to educate citizens about emergency preparedness and how to take action, and whereas we urge all citizens to participate in citizen preparedness activities, and com and become more prepared. Now, therefore, i, lee leffingwell, mayor of the city of austin, texas, do hereby proclaim september 2012 at national preparedness month.

[Applause]

>> thank you, council member, tovo. We really appreciate the ity's evident to make sure that education stays on the top of the importance for everyone in our area. Also like to thank thr and all the council members that are not here also, for them being very engaged in all of our educational programs. The office of homeland security and emergency management for the city, we have over 17 different educational programs that we provide to the citizens. We are very proud of those particular educational programs that we have. We also during this month, we've had an open house where we have invited the citizens to come out, go through some educational programs, talk about how they should be prepared at their homes, because that's very important that everyone prepare at their homes. We know from a city perspective, we have very good plans, we exercise those plans, so we are ready to take on any kind of incident that takes place. However, we need our citizens to be prepared so that they can help us during these events so that they can take care of themselves for 72 hours or so while we are taking care of the large incidents. To find out exactly how our citizens were prepared, during this month, we were -- we did a survey. We had a company to do a survey of our citizens, and, you know, we knew we had a lot of programs and we knew that we were putting this information out, but we really didn't know how well we were doing in getting it to the citizens. To our dismay, the survey didn't come back as great as we would have liked. The basic consensus from the survey was that austin residents are not well-prepared themselves for, you know, natural or man made disasters. And some of the reasons that the survey said was because the residents -- residents don't really experience a lot of major disasters. We have, like, flooding and severe thunderstorms, but everybody is not engaged in those. So that was one of the reasons. And the other one was the citizens have a life of urgency, because they're not engaged a lot, they have a lack of urgency, and the residents prepared -- some of the residents are prepared but they're not prepared enough. Like they -- you know, they don't have their kits ready, like water prepared for 72 hours, their papers in the right place, so that if, in fact, they have to leave home they could take those things with them and go to shelters. So -- but one good thing that the survey did tell us and that was the best way for us to reach our citizens, because it surveyed over 54 zip codes throughout the city, all demographics, so it was that through television and through the internet was two of the mainly ways that we can reach them. So I said all of that to say that what this makes us want to do more is make sure that we do more to get our message out to our citizens. That's what we have to do, to make sure that the citizens within our area are better prepared. Thank you.

[Applause] wik hacka we are out of recess, and I've been advised that we have a few additional consent zoning cases. We'll take that up real quickly and just for your planning purposes, the way I'd like to proceed is we go through these and then we'll go to a couple public hearings. We have one with no speakers, and then we have one that involves out of town guests, and I'd like to get that out of the way and then we'll go back and work our way through. So go ahead, mr. guernsey. 108 and 109 are related. Item no npa-2012-0005.02. This is for the property located at 6606 felix avenue in the montopolis area, to change the future land use map from single to neighborhood mixed use. Land use. The commission's recommendation was to deny and the relate the zoning item is 109, case c14-2012-0069, the property located at 6606 felix avenue. To rezone to neighborhood commercial, mixed use, neighborhood plan or lumunp combined district zoning. The planning commission's recommendation was to deny the request for neighborhood commercial-mixed use neighborhood plan. And mayor, I understand we have one person that's here actually in opposition in both cases. We did inform the applicant of this request. It was not recommended by your commission for either item on a 9-0 denial vote and it was not recommended by staff. You could, if you wish, take action on this item tonight.

>> Mayor? well, is the person who signed up in the chamber?

>> She is. and you're not wishing to speak, it's on the consent -- for consent denial for both cases? All right. So with that I'll entertain motion on items 108 and 109 and the motion would be to deny both items?

>> So moved, mayor. council member martinez so moves, council member morrison. Any discussion, all in favor say aye.

>> Aye.

>> Mayor leffingwell: aye. It passes. Do you have for us --

>> no, I've got two more 129, is case c14-2012-0051 at 4134 filter lane to zone the property to commercial liquor sales or cs-1 district zoning. The commission did recommend this for commercial liquor sales conditional overlay or cs-1-co combined district zoning. This is ready for consent, approval on three readings. And then finally item no. 133, This is case c14-2012-0070 for the property located at 207 east 53rd street. To rezone the property to community commercial, neighborhood plan or gr in. P combining district zoning. Commission's recommendation was to grant community commercial neighborhood overlay or co-np combining district zoning and we can offer there for consent approval on first reading only. okay, so the additional consent agenda would be to close the public hearing and approve item 129 on all three readings and to close the public hearing and approve on first reading only item 133. Is there a motion? Council member morrison so moves, council member spelman seconds. Discussion? All in favor say aye.

>> Aye.

>> Mayor leffingwell: aye. Opposed no? Passes on a vote of 6-0 with mayor pro tem cole off the dais. And on the last vote, madam clerk, note that it was 5-0 with mayor pro tem and council

member spelman off the dais. I think I misspoke. So with that if there's no objection, council will take up public hearing for item 141. Should go very quickly, no speakers signed up. Do we have staff here for we're taking up item 141.

>> Yes, sir, item 141 is a change of use of parkland on walnut creek for a wastewater line. The mitigation for this is just a little bit over 77,000 and the legal fact finding is there is no other feasible and prudent alternative to the taking of the dedicated parkland, which includes all planning to minimize harm to the park. all right.

>> I'm out of breath, sorry.

[Laughter] I ran. all right. Well, you don't have to talk anymore, I don't think.

[Laughter] so there are no speakers signed up in this public hearing, so I'll entertain a motion to close the public hearing and approve the resolution. So moved by council member martinez. And seconded by council member spelman. Is there any discussion in all in favor say aye.

>> Aye.

>> Mayor leffingwell: aye. Opposed so no. Passes on a vote of 7-0.

>> Thank you. now, council if there's no -- if there's no objection we'll go to the public hearing for item 140. We have several guests here for this from out of town, and I'd like to go ahead and consider this item now. So we'll call up item no. 140.

>> Good evening, council, mayor, mayor pro tem, brian gill economic development manager. At the special called meeting on october 12 staff presented a briefing related to the economic development proposal for hid global and also set a public hearing for today's meeting so we're ready to proceed with that public hearing. any questions of staff? We had presentations about twice for it so we'll go to our public hearing, and the first speaker is gary farmer. Gary farmer in the chamber? All right. Jim o'quinn?

>> I'm jim o'quinn with with our lady of guadalupe catholic church, meeting -- small business owner here in austin. I would like to first acknowledge the great work that's been done by the council and the business community and the economic development offices. We understand that 85% of the jobs that are coming to austin under the hid global economic incentive deal don't require college education, and we understand the services sector of the community that does need attention. We also have been told that the average pay for these jobs is over \$50,000 and they come with a great benefit package.

[One moment, please, for]

>> for the hours for supervisors. That's also a requirement of austin city contractors, is it not?

>> Yes, it is speaking speaking any other important things he left out?

>> No, I think he covered it.

>> Spelman: great. Thanks.

>> Okay.

>> Margo dover. Welcome. You have three minutes. mayor and council members, mayor pro tem, I'm here to strongly support on behalf of skill point alliance these jobs that are coming from hid global. We recognize that while people may say that a job at 46 an hour with benefits isn't good enough, it's great. It's the kind of job that lifts a family out of poverty, that shows children when their parents get a job like this that there's a future for them. These are the jobs that allow people to enter the workforce, and I promise you when we're only able to train 20% of the people that come to us looking for training, the other 80% are walking around with no jobs. These are the jobs that people who have not graduated from high school, but who have an ability and an interest in learning can come and be trained in a rapid employment training model that gives them the skills to enter. This company is willing to continuously train them, offer them benefits, offer them an opportunity to get ongoing education. For us, when you look at the number of people that are coming in eager, wishing that there was somewhere for them to go to a job, to turn away jobs like this to me is unconscionable. This is what we want more of and more of, because the first step is the most important step. The entry-level step, and the people that -- 50 of these people will be in this chamber on november 30 graduating from gateway in their blue caps and gowns and entry level construction workers, plumbers, electricians, certified nurse aid office workers. These people were proud of that graduation and proud of what they've done and they're ready to do jobs that would pay them this entry-level salary and give them an opportunity to help their families with benefits. These are the jobs that move the needle for the people that are the least attended to in our community, and i think that it's wonderful that you're considering this and I hope very much that you step up and make sure that this happens. On skillpoint's behalf we would hate to see these jobs leave our community. We're very excited to have this chance.

>> Thank you, margo. Council member cole? margo, can you tell us a little about your training program? Do you specifically train for construction jobs?

>> We do train for entry-level construction, and that means that they get a core competency, but what we really do in the period of four weeks for core or up to ten weeks for specialties, is we teach people how to show up, how to be ethical employees and companies like u.s. Farasane, that we were here for not long ago said to us, we can train anybody if they can walk in and be ethical, and the people we train, the people that want these jobs are ethical people who only need an opportunity to show up, shut up, be great team members, ask for help, offer help, be the first ones in and the last ones out. let me ask you this. Do you -- do you take disadvantaged workers? And by that I mean someone who just has a ged, who dropped out of high school -- criminals --

>> we take people who come from former offenders, people coming off any kind of assistance, homeless people. They do not have to have a high school diploma or a ged. We take people that are willing to show up every day 00 and know that they'll be fired from our training if they're late within the first week three times, because this is a job. let me ask you one other question. I want to talk to you a little bit about the wages when we're talking about specifically trying to target a

disadvantaged worker. I would think that would be challenging to get actually into the system, but I'd like to lean on your expertise with that.

>> Well, it's challenging to get into the system. The texas workforce commission who funds us for a lot of our training asks 07 an hour, but I will tell you that throughout central texas that is a range that can be somewhere from \$9 an hour to \$11 an hour to a little bit more. Our electrical folks are getting up to 14, but our entry level core construction workers who -- many of whom have never worked a real job, one day in their life, who may start at \$9 are so happy to have that. \$9 Is 9 more than nothing. And a job that comes with benefits lifts an entire family. This is -- it just -- i can't even speak strongly enough at how offended I am when I hear people say that \$9 an hour just isn't good enough. They just have to come and talk to the people we train. They're happy to stand in line for those jobs and work hard for those jobs.

>> Cole: thank you, margo.

>> You're welcome. Thank you all. we hear so much discussion about the construction part of this, and technically there's no connection between the construction and the economic agreement except the construction jobs will be used to build a facility that will house the economic agreement. But it is technically not part of it.

>> I know this is not fair, but I am not here talking about the construction jobs. The hid jobs that are jobs where we can take kids who are walking out of high school -- I hear you. I gotcha.

>> Those are the jobs we want. i appreciate all your comments. Thank you.

>> Thank you. dave porter?

>> Good evening, mayor, council members, dave porter with the austin chamber. Since 2000 our corridor between san antonio and austin has lost 66,000 manufacturing jobs. You talk about the disappearing middle class. Many of that -- much of that has to do with the disappearance of our manufacturing. Here we have an opportunity, a great opportunity to bring a wonderful manufacturer that pays far above average wage -- age wage \$48,000, to austin/travis county.

[One moment, please, for]

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>> I think if you are up front, they know that prevailing wage is part of it. They're going to factor that into their overall bids.

>> Is there something that no carrieringconnect 57600

>>

>> testing 1, 2, 3, 4,.

>> Testing 1, 2, 3, 4.

>> So the question is, we looked at the total a cost of the project, and the dna . >> whoa considered the prevailing wage.

>> Spelman: Do you consider how much with the prevailing wage, how much it will increase your construction cost? We have made some estimates, without speaking with a general contractor, the owners of the site that we are considering, understands that business and we have had had discussions with them, so estimates that we talked about have given us that.

>> Spelman: You have a rough estimate?

>> We have a rough estimate and as we mentioned here, we describe it as having a -- diminishing the competitiveness of the city's offer there.

>> Spelman: It would be a -- it wouldn't be worth our while to ask you to consider it if it wasn't going to cost you money. The question is, how much money is it going to cost you? Is it going to be 1%, 5%, 20%? I mean, can you give me a sense for what order of magnitude we are talking about here?

>> I would say.

>> Spelman: This is mostly for my education, sir and we haven't required this of other folks before and there is a chance we will require this of other folks going forward and I want to have a sense for what we are talking about.

>> So I wouldn't call it an analysis, of what we have done.

>> Spelman: Sure.

>> We have had discussions and we have made some considerations, so for me to give you a number, first of all, would be at this point was having the numbers analyzed would be an inappropriate way to do it.

>> Spelman: And so at this point --

>> I would be making an estimate in a council hearing that's just an estimate.

>> Spelman: But even in the absence of an estimate, which is firm enough that you are willing to talk about it, you know it's going to be too high?

>> We believe it would -- as I said [indiscernible]

>> Spelman: doden from the general contractors association had some other suggestions and I -- my apologies. You may have already committed this stuff in a writing and may have sent a memo out and I didn't get it. I want to make sure we are on the same page with it. He suggested - my apologiestor talking about construction only. That seems to be the rabbit trail we have wandered down and the vast majority of the incentive deal and of course of what you do is manufacture goods and not manufacture buildings. That's something you have to do in order to get to the goods part. While we are on doden suggested all employees be paid by the hour, all taxes be paid and the workers comp be paid. I presume that is something that is on -- that is something which you -- your general contractors want to be doing?

>> When we find a general contractor, I have no issue bringing that discussion to them. I can't answer the question because I haven't had a discussion with the general contractor.

>> Spelman: You don't have a general contractor yet?

>> Right.

>> Spelman: So from our point of view, your requirement is because this is something that nobody told you up front and now we are imposing it on you after the fact, what we need to do going forward -- regardless of what we do tonight -- what we need to do going forward tonight is come up with a list of things we are going to be asking anybody -- give them an economic incentive, too, to adhere, too, such as prevailing waning and paying workers comp for workers and so on and post that to make sure it is a a gatekeeper for everyone to make sure they know that is a requirement before we consider you and you did not know this is something we would be springing on you, and, therefore, you can't tell me whether you can commit to that or not. Is that accurate?

>> I think so.

>> Tovo: Mayor.

>> Mayor leffingwell: Council member tovo.

>> Tovo: Thank you. I appreciate the dialogue here. You know, I guess since our council has been talking for this for at least the year that I have been on here as council member morrison pointed out, it was something that was required of the marriott fee waivers and has some up several times and has been required of several projects as well, it certainly is something that I hope to see become part of our policy, but it has been, you know, an ongoing dialogue that we have had and it certainly is a value of our city and so i won if it might be helpful to have a time to speak to a contractor, come back with estimates. Would postpone this evening help you arrive at a commitment on this point?

>> So from a -- an overall project perspective,

[indiscernible] chamber of commerce think they can actually tell you how aggressively it's scheduled. It's down to -- not the final site selection but

[indiscernible] can you move the mic a little bit closer?

>> Thank you. it is kind of hard to hear. So.

>> So having a favorable vote today would make us stay on the aggressive schedule.

>> Tovo: So my question -- i will reframe it, if we postpone until october 11, do you think you would have some of the estimates -- do you think you would have some better sense about what prevailing wage might cost you and whether that would be financially reasonable to consider from your perspective?

>> From a project perspective, having the schedule stay on target, we would look to make a, based on, again, a favorable vote, make a general contractor decision, and, you know, stay on track with the project schedule. So while certainly any time for analysis is always helpful, we are at the point where we are making a site selection, so our site selection would be delayed if the postponement is to occur.

>> Tovo: Sure. Do you -- I guess, do you expect that you could gain the kind of information you would need in those -- with those -- would those two weeks allow you to come to reasonable conclusions with regards to the questions you have been asked about prevailing wage and the cost of the company?

>> So probably go back to council member spelman's comment. I am -- I am not represented here by any construction experts, so I haven't talked to a general contractor, so a few words, we have to build a building in order to do what we do, which is to make product. So unfortunately, now you are asking me questions that I don't even know.

>> Tovo: Okay. All right. Thank you.

>> Mayor leffingwell: Council member martinez.

>> Martinez: As snarky as this may sound I will put a different voice on and ask a different way. Would you be willing to take two weeks and determine whether hid would commit to this if we put a prevailing wage clause into the agreement?

>> So hid is committed to --

>> Martinez: Would you be willing to take the next two weeks to meet with construction industry folks to see if a prevailing wage clause in this agreement would cause you to not accept this deal? Would you be willing to take those two weeks to find that out? Your direct quote is, a prevailing wage clause diminishes the competitiveness of austin as your selective city and i

understand that. And I -- what I am trying to weigh is, does it diminish it enough for you to walk away or does the other competitive advantages that Austin offers outweigh what it diminishes and we can move forward and bring the jobs here and have hired and maintain our values as a city? Because this is a policy that we do have here at the city. All of our construction sites have prevailing wage. We have done this on two private deals, on a hotel and on a development, just west of here, and so I think that's why you are hearing this conversation.

>> Sure.

>> Martinez: Would you be willing to do that?

>> So I guess the way I would phrase this, I do not make that final decision. On behalf of the project team -- on the project team, the project team recommendation to our company executive committee and our parent company would be to move forward with other alternatives and if the council does not vote favorably.

>> Martinez: That's a no? Thank you.

>> Mayor Leffingwell: okay. Just -- we've got this memo Gilday with regard to this suggestion and others and on the second page, there is a sentence -- a sentence that refers to what we are talking about right now. I will just read the last part of it, he concluded these particular items do not align with their overall goal for an economic development agreement. Is that an accurate statement?

>> I did not write the memo, so I --

>> Mr. Gilday.

>> I am sorry.

>> In speaking with the company and working through the various components, the main issue is their commitment is with regards to the jobs that they would directly create. With regards to the agreement, which is framed as being contingent upon those direct jobs that they would create and the associated wages, they negotiated with us in good faith and because we did not come forward with that initially, the basic position is that it's -- we have an agreement in principle, this is what we negotiated to and this is what we want to move forward with. and I have got one more question before I move on. It's a little bit -- it's going back to the original motion. I just want to make sure this is correct, because the amendment that was incorporated in the main motion already defines a disadvantaged worker by the code -- the Texas government 402c and I just noticed on the back, there is a list of 9 items that define the disadvantaged individual -- that define a disadvantaged individual and number 6 is entering the workplace after being confined in a facility operated by or under contract with the Texas Department of Criminal Justice -- criminal justice for the imprisonment of individuals convicted of felonies other than state jail felonies and I had understood in our previous discussions that this was not acceptable to the applicant because basically they are in the security business and I just want to confirm in this is true or not, and I believe the memos will address that, in that it said, instead of referring to the

code, it just says, a disadvantaged worker either lacks a high school diploma or gsd or has a family income of less than 60% of the travis county mfi. It does not include a --

>> I think the simple answer to your question is there were some modifications to those amendments that were worked on today, between the company and members of the council and so there have been some changes from the memo yesterday in terms of the actual language with which they have agreed. so in other words this language -- referring to the code, texas code and - or defining a disadvantaged person as someone convicted of a felony is okay? This amendment is okay?

>> Yes, the one you have, yes. i want to make sure.

>> There have been modifications to that the last 24 hours or so.

>> Mayor leffingwell: okay. Thanks. Council member morrison.

>> I just have to follow up on the conversation that i heard just before you started talking about that amendment because I think what I heard staff say was that -- was that because the agreement -- the draft agreement that was negotiated with staff and then brought forward, because there would have been any changes to that, that that was going to be a problem and make it unacceptable to the applicant. Or economic development agreement. To me, that's just an indication that this process -- I am probably going to support this thing in the end but I have to say that this process is broken, if it means -- if we cannot do anything but rubber stamp what staff brings us.

[Applause] and that is what i discourage with this and i just have to -- I just have to express that. We have some work to do to fix this process.

>> Mayor.

>> Mayor leffingwell: Council member spelman.

>> Spelman: First i understand that council member morrison got a lot of applause for what she just said because it is the sort of thing you get applause for, but I disagree actually pretty vehemently with it and I didn't know i disagreed vehemently until i heard the words come out of your mouth, if we were have to have a economic policy that makes sense and that's to do what it is, to attract businesses to the town or more importantly attract growth among the businesses that are already in town, it has to be reliable and it has to be something which we can put it out on a poster some place and people will know whether they will qualify or not and the problem I have got right now is we keep moving -- we keep changing the rules of the game even at the last possible minute. I -- you know, I am in agreement that prevailing wage policy is a good idea for construction workers. However, we didn't post that as part of our policy. Staff negotiated in good faith an agreement they thought was consistent with council's policy and it was consistent with council's previous policy. We are changing the policy now. I don't know how I feel about this particular agreement, but I feel as a general rule, we ought to do what council member martinez has been talking about for quite a while. Let's figure out what we want. Let's post it where

everybody can see it. Let's have people understand in advance whether they can say yes or no and then let's stick by our guns when it comes to a vote. I understand why we are not sticking to our guns right now because we haven't thought it through all the way through, but I feel that if we make our decisions in advance, what that policy needs to look like, whether it involves prevailing wage or workers comp or whatever it is for construction, whatever it requires for the floor for wages and the lowest 15th percentile, so on and so on, we know what we are looking for, we shouldn't be in a position where we have to remaining any element of that and we ought to be in a position where we are just rubber stamping it because what we are rubber stamping is a policy we already made, we already agreed the and the canes we have already agreed to in good faith before showing up in this room on the evening that we actually make the vote. I want to be able to rubber stamp a policy because i want to have thought through the policy to the advance to where we don't have to make any decisions at the last minute.

>> Cole: Mayor. let me get a quick word in here and we will get to everybody. I want to say I strongly agree with what council member spelman said and i will go one step further. I think it's appropriate to ask a lot of questions at the outset and have a lot of potential requirements, but at the same time, we have got to make sure we maintain a certain degree of flexibility. I think it's very reasonable in the future -- I am talking about the future now, not tonight -- if we ask the question, what about this, there should be an answer forthcoming, but i think actual gateway requirements should be very few. And there should be a great flexibility so that we will have the ability to compete for these kinds of agreements. And council member morrison is next and then mayor pro tem.

>> Morrison: Thank you. I just want to briefly respond to the comments from my colleague. First of all, I didn't say that so that I could get applause. I want to clear that up. Second of all, I want to second what the mayor said, is we always know that there has to be some flexibility. The idea of rubber stamping is just not going to work for folks. And I would like to mention that I did bring this up two weeks ago. I did not get anything but an answer but a one line 30 in the afternoon. It's not -- it should not have been a surprise. I wish -- it should not have been a surprise that that was going to be brought up, if our staff had -- maybe had the opportunity to share with the applicants quite some time ago in the beginning of the discussions the kinds of discussions that we have been having here. And so there -- there were two weeks there where they could have taken a look at it. There were two weeks there, if there were some work that could be done to come up with some analyses and to maybe change the look of the deal a little bit and so that we could split the difference or something like that, because that would be us investing a little bit more money as a city in the prevailing wage. So I know we have a lot of work to do on it and I -- and we have to do this work done fast. So thank you. mayor pro tem.

>> Cole: I agree first and foremost, to what council member martinez has done in terms of trying to get a consistent council policy, and I think from that, we will move to what is a predictable staff policy, and then even after that we will need some flexibility as things arise that occur in our community that are to be dealt with in the process of an agreement but I do agree with council member spelman and mayor leffingwell that predictable is very important in economic development agreements but it's not totally at the expense of council weighing in on sharing community values.

>> Mayor leffingwell: yes.

>> I want to know something before we make comments because I want to know where we are. I understand there is an amendment. there is an amendment on the table.

>> Martinez: We will vote on the amendment.

>> Mayor leffingwell: yes.

>> Martinez: The second is withdrawn.

>> Mayor leffingwell: yes.

>> Martinez: That's correct? So I want to ask will the second contain -- are you withdrawing the second.

>> Spelman: I will withdraw the second.

>> Martinez: I will second the amendment.

>> Mayor leffingwell: Council member spelman withdraws the second and council member martinez is now the second on the proposed amendment.

>> Martinez: And I just want to say, you know, I ask that we revisit this, but I don't want to put any notion out there that I think we can come up with a policy that this council is never going to worry about again. In fact, if we could, none of us would be here tonight. We would create policies and move on. The whole legislative process is about creating the policies as best you see fit that are in line with your values but always maintaining as the mayor said that flexibility in the end to make a final decision. We vote on variances for zoning cases every week. We draft resolutions that amend ordinances every week. Nothing is perfect. And that is exactly what we are doing tonight. Yes, we have a policy. We have a matrix that every company has to go through. But every company knows that even if they agree to everything that staff has asked and even if they meet every criteria in our matrix, they still have to come here on a thursday night and they still have to get a positive vote. It is not a foregone conclusion. That's why we are here and that's what we are discussing right now. So -- and I realize the frustration around this. I understand it. There are a lot of competing values and there are a lot of folks in this room on many sides of the issue. We have a great company bringing sorely needed jobs for the hard to employ and underemployed. We have a workforce. We have contractors. They are doing everything they can to try to be good contractors, good actors, pay their employees well and provide them necessary benefits but also maintain a competitive edge and then the workforce that is doing everything they can to lift themselves out. And help them and their family. These are serious competing interests we care about. These decisions are not easy. I came to this town 25 years 50 an hour in construction as a laborer while going to austin a community college -- while going to austin community college. I know what it's like. I know what it's like to show up at cap metro for two hours and then be told there is no work today. I did it. I think we also have good policies and we have a record as a council for applying prevailing wage on private sector

agreements. They did it on the marriott. They did it at green water treatment plant with trammell crowe recently and were here 2 in the morning for that vote so I will support at least a prevailing wage provision. It doesn't get us to where we want or the 11-dollar an hour wage.

[One moment, please, for 57600 maintain that competitive edge that brought hid here in the first place so I will be supporting the amendment. councilor riley. I absolutely support having a prevailing wage for our construction workers and I'm hopeful we will get to a recommendation along those lines from the committee and I expect to support that as being part of our policy. But, unfortunately, that's not where we are tonight. We haven't gone through that process, we haven't adopted it as a standard policy. Given what is before us tonight, the process before us, the negotiations on the part of the city, I'm reluctant to put at risk an economic development agreement that offers significant benefits for the workers that we're all concerned about. 276 New full-time jobs by the end of 2015, that have an average annual compensation of over \$53,000, most of which don't even require that high school diploma, we're talking about \$30 million of build property improvements along with \$6 million of business, personal property that goes on to the tax rolls, that helps ease the tax burden on everyone in austin and the pflugerville isb. It is something at risk at the last minute that is not part of our policy so I won't be supporting the amendment but i am inclined to support a policy requiring a prevailing wage, if that is the recommendation of the committee that is now hard at work on this issue.

>> In the interest of saving time, I will just say that i pretty much associate myself with the comments just made by council member riley. And I do not intend to support the amendment tonight. So, with that, fall favor of the amendment proposed by council member morrison, say aye.

[Chorus of ayes]

>> opposed, say no.

[CHORUS OF NOs]

>> I believe that fails on a 4-3 vote with council member riley, myself, mayor pro tem voting no. So, I believe that brings us to the main motion that was made by mayor pro tem cole is there any further discussion on that before we take vote? Council member morrison. I just want to make a comment that we do have work to do on this and are hard at work, hopefully making progress soon. I won't bother making a motion tonight for this, but another issue on the table has been the minimum wage for the workers, employees, permanent employees and also for the construction workers, having not only prevailing wage but a floor of \$11 an hour or \$12 an hour. Also, an element of a premium pay for training disadvantaged workers, so just to let everybody know that that, I i think is also going to be an important part of our discussion as as at the committee to bring forward. the motion is to approve the staff recommendation with the two amendment business mayor pro tem cole.

>> The other beauty of being a legislative body, s, when the body speak, we move forward and I absolutely respect my colleague, your decision. I will be supporting this moving forward because I think it is good for austin, perfection cannot be the enemy of good, but we have time to make it

better through our committee and bringing policy to this body, so I respect everyone's decision, everyone has made important comments. I will be supporting this moving forward. council member spelman. I agree completely with council member martinez. The way we should think about situations like this, when something coming up we haven't thought of before, especially in we've been negotiating in goodfaith for a company for several weeks or month, this is something we file away and the next time around we add whatever we think we need to add. We missed something and now we know something new we didn't know before about what our requirements are. I think prevailing wage is an extremely important requirement and I hope you naught on the -- you put that on the list of all future requirements. I'm much more comfortable on voting on what we've negotiated. council member tovo.

>> mayor, I appreciate the discussion this evening, I agree we have a lot of two do and there is real urgency to it because we need to get a policy in place and I hope in the meantime, our staff will communicate to any companies that are interested this is a value. The prevailing wage and a wage floor is a value that has come up multiple times and is likely to come up in the council hearings. This is a challenge process, because it comes to us very late in the game. I want to just put on the record that I hope we never become a rubber stamp for a staff recommendation that is not our responsibility. That certainly is not the responsibility that we -- that i believe we hold to the public, and by the way, the public has a role in those decisions, as well, which is why it is a public hearing and public process and I hope we never get to the point where this public input means nothing to the decision either. I think we need to hear the concerns that people raise in these last, final weeks, because you know, in the end, we are spending taxpayer dollars sometimes or foregoing revenue from property tax, so I will be supporting this motion. I will say I really regret that we didn't succeed in requiring a prevailing wage for construction workers, but I do believe that this company will bring value and good jobs to our community so I will be supporting it and i look forward to working with all of you on getting a long-term policy in place to recognize some of these values. I want to say just one more word in closing. I don't agree that our economic policy, incentive policy broken. It has served us very well over the past three years, we've improved I believe eight different economic incentive agreements, all but one of those is approved unanimously by this council. So, that doesn't mean that there can't be tweaks to it, and certainly, I believe we've got to be open to suggestions about how it can be better, but the same time, we've got to keep it the strong, economic engine that it has been over the last three years that truly has made the city of austin's economy the envy of the entire nation, and that's not an exaggeration. I think it has been our economic incentive program has been integral to that success that we've enjoyed over the last three years. Is, I don't want anybody to go away with the idea it is in shambles and totally broken it may need some tweaks but it is not broken. All those in favor, please say aye?

[Chorus of ayes] opposed, say no. I believe that was 7-0.

[Applause] and, that brings us to items 46 and 47 together.

>> Thank you, mayor and council. Item number 46 and 47 are related. it was pulled by council member morrison, and so far I only have one speaker signed up. Would you like to make some comments or just -- I doubt if the speaker is here. George cofer? Oh, he's here. Okay.

>> Mr. cofer is here.

>>Mayor leffingwell: all right. Here he comes.

>> Good evening, mayor, mayor pro tem, council members. Thank you for working so hard all day long. I'm george cofer, I'm executive director of hill country conservancy, I'm here tonight to speak in favor of this item and to urge you to vote yes for this item. I may be one of the very few people old enough to have been involved in this item. I want to give you a brief history of why I'm in support of this item, and asking to you vote yes. I thought about saying long, long ago in a galaxy far, far away, but I will resist that poor attempt at humor and just start right in. bill walters in 1998 or 1999 and asked him to put the development of the track on hold. In the environmental community that really was, we used expression, crown jewel. As you probably know, the bond election in 1992 that made the wilderness park possible, most people that you it was part of the wilderness park. If you can picture driving on MoPAC, THE BIG MALL ON THE Right go over 360 and then the wilderness park on the right that thousand acres. What people did not know, even people well informed, is that was slated to be two office towers and five commercial pads. That would have been the gateway to the wilderness park. You would not even have been able to see the wilderness park walters and says, please, stop what you've been doing and, keep in mind, he spent two year entitling that property, spent more than a million dollars, and he put that on hold at our request and long story short, we were able to cobble together about \$7 million. The appraisal was 10 million, and I hope I'm preaching to the choir, but we have just never done the right thing in my opinion, for mr. walters. I was in many, many meetings with a clear legislative intent, the clear common plain english intent was that we would make walters whole and healthy by what we referred to then as transfer development rights and that simply never happened. So I think we have a chance tonight to do the right thing, to finally close this, what i consider to be one of the best outcomes ever in an environmental project, and, walters has been a really good champion. I don't know if that is full disclosure, I just want you to know that I continue to work with him on conservation projects. This is not a one-off deal. walters has been a strong advocate, helper, intercuesed me to people and even on some of his projects he has done everything we've asked him to do. I appreciate you all listening. If I had tone in my voice, i apologize. But 12 years is long enough. Let's go ahead and wrap this one up. Thank you.

>> Don't go away.

>> Yes, sir, mr. mayor. I'm sort of getting from what you said that, to you -- and I remember a few details about when this happened. I wasn't at the forefront of it like you were and some of the other folks you mention, but i do remember it was sort of like the city of austin would have done almost knowing get their hands on this property and save it. And, I sort of get the impression that what you're saying is we were able to do that with a lot of cooperation from a lot of people, and what I've kind of felt like throughout this discussion is what we're talking about is the credibility and the integrity of the city of austin when it bargains for things like this. Going forward. I think it's important that we maintain that. Is that going too far for you? Am I trying to put words in your mouth? mayor, I will not disagree with what you just said. Frankly, I was very surprised to hear, I honestly did not know this had not been resolved years ago until I saw it on the agenda about a month ago, and I was very surprised and called walters 'lawyer and found out

he had never been able to transfer those development rights and monetize them so I do think, at least with many audiences, there is a credibility factor. We, again, you know, I mean, i mentioned mayor arnold and john bill and craig smith purposely. We had all the leadership of the environmental community and complete support of the environmental community at that time for this project.

>> so, it seems like to become as matter of fair play and really fulfilling the expectations of the original agreement, to a great extent.

>> This would -- what's being proposed tonight would definitely fulfill the expectations then. Actually, they don't go as far as we had intended but I think it is a good way --

>> thank you.

>> Thank you, mr. mayor. council member spelman. george, while you are there, I'm going to use you as reality check. We were both there and i remember voting on this back in 2000. As I remember, we, meaning the city council in its entirety and the vast majority of the environmental community badly, badly wanted this property, is that correct?

>> Yes.

>> And we spend the money to about the point we only will 9 million left is that accurate?

>> A little bit less than that but we were able to put some together from other sources.

>> So we were able to scrounge upmost of the money necessary for this track we really badly wanted and we couldn't get to walters was asking for. The reason he was asking for 10 and not the assessed value because he had spent a lot of time adding entitlements to this to build two office towers and restaurants and so on. Do I remember correctly?

>> That's correct, council member. if he had been able to transfer those entitlements and sell the property to somebody else and take up the option and flip it, he would have been able to get something like \$10 million, that was a reasonable expectation on his part.

>> Absolutely. And keep in mind, 2000, we were in a hot market this was going to happen. here is I think so the tricky bit. To make him whole, despite the fact we didn't have any cash and couldn't really get access to cash at that point, easily, what we did was provide him with what we thought of as tradeable development rights, and the value of those tradeable development rights was evaluated 25 per square foot. I don't ask you to remember the number. I didn't until they reminded me earlier today. And the presumptions, this is why I'm asking for a reality check, the presumption, there would be a market for the development rights. Somebody else would have a need for additional impervious cover on some lot, some place in the desired development zone, wouldn't be able to get it any other way and could buy those walters and that would be something of value to him at approximately the rate of \$9.25 a square foot. Does that sound familiar?

>> It absolutely does, and it walters responsibility to go find a buyer. We said we agree on what the value is and here is where you may use them. For various reasons and probably staff members who can answer this, but he was rebuffed several times by the city when he tried to use those.

>>Spelman: okay. You could characterize why he was rebuffed by the city?

>> It is my understanding, i defer to the professionals.

>>Spelman: I understand. But, he got something he thought was worth \$3 million and then it turns out he wasn't able to get \$3 million worth of value out of it.

>> He wasn't able to get anything out of it. actually, he was able to get something out of it.

>> Part of it. part of the oak hill --

>> you're correct, I misspoke. After that one transaction, yes. My layperson's understanding is that every time he found a buyer or a project that there was something else that trumped this agreement, which in my opinion, is unfortunate because we were there and we all said the same thing. let me go out on a limb on this, george, this is the way I've been thinking about it privately. I don't think I've voiced this to anyone else in the council yet. In effect, what happened is the walters was able to make use of on the oak hill technology park. There is another million and a half throughout he wasn't able to use. And one way of thinking about this is, more or less, he's loaned us a million and a half dollars and we're paying him back now. He hasn't been able to use that million and a half dollars for the last 10 years and now we're finally making good on that last million and a half of the \$3 million, which we gave him in the form of development rights 10 years ago is that a reasonable way to think about it?

>> That's nigh understanding, council member, absolutely. And I came to represent the community to say what an extraordinary purchase this was, how fortunate we are to have it. walters but I think it is important to note, to add to what you just said, we're not talking about interest or carrying a loss. The million and a half doesn't begin to get him whole and healthy.

>>

>>spelman: yeah. This is just comment, if you're willing to listen to it, I'm just making a comment. A good environmentalist told me as I was walking in the room earlier this evening no one is going to drive past that tract and think we paid too little for that tract. At \$10 million, however evaluated, I think we got real deal for that tract, and if that tract had been built out the way walters had the opportunity to build it out, had the entitlements to build it out, we would be rueing the day we did not buy that tract every day we drove past that on 360. I'm done.

>> I totally agree. From my perspective, if you look at the other three corners, i would wearing looking at the beautiful scenic vistas. council member tovo. you talked about walters having entitled the tract, and I want to be clear on. That he had the option to purchase the tract. To what extent did the entitle the tract? There's some lack of clarity on this issue, but it was my

understanding it was already -- it already had pud zoning before you got an option to purchase it, but what is your memory of it?

>> That is a very good question, and rather than risk giving you bad information, I would defer to city legal. Again, I was involved on the negotiating of the price and trying to figure out how to get the money. I must confess, I'm not skilled in all the details of puds and entitlements.

>>Tovo: okay. Thanks.

>> I hope I spoke correctly. It is my understanding the tract was entitled. it was your understanding he had to seek entitlements for the tract and that is why there is a need to make him whole.

>> It was already entitled for five pads and two towers, is my understanding. I believe there is no dispute about that there was everyone titlements, I was wondering if you suggested he had done the rezoning to get it rezoned for pud for that preexisted his option to purchase it.

>> I apologize, I misunderstood the question. walters could tell me I'm right or wrong, but it is my understanding, yes, he spent quite a bit of time and money working to, in the word I use, entitle the property.

>>Tovo: okay. Thanks. I wonder if we could get a staff answer on that. drener here. Oh, there you are. Were you going to speak, mr. drener? That's okay. I will ask it after your time. I don't know if anyone else has questions for mr. cofer. Okay.

>> Thank you very much.

>>Tovo: thank you.

>> Yes, council member, the site had pud zoning. walters did was two things, go through the city's process in order to get a site development permit so to actually locate the buildings and describe how the access would work and cut fill and so forth. The other thing that was unusual about the entitlements was the city, because of capacity issues at the waste water plant that would serve this site had determined that they would not serve this site, even though it was in the city limits. , So the I think that took a long time was going to the tceq and getting an on-site waste water discharge permit for this site. And both of those were in hand cofer and others came forward and said, would you stop and leapt the city have a shot. so the zoning was already in place before he entered into an option to purchase it.

>> That's correct. what happened after pardon was the tceq and site fulfillment.

>> Yes. thank you for that clarification. those are all the speakers we have on 46 and 47, and we will take up the two items separately. And if item 46 is approved, we will take up item 47. And, I'm assuming if it is not approved, there would be no need to address 47. Councilor morrison. I'm sorry, I have a question for staff before we move on. cofes say several times when he proposals to transfer of the impervious cover that we had rebuffed him that there were

different things that came up, and I hate for that to be standing out there with a suggestion we somehow had not lived up to our side of the agreement.

>> Well, I understand -- greg guernsey. walters was successful of transferring 25,000 square feet of impervious cover since original agreement had taken place. I'm aware on two occasions, one walters where he attempted to transfer impervious cover, not on the basis of watershed impervious cover but on zoning and on both of those occasions, one which i wasn't familiar with only until I start getting involved with the one I worked with him on and both of those occasions the city said no because the ordinance that was originally passed only dealt with watershed impervious cover and not zoning impervious cover.

>> So, mayor, I would like to comment, this is obviously gorgeous land and we're very fortunate as a community to have it. The problem that I have is the suggestion that we somehow took walters some years ago. Obviously, he was repped -- represent the by very able counsel and I have to assume it was a fair deal. And when we're looking at the potential for changing the deal and renegotiating it today, i have to ask why it's good for the city and why is it to the benefit of the city, although i understand some folks might be saying, well, we need to -- we gave him a bad deal so we need to give him a better deal now. I can't work from that. I have to work from the idea of why is this a good deal for the city and I don't find anything compelling that suggests that it is a good deal for the city. It's going to cost us almost \$900,000 in cash, and it is \$500,000 in fee waivers and that's fee waivers that can be used in the drinking water protection zone whereas even before the impervious cover was just going to be in the desired development zone, so I don't feel like it is a good step for the city to take, I don't see what it brings to the city and i do believe we have acted with integrity in negotiating the deal, a fair deal in the first place, and in actually implementing that deal. So I would like to make a motion we deny number 46. council member morrison makes a motion deny 46.

>> I'm going to speak. seconded by council member tovo. I do appreciate walters willingness to enter into what is a different kind of deal with the city. I think it is a great value to the city have purchased that tract and I believe the city has honored its end of the agreement and I believe the impervious walters has still have value and, indeed, I would certainly be willing to make another motion, if it is appropriate, or bring back something to allow an extension of that time, if the time is the factor in using the impervious cover credits, we can contemplate extending it. But the impervious cover credits do have value. It is to think about it as a loan, but that was not the deal. If it had been, certainly i would support paying him the 3 million that we owe him 3 million that we owe him as part of the deal, but I believe this was a fairly-struck deal and I would city has acted with honor and integrity in its portion of it. let me say, I'm not going to support that motion to deny. I believe that this was not the intent of the original agreement. The original agreement was to forge one that would allow him to actually use these transfers and due to a misunderstanding on one or both sides, that has not been the case. It has not proven to be a practical tool for doing that. I just don't believe that was the original intent of the negotiation, I don't believe what we could do tonight would be by approving this would just reinforce the original intent of the agreement so many years ago. A and, I do believe it has to do with the integrity and credibility of the city. Any further discussion? No other comments? All those in favor, please say aye to deny, say aye. Opposed, say no. No. I believe that fails on a vote of 5-2 with council member riley, martinez, myself, council member spelman, mayor pro tem cole all

voting no. The floor is open for another motion. Council member spelman. mayor, I like the way you put that, much better than the way I put the same thing. Move approval of item 46. council member spelman moves to close the public hearing and approve item 46 on all three readings. I will second that motion. Any further discussion? Council member tovo. I'm not going to support the motion, which won't and surprise, but I would ask the makers of the motion to consider limiting the fee waivers to the desired development zone, not allowing them to be used for projects in the drinking water protection zone, which I believe is keeping with the original intent, the intent of the original agreement to incentivize development outside of the drinking water protection zone. before i answer that, I would like to ask someone from the staff or law department what that would entail. -- Entail.

>> Assistant city attorney. That would be a relatively simple add to the ordinance. Where it says, we would just add that limitation to the desired development zone to the fee waivers. so it could still be done on three readings?

>> Yes. council member spelman, it is your motion. I happily accept that as a friendly amendment. I will accept it, also. guernsey could give you a better indicator, a cuff check, approximately what percent of development in the city of austin is inside the desired development zone. Very, very roughly.

>> I believe 69.76%.

>> Maybe the easier way to say it, the desired development zone REPRESENT the McGritted of the city, -- majority of the city and the drinking water protection zone is a minority so all of the urban core, basically everything that would be east of MoPAC GOING UP ALONG 183 North, everything east of that line would be in the desired development zone. It's a vast majority of the city. I would hate to guess how much is actually being developed on either side of that line but it IS a McGritted of the city.

>> Would it be safe to say it is the vast majority of the development activity happened in the desired development zone.

>> Yes.

>> Thank you. all in favor of the motion, say aye.

[Chorus of ayes] opposed, say no. Passes on a vote of 5-2 with council member tovo and morrison voting no and that will be on all three readings. Take up item 47, related, the budget item related to 46. Council member spelman. Move to close the public hearing, approve on all three readings. I will second that motion. Is there any further discussion? All those in favor, please say aye.

[Chorus of ayes] opposed, say no. Pass on a vote of 5-2 on all three readings with council member tovo and morrison voting no. Okay. Item number 75 has no speakers. That was pulled off consent by council member riley. You do want to speak to that council member. yes, mayor, I wanted to raise couple points. Item 75 is a very significant item this say approval of the city's

first parking benefit district and this is something that we have had in the works for a very long time. We've had the stakeholder committee that works for a year or so to develop rules to govern this process. We talked about it a lot, and we finally are ready to move forward with a first one. This is actually already gained national attention as being a model for a way of addressing parking issues in an area that is close to a commercial area and experiences significant spillover of street parking so I'm very excited that we're at this point there are a couple issues that are still lingering that I just wanted to make note of. We've had some on going concerns there in, on the part of the university area partners, which is an important community group in the west campus area. In particular, they have asked that we consider a different revenue split of the -- from the meters, revenue coming from the meters, they would like to see 30-70 split of the gross revenue from the meters. That is something has been considered in the past but the stakeholder committee thought that through and actually made a different recommendation. Staff is recommending we go with the stakeholder committee recommendation which involved a split of the net revenue, and i would just suggest that we go forward with staff recommendation with the split and based on net revenue as recommended, but that rerevisit that issue and after a year to just see how it's working and consider whether the 30-70 split would work any better. Similarly, there is another issue that relates to the treatment of meters that are already existing there in the west campus area. There are 35-meters within the boundaries of the the -- of this parking benefit district and the university area partners have asked that those meters be treated as part of the district. That is not something that staff feels like we can do at this time, but eventually, it may well make sense to bring those meters into the districts since they are within the boundaries, so again, with that issue, i would suggest we circle back after a year to see whether those meters should be brought into the parking benefit district. So, with all that said, mayor, i would move approval of this item with direction to staff that we reevaluate, but after a one-year period we come back and reevaluate both the revenue split and allocation of meeters between the city and district to check if either of those should be changed.

>> So, council member riley moved to approve the ordinance on all three readings is there a second? With the modifications you laid out. Second by council member spelman. Any further discussion? All those in favor, please say aye.

[Chorus of ayes] opposed say no. Passes on a vote of 7-0. Than brings us to item number 72. We have a number of folks signed up to speak. This is pulled off consent because of speakers, so we will go to those now. First speaker is joseph iley. You have three minutes.

>> Good evening. We the tda want to inform the city council that we are already 51 cabs over -- what? Okay. Sorry. I thought you asked me a question. Over the formula. The city fails to recognize wheelchair cabs that take up market share of the businessability secondly, we the tda ask that the city stick with the current formula until the city has had a chance to reevaluate the current formula. Number three, we the tda ask that the city wait long enough for the city to evaluate the effects of the last 45 cabs that you've already added. Number four, i, myself, am asking if you are going to allocate more cabs, that the split be 20/10 in favor of austin cabs, since last night lone star cab was favored 30/15. According to city ordinance, the cabs are to be divided equally. Since that was not done during the last split, the roles should be reversed. Number five and last with all that said, I would be curious to know how many austin -- how

many cabs in austin would really be needed if drivers were employed rather than contractors as they are in las vegas, nevada.

>> Okay. Next speaker is mohamed orel. And you might want to correct my pronunciation. You have three minutes.

>> Mayor, councilors and city manager, sorry if you do not understand the accent.

>> Speak real close to the mic, please. That will help.

>> My name is mohamed, I am a father of five children. I don't have the business, education background, I came here before and I support lone star to get the permits. And I told you lone star get the permits, it will benefit for us. It will help us. The lone star, thank you for your help. I used to pay \$425 a week. The lone star, they charge \$250 a week. I used to get 175. Finally, lone star, normally they charge 250, they get 100 discount for us. I could pay is 150. I save a week, 275, which i never saved in my life for the last 12 years I'm usa. I make almost 300. If you want to see how you change our life, and my family -- how you change for myself. I want to thanks for that, that which you help me, to get the permit. And from now, I am self sufficient, no more food stamps. Since last three months.

[Applause] the reason, which I'm supporting lone star to get the permit, i used to drive yellow, I used to drive austin. Lone star is the only people who understand us, what we're dealing. I'm not considered as a driver, I'm considered as a member of the owners, just like a home, we discuss each other what is going on. And I'm supporting lone star. I support my family of five people. Thank you very much, guys.

[Applause]

>> david kelly. Donating time. Mr. nowaz, are you here? Okay. Pervuz is here? How about nowuz is not here. So you have --

>> she gave you the wrong ones. She is here and dave passmore, who is here. She took the wrong two off. Sorry.

>> We will get the names straightened out. So you want nine minutes?

>> Yes.

>> Okay. So you have two people donating time. And, I would urge everyone, as we go through this process, it is late at night, we have a lot of folks signed up to speak. We want to hear from you, but don't repeat what you heard before. Give us new information.

>> We're going to try, your honor.

>> Mayor leffingwell: thank you. mayor, members of council, thanks for giving us the opportunity to speak and we know it's been a long day. Not for us, though. This is a short day for

us. Of course, we didn't make any money, either. I want to start off with the tda feels that the additional 30 extra taxi permit will be financially devastating to all drivers. I want to go on and say that we feel that it's unfair, first of all, the original proposal included 25 legacy permits. We're not getting those. I'm going to read from a letter that was hand delivered to the all from the texas state afl-cio. And it says, all of us are committed to improving public transportation options for the citizens of austin, and taxis are an important component of such infrastructure, however, the current proposal to introduce 30 new permits is ill thought out for the following reasons: One, in an economic situation, where it has become increasingly difficult for taxi drivers in austin, the introduction of 30 new permits is an undue burden on the majority of immigrant workforce that has few other options. This study carried out by the texas rio grande legal aid under a legal assistance for micro enterprises project in february 2010 records the net income of 75 per hour. There is no publicly available data on driver income since then but it suggests a further fall in income in spite of a fare increase granted by the city. For a workforce that has experienced this serious fall in incomes and is rated by the u.s. Department of labor as the most labor segments, the introduction of new permits will result in a dire hardship, also such hardship invariably results in a significant deterioration in equality of service delivered. Two. Further, the formula for assessing taxi requirements in austin is severely out dated, and right now, we have the formula plus 51 extra cabs. The 44 wheelchair cab, plus the seven we added on last spring. If we have 30 more, we have the formula plus 81. Let's see. The formula already allows for a growth in demand, and we currently have 51 cabs more than the formula, if not to meet demand why would we need another 30 extra permits. And the evidence is I see a lot of drivers here. If there was a great demand out there there's probably a lot of people throughout waiting for cabs because we're all here, or many of us are. Three. While driver ins have steadily fallen overs last four years, there is no cab on the lease rates that taxi franchises are allowed to charge the drivers. Leases have been arbitrarily increased by the austin taxi franchises over the last four years. One of the franchises is already announced an additional \$20 per week lease increase starting october 7. We can only imagine that the other franchises is l soon follow suit. The taxi meter is regulated by the city, and thus the total revenue a taxi can generate in a 24-hour period remains fixed while the total that drivers must pay keeps going on there very few cities in the united states that do not have a strict lease cap, a maximum amount a driver can be charged per week. Lease caps exist not only in large cities like new york and chicago but also in cities comparable to austin, such as philadelphia and san diego. A leasing system, with a regulated meter without a lease cap overlooks the very hart of the economics of the taxi industry and its workforce. Unless the lease cap is instituted, every new permit issued effectively turns into a further instruments push down the wages of an already beleaguered workforce. I have a few other points to make. Let's see. Taxi departures at the airport for the first six months of this year are down. I recently got the figures for july and august, also down. 7.7% In july. 4.6% In august. This means less money coming in, and as I stated earlier, costs going up. Why do we deserve another cut in pay? You know, we help build this city also, just as all the -- we've given rides to takes, project manager, engineers, rock stars, dan rather, super girl the other day, the actress that played super girl. Round rock express, doctors, lawyers, senators. All these people take cabs. I don't think we deserve to be penalized. And make no mistake about it, adding extra cabs is a pay cut to a large already financially oppressed workforce. I'm going to close off here and last saturday I spoke at the homelessness civic academy at austin interfaith and four of you were there, I remember, and one thing I got out of it, the civic academy, what a tough problem that is to solve homelessness. We heard a lot of information but there aren't real easy answers.

Fortunately, in this case, there is an easy answer. Please, no more extra taxis. I have two and a half minutes left and I would like to donate them to Wendell Blow who got scratched, if I could, sir. We don't really do that. The people donated their time to you, we can't just keep passing it along. If you would like to keep your extra two minutes and 24 seconds, you can do it. Otherwise, it's gone.

>> Well that's really all I had to say.

>> Mayor Leffingwell: okay.

>> Thank you for your time and you all have a good evening.

>> Mayor Leffingwell: all right.

[Applause] Joseph, you have three minutes.

>> Thank you, Mr. Mayor. I will try to keep it brief. I had the opportunity to speak to one of you in a public place and talked about utility bills and how I'm looking for getting my utility bills caught up. And the council person mentioned to me, you know, call my office, we will help you figure out how to use the city assistance program and help with my utilities. I'm here to tell you, you don't want city assistance. I want to make a living where I can pay my utility bills each and every month when they could up instead of living in cycles. In a situation we're trying to meet peak demand when most of the times we're not at peak, it is killing us not nonpeak times. Basically, what I'm saying is you keep pushing us down. I consider myself a professional cab driver. If I keep getting pushed down, I'm going to leave, I can't stay. If you're going to lose professional cab drivers, people doing a long time, care about it and really like it, what's going to come in and replace us? People willing to work for less and what quality people. I constantly hear in my taxi cabs complaints of people being taken the long way, I've never been this way, where am I. They're complaining why I'm coming to the east side to go from the airport to downtown, they've never seen that way before. That is the credit card way to go downtown from the airport. People are complaining, you're taking meek out of the way. I'm not, I'm doing my job right but it is happening so often, they think I'm not. As you cut driver's pay, they become more desperate, more dangerous, they work longer hours and basically, you know there's been studies that have shown that driving tired is the equivalent of driving drunk. It's dangerous. You're creating a dangerous environment and I want to keep driving a cab. People asking, all these people here to support this. \$250,000 a year is a lot of reasons to come fight for something. I'm going to tell you, I spent all day long talking to drivers. They want to be here but they don't have a lot of confidence and they can't waste the entire day to come here. We've got petitions signed saying we all speak for them also. Just because they're not here, please understand they are concerned about this also, and hopefully when you see these petitions, you will understand. And thank you very much.

>> Thank you. Question for you, I think. Council member Tovo. I'm not sure I've seen the petitions you mentioned. I wonder if you could tell us a little bit more about them.

>> Basically, it is a petition say that drivers are asking them not to release extra 30 cabs. I mean, in actuality, I don't understand why we're going over even more than we already have when four council members in the last accountability session said that the formula is wrong that we need to reevaluate it, we need to look at it. We're implementing new meters to give you better information to actually be able to see how much we're making. Give the meter a chance to work and come up with a system that is fair to the drivers. That's what I'm hoping happens.

>> Back to the petitions. Did you deliver them to our office or are they enroute?

>> We didn't give one to you because you had already voted for it.

>> Buy but my colleagues -- i just wanted you to know that -- I wanted to give you the opportunity.

>> We targeted specific council members we thought they could change their votes.

>> votes. I want to say i appreciate you staying here all day, it is a big time commitment to have been here all afternoon. Can you give us some sense what an average workweek looks like for the cab drivers that you work with?

>> Acl, keller williams comes to down and their large convention, it is actually a lot of fun to be a cab driver, but when you put in the lodge summer slow months when the school is completely gone, which completely changes the city and put in december, it is a very volatile field it used to be in the past that when the festivals came, I could look forward to saving some money. Now, when the festivals come, I'm looking to chase my tail at get caught up where I got behind. I've been driving since august 14, 1999, and I worked half as hard for probably double the money. It is getting to the point where I don't know if I want to keep doing this any more. I can tell this, I bout a 2011 toyota prius august of last year. If I knew that the system was going to be rigged and people were going to get special treatment and extra cabs were going to be coming out, I was feeling pretty good after the recovery of 55, too many cabs already put on the streets when lone star was created, now we're talking about giving them more permits to go over the problem. The only fair way for the drivers to fix this problem is reallocation, taking permits from one company and giving them to another -- I think we're going way beyond the scope of the question.

>>Tovo: okay, thanks.

>>Mayor leffingwell: sampson.

>> I'm one of the permits added initially, I've been happy with my wife and children and happy with lone star. There are some challenges, I do understand the concerns that the other drivers have voiced.

>> In those days, what I did was, I changed my time. I did not know they were looking for cabs at 2:00 in the morning. Now that I cannot go to the airport, I started working late at night. I just changed my shift. It's worked out pretty good. And during the weekend, same thing, I -- mondays and tuesdays was the slow season for the city. So anyways, what I'm trying to say is

when we face challenges and we need to be willing to be flexible and work around our time and where to go. Which hotels to work at certain times. I think if we adjust for that challenge by being flexible and we need to go to the places that I've never wanted to go. I'm happy that I face those challenges and it's worked out for me pretty good. I don't -- I don't know if I've been so clear. But I wanted to say that I do support the additional permits. It's because of the willingness that you have taken to say yes on the last 30 permits that you have added. If you had added it, I would have a chance -- thank you.

>> Okay. Osama allagili. Taking a wild guess. Feel free to correct me.

>> Mayor, councilmembers? I came here today for two reasons. First one I came to support the cab company. And second reason, I want to say thank you and I don't want to repeat what my friend is saying about how he had to change his life and -- actually, we have -- we still have some problem because we have a lot of calls, we don't have enough cabs. So also we have too many names on the list waiting for the best chance to get the permit. I wish you guys you can help my friends and my brothers to get the free permit to change his lives to be better so he can support his family and kids. Thank you again and god bless america.

>> James newman? James newman? Okay?

>> All right. Nega and donating time to you is saga shimet. So you have up to six minutes.

>> Thank you, mayor. Thank you, councilmen. I'm here today to support lone star getting additional permits. I'll give you the reason why. Like my colleagues, I'm one of the guys that got the new permit. I'm a fulltime student. I'm majoring in business management. I'm married. My wife is here. And I have a daughter, an 8-year-old daughter. I can say to myself that I'm an overachiever. What I'm trying to tell you is in these three months or 12 weeks period since I switched from a driver to an owner/operator, that a lot of money I saved and I could have -- I've been able to have enough time with my family, with my daughter. And the things that have changed is a lot. I can say -- I can go on and on. There's another thing about lone star. I drove for eurocab and austin cab. And the lone star management structure is a horizontal structure. We can talk to the management, we can consult, get feedbacks, share our problems and our concerns and try very hard to solve those problems and we don't have that opportunity with other cab companies. Excuse me, actually, when the first time lone star comes to this business, for austin, it did something very extraordinary and very unprecedented. You facilitated to create a company owned and operated by ex-drivers. And I can tell you because of that, there are many, many drivers driving for other companies who try to get it to lone star. They cannot tell you that they don't like yellow cab while they're driving yellow cab. But I know for a fact that too many of them, they want to switch. But they cannot switch with a yellow cab permit to lone star. That means yellow cab -- lone star must have additional permits to operate. Another thing I would like to say is since the last 12 weeks, I've been driving around a lot in downtown area, which means out'd airports. I learned a lot about downtown. The demand for taxis in the city of austin is much higher -- too high that you can imagine. I know you don't get to whole information. But I've been there. I've been there seeing pizza deliveries -- pizza hut, papa john's, other cars, they are taking customers in front of me. Fighting with me to get customers, especially thursday -- thursday night, friday night, and saturday night. They are illegal taxi services in austin. I've seen it. Every

driver who drives downtown will tell you that. So the fact that the notion that the demand is low for taxi in austin, I don't accept it. I'm sure professional data or status is going to come very soon to you how the demand is very high for the taxi industry in austin. And finally, I just want to say to you thank you, austin is a great city. Please do not change it. Do not ruin it. I lived here for 12 years. I loved it, I want to stay here until, you know, as god give me the chance to live. And thank you guys.

[Applause]

>> Mayor Leffingwell: Okay. Michael ozumi? Michael ozuni? Brevity is a virtue.

>> Good evening, mayor. City manager. City council? Ladies and gentlemen. I'm not going to say too much based on what my friends have said that I think it's very, very important that we have extra cabs in austin because since 1996, today, austin has been growing so fast and it's growing from way inside out. If you're inside the city, you will see how austin is growing. When you drive your taxi, go to those areas, you will see how many people are looking for cabs. Many cab drivers, they would like to stay within the city. If you come on here on thursdays or fridays, excuse me, you see so many limos, personal cars. You don't even know that it costs a lot, just like my fellow said before. Maybe tomorrow, if something happens, I've been robbed of something else. And they might think he's actually a cab driver. If we do it now, it can help. So there would be none of these problems with other people taking the car -- in the private car thinking it's a cab. Again, I can see in austin, again, that lone star and yellow cab and austin crab -- the yellow cab, they don't drive cabs, the lone star guys, they're all drivers. The problem we have, we don't know how to change the situation on the cab drivers, do not go to yellow cab -- because they don't care about union. They care about you to pay them their lease and you get out. But the most important thing i think cab drivers should stop complaining is not to give the permit because it's not a permitting problem. The way I see it. The problem is how much you pay that you don't want to struggle hard or change your routine. Austin is a great town. A lot of people that takes cab here. Austin has grown so much that every individual are looking for a cab. For example, go to saturday nights. People here will call cabs. People that are drunk driving, they cannot see the cab -- so they get angry and they pick up their own car and drive home instead of taking the cab.

>> That sound means --

>> that's going to have to be it. Thank you very much.

>> Mayor Leffingwell: Ibrahim jalla? Three minutes. Next speaker after ibrahim will be kenny.

>> Good evening, mayor, city councilmembers. I'm ibrahim and I'm here as a lone star cab driver and I've been driving for lone star three months and I was a yellow cab driver before. I'm here to point out one thing. They've been talking about maximizing their profit. But my point is, how can you talk about maximizing profit and have a lot of refusal calls on the street. People call for cabs and the driver is sitting out there and gets the calls. We're sitting there working hard to make the calls. We don't have enough cars available to pick up the customers. Sometimes I pick up the customers and they tell me they've been calling the austin cab two or three hours waiting

and nobody is out there to get them. How can you deny us a permit because you don't want us on the street. There's a lot of customers to be taken, they need a ride. Customers are complaining every day. The yellow cab is not doing the right job. They call yellow cab, nobody is there to answer the phone. At the end, they call lone star. We have to go there. Then they complain everything to us. I want to point out that's a huge, huge problem on the street. So people is not satisfied. So we need the 20 permits to help us serve the people in the communities. Thank you very much.

>> Mayor Leffingwell: Kennive in jobodola. After kenny will be solomon. mayor and the councilmembers. Thank you for what you're doing for the city, especially the police. Most of the time we -- they say they love to come back to austin. So we are always glad about that. The reason -- the two reasons -- not going to talk about anybody. I wish you guys can talk through these two things about what i want to talk about. If you see on thursday, friday, saturday, and sometimes on wednesday, we'll be downtown 00 in the morning working for the cab. I say what is this? For last year -- that's different because they talk to me. They say there's glad there's more cabs. 00 in the morning looking for the cab. By the time I arrive, refuse -- 30, there 30, everybody would be gone home. They will be drunk, sleeping on the floor. That's number one reason. Number two reasons. Look at the downtown today. If you walk around downtown, you will see it's all -- what do you call it? The yellow cab? They call us blue cab. You see it all over the downtown. We are the one picking everybody up. You won't see any yellow or anybody go to the -- what are we calling -- the airport. Taking us downtown. People ask where were you guys before? Where were you guys before? Always about it. Look at the airports. 00 I will see it on the screen because i walk in the downtown. Please, we need cabs, we need cabs, we need cabs. I'm telling you what I teeming you tonight. 10:00 At night, they're begging. Please, we need cabs. We have people calling me. I get mad because I don't have access to go to the airport. If I had access to go to the airport, I would do it. If you have more customers, lone star people, blue, we're ready to work. We're very, very hardworking people. Ask anybody. They will tell you which look at the people in their houses. Sometimes they will call yellow. Nobody would respond like the other guy said. You know what I do right now? They're requesting a cab at the same time. Why do you do that? Because a yellow cab will not show up. Sometimes austin will not show up. So at the same time. Sometimes we make it at the same time. Sometimes none of them will show.

>> That was really good.

>> Thank you, sir.

[Applause]

>> Mayor Leffingwell: Daniel ijigu here? All right, you have six minutes. mayor and councilmembers. Lone star cab company. First I would like to say thank you for your continuous effort to make lone star cab the taxi franchise in austin, we ask for you to approval the final permit. I am happy to report to you that the 30 permits you approved in the first phase on july 31, 2012. The latest technology currently on the market. Every vehicle is equipped with a navigation system, with audio turn-by-turn direction. This technology helps new drivers who don't know the city well and a few of those getting the city straight or the work on the street. Without this new

technology, new drivers would work at the airport and state. Lone star cab also implemented the policy on the 30 new permits that we thought would help the citizens get quicker taxi service and also increase drivers' income. The new permits are working on the street. And are restricted from working at the airports. Accordingly, our response time has improved, and response time has been increased from the same period last year. The zones in the city are active. They can move from zone-to-zone. Also the company took another stride to encourage the new drivers to work on the street rather than staying at the airport. Every driver received a sentence. Accordingly, every driver received \$1200 since July 1. The company gave about 36,000 to the drivers of these 30 new permits. Saying this was given higher to 23 drivers. Each of the drivers way of paying \$450 per week before the permits. They were given the chance to be the owner/operator and it pay \$150. For the last 12 weeks, each of these drivers saved \$3,600, which is a total of \$82,800. Always been a driver-friendly company and will continue to be so. Mr. mayor and councilmembers. Some of the drivers told me that they'd rather work in the streets rather than waiting at two or more hours at the airport. Now the drivers have better tools and information to make that decision. In the meantime, the company would continue to attract more businesses and spend more money on marketing. We have completed smart phone application test and it will soon launch this program before the major events coming up. Smart phone users will be able to access our taxis without calling the dispatcher. They do not need to know our phone number or where our vehicles are. Every opportunity from assigning the cab to sending the information and attracting the vehicles is in involvement. Finally, I would like to point out this additional permit we ask you to say today would not have any impact on the taxi business in 2012. Because this would not be placed into service. God bless you, thank you very much.

[Applause]

>> Mayor Leffingwell: Ahmed adudi. All right? Curt kodina mitchell. Kurth kodina mitchell. Okay? You have three minutes.

>> Thank you.

>> Thank you. I'm a member of the wild flower church and leader of austin interfaith. I'm here in support of the taxi driver's association of austin. I want to make it clear we're not here in support of one cab company over the other but to be attentive to the number of permits on the market. Last saturday, austin interfaith organized a summit on homelessness, 120 interfaith leaders and social ser gathered to understand the deeper issues surrounding homelessness. Four councilmembers demonstrated their leadership and commitment to helping the homeless in austin. One aspect that emerged was the importance of preventing homelessness, intervening before it happens so the stability of family life can be preserved. Living wages for full-time workers are an essential part of homelessness prevention. When taxi drivers are pushed to work longer and longer hours to come up with basic needs, food for the children, paying rent before the eviction notice comes through, increased their participation in congregational life, school, or community more challenging and it places pressures on the social service safety net. It makes being a family more difficult. 30 Institutions and 60,000 families of austin interfaith stand with the taxi driver's association in an opposition to increase the number of permits for the city. Because this increase will be financially devastating for the taxi drivers, we ask that councilmembers vote against this proposal to increase the number of cabs on the street which

already exceeds the number formula. We also ask that the council would re-examine the permit formula. To take into account the additional options now available to people seeking transportation. Thank you.

>> Mayor Leffingwell: Okay, that's everyone who's signed up wishing to speak. So what we have before us is a motion to approve first reading only for 2 franchise of the cab company. Councilmember Riley?

>> Riley: I would like to ask a couple of questions to the staff. I want to make sure we're on the same page as to how this allocation of permits relates to what the formula would have provided. I understand that the formula would have called for 19 permits for lone star for 2012. Lone star has received 30 this year, that was in June. They're 11 over this year's allocation. And this would give them an additional 20 in excess of what the formula would have provided so that they would be 31 over the year beyond what the formula would have called for. Is that accurate?

>> Yes, councilmember, Robert Spiller, department of transportation, that's right. A related issue is the number of permits that the formula would have provided for a future franchise. I know in the past when we have exceeded the formula, we've handled that by taking out the amount that would have been set aside for a future franchise. Right now, we have three taxi cab franchises. Most cities have far more than that. The formula calls for some permits to be set aside for a future franchise? Tell me where we are with that and what this allocation of permits will do for the permits that we would have set aside for the future franchise?

>> Yes, there are eight in that bank for franchises. The way we would apply those permits, we would reduce that bank of extra permits down to zero and create a deficit. That way, in future years when we calculate the formula again, assuming that the demand for taxis is growing based on the regular formula, the first notion is to repay the bank. That's typically how we've done it.

>> Riley: We're currently eight below. So if we -- there are eight in the bank. And so if we give out these 20, that will put us 12 permits in the hole. We will be -- we'll have to make out those -- how would that work? How many -- how many permits do you expect? We don't know at this point how many permits will call for for a new franchise for next year?

>> Right, we have to monitor the boardings at the airport and the departures and so forth.

>> Riley: How many permits would the formula have called for this year for a future franchise?

>> Carlton Jones, transportation department. This year the formula would have called for 51 permits.

>> Riley: Okay. So it's possible even if we have a few -- we're 12 in the hole, we may have a few -- we may be able to have some permits at some point next year. Have some available for the future franchise?

>> Yes, sir.

>> Riley: I heard from two companies already that are sbrelsd in starting a new fran chitz. Have you also heard from --

>> we actually received an application from one that was processed at united cab. And there's been a recent franchise reached out to the ground transportation office with interest in a franchise opportunity.

>> Riley: Okay. Council, I -- I'm going to make the same point I made a number of times before. My preference would be to stick with the formula. To the extent that we depart from the formula, I would think we would want to do that only for compelling policy reasons, such as advancing important goals that we need to achieve. We talked ant those goals before. We talked about getting to a more sustainable fleet. Other cities like new york have been making great advances and bringing their fleet. At this point, we have done nothing here in austin, texas to green our fleet. One franchise -- one would-be franchise I heard from really wants to start a big green cab company where they're saying we'll have all hybrid cabs. We think austin should have a greener taxi fleet. So we want to have all green cabs. By this action tonight, which will -- which will put us even further beyond our formula than we are today, we are making it that much harder to start a new franchise, to make progress on the policy goals like greening our fleet. So I cannot support the additional permits at this time. So I -- I -- I will go ahead and make a motion that we deny the permits.

>> Mayor Leffingwell: Councilmember riley makes a motion to deny. Seconded by councilwoman tovo. Any other discussion? I'm not going to support the -- that motion. I may support another motion if it doesn't pass.

>> Tovo: Mayor?

>> Mayor Leffingwell: Councilwoman tovo?

>> Tovo: I have additional questions for the staff, if i may. I want to go over the timing a little bit. It looks as if the 30 permits, the 30 permits for lone star went into service on july 1, is that correct? And the 15 permits for austin cab went into service on july 1, is that correct?

>> Yes, that's correct.

>> Tovo: I don't have the original resolution in front of me. In thinking through the discussions that we had when the first phase of permits when this council voted and I supported this, in fact, I believe I'm the co-sponsor on the original resolution, when we had that discussion about the -- the release of the first batch of permits to austin cab and to lone star cab, I thought i remembered councilmember spelman requesting that the staff do an economic analysis or provide us with some information about what the economic impact was on drivers before the release of the second phase of permits. I don't know if I'm remembering that correctly. But I guess I would ask you, it's very recent that the permits have hit the streets. Have you assessed what the economic impact has been on the drivers? Of having those additional permits added in there?

>> Council member, I think we provided a forecast of what those acts would be. But it was not completed after it was -- the forecast was completed before. So that report and estimate of what that potential impact would be was presented before those cabs actually hit the street. So I believe we provided the information in a you requested.

>> But we haven't had any follow-up. We haven't had any follow-up economic analysis about how the dispersal of the 45 permits has impacted driver salaries. They're -- I wouldn't guess you'd have the opportunity to collect on that information?

>> That is correct. They've only been on the road for three months. We have not completed that follow-up yet.

>> Tovo: Thanks. I seconded the motion. I think that our city is best served by three viable strong cab companies. I have talked with drivers who echo some of the comments that we heard tonight from the lone star drivers at lone star. They appreciate lone star. They like the management's practices. I think lone star is doing --

[applause] --

>> Tovo: Thanks. I think lone star is doing a great job. And I want to see lone star remain financially viable and b strong and continue to serve this community. But I think we need to balance the success of the franchise with the responsibility we owe to drivers to earn a viable good living. Putting more permits on the streets jeopardizes their ability to make a good living. I think we need more study. I would say at a minimum, i would ask my colleagues to consider if you can't support this motion, perhaps postponing it until our staff has had a time to really assess what the impact of the additional permits have been.

>> Mayor Leffingwell: Go ahead.

>> Riley: I want to add the point that it's first reading and requires 30 days between second and third. There is time to pass even if we passed it on first reading today to get information. I'll continue to support that to make a subsequent motion to approve items.

>> Mayor Leffingwell: Councilmember martinez makes a substitute motion to approve the amendment on first reading. Second by councilmember morrison. I'm going to support that. I appreciate the comments that councilmember tovo made about three franchises in the city. I want to be very -- I don't think we have that right now. I don't think the three franchises are on anywhere near equal footing. We're working towards that goal, putting it all in a competitive posture. I think that would be good. And I'll just say I'm sympathetic to the plight of the drivers. So once we establish the viability of all three franchises, I'm going to be reluctant to look at additional franchises or to look at the permits for the existing franchises. Councilmember morrison.

>> Morrison: I can second the things you just said and I think it's important to remember that we -- we are on the path of trying to establish the viability. We have other analyses and things in the air that we're looking at through resolutions. It's been a long haul. One report -- we've got more

work to do. It's important to continue on the path as well as the other work we're doing at the same time.

>> Mayor Leffingwell: Councilmember? I have some direction that we got earlier that councilwoman tovo alluded to that we needed. What kind of timetable for that?

>> Yes. We did a forecast before the cabs went out. Middle of october would be three months. So a quarter worth of data. The amount of data we'll be able to collect in three months. But we'll be able to do some analysis on that. I'm sure you can appreciate it will be an analysis of three months. A startup set of data we'll be able to provide by the end of october, we hope? before we can have a second reading. Trying to make sure we have the information before we --

>> we'll provide whatever we can in terms of the information on the first three months of operation.

>> Mayor Leffingwell: Is that analysis on the short time period include a major event for next season?

>> I think acl will be in the windows?

>> Mayor Leffingwell: All right, yes. Councilwoman tovo.

>> Tovo: I know a friendly amendment on a motion I'm not going to support, but I would ask councilmember martinez and i forgot who the second was to consider keeping the public hearing open so that we could, at least if this motion -- if the substitute motion passes, we could hear from the owners and the drivers and anybody else who wants to participate in the dialogue about twha they feel the impact has been. I request that.

>> City law department. I wanted to remind you that it's not technically a public hearing like we've had tonight on other matters. It's public comments and action items. You wouldn't have to do that for the dialogue to remain open.

>> Tovo: Oh, perfect.

>> Sorry.

>> Tovo: So there will be comment permitted at the next reading.

>> Yep, at the next two reading, you could.

>> Tovo: Perfect news.

>> Mayor Leffingwell: A good segue to my next comment which is I know we'll have additional comment period after I comes back after a month. But at that time, I'm going to say we heard a lot of comment on the subject in the last few months. Two different franchises and two different award procedures. I'm going to suggest we limit the public comment in 30 minutes. That will be

subject to approval by the council. If you can plan that way and select your spokespersons, divide that time equally, be thinking that way in advance. And it may be limited to 30 minutes. Councilmember spelman.

>> Spelman: I believe consistent with that, we might be able to get a shorter public hearing and dublicitous if we publish the comments on-line in advance of the second reading. I feel compelled to mention councilmember tovo that a few minutes ago you offered a friendly amendment to a motion which I accepted and you voted against it. I'm glad you know better than to do that.

>> Mayor Leffingwell: This wasn't a friendly amendment.

>> Tovo: I prefaced my comments, I plan to vote against the motion but I would like to make the friendly amendment. Councilmember martinez made it clear that he's disinclined to accept a friendly amendment from somebody not supporting the motion. I have on record I did indicate I was not planning to support your motion.

>> Spelman: Not suggesting that you didn't play fair with me. You offered friendly amendment and then voted against.

>> Tovo: Duly noted.

>> Mayor Leffingwell: I won't accept any amendments from somebody who says they're not going to support my motion.

>> Tovo: Let's just take a survey.

>> Spelman: Are you offering a friendly amendment?

>> Yes, sir, but I wanted to point out that you asked us to have data before the next vote. Your schedule for the second vote on october 11. We won't have the data until the MIDDLE ABOUT THE 15th.

>> Spelman: The third?

>> Probably between the 2 and the 3. Don't want to mislead you.

>> Spelman: We won't make the final decision until the third reading.

>> Yes, sir.

>> Spelman: That will be sufficient. If you get it out by the middle of october, it will give us longer to think about it.

>> Absolutely, available on the website.

>> Spelman: Councilmember martinez.

>> Martinez: Third reading is scheduled for --

>> november 1? Yes, sir.

>> Martinez: We'll run it through and try to compile it the best we can before the final weeks of october?

>> As best we can. Lit be what we can provide with the first amendments of the operation.

>> Martinez: Thanks.

>> Mayor Leffingwell: All in favor of the substitute option, say aye. Say no. 5-2, Councilmember riley and tovo voting no. Takes us to item 74. 74 Was pulled off of consent by spelman. We do have speakers.

>> Spelman: Only for the speakers.

>> Mayor Leffingwell: Joseph aisling? Chris bailey? Chris bailey? Donating time is jenn studebaker? And laura pressley? Not here. So you have six minutes.

>> I will be very, very quick. I don't think I should be standing here. I'm confused on why I'm here. What happened is over the course of a long year, we've had a lot of different meetings with a whole lot of different people. And that are in the -- in government --

>> I didn't hear you --

>> Mayor Leffingwell: We'll get back to you. Don't -- when this came through on tuesday, my jaw hit the floor because we were under the impression that the ordy naps that was coming differently. We realized we didn't meet with robert out of all of the people we were going to meet with. So maybe that's why we're on a different page. At the utc meeting, they said it was different from what the utc recommended. I support this ordinance almost in its entirety. It's well crafted, responsible, allows us to operate. But when it gets down to it, the way robert presented the session, we're going to be on fixed routes. No deviation allowed from that route. The number one thing about operating a ground transportation service, you to take where people want to go. You can't run a viable company. We're fine with running a route-based service. We can operate in the downtown entertainment district. Once someone gets in the vehicles, if they want to go this way and I say, I'm sorry, i can only take you this way, I'm turning customers away left and right. This is flat out killing the business. There's no way this is a viable business if this goes through like this. So what we would ask -- what we were under the impression is this is a compromise what the utc put forward. Stamp out a zone, tell us where we're allowed to operate. We can operate in that area and not leave it. We felt like there was a compromise happening with the utc which very, very strongly pushed a route-based system with the variance once the passengers were obtained, we'd be able to take them to where they need to go in a reasonable area. And I think there would be a constraint on that as far as three, four blocks, something like that. So that's

really -- that's the core of the issue here. Is if this ordinance goes through, I'm -- I'm so shocked I signed up against it because it expires in two days here and so it's kind of like we're going out of business -- either being bankrupted by being on route or we can't provide the service that anybody really wants, or the ordinance expires and all of a sudden we're not able to operate in austin. That's all I have to say.

>> Mayor Leffingwell: Spelman?

>> Spelman: bailey, could you describe in more detail what you thought that compromise looked like at the time of the utc meeting?

>> Sure. Like I said, we were originally pushing for a zone-based operation. All of the utc commissioners had voted to support a route-based system with the variance. And I -- I attempted to get ahold of carlton after the work session on tuesday. I didn't end up talking to him until last night. After the utc meeting, he indicated he felt like the way the ordinance was written, staff did have the authority to grant a variance to the route. But if the work session it was very clear that that was not being considered at this point. And I asked carlton about that. He said it's something we could look at next year. And unfortunately, I've got a lot of people looking into this. Now we're at a couple hundred thousand dollars we put in this business. I can't operate in a loss. Capital metro operates on routes and subsidized with tax dollars. They have the ability to run a business at a loss. But I don't.

>> Mayor Leffingwell: How do you know you're not going to make money if you have to run all of the route.

>> I'll give you an excellent example. In south-by-southwest. One of the drivers picked up a police officer. He jump in the car and said i need to go eight blocks that way. It was a cross street, something was happening. No, man, I'm breaking the law. I got to go that way. I mean -- in reality, sometimes government feels like they're immune from the laws. In situations like that. But, I mean that's really the core of that. Why would my customers feel any differently than the officer responding to the call. If somebody parks up on the whole foods parking lot on lamar and sixth street, if they park right there, I can't run a route on that all night long because nobody goes there unless they park there. I'm only going there towards the end of the night. At the same time, these are battery-operated vehicles, so they have a limited range. They only have a couple-hour window. It's interesting watching the taxi drivers because we only operate during peak hours. But in a route-based system, i have to run an empty vehicle. I'm going one direction with stops. And whether people are getting in or not, I can't rep respond to the market. I can't go where people are. I have to guess and that's what we did for south-by-southwest. Here's google village. We filed a route around transportation. That route wasn't needed. You get to the whole ground transportation staff keeping up to the routes we're filing. No, they don't have the updated routes. We've gotten tickets for being off route. And we're operating the vehicle empty is not profitable. It eliminates profit. I'm stuck doing that on a route. The most important part of that is if somebody wants to go two blocks behind me, I have to go two miles to get that person two blocks behind me. That -- it's -- it makes no sense. It's not -- this business is dead, really, if it goes through like this. So I would prefer a zone. And our compromise that we have with the utc was a route with a variance which, you know, people with learn where to expect the vehicles

going through. Once we pick them up, we can take them where they want to go if you need a ride, you're going to be upset if somebody tells you where you're going to go instead of going where you want to go.

>> Takes you two miles to go two blocks. You thought it was a variance. Can you describe how big the variance was? Three blocks, five block s?

>> I don't believe it was specified. We thought it was going to go through the utc back earlier, it all happened last minute and it ended up we still didn't see it in a couple of days we pushed them to bring something up for the commissioners. So, anyway, the staff did end up putting something forward. Like I said, I'm -- we're very happy with the ordinance. It's just this one thing. Everything else we can comply with. So --

>> Spelman: Okay, thank you, mr. bailey.

>> Mayor Leffingwell: Councilwoman tovo?

>> Tovo: I have a few questions for you. So I heard you say clearly it's not a viable business for you if -- with fixed routes. But hasn't the pilot been fixed routes?

>> Yeah, the pilot.

>> Tovo: Hasn't it been viable in this period of time?

>> Yeah, I -- I would like to plead the fifth amendment. And self-incrimination on whether or not I may have not followed that exactly.

>> Tovo: Okay.

>> The fact of the matter is when you're faced with bankruptcy or run your business, you're going to run your business and you're going to take your customers where you need to go.

>> Mayor Leffingwell: I think you just unpled.

>> I did. My employees are going to quit. Nobody is going to work for you if they're not making any money.

>> Tovo: Do I want to ask this question. So, I guess you mentioned a comment -- you said that it's a little tough for the staff to keep one the updated routes. Were there instances where your drivers got tickets for operating on a route that was -- that was legitimate but not -- but hasn't been updated -- but that had been updated but there was confusion about what the updated route was?

>> An excellent question. Chris nelson is speaking after me. He's a lot more involved with those specific issues.

>> Tovo: Do you have data on how often it occurs that somebody gets in and needs to go two blocks that way and you have to go two miles around. Can you help us to see how often it happens and you have somebody who's trialing to take a ride that can't be accommodated well with a fixed route?

>> We encounter every situation. We have people getting in trialing to go to 35th and lindbergh. It's not done. We take them to a taxi and say, here, put them in a taxi. It's so difficult to predict what happens. If there's a tourists or conventions and everybody is going to and from hotels. It depends on the night. People could go all different directions. A lot of people go if they're spending their time downtown, they're spending their time on east sixth street or west sixth street or fifth or fourth street. Those are the areas where the bars and the party spots are. We run a route through that area. But the best example is going from congress headed west on 6th and you pick somebody up and they want to go to 4th street. You pick someone at 4th street that wants to go back to west 6th. Common, the east 6th crowd and the 4th and 5th street crowds. They're going back and forth like that. I don't have the ability to go back and forth. I have to finish out the route and kill my batteries and severely limits the people who can get around.

>> I don't have numbers.

>> It sounds like with some frequency?

>> Nightly. Every single night, yeah.

>> Tovo: So you mentioned something just now that we had talked about a little bit when we met. And that is the battery life. Can you talk about -- can you elaborate real, real quickly on how the battery life of the vehicles plays into the discussion of fixed routes.

>> Takes 10, 11 hours to charge the vehicle up. It's not like we can plug it in and move right on and keep going again. Once they're down, they're down. Without passengers, we can get up to 30 miles on a vehicle. If you add weights or hills -- hills are the big drain on the batteries. We can operate 3 1/2, 4 hours in a night. But there's drivers are taught to stop because if they're running the vehicle constantly, which is kind of what the route also implies, the battery is just going to die. We need to kind of go where the people are and wait for them to get in. Make it more efficient with the battery life we do have.

>> Tovo: It has a battery life of about 3 1/2 to 4 hour s?

>> 4 Hours.

>> Tovo: And 10 or 11 hours to recharge it.

>> Yeah, we're not running them twice a day. It's so much work. We're just operating at night. But in south by southwest, we would like to run two shifts. One for the day for the people going in. The other for people getting back out in the evenings, in the peak times, really. That's what we're shooting for. We can't just run around when there's not a lot of people out there. It's not viable.

>> Tovo: Thank you.

>> Riley: This sounds like an issue of misunderstanding of the service that's expected of the vehicles you're operating. You have customers thinking they can go to i-35 and runberg or eight blocks to one direction because they don't understand that's not the way the route works. If -- wouldn't it help if we had better communication about the service that is expected to be provided through this and through either the signage or some kind of markings on your vehicles that would inform your perspective customers about the route that they can expect to -- to go on if they get on one of your vehicle s?

>> Absolutely. That's great. Carlton, actually, talked to us about placing the signs. The issue is it's crowded in that area. Taking up a parking space or valet staff. Staff indicated their willingness to do that. I think chris could talk a little bit more on the issue. When it comes to educating the public, we're dealing primarily -- not primarily a huge chunk on tourists. It's impossible to really educate.

>> Riley: You had clearly identified stands like taxi stands, it could be a place where people could come there and see signage explaining the route that the -- that the cars take. It seems like people kpould understand that. If it's done in a simple easy to understand way.

>> Riley: Absolutely congressman. I would like to make one point that there are two very important markets that are not being serviced right now. That's the west campus area about 2:00 in the evening. And also the sheraton hotel on 11th street and i-35, it's all uphill. It's difficult for those cabs to get uphill and it's a short distance for taxis when it's and a lot of fares out there. That's another thought on that.

>> Mayor Leffingwell: Chris neilson.

>> We're going the have to talk about pleaing the fifth in a little while. First, the sign annual issue first. Unfortunately going to put signs on the road. And you can put four or five in a row. I used to manage valet stands and we'll have don't park here or you will be towed. Three feet from it, people parked there, people got towed. A tourist isn't going to know where to stop. We've had a lot of conversations with capital metro and we realized why the demo failed because no one knew where it was or where it was going. I feel that the villain could come back. But we're not the villain. The fixed routes -- chris is right. They do make it unworkable. I can't tell you how many times somebody hopped in an electric cab and they want to go somewhere three blocks off of the route. I explain we can't do it. We get luck of a draw west fifth to east sixth. We have one-way streets. It does help. It was our understanding after a lot of conversations that we were going back off on zhens -- zones and have route variance. And we're talking about two blockings. Not talking about a huge area here. We have a product -- or service that people of austin have proven to like time and time again. No problems getting passengers. It's not the same climate that it was a year ago. I'm sure you noticed there's only one other speaker tonight versus times in the past. Chris and I feel like we paid our dues. After the monday pilot report, they should move on to route variance and eventually from a-to-b. Pilot program is over september 30. Chris covered everything. Unless you have more questions?

>> Mayor Leffingwell: Thank you. Joseph?

>> Once again, pdaa. I talked with chris nelson and mr. bailey this afternoon. And after speaking with them, there's something I have no problem going -- if someone gets in their golf cart, I don't see the reason why they should have to go two miles out of the way to drop them off, even though they are kind of acting like a cab. Our problem is taxi cab drivers -- we found out it's not their golf cart, but we've seen them that are way off route. I have a picture on my cell phone of a golf cart on infield road. New nueces which is way off route. I was told that that golf cart had come all the way from carrytown. neilson was telling me he mayhat golf cart is gas powered. If it is gas powered, it's illegal to begin with. We showed the golf carts to mr. Carlton. And it has seats that face rearward, which is also illegal and also it didn't have seat belts. My understanding is their golf carts do comply with the charter that day. So as far as them working in the entertainment district area, i have no problem with them working in that area. I don't have a problem with them taking people direct as long as they load them and stay in the entertainment district. My problems are the ones that are picking up like taxi cabs all over the city and working like a cab. We have enough cabs as it is.

>> Mayor Leffingwell: I'd like to ask the staff a question. To me that sounds pretty horrible if we've got golf carts running all over the city -- infield road and other main city arteries, basically a recipe for disaster. Endangering a lot of people, not just the people in the cart, but other people. How do we enforce that?

>> What happens?

>> Mayor Leffingwell: Is that considered to be illegal if a police car sees a golf cart out of a certain area, they know this is illegal and take appropriate action? And if so, has any of that occurred? mayor, robert spiller, director of transportation. First of all, we need to make sure that we separate golf carts for electrical low speed vehicles that are being used for vehicles from hire from those that might be being driven by a private operator, meaning someone who owns one of these.

>> Mayor Leffingwell: Either one.

>> They need to be within 2 1/2 miles of a golf course and they are a legal vehicle.

>> Mayor Leffingwell: 2 1/2 miles.

>> On a street 2 1/2 miles from the golf course -- two mile, excuse me, which is the location infield, carrytown, is within two miles.

>> Mayor Leffingwell: They could drive up and down mopac?

>> That wouldn't work.

>> Mayor Leffingwell: If you're within two miles.

>> I think there's an expectation of a minimum safe driving speed. But according to the state laws, they're a legal vehicle. So -- I don't know what else to tell you. There are other locations. For instance, parking lot shuttles back and forth. Those are also being used. Really, this ordinance relates to vehiclings for hire. I do want to correct a couple of things if I could. Utc was recommended to accept recommendations. They provided it up to two blocks provided they have the route frequency performance measures. That stays with the early ordinance idea of not minimizing -- not specifying two vehicles, but specifying a performance type of frequency where a basic route could be -- could be measured so that we needed it. There was some level of performance. We believe the current ordinance, the recommendation, allows for staff to consider that. I think the communication bit and I'm the robert that chris was talking about, my communication to him was I'm not sure we're ready to go forward. I disagree with the transportation committee to go forward with it right now. Carlton does allow for route deviations and I think we can do that. You have to go back to the original thinking of the ordinance at the time. We had a lot of comments at the time. We're trying to define a marketplace that's between petty cabs, which do go anywhere. And regular vehicles for hire cabs that also can go anywhere and do short trips also. We heard some very rightly so comments at the time that these short triples fall within the area that might be longer than what a petty cab wants to do or be able to handle more people than petty cab is able to handle but not be within a market where cabs would reliably provide that service. If council remembers, we were trying to find a fixed market. We have four months of operating experience. We have challenges because there's been unknowns that are going to come up, both on the part of the operator in terms of a difference of opinion on what the ordinance allowed them to do as well as on the operating staff. I think you heard about enforcement staff maybe enforcing a route change using the older map. That did occur once. We backed that ticket out. Excuse that ticket. We try to be pragmatic as best we can. Clearly this is a learning process. We don't have other vehicles for hire on a fixed-type route. We're more than happy to be pragmatic and work on a business route proposal that would provide the services and suggest it there that they meet with me as well as the enforcement and the folks to try to work out a better operating thing so we could address, for instance, that two-mile round trip going back a mile.

>> I'm still struggling with the idea of golf carts on mow pack. 2 1/2 Miles of land. And on i-35, they're within 2 1/2 miles of morris williams.

>> I think we can safely say.

>> Mayor Leffingwell: I want to go back to my question. What do we do? Do we just take a note of it when these kinds of violations occur or are they -- do we get some action or what?

>> I will tell you the city of san antonio restricted the golf carts on their street, more restrictive than the state is. If council would desire that, we would on your behalf pursue that.

>> Mayor Leffingwell: A lot more palatable and safer at the same time.

>> It's similar in our more agricultural parts of our community when you see a tractor going down the street as well. Sometimes you have to deal with that as well.

>> Mayor Leffingwell: We do have to deal with that. But those are a little better defense -- a little better armored than golf cars and probably faster. I don't know.

>> I don't know that answer.

>> Mayor Leffingwell: We have to check that out. I don't have any objection to golf carts on the road in sun city. But not in downtown austin. Councilmember tovo?

>> Tovo: I have a question that isn't on topic -- or a related topic. What I heard you say is that the ordinance that's before us today does accommodate what I heard neilson talking about. A fixed route with variations of about two blocks? Is that -- did I hear that properly, mr. spiller?

>> Yes, ma'am. It would be based on a route proposal that would be brought before us by an operator as part of a business plan to run a route. I would offer that the department have to accept that to make sure it's providing what the business plan proposes. So I think if I were being straight up with you, I would say I would like to continue --

>> TovoPREFERRED.

>> I would like to operate a fixed route and add variation in the fixed route for four to six months so we can work out the rest of the kinks. And then move into a pilot, if you will, and start adding additional deviations so that we can learn how best to provide this service to the community. I think the current ordinance allows for that. Yes, ma'am, I believe it does.

>> Tovo: I've forgten. That's why I don't see it here in the ordinance, that's part of the rules process or something where they bring the application of routes to you and you review them and come back.

>> It's a code in the sense that it allows other areas as approved by the director.

>> Martinez: Yes.

>> Mayor Leffingwell: Councilmember spelman. I would like to table this item for a couple of minutes so we can have a motion to extend the meeting past 10:00.

>> Spelman: So moved.

>> Mayor Leffingwell: Spelman so move, mayor pro tem seconds. All in favor, aye. Opposed, no. That passes 7-0. We'll go back -- we'll take the other item off of the table and councilmember spelman, you're recognized.

>> Spelman: Thank you, mayor. You talked about how we needed to regulate this -- find a niche for electric low-speed vehicles in the urban transportation market. And regulate it once figure out what the niche is. Why do we need to regulate -- find the niche for them and regulate that they stay inside the niche. Why can't we turn them loose as long as we know they're travelling in safe places doing safe things not imposing an undue danger to others on the highway or people inside

the cabs themselves. Such as, for example, driving on i-35 from mow pack. That would be a bad idea. You would agree with me, right? Agreed. Okay. Good. Why don't we -- okay, say turn you guys loose within some boundaries, like a zone and say do what you've got to do. See if you can make some money.

>> Right. I can only go back to the original general sills of this ordinance. There's considerable discussion from the remainder of the industry represented by the petty cabs as well as at the time, the cab companies that said they were concerned about the flexibility, the dissans at which these caps could go or the vehicles Gould compared to the market that were already in this place. So that was really the genesis. We're working with utc and the council at that time, this is the resulti ordinance. Today this ordinance is just the pilot opened up.

>> Mayor Leffingwell: Thinking about it from the technological point of view or trying to find the market niche. It seems to me if you have pedi cabs or horse-drawn cabs, they're very, very slow. They're -- they are people who are not in a hurry and only want to go a small number of blocks. If you want a cab, then you're taking a couple of steps up in technology. It's a lot faster, a lot more expensive. If you want to go a couple of mile, then a regular cab makes sense. One of these vehicles makes sense to fill in the gap between them. That is not necessarily having a fixed route to go on. It's appropriate for a bus system. You have a limited battery space is going to be particularly well suited to a fixed route. It might be well suited for someone to go six blocks and six blocks rather than two miles. The organic means of identifying what the niche really looks like would suit both the business and our pedestrians who want some rides better than our trying to define that niche for them, so long as we've already dealt with the issue of safety, which i thinks absolutely critical for us to regulate properly. What's wrong with the reference. Let me try again. The pedi cabs might feel they were being encroached upon. And the taxi cabs might feel they're being encroached upon. Am I right?

>> I can't assume what they would think that that was the suggests that -- yes.

>> Spelman: Maybe this is one of the things we should try out and see what happens. If they're feeling encroached upon, look at it where they are. If they are, let's regroup and we'll have a reason to regulate. But it feels to me we're regulating in a vacuum. We don't know what we're regulating. What market niche these guys should be in. Let's give them a limited zone and see what they can do?

>> Happy to take direction from the council. I have no basis to say one or the other. Sorry.

>> Spelman: That's kind of my pointed. Develop a basis on that -- the people who operate these things believe they can make some money on. Then we'll have more information to -- to work off of. We give them a basis they can't make any money off of, they're going to go broke and we won't know anything. If I wanted to allow these folks to stay in business in their current form for enough time for us to make some changes in this ordinance, I haven't got a clue at this time of night how to change it consistent with what they've been talking about. What I think you and I would agree with if we sat down over a beer to do it, how would I give them an opportunity to go beyond september 30? For a limited period of time? Could we -- could we postpone action on

this item for two weeks and pick it up again in two weeks? And somehow give the authority to keep going?

>> Unfortunately, councilmember, the original pilot expires at the end of september.

>> Spelman: So --

>> three days, yes, sir. So we sort of need to make a decision now with regards to this ordinance. I would think that you could certainly -- going to call for help.

>> Gordon darwin, transportation department. The operations of the company are controlled by the operating authority, which we have under the ordinance of the ability to modify that and that was set up in the original pilot program. For the most part, we're making the changes so this can go forward in the future serving a mode so the people for hire in downtown austin or wherever it needs to be in austin, because, again, there's flexibility in there. So for the most part, this ordinance is setting up the performance requirements for the vehiclins. Saying that we need to have the proper chauffeur license and everything else. The operating authority shows where and when it operates.

>> Nothing that mandates particular routes, particular deviations from routes. That's an executive order thing for sure. So what we could do then is pass this ordinance, that would extend the legal authority. And provide you with whatever guidance we thought was necessary to regulate to the extent we thought necessary to the regulation s?

>> Yes, sir. I wish I had thought about that myself. That's why we bring staff with us. That's what the ordinance allows. That's why -- it dawns on me -- that's why we can provide deviations. It really is the negotiating operating authority.

>> Spelman: With that in mind, we'll have direction for you in a minute. Let me put it on the table we need to close a public hearing. I move approval of the ordy dance.

>> Mayor Leffingwell: Spelman moves approval in all three readings. Second bid council member martinez.

>> Spelman: If this pass, they have the official authority to continue going. It seems to me the best approach would be to get from them a relatively limited area they were working under, sufficiently small that you can ensure this thing inside the area, downtown or that's up for you to determine. Not a fixed route. No worries about deviation. Let them operate inside the zone. We don't have fares they pick up. How far they go. You guys know better than I do. But it seems to me after three months we should be able to see who actually is the niche that the electric low-speed vehicles seem to be filling given relatively limited regulation on our part and how well does that seem to be fitting the needs of our pedestrian community?

>> Okay.

>> Spelman: That would be my direction. It may not be the direction of the other six members of the council.

>> Mayor Leffingwell: This whole direction -- would it be appropriate to add direction to as you administratively grant these variances to ensure that there's a way to enforce them, perhaps the distinctive markings on the pedi-cabs to differentiate them from the sun city cabs that might come into town? And also to define the amount of deviation so it does not include being able to go on major thoroughfares outside of the downtown area -- the entertainment district?

>> Yes, sir, that was part of the original direction of the pilot. So, yes.

>> Tovo: Mayor?

>> Mayor Leffingwell: Riley is next. Then tovo.

>> Riley: What are we doing about the sign-ins that they can know about the routes that commits to the vehicles to go on.

>> The signage for the operator since the inception of the pilot. They chose not to move in that direction. It was not in line with their business model whereas they were not interested in making stops rather than electronic hail system and we made it available. They chose not to.

>> Mayor Leffingwell: Madam tovo?

>> I wanted to add a couple of comments from context. The premise we were working on when we made this decision to set this program up was that -- well, first we were working from the contacts of the monday report, which says -- which recommended that we go with the fixed route. It's for a minimum of one year. So experience on city liability issues and safety data can be compiled. So I think consistent -- if we're going to stay consistent with that, we would at least need to be thinking about working for another eight months. We need to be thinking about another eight months of trying this. I think you described the problem very well. It's an issue of identifying the right niche for electric low-speed vehicles in relation to the other services that we have out there. Taxi cabs and pedi cabs. That's a challenge. You say the services are all comparable in some respects. I think this is going to be a learning experience for everyone involved. I know we have been doing some major events as contemplated originally. We're seeing some success with those events. It's -- it's -- is that accurate? Is that -- does that -- that has worked out in some case, at least. May be other routes that could work better than the ones we find now. If we find routes similar to west campus, bill bailey mentioned. And we could be so clearly workable that signage could go up to let people know about that. It would be helpful to establish the service as a distinct type of service that is a different role from pedi-cabs and taxi cabs. Then that is -- once we get that established, then minor deviations are able to find. And chris nielsen is right. That it did realize over time once the service gets established in the community and people understand what it is, minor deviations can be -- can be -- can work out fine. So I -- I will support continuing with this program for sometime. Subject to the comments that were made. The other thing is stake holders are interested in this. Talking about services that potentially overlap on to other services. I'll be glad to see how mr. Aisly is speaking here. We

need to make sure that the pedi-cab community is informed as to the changes of the policy. Changes that would allow deviations to the point where the service becomes more like a pedi-cab service. I know a lot of pedi-cab operators are interested in this. If we had been going forward with abandoning the concept, there would be more here complaining about it. And regular cabs as well. So that's part of the constraint we're operating in. That's one reason we need to be careful at tossing that concept out of the window. Uh in addition to the concerns. We're on the right track. We have to figure out how the service ought to work and examining the safety and liability issues that are at stake. I appreciate your efforts on this. I think that council member spelman had a motion on the table?

>> Mayor Leffingwell: There's a motion on the table.

>> Riley: I will support the motion with all of the direction we talked about.

>> Mayor Leffingwell: Councilwoman tovo next.

>> Tovo: According to the texas department of motor vehicles, you alluded to this before, golf carts are prohibited on -- i will say it a different way. They're only permitted on public roads with a posted speed limit of 45 miles per hour or less unless a city or county ordinance prohibits it. We're clear on mopac and i-35. Other thoroughfares are better. 45 Miles or less that are unsafe then we could pass a law restricting them. Just to close the loop.

>> Mayor Leffingwell: Councilmember martinez.

>> Martinez: Obviously I'll be supporting this. And I wanted to revisit briefly what got us here. I'm okay with things evolving and ordinances and policies taking on a life of their own. That's how you learn from them. But we did start out specifically with an agreement that it would be a fixed route pilot program and as was bailey, that hasn't been the case. Councilmember riley referenced four months of data. We don't have the data based on the pilot that council adopted. We have four months of data based on elect rick hold speed vehicle for hire. Not necessarily on the service. That's fine. Whatever we come up with, this is then I want to leave you with. It's let's come up with something, one, can be complied with, two, can provide a business model that workings, and the service that works for citizens. And, three, it can be enforced. I know that's a lot of direction and very broad language. But I think it's -- I think it's doesn't make sense four months later and we adopt something thinking we could move forward, to gain data. We don't have any data that's related to what we adopted. We don't know which the service would work. According to the business people, running the business. Doesn't work. Doesn't work. Can't work. They tried it. But that information would be critical at this point to determine if we wanted to deviate from it or not. We don't have that. All I'm saying is bring that data back to us as soon as possible if you have more compelling or better data. That's the other piece of direction is. I don't want it hanging out there. If it needs to come back to council with your direction 30, 60 days, bring it back. If you think there's something else that needs to be discussed or other issues that are out there. The other thing is that we do utc. I appreciate that. But utc is not the governing body. Just because you get utc to agree to something, that doesn't mean it's an ordinance at the table. But ultimately, council has the full authority. If you guys need to come back to us, bring it

back to us as soon as you can. So that we can at least try to fix the policy that we're actually working on. That's providing a good service that's needed in our downtown area.

>> Thank you.

>> Mayor Leffingwell: I'm sensing the need to clarify what the motion actually was. I'll ask councilmember spelman to do that. There's a misunderstanding of whether we're asking for pure zones or whether we're asking for routes with the ability to variance within a certain area. In fact, that's exactly where i was going to go, mayor. First, the motion on the table is this ordinance three readings. But this ordinance has nothing to say with zones, fixed routes, deviations, anything of that kind. That's a function. To answer your question. That clarifies the motion. I don't believe that after hearing from me and councilmember riley and martinez dura would be enlightened as to what the direction of the council as a whole would be. Because I suspect --

>> Mayor Leffingwell: Mine was pretty clear, though. Stay off of mopac.

>> Spelman: Everybody agrees with that part.

>> Spelman: Okay, stay off of i-35 and mopac. If you get a direction from the council, a more systematic way might be more effective. Perhaps what we can do is pass this with all three readings with the promise we'll have a resolution to which we can vote on. Can't vote on the direction we're giving you here now. Resolution in two weeks which would give you a direction as to what we thought would be an appropriate means of administrative authority. Is that suiting your purposes or would you rather to do it yourself?

>> Martinez: Would you like to give us administrative direction in two weeks. What I would propose is that as I did with the managers of the low-speed vehicle group that is here is to meet and try to jointly define what does indeed. What I heard is in a you all want us to try to help them find a way to operate that meets their needs as well as us. That was clear. How to get there might be a little harder to get there.

>> Mayor Leffingwell: At what point, when you will have something to tell us as far as your administrative authority is directing you to do.

>> To the end of october if i could.

>> That sort of is intuitive but it's also crossing frontage roads and things like that. i think that did include main and --

>> sure, sure, there is a safety element of ensuring it is operating within the scope they propose.

>> Spelman: So within a month or so, we would have a better sense of what you propose?

>> I believe so, yes, sir.

>> Spelman: I look forward to hearing more about that.

>> Mayor leffingwell: Council member morrison.

>> Morrison: I have to raise one process question. When we talk about variance or zones or whatever, it appears it is all within administrative authority but it also appears to be a very important issue that really maybe should be a policy decision so that we don't have this back and forth. Is there any reason it is specifically administrative authority at this point? My guess is, it may have been written to be administrative authority for the pilot so that there could be some flexibility during the pilot, but I am wondering if we maybe ought to think about shifting that once we get a little bit farther down the road with this discussion.

>> Council member, I think we may also find that other operators may want to operate on a different mechanism and to, you know -- there may be operators that believe they can successfully operate on a fixed route and may propose that in -- whereas others may want to do full flexible.

>> Morrison: So I guess -- what we are hearing tonight is a pretty strong cry it's just not working for them that way. It's having to come to us to give direction to allow that variability, so something is amiss, right.

>> I understand.

>> Morrison: And I think we maybe ought to think about that. If you can give some thoughts to that when you come back.

>> Yes, one last thing, they also mentioned allowing the director to have that flexibility doesn't require the operator to come back to change in operating --

>> Morrison: Sure, but what we had tonight, you were able to exercise some authority these folks thought would put them out of business so we asked you to do something different so that's why it seems to me there should be some middle ground there to achieve the flexibility you are talking about but also so that we can ensure certain things that we think are policy.

>> Okay. Yes. all in favor of the motion say aye, aye. Opposed say no. Passes on a vote of 7-0.

>> Thank you.

>> Mayor leffingwell: 131.

>> Good evening, guernsey, planning and development case 131 is a zoning case for the property on west gate boulevard and 4401 sunset trail and the 7-acres in size and the applicant, the citizen life church of austin is requesting rezoning of the property to the go office district designation. The request is recommended by staff with a trip limitation of 2,000 trips per day and the zoning an planning commission considered this item and granted the request to goco with a 2,000 trip limitation but I did add additional conditions, one would be prohibiting access to sunset trail. That's the roadway that's kind of to the west and also limiting access -- or prohibiting access to wind slope cove which is a cul-de-sac on its northern border. Right now the site is

developed with assembly religious use and accessory parking. To the north commercial and fourplexes, to the south, there is two single family homes and fourplexes to the east. There is a shopping center kind of to the northeast office, fourplexes and duplexes and to the west there is undeveloped land, single family residences, educational facility and electric supply company. M devon would is the agent to this and would like to modify conditions of the council, one is to allow access to wind swept cove. Some of the members of the congregation use that access -- or would utilize that access to get to the property and in addition remove the restriction that the commission put on the property through the go to say religious assembly and all other sf2 uses, the church would also like to consider possibly putting in a school and possibly medical office as well. At this time, I will pause. If you have any questions --

>> mayor leffingwell: Questions for staff? Otherwise, we will get go to the applicant. Council member riley.

>> Riley: Would the -- would the new part of the parking lot have to have a commercialized scape ordinance, have to comply?

>> Yes, it would have to comply with the landscaping regulations and parking regulations for the current code for that.

>> Riley: But there would be no requirement to bring -- the current part of the parking lot, they are not required to make any changes.

>> So long as they are not changing anything to the existing parking lot. We wouldn't necessarily make them redo the existing parking lot.

>> Riley: Okay. Thanks.

>> Mayor leffingwell: Council member tovo.

>> Tovo: guernsey, i haven't had a chance to see this hearing, but it looks like an a vote of 5-0, to prove the -- the zoning with those conditions or to recommend the zoning. Would you give us some sense of the commission's -- of the existence, particularly in limiting the religious assembly, did people come down and talk about it? Or what was the commission discussion?

>> I am not aware of, i guess the dialogue that came possibly from the public. I think the concern is that this is kind of the break point between going to more intensive uses and then going back into the residential areas that are probably further to the south. This is the properties, if you look at the map, our single family as you keep going further south, so i think there is a concern of the intensity. I don't think there was actually an objection to having the religious assembly use and having the building to expand. I think that was a concern. I am not sure regarding the access to the cul-de-sac street to the north. Right now, those are -- those fourplexes are basically apartment type uses off of the street that adjoin on the wind swept cove. they can do religious assembly using with their current zoning because that is part of it, right?

>> Yes, although medical zoning is not allowed in sf2 and schools may trigger -- like possibly an unconditional use permit. It depends really on the type of school that they have. If they were successful in what is called a charter school, then it would be treated just like any other public school and it would be permitted by right, even in sf2 district, but if it was a private school, montessori school or something along that line, it may require conditional use permit unless the zoning is changed.

>> Tovo: But it is doable. Under sf2, I was looking at my chart but department make it there, but under sf2, they could have a school but they would need to apply for a conditional use permit, have a hearing and then move forward.

>> Right.

>> Tovo: And is that -- are you the applicant? I was going to suggest to hear from the applicant.

>> Tovo: Yes, I save my question for the applicant. there is no one signed up to speak. The applicant has five minutes.

>> I am devon wood and represent citizen life of austin, honorable council, we have been there 40 years and we have, right now, currently sf2 and mf2 with the conditional overlay not to go out on sunset trail off of lot 4 and 5 of the old thornary estates which is a part of west gate subdivision. We would like to have access to wind swept cove. We only have two services a week, and we have a bottleneck coming in. We would like to be able to come in and leave. And we are trying to avoid, you know, any accidents. And the conditional overlay of religious -- there is a pastor here that they have approached right here about a charter school, and we have several doctors and -- that's attending our church. If we ever had time and needed somebody to rent from us, we could.

>> Mayor leffingwell: okay.

>> Any questions?

>> Mayor leffingwell: Council member spelman.

>> Spelman: So why do you want go zoning?

>> Go? You know, we would like to have a larger church. Go would give us a 60-foot, we probably won't go that high but it will give us a two story, three story building.

>> Spelman: Okay.

>> And it gives us 80% impervious and that is the watershed, williamson creek.

>> Spelman: But you don't particularly want to build an office building, you maybe want 60% maybe feet?

>> Yes, sir.

>> And the reason for wind swept cove is so you have one way in and one way out, instead of cars competing for in and out, the same entrance. Is that right?

>> I didn't hear all of that.

>> Spelman: You want to have two entrances?

>> Yes, sir, yes, sir, because we only have one entrance now and we go out the other entrance and we -- and when that zoning recommendation -- the recommendation of the zoning commission, the planning commission, we could have access to sunset trail off of 9 and 10, which would be two lots away from any single family residence and we would like to have access to wind swept cove. That's all cs zoning around that cove.

>> Spelman: Given the choice between sunset trail and wind swept cove, it meets your needs better to have an entrance on wind swept cove? You get two entrances. You get one already on west gate, right?

>> Yes, sir.

>> And the is second one -- and the second one you would prefer to be on wind swept cove rather than on sunset trail?

>> We would like to have both of them.

>> Spelman: I understand that. But the zoning --

>> we would need wind swept cove because it is a lot easier -- it is not a local road. It is more of a cul-de-sac and it is easier to come in and go out and most of the doctors use our parking lot, anyway, along that area, and park on our property.

>> Spelman: That's what i need to know. Thank you, sir.

>> Mayor leffingwell: Council member riley.

>> Riley: How many parking spaces do you currently have there at the church?

>> Sir.

>> How many parking spaces do you have at the church?

>> I think we have 16, i believe.

>> Riley: How many more would you be looking to get with this change?

>> We will probably put another 120 or so. We are using the theater across the street. We are using a dealer's electric along sunset trail.

>> Riley: So you have been using the theater across the street?

>> Sir?

>> Riley: You have been making use of the parking that's already across the street?

>> They are letting us use parking lot.

>> Riley: Why wouldn't this work?

>> This is right from the church. People have to go a half a block to use across the street.

>> Riley: They have to walk a half a block?

>> Yes, sir, it is a half a block.

>> Riley: You say you have two services a week.

>> Yes. Sundays and wednesdays.

>> Riley: Sundays and wednesdays, and -- well, i have to ask this one question. I visited this site recently and one thing I have noticed as I looked around at all of the surface parks, and i looked around and saw a lot of parking spaces everywhere I looked including across the street but couldn't find one bike rack anywhere.

>> We did have a bike rack. I don't know what happened to it.

>> Riley: Did it go away?

>> I believe it did. I believe somebody hit it.

>> Riley: So 280 parking spaces for cars. You can't --

>> well, we are using some rails for bikes now that they lock their bikes on.

>> Riley: You have people cycling there and they lock up to the railings there?

>> Yes, sir.

>> Riley: Do you expect if you get 120 more parking spaces, do you expect to add some bike racks, too?

>> Well, we are required to do that.

>> Riley: In fact, you are required to have some with your existing parking, aren't you?

>> I think we did.

>> Riley: Another question about -- if you were to get access -- first place, on sunset trail, I noticed you currently do -- there is currently access to sunset trail?

>> We have abandoned it, according to the staff recommendation, because it was a construction entrance when they built the educational building.

>> Riley: It's still there?

>> No. It's removed as of Saturday.

>> Riley: Oh, okay.

>> I was out there 12 hours helping them move.

>> Riley: I see, okay.

>> But we did -- but it's too close to the single residence and the staff said, if you are over there on 9 and 10, which is three lots away, they wouldn't mind.

>> Riley: And then I just have to ask this one thing. If you were to allow access on to wind swept cove, if you got access on to wind swept cove and sunset trail, would you have an issue with folks making use of your parking area as a regular route to get through from wind swept cove to connect over to sunset trail?

>> Well, probably wouldn't from wind swept cove but, you know, we can do whatever you recommend on that. I mean, but right now, our parking lot is used by neighbors, you know, the kids, and it's -- it's -- from sunset trail, a lot of them will cut across the parking lot. A lot of young people play on our parking lot, skate boards and stuff and we have had very little vandalism.

>> Riley: Okay. Thanks.

>> Mayor Leffingwell: Council member Tovo.

>> Tovo: I just want to be clear about the zoning request. So you have -- currently you have SF2 with a conditional overlay and MF2 and are requesting go primarily because --

>> the height.

>> Tovo: The height.

>> In case one day -- ma'am? The height and impervious cover of what is allowed on the watershed, 80%.

>> Tovo: And so the existing conditional overlay right now prohibits multi-family residential use and the zoning and planning committees conditional overlays -- I guess is a question for staff -- the recommendation from staff was for -- to permit only -- to allow the site development regulations to be gr -- I am sorry, go, thank you, greg, but to limit the use to just religious assembly and sf2. Is that correct? Okay. But you would like more flexibility in terms of the usage?

>> With the religious assembly because we may want a charter school. We have been dealing with our pastors about that.

>> Tovo: But it's my understanding that a charter school would be an acceptable use under the conditional overlay. I see the gentleman. I don't know if they want to speak or not?

>> They speak better than i do.

>> Tovo: I didn't mean to be distracted but I kept seeing hands and things of that sort. they can answer questions but you are not signed up to speak, ..

>> Yes, I am secretary for the church and will be happy to clear up anything concerning, you know, the construction.

>> Tovo: Sure, thanks. So my question to you is what are you proposing to do with the conditional overlay that wasn't part of the planning and zoning commission?

>> The purpose of the rezoning process, when we purchased the property, the church exploded with growth. We were parking all over the place and trying to get as many people in the church as we can in a safe manner. We purchased the property behind us, and in doing so, we were going to rezone the whole thing. We need the parking. We immediate the parking -- we need the parking more than anything else. So 80% covering was attractive to us, and so that was the whole purpose. Phase two of that purchase and go would be to build that building, but the building is not -- is important as this parking with as many vehicles as we possibly can in a safe manner and also having a proper exit strategy as well, getting them in and a out in a safe manner.

>> Tovo: Unless I am misunderstanding, I am not sure what about the conditional overlay will prevent you from building that parking?

>> I believe -- what is it, 70% versus 80%. We need more parking for more cars on that new property.

>> Tovo: Can I ask rusthoven or guernsey to jump in here.

>> What did you ask.

>> Tovo: I asked --

>> I am sorry.

>> Tovo: That's okay. I know it's late and you have been here a long time. I am having a hard time following the conversation, too but I was asking what -- what would you like to do with regard to this property that you couldn't do with the conditional overlay? It's my understanding that you have --

>> for a religious assembly -- well, ma'am, we will take the conditional overlay of religious assembly if it stops it. We want the go, because we can build a bigger church.

>> Tovo: Sure.

>> And we can cover it. But we would like that removed in case we have a finance -- you know, how -- churches just don't have all of the finances all the time, and, you know, we want to be able to use our facility -- we are not going to move. We like that place. Okay.

>> The whole religious assembly thing, I am not really sure what that whole process is, other than the fact we have had doctors offices approach us looking at our facility to possibly buy it in the future, so on and so forth. Schools, montessori school that is located near us. That is priority number 3 or 4 or maybe 5 on the list. Parking, access to wind swept cove and also sunset trail are priority number 1 and paramount.

>> Tovo: Okay. Thanks, so as long as you can -- the first priority would be to be able to use the land that you have to build higher church, taller church and more parking.

>> Phase two, yes.

>> Tovo: Right. guernsey, can you just lay in on whether the conditional overlay would allow them to build the parking they are talking about?

>> Well, because we are really talking about the development standard of the dwelling, 80%, the church is -- religious use is a permitted use in the sf2 or go, but if you are using basically the go site development standards, they would be able to achieve the 80% impervious cover. The watersheds will allows 80% impervious cover and so between the two, they would be able to build the parking lot they are talking about.

>> Exactly.

>> Tovo: What you couldn't do if you decide to sell to a medical office or allow a medical office -- that would not be permitted under the conditional overlay?

>> Right, yeah.

>> Tovo: Okay, thank you very much.

>> Mayor leffingwell: Council member morrison.

>> Morrison: Actually, greg, I have a question for you. I am a little confused about a co that allows for -- on gr, go, whichever it is, that allows sf2 uses. Are there some nonresidential go uses in sf2?

>> I think when the planning and setonning commission, they -- the planning and zoning commission, they incur the desire to have additional parking and there was concern about the use and they limited sf2 uses. The religious assembly is permitted in either go or sf2, so that really doesn't make a difference with either category.

>> Morrison: Doesn't make sense to talk about sf2 district uses and a go district?

>> Well, that's what the commission decided, I think we could look at this as probably more intensive staff recommended, I believe the mf zoning, there is a lot of fourplexes nearby which is more than mf2, sf2 would be compatible to the sf zoning further to the south but if you look at that track it is partially slit, part sf2 and part multi-family, depending on which street you are looking at. We recommended the go zoning. We did have that restriction on there. Staff is comfortable given the type of apartment zoning in the area and it was added by the planning and zoning commission and not staff.

>> Morrison: I am just saying most of the two uses are residential and they are not allowed in go? Or am I just not -- am I --

>> right. Residential uses are not allowed in go.

>> But sf2 district uses, like maybe day-cares or something? What would be some examples?

>> It would get to those civic uses. It could be day-care.

>> Morrison: Okay.

>> It could be religious assembly and charter schools are permitted in either go or sf2 by right, so i think --

>> Morrison: I get it now. So there are some civic uses there.

>> There are some civic uses there.

>> Morrison: Another question, are assembly uses -- are religious assembly uses subject to compatibility standard?

>> They are.

>> Morrison: That wouldn't come into play here?

>> You would have the single planning zoning to south. It would limit height. Although the further north they move the building, the higher height they can get, the closer they get to single family, the lower the height because of the compatibility standard.

>> Mayor leffingwell: Council, this is only going to be ready for first reading, so there is time to -- council member riley.

>> Riley: A couple of quick questions. Greg, if there is new construction on this state, would it be subject to the commercial design standards?

>> I am thinking because this -- it's a civic use so I think today, yes. I am not sure if we go back to the amendments, I think that it could be providing some relief to the civic uses, so.

>> Riley: wood, with this zoning, you do expect to build a new church building on the site?

>> Yes, we are going to build a new building eventually.

>> Riley: Do you expect it to be on the same -- in the same place that -- that your existing building is?

>> Yes, that or maybe a little further south. We can't get near sf2 right no compatibility. We have to stay 100 feet away from it if we move the building back. Where we are at, we can extend that building with no conflict of the codes.

>> Riley: You mean a little further over -- over -- back from west gate, is that what you mean?

>> Yes, towards sunset, towards 4 and 5 of the old estate.

>> Riley: Isn't that to the west?

>> Yes, sir. Southeast where we are at. Southwest --

>> Riley: Southwest.

>> Southwest, yes.

>> Riley: Away from the street?

>> Yes, sir.

>> Riley: Where do you expect the front door will be? Where would the front door of the church be?

>> It's facing south to keep off the traffic.

>> Riley: So the front door faces -- the building is on west gate boulevard but there will be no door on west gate.

>> No, sir.

>> Riley: The door would be --

>> on -- toward the --

>> Riley: To the south.

>> Yes, sir, toward the parking lot.

>> Riley: Towards the parking lot, so on the west side. As you are looking -- as you are standing on west gate and looking at the building, it's going to be the front door -- the front door will be on the far side of the building, in the back, opening on to the parking lot?

>> Yes, sir.

>> Riley: Great. Thanks.

>> Mayor leffingwell: Council member morrison.

>> Morrison: I would like to make a motion that we approve that recommendation on first reading.

>> Mayor leffingwell: Council member morrison makes a -- moves to approve on first reading -- close public hearing and approve first reading staff recommendation. Second by council members spelman or?

>> Spelman: Not unless I can make a friendly amendment. you can't be --

[laughter] well, okay, we need to get a second. Council member tovo seconds. And I just want to ask a question first, is that address in any way the request on the two entrances to the church?

>> Morrison: No, mayor. They would only -- they -- access from wind swept cove is prohibit and frankly, i think that's an important one. There is apartment buildings there. It is a very short street and I am just concerned that during heavy periods -- i know it doesn't happen that often but during heavy periods that is effective going to be a huge driveway funnel in.

>> [Indiscernible] not unless somebody asks you a question. Council member spelman recognized --

>> Spelman: A motion and a second on the table, right. a motion and second on the take.

>> Spelman: I would like to make a motion to amend the motion to remove prohibition of access from wind swept cove.

>> Mayor leffingwell: Amendment to remove the prohibition access to wind swept cove, that's the motion. I will second that motion. And council member tovo.

>> Tovo: Could I ask you to speak to that, please? I think one of you had a comment about that.

>> We would be willing to entertain any comment as it pertains to wind swept cove. We would be willing to -- we even have discussed, if it comes to it, we would put as just an exit, not access into it, but just -- just to help us with the control of the flow. There is about 15-16, even 1700 people that attend church there on two services on sunday and on wednesday as well. We would be willing to put a gate there when we are not having service. Whatever it takes for us to have even just an exit. We would love to have an entrance there as well. Most people do come in on west gate, of course. We prefer that our parking team -- our parking team prefers that but even if it was just an exit. then, this is on first reading only so there is time to have those discussions about exactly the restrictions that might help out with that. Before the next reading. Council member morrison.

>> Morrison: I have a question if any of my colleagues that might support this would like to suggest -- I guess I am just concerned about having 1,000 -- turning that into a -- yes, 1,000 cars come through there and that's a residential street. And it just seems really sort of out of character to -- to essentially turn that into a driveway.

>> Mayor leffingwell: Council member spelman.

>> Spelman: I looked at the googins map of it, which is very recent and although it is a residential street, it is not a single family street. It has a commercial use. A day-care on one corner and of course west gate boulevard is a heavily trafficked street. So it seems to me that if we are talking about sundays only is when you get heavy use.

>> Only between two services, we ever have trouble.

>> Spelman: Two services on sunday, I don't think that it will be that big of a deal.

>> Morrison: I want to comment -- council member morrison.

>> Morrison: People who live in apartments are people, too, and having 1,000 cars scream in front of your place can be pretty annoying on sunday morning. i would just comment that there are many churches in residential neighborhoods, all over. So the motion for the amendment is on the table. Council member riley.

>> Riley: I am -- just wanted to say I am not going to be able to support the motion. I actually don't have any problem with access to sunset trail and with the proper design, I may not have any issue with the access to wind swept cove but what I do have an issue with is the abundance of parking when -- when we already have a huge amount of parking half a block away. In fact,

when you look at it at googins maps, you can -- at google maps, you can see folks from the parking lot of the church will have a further distance to walk than if they were coming from half a block away at the theater, and yet, we are going to pave 120 more parking spaces -- this is on the amendment. It doesn't have anything to do with that, I don't think.

>> Riley: Okay. Well, okay, we will vote on the amendment, then, and i will complete my comment at that time. i assume that means you are going to support the amendment but maybe not the -- think so and I guess that's part of the context is i don't think -- I don't think this church is being a good neighbor and I -- and so what we -- we are going to subject those residents on wind swept cove not only to continued hostile conditions on west gate boulevard, but a huge influx of traffic twice a week, and then -- and then the other five days a week, they are going to have a parking lot that is basically twice as big as the current size. It is a huge empty surface parking lot, five days a week right next to it and in exchange for getting that, they get a huge influx of traffic twice a week. This is not -- this church is not being a good neighbor and we are penalizing those residents on wind swept cove even further and I guess that's the context I wanted to establish. all right. All in favor of the amendment say aye. Aye. Opposed say no.

>> Riley: No. that fails on a vote of 4-2, with council member martinez off the dyas. You voted for it -- oh, it still fail on a vote of 3-3. You voted for the amendment. It still fails because mayor pro tem and council member morrison and a council member riley voted against it. So that bridge -- so that brings us to the main motion, to approve on first reading, the zoning and planning commission's recommendation. Council member riley.

>> Riley: I could just complete my thought, if i could -- i thought you already did.

>> Riley: If we took the energy that was about to be invested in building a new parking lot and we took that in actually improving the conditions -- the conditions for pedestrians on west gate boulevard, then maybe people wouldn't mind walking half a block from west gate boulevard than a further distance from the back of a parking lot that's about to be built here and to compound the problem, we are going to be -- it actually -- with the design that the church has in mind, it may be well a further walk to come from the theater across the street, because now you can't -- instead of actually going in anywhere near west gate, you will go around to the parking lot to stand at a building and essentially we are abandoning the hope of any kind of pedestrian -- anybody walking along west gate boulevard which is just a depressing prospect to me. In general, we should have a city where we respect our streets. Where people are expected and encouraged to walk our streets, where there is appealing conditions to walk to street and greeting each other on the way to church an greeting their neighbors and walking in the front door. Historically churches were actually -- historically churches were great buildings that were wonderful presence on the street. You travel and see great churches with beautiful street presence and here we are abandoning hope of such a condition. In fact, we won't have a door on if street. We will walk around to the back of the parking lot to enter the church. So I am just disappointed in the urban environment that we are creating here and I -- I just can't bring myself to vote for it.

>> Mayor leffingwell: Council member, with all due respect and I think these are great urban principles that you are espousing but these are in the suburbs, people in the suburbs drive cars. They park in parking lots. So that being said, I call for a vote on the first reading.

>> Thank you, mayor and council that concludes. that concludes all of the items on the agenda tonight so without objection, we are adjourned at 11:08 p.m. Somewhere somewhere somewhere somewhere somewhere somewhere somewhere somewhere somewhere somewhere somewhere where somewhere somewhere somewhere somewhere somewhere somewhere .no carrierringconnect 57600 5