

Council Transcript 10/11/2012

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>> Mayor Leffingwell: Good morning. I'm austin mayor lee leffingwell and we'll begin with the invocation from pastor mark friesen, koenig lane christian church. Please rise.

>> I invite you to pray with me. Gracious god of all blessings, open our hearts that we may recognize the gift you have given us. God of all wonders, open our eyes that we may see you in all things. Grant us the eyes that are free from blindness so that we might see each other as brothers and sisters. United and equal in dignity. Empower us with your courage to reach out to those who are victims of abuse and violence, deceit and poverty. God of all justice, open our ears that we may hear the cry of the poor and disenfranchised. Grant us the ability to hear the cries of children and the elderly, those that can so often be neglected, the men and women oppressed because of race, creed, religion or gender. Empower us with your courage to stand in the gap to represent those that can't represent themselves. As we seek to better understand the issues that concern our city, state and country and how we must all respond as faithful citizens in our community, we pray for your guidance over this city council, o god, that your discernment may bless their plans and deliberations and help them to work together for the good of all. We thank you, o god, for your calling upon these men and women to serve and we pray that you will help us all recognize your presence in every person with whom we interact. Heal us from our differences and unite us, o lord, with a common purpose, dedication and a commitment to achieve liberty and justice this day and in the days to come for all people. We pray in your holy name. Amen.

[10:07:01]

>> Mayor Leffingwell: Amen. Please be seated. Before I call the meeting to order, I want to make a special announcement that the council will hold a special meeting on saturday, october 27th at 9:00 a.m. In the council chambers. There will be no actions taken. It will be simply an opportunity to hear from people in the public who are unable to show up for the thursday meeting. They will sign up in advance or show up on the day, on the 27th to sign up and speak. Information about how to sign up in advance is on the city clerk's website. A quorum is present so I'll call this meeting of the austin city council to order ON THURSDAY, OCTOBER 11th, 2012. We're meeting in the council chambers, austin city hall, 301 west second street, austin, texas. We'll go through the changes and corrections. For today's agenda. We're getting one last one as we speak. On number 19, add the phrase "funding is available in the 2012-2013 operating budget " item 24 through 26 are related to item 117 and will be heard together. Item 27 is withdrawn. Item 57, add the phrase "funded from the capital " item 75 is postponed until october 18th by request of councilmember spelman. Item number 76, add as a second co-sponsors councilmember mike martinez. Item number 80, add as a second co-sponsor councilmember chris riley. Note item 117 is related to items 24 through 26 as previously read. Our time certain items for 30 we'll very briefings on design waller, and then a presentation by the etc institute on the results of the 2012 city of austin survey. 00 noon we'll have our general citizens communication. we'll take up our zoning matter. we will hold our public hearings. 30 live music and proclamations. The musician for today is aaron tinjum and the tangents. The consent

agenda is items 1 through 84 plus item 117 with several items that are pulled off the agenda which I'll read in just a moment. I'm going to read item number 72, which will remain on consent, into the record. These are our nominees to boards and commissions and our waivers.

[10:11:22]

[Reading list of names] we have no waivers on today's agenda. The following items are pulled off the consent agenda. Item number 5 is pulled by myself, mayor leffingwell, time certain. Item number 12 is pulled by councilmember martinez and time certain. Item number 16 is related to item 115 and will be pulled from consent and heard at the same time as item number 115, after 4:00 p.m. Item number 21 is pulled from consent and will be heard after executive session. Item number 24 through 26 and 117 are pulled by councilmember martinez. Councilmember martinez for a 4:00 p.m. time certain. Item number 30 is pulled by councilmember morrison. Item number 34 is pulled by councilmember morrison. Item 67 pulled by councilmember spelman. Item 71 is pulled for a very brief staff briefing before we consider it. And item number 76 is pulled by mayor leffingwell. There is one item that is pulled off the consent due to a number of speakers. That is item number 8. So before we take a motion on the consent agenda, we'll hear from speakers who are signed up on the consent agenda. will McCloud. Signed up on a number of items. And you have a total of three minutes.

[10:14:31]

>> Thank you, mayor. I'll try not to take that much. I know there's a lot of issues on this council agenda. For the record, my name is will McCloud. I am an austin taxpayer. I'm also a san antonio taxpayer. And one thing that really irks me in particular is rail. I thought we were not supposed to talk about urban rail. We didn't want to put it on the ballot. But lo and behold I see over here, I think it was item number 56 and -- 53 and -- yeah, 53, I believe, and it has to do with urban rail. Urban rail is a joke. I don't know if you have rode the buses from here, but it horrible. And every time rail is placed in any major city, we -- it turns for the worse. I've seen crowded buses. I encourage you to go ahead and google on youtube route 14 or via route 14, via route 550 fail. And route 383 fail, which is our own capital metro service route. And we're going to give capital metro an about 6 million plus dollars of our taxpayer money. There's another item on here that has to do with that and also I'm also signed up against the austin-san antonio commuter rail project. We have mega bus, mega bus does just fine. Sono carrierringconnect 57600

[10:17:52]

>> Mayor Leffingwell: Item number 75 -- I did read that, I believe. Yeah, I did read that. I am going to pull off the consent agenda item 6, 7, 8 and 9. There are numerous people signed up to speak on these items and they were not 45, the time to have it pulled off the consent agenda, but because of the number of speakers, this will greatly delay passing the consent agenda so I'm going to pull those items off, items 6, 7, 8 and 9. I'll entertain a motion on the consent agenda. Councilmember spelman moves approval. Mayor pro tem cole seconds. Councilmember tovo.

>> Tovo: Mayor, i apologize, I didn't catch all the items pulled off the consent so I'm not weather 66, 67 and 68 -- I'm sorry, 66 and 68 are still on the consent agenda.

>> Mayor Leffingwell: They are on consent.

>> Tovo: I would like the record to reflect I'm voting against 66 and 68, these are the additional cab franchise permits. And I also wanted to make a very, very brief comment about the item regarding the event trust fund. We had a discussion about this at our work session on tuesday and this is the -- gosh, I'm sorry I misplaced the number again. This is the item that we discussed at our work session and I would just -- thank you, councilmember martinez. Item number 14. I think we -- I believe that the staff heard this message on tuesday, but I just want to be very clear that in the future if there's any chance that the event trust fund estimate will exceed the \$55,000 of -- under which is city manager is authorized, that those -- even if it's on the margins it should come to council for a decision so we're not in a position like we are today where we are legally obligated to ratify this. Thank you.

[10:20:02]

>> Mayor Leffingwell: Mayor pro tem cole.

>> Cole: I need to recuse myself from item number 16. And I did the second for the motion.

>> Mayor Leffingwell: No problem. Councilmember spelman.

>> Spelman: Mayor, I don't believe item 16 or 115 are on consent. I believe we are going to hold those until 4:00 p.m.

>> Mayor Leffingwell: They are not on consent. Councilmember riley.

>> Riley: I would like to be counted voting no on item

[inaudible]

>> Mayor Leffingwell: Councilmember riley and tovo voting no on 66 and 6 and councilmember cole recused on item 16. All in favor of the motion say aye.

>> Aye.

>> Mayor Leffingwell: Opposed says no. Passes on a vote of 7-0. Without objection, council, very brief staff presentation on item 71. We also have now two speakers signed up on item 71. If I could ask everyone to try to hold it down to an absolute minimum so that we can go on with the meeting while you exit.

>> Good morning, mayor and council. City environmental officer. I think you've got on the dais three motion sheets to make some changes to the ordinance granting variances for the txi mining operation. Very briefly, the background on this, we've been working with txi and travis county since may. At the direction of council on these variances, I think the negotiations have gone very well. Txi has provided some environmental protections to address any environmental impacts to the variances. As these went through the environmental board and the zoning and platting

commission, there were some conditions that were requested by both boards to enhance the monitoring done by travis county and is partly funded by the city of austin. We've talked to -- we've discussed this with the county. The county is amenable to addressing those concerns. We are going to work with the county to make the monitoring trigger levels at which point the county might consider taking some action or trigger an investigation, we're going to work with them to make those trigger levels lower and more sensitive. They've agreed to that. We're also going to expand the [inaudible] parameters to also test for petroleum hydrocarbons and a number of organics. To extend the duration of the monitoring, county is amenable extending it an additional three years. Txi has offered to fund a third of that, \$21,500 per year. Travis county and the city staff are going to work to identify the funding to make up the shortfall in two or three years. That would be part of budget two or three years out and that would be approximately \$20,000 for the county and city each. So we think that addresses most of the concerns that the boards and commissions. And then we have one of the motions, the motion number 1, motion sheet number 1 changes the date that sets the regulatory date for a couple of the site plans. We had an incorrect date in there. We had january 29, 2010, it should be october 30, 2008. It's really not a significant change. The regulations in effect both of those date are sellerly the same. Motion sheet number 2 is just to modify exhibit c to include the pcs coordinates and mitigation land provided by txi for one of the variances. And then motion sheet number 3 just adds the \$21,500 per year for up to three years that txi is going to contribute that will go into the ordinance as it's changed. I would be glad to answer any questions.

[10:24:33]

>> Mayor Leffingwell: So here's what we'll do. After we hear our speakers, we'll entertain a motion to approve item 71, and then vote on just the three amendments, these three motions. You have them listed motions. We'll vote on them as amendments to the main motion. Councilmember tovo.

>> Tovo: I have a few questions for you. I'm looking over my notes on the environmental board recommendations and I just am trying to match them up with the motions that you've got here. The first one was to -- to require a more sensitive monitoring program and it sound like it's been incorporated in the motion.

>> The motion only effects txi. The monitoring program was developed by the city and the county. And the county disagreed and we have county staff here. The county has agreed to modify the work -- work with the city staff to modify the monitoring program and we're doing that voluntarily. The ordinance only affects txi. The monitoring is entirely done by the city and county so it doesn't need to be part.

>> Tovo: But it doesn't need to be referenced anywhere in the txi agreement they will be subject to more stringent monitoring that is currently the process?

>> I believe the agreement says it's there, they agreed to cooperate and so whatever that program is, they agreed.

>> Tovo: So they have agreed to participate while also not having the specifics about what that more stringent monitoring will be? If that's the case, that's fine with me as long as it's very clear and no one is going to come back later and say, look, when this agreement was entered into, monitoring was not the same program that it is now and we want to be subject to that.

>> They've told us very clearly they don't have any concerns about the monitoring.

>> Tovo: Okay. Thanks. The second condition was support and continue monitoring as long as -- i think I heard you talk about a three-year deadline.

>> Yes. The haul roads could be used for 20 to 30 years. And the monitoring costs approximately \$55,000 a year, with inflation over time that would need to go up. The city staff and the county staff both believe monitoring, adding three give us a total of -- [inaudible] a good idea of any environmental impact for noise problems that need to be addressed. And at that time we're seeing problems, the monitoring program is entirely [inaudible] city and county. If at that time we're seeing problems, we could certainly end it if necessary.

[10:27:26]

>> Tovo: So you would be extending without the financial contribution of taxi?

>> That's correct.

>> Tovo: What is typical of a monitoring time period in other localities?

>> It varies what you are looking at. If you are looking at something like a landfill, during the operation and often for decade afterwards. If you are looking -- like a typical construction site there's no monitoring at all so it varies depending on 2 project. In my opinion what we've got proposed is appropriate.

>> Tovo: For mining there's no sort of standard time period of monitoring for mining?

>> Not that I'm aware of.

>> Tovo: And then, let's see, how often with the wells, the third condition that I believe was part of the environmental board recommendation wells should be monitored more than once a year. How often will they be monitored?

>> We haven't determined that yet. We're going to sit down with the county and look at that.

>> Tovo: That doesn't, i guess, need to be part of this agreement, as you've explained. Surface water sampling was also a concern of theirs. I hope you take that into consideration as you come up with the monitoring.

>> We are. We're going to address the surface monitoring by doing visual inspections of the crossings where the haul road is going to be. We'll have inspection staff going out on a regular

basis as will the county. For that type of monitoring or for that type of construction, visual monitoring is appropriate.

>> Tovo: And then their last point mining shall be stopped if baseline levels are exceeded. And I wondered if you could speak to what the city or the county will -- what mechanisms will they have to stop the -- to halt the mining operations if there's a determination that they are having a substantial environmental impact?

>> That can probably be best responded to by the county. They have the authority to enforce tceq regulations. And the purpose of the monitoring is potential enforcement. And so they would be able to take action if necessary under state law to address the problem.

>> Tovo: Thank you. And I know my office was in communication about an issue that one of the txi representatives brought up and that was about the number of trucks that will potentially be taken off the road under this proposal. And I wonder if you could give us information about that. The representative cited a potential of about 700 trucks that would be taken off the surrounding roads in that area as a result of approval of this internal haul road. Is that -- is that in all parts of what you would expect?

[10:30:07]

>> That's the information provided by txi. They are not mining out there currently today, but that's their estimate. We don't have a way to independently verify that. But a mine this size, it sounds like a reasonable number.

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

>> Mayor Leffingwell: Councilmember morrison.

>> Morrison: Just briefly, we've been receiving a lot of correspondence about this and one of the suggestions is that there is currently a federal civil rights investigation with

[inaudible] county related to this and request to postpone anything until that was resolved and complete. Do you know anything about that?

>> No, I don't.

>> Morrison: Do we know if anybody on our staff does?

>> We might be able to -- i see tom nuckols, the county attorney.

>> Good morning. The investigations that people have referred to are two complaints that one of the residents near txi filed with federal agencies that give travis county funding. And as you are probably aware when you receive funding from a federal agency, one of the typical conditions is that you obey all the federal anti-discrimination laws. So one complaint was filed with the housing and urban development department with travis county receives community block grants

and the other was with the department of interior because travis county receives funding from u.s. Fish & wildlife service for the balcones canyonland. And the essence of the allegation is that travis county discriminated against people of color in eastern travis county by issuing the permits to mine sand and gravel. And the basis for the allegation that there is discrimination was that there was a belief that somehow travis county could have denied these permits and indeed had denied permits for development in western travis county, but it was really sort of an apples and oranges comparison because what the complainant was referring to, the county did in western travis county was last year travis county adopted regulations that severely restricted the use of ground water as a water supply for residential subdivisions. So I think the complainant saw what was happening in western travis county with regulating development that relies on ground water and saw what was happening with the mining and somehow saw those as equivalent but it's really apples and oranges so we didn't think there was a factual basis to support the complaint.

[10:33:07]

>> Morrison: And I presume, maybe you could comment on this, that travis county obviously did have the authority under the state statute to do that with regard to ground water, but there are no authorities that travis county could exercise about the mining.

>> Correct. The regulations on use of ground water in the western part of the county was based on legislation that gave hill country counties special authority over that. So that part of the county is very much the hill country. Part of the county where there is not the hill country. So we haven't denied any mining permits in western travis county simply because nobody has asked us for a permit to mine sand and gravel in western travis county because there is none. Nature has put it all on the eastern part of the county.

>> Morrison: Okay, and we know that counties are just pretty severely limited in what they can regulate.

>> Yes.

>> Morrison: Thank you.

>> Mayor Leffingwell: Okay. We'll go to our speakers. Joseph deed.

>> Good morning? I represent the city of webberville. They are worried it won't be safe for the drivers or other drivers, will increase congestion and wear and tear on 96. They are in support of the haul road. They would prefer the trucks use the haul road as opposed to 969. Thank you.

>> Mayor Leffingwell: Thank you. Next speaker is Suzanne McINDRY. You have three minutes.

>> Thank you. I'm Suzanne McIndry about the del valle community coalition and I just wanted to say that the title 6 complaint Nuckols is talking about is still open, still under investigation, and I just ask that you please postpone any decision until that's been closed. I know he doesn't

think that anything is going to come of it, but it's not just the -- you know, apples and oranges that he's talking about, it's a bigger issue in eastern travis county. I know you are familiar with how things are different in the east than in the west and, you know, if you look at the sort of hazardous uses and unwanted uses in eastern versus western travis county, you will find it strikingly different. And so they are looking into that. It's also under executive order which is addressing environmental just advertise. And bill clinton made that executive order in the '90s TO ADDRESS THAT Because there's a lot of hazardous uses that are put in by minority [inaudible] into neighborhood. That's what the investigation is about as well. And on another note, I know there's an eagle's nest that is in webberville on the , the mining area there, and they are supposed to be avoiding that there, but neighbors in my area have also seen eagles and possibly other protected species in my neighborhood and we're trying to find out, you know, how we can, you know, make sure that they are there and do what they are supposed to be doing. And the 250 to 750 trucks, again, we don't know if that's fact or what kind of estimate that is. I personally think that they should make the road improvements and have to make the roads safer for the trucks rather than hurting the environment more by making the internal haul road and going into areas they wouldn't normally be allowed to go into with just the mining permit. There are -- this is such a complicated issue and three minutes I don't think is enough to really cover everything that we've been through and all of the issues with this mining project. It within 100 to 200 feet of homes and I really think that's an unsafe distance. We would really like to see 1,000-foot buffers from all residences and we would like to see environmental monitoring for the duration of the mining project, and those are not things that I'm hearing that are going to be happening with passing this right now. So, again, I would ask that you postpone until these complaints have been closed. Thank you.

[10:38:14]

>> Mayor Leffingwell: Thank you. So council, we'll first entertain a motion on item 71 and four will be open for each of those proposed amendments. Is there a motion on item 71?
Councilmember spelman.

>> Spelman: Because the concerns of the del valle community [inaudible] safer rather than less safe, i don't believe that the to build this road on their ability to continue operations is sufficiently large that we need to postpone this activity until after the lawsuit has been dealt with, so mayor, I'll move approval on all three readings.

>> Mayor Leffingwell: Motion by councilmember spelman to approve on all three readings. That was seconded by councilmember martinez. And now we have three proposed amendments.
Councilmember spelman.

>> Spelman: Sure. Mayor, I move for part 1, section d 3 and part section c of the ordinance and backup change the date of the regulation applicable to

[inaudible].

>> Mayor Leffingwell: Motion by councilmember spelman. I will second. Discussion? All in favor of this amendment say aye. Opposed say no. That passes on 7-0. And now amendment

number 2. Councilmember Spelman special Springfield, Missouri I guess I'm on a roll. I move to [inaudible] the attached map of the wetland litigation area which is

[inaudible] backup.

>> Mayor Leffingwell: And motion by councilmember Spelman on the second amendment. I will second. Welcome to the 21st century. And all in favor of that motion say aye. Opposed say no. That passes on 7-0. And motion number 3.

>> Spelman: I move to add a new subsection e to part 3 a 7 to add a requirement fund up to three additional years of monitoring costing \$21,500 per year [inaudible] by the environmental board

[inaudible].

>> Mayor Leffingwell: Motion by councilmember Spelman. I will second. Discussion? All in favor say aye. Opposed say no. Passes on a vote of 7-1. We have a main motion with three amendments. Is there further discussion on that? All in favor. Opposed say no. Passes on a vote of 7-5. 7 ---7-0. Council, without objection we'll go to our briefings and the first promises to be very short. So they get to go first. That is the presentation by the etc institute on the results of the 2012 city of Austin survey. Maybe not.

[10:41:29]

>> Mayor. Members of council, it's a pleasure to be back. I'm going to briefly give you the highlights of this year's annual citizen survey. To kind of get the process started, just to give you an overview where I'm going to be going, I'll talk about the purpose and methodology and the way we did the survey this year is similar to previous years and that's done so results are comparable. I'm going to give you my major conclusions, walk through how I reached those conclusions by sharing major findings and wrap things up and be glad to answer any questions that you might have. As far as the purpose --

>> Spelman: Mayor pro tem, may I ask a question before we begin. I assume you have a bunch of slides and I haven't got a copy. Do we have spare copies council could look at?

>> Yeah, there are printed copies. I think they are on their way.

>> Spelman: Okay. I see Renee bringing them. Great, thank you, sir, go ahead.

>> Where I'm headed as far as this, I'll start off with the methodology or purpose. I think most of you are familiar with the purpose, really to annually assess what residents think of the quality of city services. One of the things I found interesting, our firm has done surveys like this for more than 500 cities around the country, I've been doing this more than 20 careers, 20 years. It how you management the expectations. The service can be delivered in one way, someone might expect it at level a, b, managing is equally important I'm going to show you about ways to apply that survey results as we go through the findings. In addition you use it to measure trends.

We have four years of data. When you look at the report in the charts, you are just going to see three data points. I'm going to show you a 2009, 2011 and 2012. The 2009 is to give you a sense for how things have changed since we first started doing the survey. 2011 is what you see the one-year trend. Over time when you have 10 or 15 years of data, we hope to be able to let you show here's what happened long term and here's what's happened in the short term. In addition we have questions that are designed to help you set budget priorities so you can do the best with the resources you have to meet those expectations. And finally we show how you kind of stack up to other large communities so you have a sense for really objectively assessing how you are doing as a large city. With that said, the methodology was very similar to previous years. Our goal is to complete at least 200 surveys in each of six subareas in the city. We divide the city into northwest, northeast, central west, central east and southwest and southeast quadrants. The goal is to make sure we get at least 1200 surveys all together. This year we had 1264 participants. Other surveys administered in english and spanish and we include cell phone numbers to make sure we capture younger people which are less likely to have

[10:44:39]

[inaudible]. The overall results aren't perfect but they have -- at the 95% level of confidence. And when we looked at the demographic composition for things like hispanic ancestry, race, age, agenda, it pretty much lines up

[inaudible]. The full report has that information but for brevity I didn't include all those slides. They are pretty much in line with what we expect. We have good geographic representation. What this allows us to do is break the result down by areas within the city so if you want to see how people in certain parts of the city rate your services, we provided this series of maps and you can look at a certain service and see whether people in one part of the city are more satisfied than others. With that said, here's the conclusions for this career. The first one is that residents generally have a very positive perception of the city. One of the things that impresses me every time we do this survey for austin is how strongly residents feel toward the city. At least in a positive way. You have what I call strong brand equity. That means a lot of people feel not just good about the city but really good about the city and I'll show you why. In addition you are continuing to set standard for other large communities. With that said we did see some decreases this year. I'm going to talk about why I think some of those contributing factors might be. When it comes to top priorities, your infrastructure, streets and sidewalks, public safety and drinking water continue to be the areas that I think are going to be important to emphasize to make sure that residents feel that your investments are in line with their expectations and the services they consider to be most important. The way I reached these, I'm going to walk through a few slides. The first one, the reason i conclude residents feel very favorable towards the city is based on the amount of dark blue on several key indicators. We ask residents to rate a number of strategic indicators whether they are very satisfied, dissatisfied on a five point scale. On this is that right you can see things that are good shaded in blue, the negatives are in red. And what always impresses me is usually about a 20 to 25% level indicates that you have good brand equity. In other words, people when they just think of you feel good about that. Notice when it comes to the ratings for the city as a place to live, quality of life, place to raise children, place to retire, you've got over 30% of residents giving you a 5 out of 5 scale. There's very little negativity. You might see the overall value for city tax dollars has more negativity than other areas but that's not

uncommon. In fact, you will see for every person dissatisfied with the current value for taxes you have twice as many satisfied or very satisfied. One area we have the most dissatisfaction is planning for growth but that continues to move in the right direction and it's not uncommon for a city with traffic flow concerns to see that. Like I said, I'll show you in a little bit you are moving in the right direction in that regard. When it comes to the overall major categories of city services, notice on this chart more than half of your services have a rating of 5 on a 5 point scale starting with animal services on up. There's lots of brand equity with most of the departmental services. Very little dissatisfaction in any of the areas rated. You just have two areas that have more than 20%, in this case both have more than 30% dissatisfaction and that has to do with maintenance of streets and sidewalks and the planning and development and review and inspection services. The issue with maintenance of street and sidewalks is continuing to be a priority and I'll show you as we go through the slides I think that's something you will want to continue to invest in. Sometimes it takes a while to move the needle. I know you are investing a lot in there and sometimes in the short term while you are doing the investments people don't necessarily see the outcomes. In addition the other thing that's sort of new, we started to ask what residents thought about city employees to see whether or not they have a positive perception and notice there are one in ten folks that don't think they are ethical, but for every person that has a negative view of employees there was 55% agree or strongly agree. This is typically one of those questions people don't have an opinion about, what I was impressed with you only have 20% of respondents who don't know. Most people are opinionated and most of those who have an opinion by a five to one ratio feel very positive. The second major finding has to do with how you are differing services from an equitable point of view. Oftentimes you will hear people in one part of the city feel they are served better than others or people who live in older neighborhood aren't getting the same level of service as those in newer neighborhoods. I'm not going to go through the 100 maps we've created, and there are some differences by specific services, but you can see when it comes to overall quality of service most of the city is in the same color. And the legend essentially what we've done is shaded the respondent or the average response by census plot groups -- excuse me, by zip codes and blue indicates the person is satisfied. A couple areas in neutral, but we have very few respondents from those areas so it's not statistically balanced. All in all regardless of where you live in the city most people feel about the same about the overall quality of city services. In a city growing as quickly as you are, that's as large as you are, it's very difficult to provide the same levels of service so you are doing that very well. The third major finding shows how you stack up to other communities and you are certainly setting the standard in a number of areas. The communities listed on this chart are just some of the communities that have more than 250,000 residents. We actually have a couple different types of benchmarks. One is paid on a national survey of over 4,000 residents. From that we extract the true national average from all cities that have over 250,000 residents. What we also provide are ranges of performance from the's would city to the best city. To give you a sense where you stack up on that range. This is the basis of list of cities on this list is where we derive the best of the worst. We also pull out central city benchmarks which include several cities in Texas. Those are also going to be available in your full report. For today I'm just going to hit some of the highlights. The first shows how you stack up on the strategic indicator. Under the areas notice at the top of the list is the overall quality of city services. 12% Above national average. When it comes to perceptions of the place to raise children, to live, overall quality of life, in each of those areas you are 10% or more above the national average. And there's none of the areas on the survey that we consider to be our strategic indicators where you trail the national

average. So this chart really shows the city is very healthy and you are really setting the standard when it comes to being a place to live and have a positive perception about the overall quality of city services. In addition when it comes to some of the major categories of city services, what I really want to highlight perhaps the most in this entire survey is your customer service. Notice it's 27 points above the national average. This isn't 10%, this is 15%. This is really phenomenal accomplishment particularly for a large city like this. In most large cities in the United States only four in ten residents give positive ratings. You've got more than two out of three residents who give positive ratings for your staff. The way staff is interacting with the public is certainly being done very well. City communication is also setting the standard at 11 points above national average. You are significantly above when it comes to parks and recreation and municipal court services. You will see, however, you are trailing when it comes to drinking water services and city library services is slightly below the national average. When it comes to public safety, you'll notice in most areas you are significantly better than the national average. I want to highlight the fact that the speed of emergency police response was nine points above the national average. This is really from my perspective extremely unusual because in most cases where people are concerned about traffic flow and the traffic flow number is less than average, police response time and fire response time are also significantly less which is likely one of the reasons fire is below the national average. That suggests your police are doing something from an educational point of view or people are seeing something is overcoming the fact you have a lot of traffic challenges in the city. Perceptions of safety at night in the city parks which are key indicators of overall perceptions of safety, you are setting the standard in both areas being 13 and 15 points above the national average in each of those two. Clearly overall perception during the day also rates very well. When it comes to condition of your infrastructure, you rate above in your major streets and neighborhood streets. Code enforcement also above. Condition of sidewalks in neighborhoods is slightly behind. Traffic flow is the one area that you have the most significant gap. 12% below the national average. When it comes to parks and recreation, you are setting the standard with the school system, with outdoor athletic fields and number of walking and biking trails, 10% above national average. If you look at all the areas rated, you are at or above in every category when it comes to parks and recreation. Certainly doing a great job of that. In our last area, neighborhood services, you can you are generally at or above statistically, household hazardous waste pretty much on average, but when it comes to curbside recycling and -- you are doing a great job compared to other cities. One of the things we want to look at is though you are at the top and continue to set the standard in many areas, we have seen some decreases this year. I want to bring those to your attention so you can continue to move forward. What we provide each year is a composite satisfaction index. This really shows how Austin is changed against Austin, cities in general obtain the average and how large cities [inaudible]. The ratings for Austin isn't that you are better or worse than other cities she it just shows how you've changed compared to yourself the previous year. We did see a decrease from 103 to 98 after a couple years of consistent improvement. The national average has dropped more than the Austin average since 2009. But you can see that the overall direction for the city was somewhat in a downward direction this year. When we broke it out by category, we create indices for each of the major categories assess over the survey and you'll see the I go about a decrease was in the [inaudible] and appearance index. Now, the reason I say I wouldn't be alarmed over the fact your overall results have dropped slightly because it's not unusual when a city begins to invest more in infrastructure, redoing streets, people get excited about that, but once all the construction begins, people's ratings go down. In other communities that have gone

through this process, we've seen the ratings go up initially during the construction period, they decrease so when you finish they are back higher than average. Driving around Austin I saw a little construction the last couple of days. I suspect you are in the midst of doing a lot of that work and that may be contributing there. You also see the environmental services index decrease a little bit and there are a number of factors that could be contributing to that. It's hard to say from the survey what they are, but I'll show you what they are in just a little bit. All of the other items essentially stayed statistically about the same when we look at the difference from 2011. One of the most impressive things about the survey is the consistency. Although there is generally a little lower ratings this year none of the drops are that dramatic. All these things rated on the survey, no areas increased by more than 10% and we didn't have any decreases by more than 10%. Most of it is in a small window. Some of the most notable increases, several had to do with libraries and parks and recreation. Outdoor athletic fields, 6%. I won't ride the whole list. There was a lot of dramatic changes on the positive side. But similarly on the negative side the biggest with electric services. There's probably sensitivity to prices and things like that as well as on drinking water services it also appears there might be some relationship slightly lower or concerns about safety of drinking water so we saw a slight decrease on that as well. On the collect services, although -- electric services, when it came to reliability or specific rating for how well the service delivered it was exactly the same which is one of the reasons we think it's more price issue than service delivery. In addition notice the condition of sidewalks and neighborhoods and the maintenance, the overall rating for maintenance of city streets and sidewalks also both dropped this year. And again, I suspect that's probably somewhat a function of the fact you are doing much -- or additional work now than perhaps you weren't doing previously. But it will be important to manage expectations here given that's one of the most important issues, if people expect too much and you don't deliver. Sometimes a city will announce they are going to start to do more in maintenance and you do it way up here and you do here and as a result they have rising expectations which causes them dissatisfaction. A couple of major areas how you manage and tell people what you are going to do and keep expectations under control is important. I'm going to highlight some of the significant changes. For the overall key indicators for the city, there really aren't any areas that changed by more than 4%. A change of more than 4% was statistically significant. So when you see this chart, pretty much everything stayed about the same. However, you will notice that as a place to live, place to raise children, overall perception of the city retire, they all drop slightly. Notice that is a place to retire has dropped from 66% to 60% over the past three-year period. Could be a concern about pricing and how expensive it is. Austin is one of the few areas where housing prices haven't plummeted like they have around the rest of the country so as a result people may feel, even though they feel really great about living here, they are feeling a little less great and you'll see in general that may be contributing to a couple percent decrease just in general perceptions that you see across the board on the survey. When it comes to some of the major categories the city services, you see in most again decrease slightly. And I think part of that is the function of just the general attitudes being a little more negative this year. But some of the ones that were most significant you'll see overall quality of electric services has dropped to 64% since we first started doing the survey. And the other is the overall maintenance of streets and sidewalks. We saw it jump up last year, it has now returned to where it was in 2009. That's one of those issues where I think it's important to manage expectations. People might have been excited that they thought more stuff was going to be down. Now that construction is underway, it's not quite finished so expectations may have been higher than the city's initial ability to deliver. As you finish, I think those numbers will

likely rebound. Some of the other things we took a look at were safety and security. I know you made some investments in your rangers and parks. And you see those numbers have held steady since we first started doing the survey. That's happened at the same time, though, that we've seen a number of of the indicators how people feel safer in neighborhood at night and overall perception of safety in downtown. Those have both dropped since last year. Your overall comparability to other cities is still extremely good, but we've seen a decrease in couple of areas. If crime isn't higher,

[inaudible] cause people to be more concerned about safety. My wife, I almost never have travel delays but yesterday I had a travel delay so she told me that I always have travel delays. It happens every time i travel. The only time she notices is when I have a delay, which is maybe one out of every 50 trips. If a community isn't paying attention to crime statistics but they see information in the media that can cause a single event to have a pretty significant impact on people's perceptions. I think it's important to manage that and be aware it's taking place. Overall, you can see generally things have stayed about the same. In several cases they've improved significantly when you look at the trend from 2009. When it comes to overall maintenance issues, you see if you look at the long-term trend from 2009 to 2012, most areas are positive. In fact, you are moving in the right direction, but last year we sort of had a peak and things have returned a little lower. Again, I think as you complete the projects that you have underway, you will likely see that rebound to where it was before. At least that's what I've seen in other cities that have started major projects and done a lot of major investments on streets. During the period the construction is taking place, oftentimes results decrease slightly. When it comes to environmental services, you can see most of these have stayed about the same. Wastewater utility response time is down a little bit from last year. But none of the decreases or increases on the survey are more than 4% so it's pretty much holding its own. Parks and recreation, we've seen a few significant improvements. Take a look at outdoor athletic fields is up significantly from last year. Overall ratings of libr cleanliness of facilities have gone up consistently. Overall the ratings look pretty good. Particularly when it comes to residential neighborhood services by major category, when you look at the long-term trend for most of those, the orange bars below in many cases significantly below the current rating from 2012, I think you're moving in the right direction there as well. You've sustained extremely high levels of customer service which as I mentioned up front your overall customer service rating is 27 points above the national average. It's very rare to see two-thirds, three-fourths, some cases over 80% of residents give positive ratings for aspects of customer service. When you look at this chart, you can see just about every area rated is really giving positive ratings by residents of the city. With that said, you might won'ter what should we focus on as we move forward. Really the overall priorities haven't changed a lot from last year. We have a technique where we look at not just the overall satisfaction ratings but how important residents think the services are and we put this together, you really see these issues rise to the surface. Overall maintenance of city streets and sidewalks. It's not the most important service, but it's ranked relatively low. Investments in those areas are going to be noticed by residents that care a lot about the issues. Even if you can't even vest the amount that's needed, letting residents know that you have plans to do something will help you manage expectations. Sometimes you don't want to say you are going to do everything and then not be able to do everything. Might be better to at least address it as a concern and have a plan to address that concern at least at the level you can afford so that way residents are

[inaudible]. If you go to a restaurant and they tell you it's going to be 15 minutes to get seated, if you come in and you wait 20 minutes, you are going to be dissatisfied. But if you come in and they tell you 30 minutes to get seated and you get seated in 20 minutes you are really happy. It's still 20 minutes either way, but it's how to you manage expectations. If you are a more visual type of person, this the same information, we put it in quadrants. Things in the bottom right are typically those things greatest concern if they are a long distance from the axis. Overall maintenance of city streets and sidewalks has lower ratings which is the reason it's in the bottom half, but it's relatively more important which is to the right half of the chart. Areas of drinking water and public safety get good ratings, but because they are so important they should be areas you continue to emphasize. As you get closer to the axis, those are items that you have your resources allocated. As you get to the top left, residents really won't notice as much if you decrease these in most areas. It's not they are not important like the international airport, but people aren't going to notice. That doesn't necessarily have impact on overall satisfaction rating of things like public safety and maintenance through infrastructure. The last thing that we added that was new this year, to give you a sense are you doing a good job allocating your budget. At the end of the day, are you spending your money in a way that residents think is reasonable. This is a dangerous question to ask but I was impressed that you were willing and courageous enough to ask it, but we essentially told residents approximately how much is being spent in each of several major areas to make them a little more folder and asked how the funding should change. Much higher, stay about the same, or lower. And when you look at this chart, none of the areas that were assessed have more than 20% of the residents think you should spend less. It suggestion you are at least spending the right amount. In fact, the majority response out of all of them just about you will see 50% or 40% or more in most cases say you can stay about the same. If anything, it leans a little bit to spending more. And so though you have had some tax increases and though you have spent money in certain areas, this really suggests that the community overall likes the budget the way it is. It really validates I think your budget process. And even the areas, two of the areas that have the most negativity also are among the most people thinking you should spend more. A little more controversial issue. At the end of the day you will probably hear from 10% that don't like you are spending too much in certain areas, but for every one of the people that doesn't like what you are spending, oftentimes you have two or three that would like you to spend more. Just to summarize, the city continues to have very positive perception. You continue to set the standard for other communities, though we have seen some decreases this last year. I think it's important you are aware that's taking place. That way you can know how to manage expectations and continue to invest in the areas that will have the biggest impact on resident perception which right now continue to be infrastructure, streets and sidewalks, public safety and drinking water services. I didn't add a bullet but i probably should have, this year's survey validates your budget overall actually reflects the way residents want their dollars spent. With that I'll be happy to answer any questions if there are any.

>> Mayor Leffingwell: Any questions? Councilmember tovo.

>> Tovo: Thanks very much. This is an interesting process. I have a few questions. I wonder the extent to which you collect demographic information. On page 4 it talks about the sample being representative of the city population. Is it representative of the ethnic racial diversity in austin, the socioeconomics

>> to take a look in the survey, I believe you could see the details. You don't have all the charts. I'll just comment, the hispanic ancestry, 34% of the respondents who took the survey are hispanic anises active. Very close. If you take a look at the response rates for blacks, asians, whites and compare it to the last census, all of them are within a percent or two. If you look at distribution by gender, even issues related to age, we have excellent distribution. The other thing is this year's sample if you compare the distribution this year to the distribution last year, it's almost the same. So that way changes in the sample composition are causing changes in the results. We pay a lot of attention to make sure that we keep the sample composition similar from one year to the next and we also monitor the distribution so it does actually represent

[inaudible].

>> Tovo: How about household income?

>> That's actually if you take a look, you will see a good distribution on household income as well. The actual distribution, if you are curious, of the respondents that we had, we had -- we had different categories. Under 20,000, 20 to 40,000, 40 to 60, 60 to 80, 80 to 150 and 150 and over. And we had approximately 13% of respondents in each category.

>> Tovo: And you were saying take a look at it. Are we going to receive this at some point?

>> The reports will be delivered this afternoon.

>> Tovo: Okay. Do you track how people -- i see that you track where people live. Do you cross whatever the statistical term is, do you look at where they live in terms of how they respond to the questions? What would be interesting for me to know if there are geographical differences to how somebody might respond to the questions about parks and recreational facilities.

>> Absolutely. In section 4 of the report, there's actually about 100 maps in here. You can essentially go through question after question and take a look at how people respond to different questions. If there is other levels of geography beyond zip code, if you want to break it down, we can also do that for you as well.

>> Tovo: That would be helpful. I mean the information you are talking about is helpful because then we can make meaning from these responses to see if people in particular areas are really regretting a lack of parks or they are really very pleased with their parks facilities and libraries and kind of measure it against just in terms of assuring equity in services across the city. On a similar note, do you ask how often the respondents actually use those facilities? For example, if you are talking with somebody and talking about -- before they answer the question about use programs, you see whether or not they have children and whether they've ever registered -- how informed are the answers we're getting?

>> We do have a question that asks whether or not they've used. We don't have frequency. In other words you can go through and this is another analysis. The cross tabs show all the services relate other than users compare versus to nonusers. That's important because oftentimes people

have an opinion about parks but they might not have been to a park in the last couple of years. We've done that in the past.

[Inaudible]

>> Tovo: Great. That was what I was looking for. We don't have that information in the report we're receiving this afternoon, but the staff will.

>> It will be available in about week.

>> Tovo: Okay. There were a couple responses that I just wondered about. Let's see. The first had to do with satisfaction with the staff and I wondered if you could explain what it means, we've asked the level of agreement with -- employees of the city of austin are ethical in the way they conduct business. 19% Were neutral and 20% didn't know. What is the difference?

>> Neutral is rating on a scale of 1 to 5. In other words, you give a

[inaudible]

>> Tovo: Sort of a middle position. So they had an opinion, but it didn't clearly fall into disagree or agree.

>> Whereas someone who says they don't know --

>> Tovo: They didn't feel they had enough experience to answer. Okay. So on page 16, I wondered if you could give us some theory as to what it means that there are concerns about the overall quality of drinking water. Not concerns necessarily but compared to national answers or the national comparisons people are less pleased with the overall quality of drinking water in austin than they are nationally.

>> We don't have a lot of questions about drinking water in the survey so it's hard for me to [inaudible]. I do know we did ask one question on this survey about safety [inaudible]. We don't know from this survey necessarily what the contributing factor is, but we know it important to people and we know that given the high level of the survey, we're looking across all services [inaudible] contributing factor. What we'll probably do is look at some of the results by where people live and also see if there's even dif based on people's income. Suggests more likely a price issue.

[Inaudible] your disposable income. Those are some things we'll try to do with the city but I don't have a definitive answer for you.

[One moment, please, for change in captioners]

>> Tovo: I guess again on page 26, notable decreases in satisfaction for example with regard to the food safety inspection program. But that's another one of those things I guess i really wonder how many of the respondents have any relationship with the food safety program. Obviously

somebody in a restaurant would, but an ordinary resident might not. So is that also going to be illustrated by the --

>> right.

>> More specific report we get back.

>> [Indiscernible] the area where budgeted dollars should decrease. I just thought it was curious that one-stop shop development services were where 18% of people thought it should be lower. I thought I saw something on an earlier page that would express some dissatisfaction with development services suggesting they would like to see more resources in there. I wasn't able to -

>> overall satisfaction with that question is lumped in with planning and a number of other things. I think one of the reasons that rate is a little lower is because that issue is often tied with traffic flow, things like that. Coordination -- concerns about traffic flow, concerns about planning. The question about the one-stop development shop, the number one responses actually stay about the same. A number of respondents are not familiar with that. Those that do have an opinion, almost 60% said it should stay the same. Even though it's more negative, there's actually more people that should spend more. If you look at the ratio of more to less it still needs to the more.

>> Tovo: Okay. I guess this question is maybe for staff. I wondered how often, it looks like at least the last couple of years this has been conducted every year on an annual basis. I wondered how long that pattern has continued? Is this something that the city has done every year for the last decade, last four decades? What? What's the history there?

>> I don't -- in terms of decades, I don't know. We have been doing this survey for a very long time with etc for the last four years. We switched to them in 2009. We had used a different firm prior to that for -- for many, many years. We've been doing these annual surveys much one of the things that we liked about etc is the ability to benchmark against other cities, so something like a satisfaction with the one-stop shop, with the rating, you look at them face value they look low compared to other jurisdictions we actually are, you know, low everywhere. That tends to be a service area where it's more regulatory and people tend to have more negative feelings about it than police and fire services in general, so the benchmarking is really valuable to us, one of the reasons we switched to etc. The short answer is we've been doing this for at least a decade.

>> Tovo: On an annual basis we don't tend to skip --

>> annual basis.

>> Tovo: What are the costs?

>> I think it's about \$36,000. Depends on the length of the survey. So this year we asked the additional question about budget priorities, to try to find out how well our budget allocation lines

up with the community's expectations. Of the so that was a little bit extra to ask that additional question.

>> I know this is a broad question, I wonder if you could summarize one or two ways the staff uses this. Inspect and how you -- you -- this information, how do you use it, respond to it in terms of implementation, programs, things like that?

>> I really always try to highlight it as one of the key elements we have for assessing how well we are doing. Kind of part of our annual budget process where we ask departments to start off. The first thing that we want you to do before you start planning for the future is to do an assessment of how well you did in the previous years so we can look for areas of improvements. The important satisfaction ratios have been very helpful. We looked one year where we looked at safety in parks. In terms of important satisfaction, it was very important, the satisfaction was low relative to the level of importance that people put on to it. We started talking to people, did focus groups about what does that mean, your safety in your parks, are you talking about the safety of the actual structures in the facilities or are you talking about police safety and by doing some focus groups we were able to determine that it really was about that -- that personal -- that presence, some kind of patrol presence and that the community was really pleased with the park ranger program and -- some perceptions of where safety has fallen, other areas we have actually been able to maintain our ratings for perception of safety in the parks. To a large extent investing in that park ranger program. When you look at the survey results it's clear that traffic flow and maintenance of streets is a really important priority and that was part of the driving force behind wanting to do this accelerate austin program to try to get more pavement done faster than we otherwise would have. I think Chris touched on it a little bit that I think sometimes what happens, though, is when you are tearing up those streets, to fix them and traffic is slowing down, but as a result of that he actually saw a slight retracts of the ratings in that area this year. But when projects get done, the road condition improves, you're going to see a rebound in that area. So those are just some examples of how we use the data, it's very helpful.

>> Tovo: That is helpful, thank you.

>> Councilmember Spelman.

>> Spelman: Thank you, mayor. I love it when somebody comes up and says city of austin is setting the standard. You are number one, you guys are great. My first reaction what I hear that you say it to all of the guys. I understand. They are doing well. We are -- customer service 27% above national average, that's something that I figure we can take it to the bank, that's a real difference. Some of the differences are very small, I don't have a real idea of how much difference there is from one city to the next. Is that something in the report that we are going to be getting --

>> actually, if you look at the benchmarking data, if you see a difference of more than 4% between austin and the national, that is a significant difference. Typically, we do the survey probably 200 to 250 communities a year, there are maybe about eight or 10 -- the reality is for everybody that -- I get to show when my flack jacket on and tell them they are one of the worst communities. I don't usually present it quite that way. A lot of times they don't have me come

and present at a public meeting. The report gets done, maybe we will see the next results. You really are doing well, anything that you see a difference, you are more than 4% above that average, you are doing great.

>> Statistically significantly better than the average. I guess what I'm looking at, one way of thinking about that, we're better than average, that's always good. But I tell my nine-year-old you don't want to be a b student. You want to be an a student. If we had a sense for what that entire distribution looked like. When we are actually pushing the envelope on the north end so we are actually doing about as well as you can reasonably expect to do. We are dealing with one-stop shops which everybody hates, things like that.

>> I can probably work with your staff. We did an assessment for durham last week, they asked us to identify the top 10, 20% levels are. They are trying to establish you are probably not going to do -- if you're in the top 10%, you are probably doing about as good as a city can do. Frankly you should probably just stay in [indiscernible] sustain your performance. They are trying to become a better city, they want to set being in the top 25% as their goal. You should at least have something to target.

>> Spelman: That sounds like exactly the sort of thing that would add value to us. If we're in the top 10%, if the one-stop shop but still getting 30% satisfaction rating, we are not going to be able to push further on that. But even if we have 80% satisfaction with our library, the top 10% is 10% that gives us room there. That would be extremely helpful. Another question, which is maybe more conceptual, something which you could answer simply, but want to put it on the table. You've got I don't know how many questions you asked, looked like at least dozens, maybe over 100 questions you were asking people.

>> Pieces of data, probably.

>> Let's say there's 100. 7% or 4%, depending on I guess the question is a marker for statistical significance. Meaning under ordinary circumstances it's, you know, 4% difference, yeah, that means something. On the other hand, if you are asking 100 questions, statistical significance means well you don't get a result like this except five times out of 100 just by chance and you are asking a lot of questions. So we would expect some of those things to happen just by chance. Is there a way we can -- there's another issue. Which is that -- that samples are going to differ slightly from one to the next and if you see a slide overall in your ratings of a couple of a percent as we did this year, that might just be due to the fact that you have got a slightly angrier group of people this year than last year where people seem to be extremely happy. Is there a way of parsing that or is that just part of one of those things that's always going to be an unknown?

>> We do, it's just a matter of the level, if -- your ability to use the n. One of the this I think so that we do with some of our clients, the precision of the survey that plus or minus is actually different for every question depending on the number of respondents for distribution. When I report it's at least 7%, that would be at the 50% level. If you go toward 100 or zero, the percentage -- you are not going to be at 99% plus or minus 2.7%. So -- so we can break that out for every question in the survey. Part of that, though, adds another level of data, which for the clients that I have done, then gets to be a little overwhelming. What I typically do is for the key

issues that you are really trying to focus on, in this case some of your street issues, drinking water issues, we can probably provide that data for you so that over time, when you see a 2% drop, you can kind of say well is that something we should be concerned about. Oftentimes you even have to look at things over time. If did it drops 2% one year it doesn't get flagged. But 2% for four consecutive years that's an issue.

>> Exactly.

>> That's one of the reasons we try to have that long term and short term trend so you can actually look at well if it dropped 2% from last year not a big deal. If you go back to the base year down 8%, that's probably something that you need to be paying attention to.

>> That's one of the good reasons, the cross-sectional comparison is one reason to be working with you guys and we've been working with you for four years now and continue for the next two years will help us establish that baseline of our own previous behavior. Last question, I will probably ask you about this later on, but are your raw data available to the city that we can actually play with them ourselves?

>> We actually provide it to the city, so that way you can do additional manipulation if necessary. We just format the data in that way that you can't actually look at individual home addresses. Of if you don't want it to be misused, but we do give it to the city in a format that you can actually do some of the analysis and demographic analysis if you want to do more than what we provide.

>> If I have any wild and woolly questions, I should know longer request ask you, I should be asking them.

>> They can call me year round. Keep using us, we keep working with you.

>> Thanks very much, i appreciate it.

>> Mayor Leffingwell: So we've got councilmember spelman something to play with.

[Laughter] okay. Thank you very much.

>> Thank you.

>> Mayor Leffingwell: Oops, mayor pro tem cole.

>> Cole: I do believe you when you tell us that we are setting the standard.

[Laughter] unlike councilmember spelman. I just have one -- I think that the best use of this data is exactly like mr. Banini said for your budget priorities. I want you to help me understand when we talk about needing to make improvements to our drinking water services and our streets and sidewalks, how that reconciles with how the residents think the level of service should change.

>> There's actually a couple of things that go on there. We know that these services are really important to residents. We also know that you are not doing as well as you potentially could. In fact we have actually seen some decreases in both of those areas. Any time we see decreases in the services that are most important to residents, you often then see kind of a decrease across the board and the city ratings which has sort of taken place this year. You see kind of one percent down, two percent down in many areas. What it really means for you to do is there's really two streams. Strangers strategies, one can you can invest more or adjust expectations, many communities in the past several years have not had the financial resources to spend, to keep up with expectations that were growing rapidly in the early part of the last decade. In other words, cities had lots of money, adding recreation centers, paving streets and suddenly they weren't able to do that. Expectations had gotten up here. When you can't afford to keep up with expectations, then sometimes you have to educate about what you can do, why, let the community know that you really are trying to be good financial stewards with the resources.

>> I guess that I am asking, I might not be asking the question clearly. Because when I look at the question 19 and it says that -- that the residence want us to spends more -- residents want us to spend more on police and neighborhood policing, and social service programs, because they are the top two priorities, I would want to emphasize that in the budget. That doesn't reconcile with what you have recommended that we -- that we should do to have the most positive impact in the overall satisfaction.

>> Well, police is definitely within one of the three areas that I've talked about. So that's real consistent. What I'm looking at, though, if is invest more, people might want you to invest more, but that doesn't necessarily mean that it's going to make them more satisfied. You simply ask how should our spending change, you should spend a lot more in that area. But if they are already pretty satisfied, they may think you should spend more but spending more won't raise their satisfaction level. Where you are going to get the biggest return off your investments is in areas where the satisfaction level is lower and the importance is relatively high. Although there are some areas that have a higher percentage of residents saying it should be higher, just spending more in those areas doesn't necessarily raise your satisfaction level. So the intent for question 19 was really to give you an assessment to validate your budget. Does it make sense, is it aligned, you know, are there a lot of people who think you should be spending a lot less particularly. I mean, is your budget out but when you look at it, very few people said it should be less. The typical response in most cases was you should stay about the same. I keep that in mind when you do look at the percentage as higher. That doesn't necessarily result in more satisfaction just because you spend more money in an area that people think that you should spend more doesn't necessarily mean that it's going to make it more satisfaction.

>> Cole: Okay, let me ask you a little bit about the population data. You explained a little bit of this to councilmember tovo and so I understand that your survey was -- was based on racial populations and also demographics. But it was very odd to me to see this little place in the center that -- that looked neutral, not because it was in my neighborhood, but because it -- is there a way to determine why -- why a particular section that is surrounded by otherwise satisfied or very satisfied would come up at a lower category as neutral.

>> In probably a couple of things here. One, I should caution you with the maps. Before you really look at any area, you probably want to take a look. You'll get this later at the very first -- there's a big map here that shows kind of where the dots are. There's just one person responding from an area. It might be shaded red. But that just meant we got one cranky person. Doesn't mean everybody there is upset. Typically if there's not at least probably 10 in some cases 30 respondents from an area, have some caution in how you interpret that. We're typically looking more globally, like in regions, so we're not looking at just this one area -- is this one area different than everybody else, if we see like half the city or an entire section of the city, the entire center part of the city is red, everything around the center part of the city is blue, that's probably a service delivery issue. So I just would say use caution in, if there are 30 respondents from a certain area, then we can pull out the profile of the people who responded from that area. You can take a look at are there differences in who those people are demographically. So we can also take a look at what their priorities are. Once we get a subsample that's big enough, we can do that analysis. But I would just use caution when you do look at the maps, don't necessarily find something that's red on it. Go back and say are there a lot of respondents on there. When there's not, that shaded area may not be statistically representative. Does that make sense? So our goal is to kind of help you see how does the north compare to the south, east, west, center to the outsides, but not necessarily pinpoint every single location in the city.

>> It's my understanding from looking at the map and I want to make sure that i am interpreting this right, it doesn't look like big variations within the majority of the city, which looks like about 85% of the city in the level of satisfaction.

>> Exactly. So overall when you look at that overall question, most residents have about the same feeling about the overall quality of service delivery. So there's a couple of outlying areas I know for sure that don't have a lot of respondents and they are in the neutral rating. That doesn't mean with certain that they would be less satisfied because there's not a lot of respondents from those areas. But you can go, when you get the full report --

>> when we get the full report.

>> We will be able to see lots and lots of maps. You will be able to see that there are some some cases where you are developing different issues than where the areas, the neighborhoods are mature, so you will see for specific services some differences. But overall the city is doing a pretty equitable job of delivering services throughout the city.

>> Okay. Thank you.

>> Mayor Leffingwell: Councilmember morrison?

>> Morrison: Thank you, i have just a couple of meant. Comments. First I think we should take a moment to appreciate the ranking set we received in customer service because that means that people that are interacting with our staff, boots on the ground, for the most part are very satisfied with that. I think, you know, kudos to the staff for that and i think that a lot of times we hear complaints about staff, but those are -- we adopts hear about all of those people that are satisfied day in and day out. So I just wanted to take a minute to recognize staff, you know, across the

board, across the departments. Across the different levels and especially the people that are on the ground interacting with our citizens. I think that's really important to take a moment to recognize. And I will look forward to the report. I think the most interesting thing or one of the most interesting things that's already been mentioned is the issue about drinking water quality and frankly we had over the past eight months a lot of talk in public conversation about electric rates. Very little about water rates. So my intuition is that there's something else going on. So looking at those maps, i guess, any -- if you go back and look at them, if you ever have any insights, i think that would be really helpful. And I just can't help but mention that I've lived in austin 31 years and -- and have gotten the survey twice. And that was twice in the past four years that I've been on council. What's the chance of that happening?

>> [Laughter]

>> there is a chance.

>> Morrison: Of course. I was not one of those cranky ones.

>> I was at the kansas city, missouri meeting said I have never gotten the survey, i don't know anybody, two councilmembers were like I've gotten it.

>> Morrison: Thank you very much.

>> Mayor Leffingwell: Okay. Thank you.

>> Thank you.

>> Mayor Leffingwell: We'll go to our other briefing. I don't know if we can finish it or not. But we will start it. Waller creek. Okay.

>> Good morning, mayor and council, this is kind of fun to be on this side. It's a little bit different. I'm stephanie lee McDONALD, THE EXECUTIVE Director of the waller creek conservancy, it's my privilege to bring to you a design waller creek, the competition, which you the city have been a very key partner. I'm always reminded when I'm with sheryl that my involvement with waller creek began with the bridge. They asked me to do some research about a physical bridge over i-35 to connect east and west austin. That quickly morphed into taking on, trying to get stakeholder approval for the financing of a flood control project for waller creek. And you all know the history of waller creek. And kind of the long standing efforts of this community to do something about the flooding. And I'm happy to report that -- that the tunnel is 65% complete underneath sabine street. It's really exciting to think about this really important undertaking, to take 11% of the city's floodplain downtown out of the floodplain. But I think it raised an important question as I was doing work on trying to get stakeholder support. We sold this project as an economic development project. We sold this as a public space improvement project. But we really did want to bridge the community to get together and I think there's no better way than to create an exemplary park in our downtown. And so it was challenging. We knew that in 2014 when the tunnel was complete, nothing would really change on the surface for people. And sheryl and some others very wise councilmembers approached some civic leaders in

our community and they asked them to put their heads together to see what we could do to not only construct something exemplary along the public land on waller creek, but also to help care and maintain this space in perpetuity. That resulted in the 501 c 3 to have a hand in the capital improvement, but also to really care for the space for the long term and to bring people to the space after the -- after the improvements were made. The conservancy has a board of directors, a -- I'm very grateful, I think pete winstead was here earlier, he's on our board as well as sue edwards. The board has no financial interest at all on the redevelopment of the creek area. There's one board member who does own a portion of the business along the creek. But nobody is going to benefit directly from the improvements being made. They are all doing this because they believe in the power of the great public spaces. They believe in economic development. They believe in -- in environmental restoration. And most importantly, they really believe in excellent design for the public. That public spaces should be great places. One way to -- to achieve -- acquire talent to the project and so -- so the founders of the conservancy, in partnership with the city, decided to embark on a design competition and design waller creek was really a way for the city to engage in the dialogue about great design for our parks. It's a very rigorous process. It started in november of 2011 where we asked for some

[indiscernible] from around the world, an international call for landscape architects and architects to partner together. They were evaluated, their portfolios were evaluated by an independent jury. I'll talk about them in a second. And then the nine semifinalists were announced, interviewed right here by the city hall by the jury, then those nine paired down to four in may. The final four as we like to refer to them have been working all summer and last week presented to the jury and to the public here at city hall. They also will -- they've also presented their concepts to the public and i will show you that in a second. And really -- really it was a way for us as a city and not just a city of austin but the -- but the residents of austin to engage in a process to -- to select the team. This is not really about which design concept we want to implement. This is a -- really about what team we want to work with. This was a way to see their values and their design concepts and how they are going to approach this -- this challenge of waller creek. A very challenging space. The jury deliberated. They made a recommendation to our governance group and that recommendation will be then sent to you for your affirmation on next week's council agenda. The design competition is being kind of judged on 10 principles that were established from the master plan and citizen input from the waller creek citizen advisory committee. I think that you would all agree these are really important to the city as a whole, but really we wanted a way to kind of address some of these challenges. The map on the left, I think there's a kind of blurry green space, that was really an -- an approach by the design competition manager and the conservancy to try to engage the east and connect it to the west. And we really saw some interesting ideas about how to do that, especially around fourth street. There are several entities that are all active in the competition. The conservancy is a sponsor. We have no voice at all in the deliberation and the selection of the final team. The governance group, which does include members of the board of directors of the conservancy, sarah hensley, the parks and recreation department [indiscernible] and then a really key and important group, the technical advisory group, many members of city staff who hold key roles in departments that -- that are affected by the project and also included representatives from the university of texas at all, travis county was a key player, txdot participated, seton attended, they were briefed by the state facilities commission and they have really served as a way to -- to evaluate the proposals in a very technical way. They spent a lot of time with the designers. They

met with them twice this summer, for four hours apiece each time. They also took a rigorous look at their submittal materials. You all received a copy of these submissions, they are books about waller creek and how they're going to look at this. The jury, which I told you is independent of the conservancy, they were selected by don stassney because they are leading practitioners in architecture and then finally the competition manager don stassney who you have met before, don stassney being really one of two competition managers in the world. He has over 50 competitions under his belt. The most recent being the national mall competition in washington d.c. And the best thing about don stassney is he does these competitions and the plans do not sit on shelves of the over 75% of his competitions have been completed and constructed or are in implementation right now. This is -- a picture of the tag, the technical advisory group, I think that you will recognize many of the faces in there, they are evaluating the final four submissions at the university of texas. They were led by -- by george adams who had to -- to -- wrangled the brain trust there. We really were very grateful for their expertise and their enthusiasm for this project throughout the duration of the competition. Here are the bios of our jury. I think that you have met john [indiscernible] before who worked with the downtown austin plan. Richard [indiscernible] key for [indiscernible] reserve and gas works park in seattle. Carlos jimenez, a professor of architecture at rice who also served on the jury for many years, marsha

[indiscernible] from san francisco, her firm specialized in adaptive reuse and also accessibility. Terrell morrison a landscape architecture and also a leading designer of the lady bird wildflower center. He insisted on plant pathology. Then allan shearer, here is the jury in deliberations. I wanted to make sure that you in huh that we have presented about waller creek design competition to many boards and commissions. I will be next week in front of the environmental board and downtown commission, a portion of this had to do with timing with our process. And it will come back to you on october 18th for we hope affirmation of the selection. The final team. The four finalists, I will go through them in a second. Here's work from them. The top left china, the top right is elevated acre in manhattan, the bottom line brooklyn bridge park and the bottom right is the roof top garden in the san francisco museum of modern art. We took these -- they all produced two sets of display boards. There were eight boards, 36 by 48. We presented them to the public at laguna gloria for two weeks. People could come in and fill out a comment card, tell us what they liked, didn't like about each the designs and team. Also a mobile display here at city hall for a couple of days, we really took that around the public to the best of our ability. It's really hard to get that sized board into too many places, I really want to thank sarah hensley and her team, kim mcneely to get these into rec centers, they were actually some of our easiest partners. Here it is at the hope farmers market. You kind of see the size of the display. Also at the school of architecture and then at the cantu rec center. It was really critical i think to have it in a diversity of locations, but it was really great to see the diversity of the people who came to see it. People came to look at it a thousand people on museum day at laguna gloria. It was interesting and fascinating to see them interact with other people they didn't know and talk about what they liked and didn't like for each of the concepts. They were also welcome to come view the boards online on our website. And put in public feedback. Last week, we had all four final teams present to the jury and it was -- the public was welcomed. We had them right here in the chamber and the jury spent 45 minutes with them with a q and a after 45 minutes of a presentation from each of the teams. Here is a picture, it was standing room only for most of the day here at c hall. So the four teams. Cmg and public architecture this is their concept for the outlet. Current

renderings for the outlet, this is much lighter, way more interactive for the public. It is not a great big concrete coffer dam. This is concept for sabine street for some shade and lighting. Like I said, these are all concepts to show what their design intent is and how they are going to approach waller creek. Turn scape and lake flato, turen scape. Cypress walk with reclaimed cypress wood in the creek. We were very keen on seeing elements for families and children in waller creek. This is turen scape and lake/flato's. Mvva from brooklyn, from new york, this is the grotto, i think it is very consistent in all four designs that they want to respect the nature, they want to improve it. I think the best part of this process has been it's kind of refuted this idea that waller creek is going to be the next river walk. This is their concept by the putt for lady bird lake, lattice, series of brings, everything intended to be a.d.a. accessible. ... Partnered with

[11:49:31]

[indiscernible] from here in austin. This is the lower wild, the waller walk, then their image for down by lady bird lake. Again I think very, very keen in protecting and improving the natural elements.

>> If you like to you can s feedback on our website. No longer submitted to the jury. If you have any questions, in conclusion, I want to thank you the city for being a tremendous partner. It has been a tremendous process. I think the community has had a real chance to interview teams at a level they wouldn't have in a typical procurement process. Again we are selecting a team, we are not selecting a design in this way. Thank you.

>> Cole: Mayor, I have a couple of questions. I know this is a different process than we've ever used before. But can you tell us a little bit more about what you did to get the public's input?

>> I sure can. First of all, we took the displays public. We took them to the public. I think that's a little bit different. We had them here at city hall only for two days. We really took them to the community. And tried to match for example museum day so we had them at bob bullock saturday, a lot of traffic at the bob bullock museum on museum day it was a free opportunity to visit the museums in austin. Then sunday at laguna gloria, over a thousand people saw the display boards there. We also built a really robust website where you could see the board and put in your public input there. We had a really extensive public relations campaign to make sure that people knew about it. I think it was really evident just from our social media increase and chatter, our friends on facebook went from 200 to 400 in a matter of these two weeks. And I think that's evident of kind of getting out there. We really also started early in -- in may with meet your designer night, it was capacity at the blanton museum of art, we had over 350 people there to listen to the four designers present about themselves. So I think we started early and I think this is very different than the process we would have used as a city to procure professional services contract. And in the sense that you don't get to meet who is on the short list there.

>> Cole: I --

>> I'm sorry really fast, go ahead.

>> Mayor pro tem, I do have copies of all of the public input for you and I'll give them to you right after this.

[11:52:04]

>> Cole: That's exactly what I was going to ask for.

>> I already got them.

>> But it's actually signature sheet and design input. Is that,? Will you have it for all of my colleagues?

>> We didn't transcribe anything. We just gave you the raw data in that sense.

>> Cole: In the last question you talked a little bit about how we have worked together and really wanted it to be a project that bridged east and west austin and also helped put very needed property on the tax rolls. But we didn't talk about but I'm so pleased to see the results from the experts having designed potential designs that were consistent with our environmental values. Can you talk a little bit about how that transpired?

>> Well, first of all, i think the -- you have to give a lot of credit to our jury. The jury having had landscape architects on it, ones that were very helpful, daryl morrison being one of the chief designers of the lady bird wildflower center, really honed on that. I think you have to give a lot of credit to the technical advisory group, they made it very clear early on this was going to be an important element in the kind of selection of a team and then the last is the conservancy itself partnered with the sustainable sites initiative. It is a kind of ranking tool for landscapes, similar to what leed is for buildings. It's in a pilot phase right now, based out of lady bird johnson wildflower center, but it is a partnership with botanical gardens, that is a score card that really shows how you are doing not just how you are treating plants and how ir, you know, maybe using reclaimed water, but how you are recycling materials and how are you making it a sustainable project overall.

>> Okay. I also know that the founders of the waller creek conservancy have some environmental credentials. Can you tell us about that?

>> Well, the chief funder that you are talking about, melanie barnes was critical to the lady bird wildflower .. establishing a business to work in the carbon credits market and -- in california and london.

>> Cole: I believe mr. Meredith serves --

>> you know he just serves on a little group called the nature conservancy nationally.

>> Cole: So I think we have tried to have a process that is complete and also involve the public and with the level of transparency and I look forward to seeing what the jury decides and I'm grateful that I don't get to make that pick.

>> I am, too.

>> Thank you.

>> Thank you.

>> Spelman: Mayor?

>> Mayor Leffingwell: Councilmember spelman?

>> Spelman: I am disappointed, stephanie, that you are not able to tell us what the jury thought. When will you or someone else be able to tell us who it is that the jury has selected as their favorite of the four?

[11:55:06]

>> We will -- we want to respect -- there's a lot of teams that spent a lot of time and personal treasure on this. So we want to be very respectful for the four teams, we are very grateful for them for kind of enduring this process, it's been going on since november. I think a typical city procurement process even in the worst of cases doesn't last that long. Long.

>> Spelman: I get this way at the end of basketball games, too.

>> So we are still waiting. The jury report. When we get the jury report. We will share that with you, but we know that we want to be respectful and we have told everybody it will be announced october 18th. So I believe october the 18th.

>> Spelman: Okay. Now, on october the 18th that's a week from today. This is going to be on our agenda. And what you will be asking us to do is to I'm not sure what the proper term, but ratify, agree with.

>> Affirm.

>> Spelman: The jury's decision. We're going to have very, very advance notice as to what the jury's decision is going to be and very little advance notice to the basis for the jury's decision which presumably is going to be in the report. Is there any way we can get a copy of the jury report the day before we have to make a vote on this?

>> Well, I think that what we're asking you to do is to honor the memorandum of understanding, that you were going to affirm the selection, that we were going to trust the jury to make the decision. And I do want to point out it's in the partnership. The city did make a substantial contribution, but that the design competition was really something of the conservancy's. I don't think given our public information requirements that we want to violate any of those laws.

[Laughter] but -- but we -- we will do our best.

>> Spelman: You are not even going to be violating the law just because I'm impatient. That's too bad. Let me ask you a more important question. All four of these teams would be more than capable of doing a fine job of designing waller creek, they are first cut designs are all very, very interesting, presumably any of them would be learning from the other three and from the public more generally. What do you envision the process for a final design looking like once the -- once the final team has listen selected?

>> So the next phase, the conservancy has already raised money. I want you to know that the conservancy raised over a million dollars from private donors for this effort and for this next phase. Which we call costing and delivery. And that's a way to get some professional expertise to sit down with the team and to figure out really what things are really feasible and part of the responsibility was to give us kind of a low risk or a high risk proposition. By and large they left the there are really great ideas that you might consider high risk that are still out there. So we thought we were in a kind of safe place to start. And then they were going to -- they're going to go there and kind of systematically figure out what things are feasible, what things really aren't, what things might cost, because right now there is general ideas from the team, but there is -- there is an individual price tag and also phasing. I think that I want to make this clear. The reason why we want to be so careful in the select of the team is the conservancy believes that this is going to be a very long term relationship and to get the private philanthropy to partner with where the city resources are, it's going to take a while. But we also don't want to miss an opportunity to -- to work with the tunnel construction and to piggyback on their construction delivery schedule to make sure that we don't have to go back and redo something, at waterloo park, especially at the outlet, that we have a plan we can start working with them. They are on a really fast time line, mayor pro tem made sure that gary jackson is going to deliver something on time, but also on budget. That's -- we don't want to hinder that at all. But we don't want to have the community have to, you know, have something open and then this torn up again or redone.

[11:59:12]

>> Spelman: I suspect strongly we are not going to build that tunnel a second time.

>> No. Of but we would hate to have to like rip out a berm in waterloo park or something like that.

>> Spelman: Sure, i understand.

[One moment please for change in captioners]

>> Mayor Leffingwell: Councilmember riley. Go ahead.

>> Riley: Thank you for the presentation. It's very exciting to see the visions coming together and we're looking forward to seeing an award of a winner and then taking it from there. That really brings me to my question exactly what we're going to do once we decide on a vision and we want to move forward. You expect that the winning team will play a part in developing an implementation plan, and I'm particularly interested in what we do about the fact that much property along the corridor is in private hands, a mixture of course of public and private and each

will involve the same considerations as to how we can look forward to fulfill the vision, do you expect that we'll be getting specific recommendations in terms of implementation from the team and I suppose those would also include recommendations about finance?

>> Yes. We will, and I think it's important to know that what we really concentrated on was the public phase. So we also made sure that

[inaudible] real estate side division was an active part of the -- to really talk very much about the private ownership. We discussed how the -- built the tunnel and people weren't willing to donate lots of land to the city. And so they kept that in mind when they were making these design concepts. I do also want to point out there's really only about eight private property owners. They own a lot of property, but there's only about eight of them so we really want to work with them the make sure they understand the kind of significance that they could make to this project and they could bring to this area. When we look at other similar projects like the high line, the high line has \$2 billion worth of new real estate development in essentially the two years that it's been in operation. And there was some change that was already happening this the noelani think we see that in waller creek. The fact they've put in a remarkable public -- really elevated that investment and we want to make sure our private property owners could make sure that happens here. Discovery green had \$500 million of new development.

>> Riley: In terms of the sequence of steps that we could take, do you expect the teams -- the team will have discussions, make recommendations as who exactly how --

>> yes. And we also be will sitting down with the city -- currently we're walking with staff to develop a master development agreement, also figure out what the phasing could be for this. We will bring that back to you, the council, to approve. We'll also make sure that and I think over time there will be changes and amendments and additional documents to kind of cement the process as well as the relationship with the conservancy and the city and who is responsible for it and how are we going to roll it out and that will be brought back to council whenever there's a new decision.

>> When do you expect we might see that agreement?

>> We are working really hard. The problem is we had a design competition and we really need to wrap up that because we can focus on the next face. Next phase.

>> Riley: In the next year?

>> We would hope having something in place to augment the understanding before the end of the year.

>> Riley: Okay. Thanks so much.

>> Mayor Leffingwell: Thank you. General citizens communication beginning with tom McDill. Topic is s.o.s. Redevelopment ordinance. Specifically the children's courtyard at 5811 southwest park way. You have three minutes.

>> Good afternoon, mayor and councilmembers. MY NAME IS tom McDill. I've been practicing engineering here in austin for the past 30 years. But I've run into a really strange situation trying to process a redevelopment project at 5811 southwest parkway. The owner of the property has been trying to convert an older trailer park into a children's courtyard and day care center in conjunction with a coffee shop. The site is a I jay sent to andrew's high school and in the midst of several hundred thousand feet of office space and 1200 apartments across the street. We need help of a couple of councilmembers to get on the agenda to determine the importance of this redevelopment project and others. In order to reduce existing accumulation of untreated runoff into the creeks, create new, more desirable businesses and improve overall quality of southwest austin. It's been recommended by city staff, the environmental board, planning commission as well as ohan to go to the city for interpretation. City staff targeted 199 properties for the development coordinates and using state tceq formulas these sites would produce about 250,000 pounds of pollution each year. Over the five years since the concept of redevelopment began, well over a million pounds have been discharged directly into barton creek and the tributaries in the s.o.s. zone. This particular project was given thumbs up by the dac to apply the redevelopment, cleared the completeness check and was declared appropriate for the redevelopment exception. The fees were paid and the project was submitted. We then received a multitude of staff comments that were tackled over an eight to ten-month period. And it was verbally supported by all the environmental staff. The entire site plan was reviewed and unanimously approved by the planning commission and then by the city council 7-0 through a rezoning process. Part way through our review, though, there was a mysterious end of communication and no explanation was given. The complications and many contradictions in the land development code will most certainly require every redevelopment project to go before city council. We've now discovered that some of the unclear language has been inserted in the first line of the ordinance that was contrary, we believe, to the motions of the environmental board and the planning commission. This wording has stopped pretty much all interests in the redevelopment ordinance because the intent is so unclear. Even matt holland has often said this was an unintended consequence. This project is ripe for council consideration on these issues because there are only two or three of them, but they will require council decision. Clarification by council is strongly supported by all neighbors, all neighborhood groups at ohan, all folks associated with the rural creation team and environmental board and the planning commission.

[Buzzer sounding] thank you very much cope .>> Cole: NEXT WE HAVE ROSY Darby. Come on down. And next darrell gest.

>> Good morning. My name is rosie darby and I'm here today with the family life center, incorporated. With me today is the director, greg henderson, and one of the board members, larry alexander. And they will be speaking.

>> Good afternoon, councilmembers.

>> Cole: I'm sorry, the mayor is back and so I'm sure he's going to tell you that miss darby is the one who signed up to speak and she needs to -- and you are not signed up and you have to make all the presentation. Is that correct, mayor?

>> We didn't realize that. The last time we did it we did it this way and I didn't ask.

>> Cole: I think you might be referring to the time you had time donated to you from someone else.

>> No, ma'am.

>> Cole: But I think in citizens communication --

>> Mayor Leffingwell: Mayor pro tem, that is -- you are correct. That is the rule. You cannot donate time, but if there's no objection from council since you weren't prepared for this, we'll let you go ahead and finish the three minutes. You have 2:40 left.

>> Thank you.

>> Good afternoon, councilmembers. This is basically just community communications about a health fair that the family hargrove life center incorporated is having this saturday, OCTOBER 18th. In this health fair, the content is going to include a lot of health professionals from the community and I'm speaking on different subjects such as mental health, substance and different public health issues that we are addressing in our community. So the health fair is SATURDAY, OCTOBER 13th, to ment we'll have vendors there, we'll have different health professionals. And this is a really, really important -- really important cause because it's addressing a lot of the needs that are -- that have not necessarily been addressed primarily on the east side of austin. We're just asking you to come out to let other people know to come out. The location is 6401 fm 969, right across from martin luther king, right across 183. to saturday, OCTOBER 13th.

>> Mayor Leffingwell: Thank you. Next speaker is darrell gest.

>> Good afternoon, mayor and councilmembers. My name is darrell gest. I'm president of the dellwood 2 neighborhood association and I have been WORKING WITH tom McDill on the children's courtyard project for the past three years. While the children's courtyard project is not in my neighborhood, barton creek and its tributaries are certainly in my city. I speak to you today because I am very concerned that barton creek and its tributaries continue to suffer the adverse effects of runoff pollution despite the passage of the redevelopment exception ordinance five years ago. The delay experienced by this project in the review of its development application by the city is especially hard to accept when you learn that the project has received approval from neighborhood associations, interested citizens and various city departments. Various city staff members have said they support this project. In my packet submitted to you today, I set forth a time line for this project that highlights the nearly one dozen approvals and endorsements received by this project. I ask you to review it. To highlight one of these approvals, in february 2009, the project received rezoning approval to allow for the drive-through lane for the planned coffee shop. During this process, the entire site plan was submitted to the planning commission and the city council and unanimously approved by both bodies. David richard son, a member of the mayor's citizens task force that worked on creation of the ordinance, has shared some comments WITH MR. McDILL AND ME Lamenting the bureaucratic red tape that has resulted continuation pollution of the creeks this the s.o.s. Zone. His comments have been forwarded to the city. Another copy is in the packet I handed you earlier. I implore you to read his comments. In closing, I urge you to place this project on a council agenda and interpret the redevelopment

exception ordinance so that the children's courtyard project falls within the intent of the ordinance and thereby give direction to city staff on its review of the development application of this project so that some of the runoff pollution in our creeks can be stopped and other landowners in the zone can be encouraged to redevelop their property. Thank you.

>> Mayor Leffingwell: Thank you, mr. gest. I just want to say my staff has been working with MR. McDILL ON THIS AND WE Hope to find a path forward here shortly. Councilmember tovo.

>> Tovo: gest, I had a quick question for you.

>> I realized I got to speak more.

>> Tovo: You opened remarks saying you worked with this project. Are you working in a professional capacity on this project or here as interested citizen or --

>> for the first about year and a half I -- I served PROVIDING MR. McDILL WITH Legal advice. But I no longer practice law. And so I've just continued to advise him, you know, as a friend and to help him with meetings and things like that.

>> Tovo: Thank you very much for that clarification.

>> Sure.

>> Mayor Leffingwell: Next speaker is john goldstone. Topic is bonds and taxes. mayor, councilmembers, john goldstone, city of austin property owner. I'm appalled and disgusted at the discovery I made when I attend to find out how much each bond measure would cost me. I'm demanding, yes, demanding that you immediately amend your bond information brochure to add the highlighted portion I've marked good from the travis county 2011 bond election brochure to each of the bond measures in your brochure. Let me read what you have placed in your brochure to help voters decide whether to vote yes or no. A \$384 million of project expenditures authorized by city of austin proposition 12-18 would be funded by general obligation bonds repaid by property taxes. If approved the city expects to issue bonds in installments beginning in 2013. No increase in this year's property tax rate is anticipated as a result of passage of these propositions. Now, let me read a summarized portion of what allowly travis county placed in their brochure to help voters decide whether to vote yes or no. Cumulative net impact of \$270,000 after fully fending 75 a year in additional property taxes. So \$272,000 homeowner was easily able to look at a 75 and make a decision to vote yes or no. Look what you said. No increase this this year's property tax rate is anticipated as a result of passage of these propositions. How dare you spew such crap. How dare you make such a misleading statement. How dare you advocate for passage of these bonds by intentionally confusing the voters with this crap. Households only care about --

>> Mayor Leffingwell: goldstone, you are getting close to the edge here. One more and I'm going to ask you -- I'm going to terminate your time.

>> Got it. Households only care about cash flow. The only number they care about is 42.75. You need to be truthful and let voters now how much this bond issue will cost them then they can truly decide. Prior to this election this grossly negligent confusion caused by you I demand you publish a hypothetical calculation of each bond measure, principal and interest over the life of the bond to the hypothetical \$272,000 owner. Just like travis county managed to do. I demand you press release this dollar number since you have been grossly derelict in duties to be impartial as you state in your bond brochure. Net impact to homestead of 75 a year in the entire 215 is borrowed which should occur in seven years. The net impact shall continue for a total of 20 years from the first borrowing. Stop talking about tax rates, stop talking about ba budgets, talk about the actual cost to that homeowner and the tenants of that homeowner. The voters will forgive you if a bond measure does not go through because the voters did not want to pay 75 more a year in property taxes tore that project.

[Buzzer sounding]

>> Mayor Leffingwell: And your time has expired.

>> Thank you. I want to staff your staff andy norman.

>> Mayor Leffingwell: Next speaker is betty williams. Son.

>> Thank your staff.

>> Mayor Leffingwell: Step back. Betty williamson. Topic is the condition of governor hogg's cemetery plot.

>> Good morning. My name is betty williamson.

>> Mayor Leffingwell: Please pull the mic down a little bit.

>> Is that working? Is that good? Okay. Is that me coming back at me? The issue I am here about is the pecan tree at governor hogg's gave site at oak wood cemetery. I'm a member of the lone star chapter of quester,s, an international organization since 1944. The purpose of this organization to educate by research and study of antiques and donate funds to the preservation and restoration of artifacts, existing memorials, historic buildings, landmarks and educational purposes. One of our members invited wayne bell to one of our meetings about eight years ago. Wayne is well known as the heritage -- excuse me, historic preservation architect. He has been involved in so many projects that you need to really google him as there's not enough time in this period for me to list them all. The long center, main street project, several things that I know you are familiar with. He was a close friend of ima hogg. Miss ima as she liked to be called. Wayne told us he was very concerned about the hogg grave site at oak wood cemetery where the hogg family is buried. He told us many personal stories about miss ima and our chapter began researching the hogg family and maintaining their grave site. We love the mom contributions this family made to austin. I wish there was time to tell all the hoggs contributed. Governor hogg was a public servant serving in many capacities over a 20-year period. He was the 20th governor of texas but the first to be born in texas. Miss ima was an american fail and throw exist donating to

the houston museum of pine arts. My favorite is her founding of the houston child guidance center and establishing the hogg foundation for mental health at u.t. in 1940. This is another google opportunity all the things they've done. It's overwhelming really. For over the last several years the questers have spent a lot of time and money pulling in plants, pulling out plants struggling to keep the site. We replaced the curb in front of the site, added urns to the entrance. Governor hogg wanted to be buried with his family so he chose oak wood rather than the state cemetery as families are not allowed to be buried there. Oak wood cemetery is the oldest cemetery in austin and there are many notables buried there. It is on the national register of historical places and with the popularity of geneology has many visitors. Austin geneology society has volunteered many hours there. The pecan tree was designated as the texas state tree in 1919. Which is credited to governor hogg because in 1906 right before he died he requested no monument but said, and I will vote, let my children plant at the head of my grave a pecan trio-

[buzzer sounding] -- is that my time number of yes, ma'am, your time is up. Oh, my god, please let me get to the point. How did that happen?

>> Mayor Leffingwell: That is your point. You want us to plant a tree there, right? We'll have someone from parks.

>> That was five minutes?

>> No, three.

>> Oh, I thought I had five. Well, did I give you a history lesson.

>> Mayor Leffingwell: I really enjoyed it. Thank you.

>> I hate that I didn't get to tell you that they have no heirs.

>> Mayor Leffingwell: I think councilmember tovo has a question.

>> I'm sorry?

>> Mayor Leffingwell: Councilmember tovo has a question.

>> Tovo: My question was could you very briefly tell us the pecan tree, I'm not clear whether there's a pecan tree that need some help or whether you are asking --

>> well, what happened is they cut the pecan tree down. The questers were very upset about the pecan tree because we realize how important it was. So it had been in decline and they felt it was a safety issue. So anyway, we -- there is no real plan and we would like to get it on the agenda as soon as possible. I brought a book that is a&m's book's famous trees and it a picture in there, now people will come here thinking they are going to see a tree and they are not. So I know that since there's no heirs that nobody is going to look after this so consequently that was my plea is that we be their family and make sure to keep their memory.

>> Tovo: I appreciate you coming down here today to talk about that. I would ask you more questions but I know that we have folks who have come down here on their lunch hour.

>> I'm sorry. I thought I had five minutes.

>> Tovo: Thank you.

>> Mayor Leffingwell: Appreciate you bringing that to our attention. Thank you. Next is charlene bell nwagboso. Apparently not here. Colin clark. Topic is the coal plant.

>> Afternoon, mayor and council. Colin clark. You may know me from my work with save our springs. Now with austin coal. Glad to be here today. We've gone going around the community getting people aware that the city of austin owns a coal plant and that it's spewing carbon dioxide, mercury, soot and other contaminants into our atmosphere. We have a thousand signatures to give you. In the spring we coordinated with the folks across town at earth day and we spelled out beyond coal and about 450 human bodies and we'll give you a framed copy of that so you can know the people of austin want us to move beyond coal. We heard briefly about a famous pecan tree that was unfortunately cut down. Perhaps more gravely, no pun intended, the fayette coal plant has decimated pecan groves, there have been farmers who have been put out of business. The austin energy recently put out a report I think many councils would show numerous options for getting out of our coal plant and we want to thank you for committing to get austin off coal. The question now is how do we do that. And the utility has suggested simply selling the coal plant and moving into natural gas. And if we did that, the carbon would still be spewed into the air from the fayette coal plant, just under someone else's watch and we think that's the wrong thing to do. bill McKibbon was at u.t. Last week and he sent an email. Itself in austin to give a talk at the university and pleased to hear there was a chance you might shut down the city's coal fired power plant. Putting it out of operation would be a great step forward in the global climate fight. A fight as texans know after these last dry years we're on the edge of losing, all org would welcome a courageous position which would position austin well for the new era of energy. That is from bill McKIBBON. When he was asked at the should austin sell the plant, his response was it would be irresponsible to sell the coal plant and it would be responsible to shut it down. We want you to work with lcra on a plan to retire the coal plant. Lcra recently had their bond downgraded because they've lost 30% of customers. Cost avoidance, it could be huge for austin and lcra, closing the plant rather than spending \$700 million between the two of you to keep it running. Please help austin move beyond coal as soon as possible. Thank you.

[Applause]

>> Mayor Leffingwell: Joseph iley. Joseph iley. Topic the taxi cabs and you have three minutes.

>> I know you already passed it this morning. I heard from one of the aides. But I'm going to let you know how I feel anyway. Thank you, council, for allowing me to speak before you today. I'm here to discuss economical implications as the city of austin placing more cabs on the roads which just makes cab drivers for poorer. We've heard austin cabs say stick to the norm la. We've heard lone star cab say they are financially strapped and don't have enough cabs to cover the city. Of course you've heard drivers that don't have a vested interest argue against any more cabs. Two

weeks ago you heard several drivers from lone star argue that business was booming. In two more weeks we'll know the real story. I know for the fact the past three months were not as good for me as they were last year a year ago. You also heard lone star argue that the financially strapped prior to getting the last 30 cabs, yet they stated themselves that their drivers were discounted to work on the streets. If a company is broke, how is it they can give away \$3,000 a week in discounts. You also heard that lone star needed cabs to better service the city. I'm sorry, but 120 square blocks of downtown isn't covering the city. Once again another argument brought by lone star proved to be another falsehood. I would hope that the members of council have enough economical sense that adding cabs only makes franchises richer and drivers poorer. That's all.

>> Mayor Leffingwell: Next is david kelley, same topic.

>> Yes, sir. mayor and city council. My name is dave kelley and i have driven a taxi in the city of austin for almost 14 years. I'm also a leader with austin interfaith and chairman of the political action committee of the taxi drivers association of austin. I'm speaking to you today about the item 66 and 68 which propose the addition of 30 more taxis to serve our city. The tdaa, austin interfaith and tax cree alliance oppose this because issuance of these 30 permits will cause true financial blows to the hundred of minority owned businesses taxi drivers represent. Other than festivals, there's no demand for additional taxis. The city currently has fixed 51 extra taxis more than the command driven called tore. Airport departures are down from last year, almost 8% in july, 21% in august, and alm september. Total income for the same period has decreased. The combination of these recent and proposed new permits translates into about 12% more permits. That yields a 12% decrease in the average driver gross income and larger decrease in our net. We hear austin cab, lone star cab are claiming they have official woes. Well, who doesn't. However, within the last three months, both franchises have received a large increase to their gross income. So much in fact that lone star could afford to give out approximately \$12,000 a month in discounts to select group of drivers. And how are these increases financed? From driver income, of course. The smaller franchises claim they need more cabs in order to compete with yellow cab, except 100% of the market risk is assumed by the drivers. Franchises make money per cab even when the cab is idle. The only competition between franchises is to see which can come up with the most creative idea to sell to council as to receive additional cabs. The tdaa is a proud supporters of minority owned businesses. Most taxis driven in the city are minority owned businesses. The issuance of 30 extra permits will further depress the incomes of hundred of these businesses that we represent. In closing I would just like to say I would have preferred to speak directly on item 66 and 68, but it's a weekend so if you'll excuse me, I know there's a bunch of people that need rides and I want to get out to work and help them. So thank you.

>> Mayor Leffingwell: Very good. Thank you. Those are all the speakers that we have signed up to speak in citizens communication. City council will now go into closed session to take up three items. Pursuant to chapter 14, 087 of the government code the city council will consult legal counsel regarding the following items noting that item 87 is withdrawn, we'll take up item 88, legal issues related to mike bienvenidos versus city of austin and 89 related to the application of jeremiah ventures for a new tlap permit number wq 0014785001. And item 90, legal issues related to the rules of decorum during city council meetings and laws related to public access to

city hall. Is there any objection to going into executive session on these items? Hearing none, we'll now go into executive session.

>> We're out of closed session in closed session we discussed 88, 89 and 90. So, most of our zoning cases are on consent today so we will go directly to those cases after announcing that items 6, 7, 8 and 9 are postponed by staff until october is8.

>> Thank you, mayor and counsel. Greg gurnsy, planning and development review department. We will go to the public items. Item number 91 is case npa-2011-0025.02. Property locally known as 7401 old bee caves road. This is in the oak hill combined neighborhood planning area. This is to change the land use to neighborhood mixed use land use. This is ready for consent approval on second/third reading. On item number 92, case number c14-2012-0028. 3Rd & colorado. 301 And 311 colorado street and 114 west 3rd street. Staff is postponing this item. 00 hearings are open. For consent, item number 93, case number c14-2008-0159rca. Property locally known as 311, & 114 west 3rd street. Staff is questioning postponement of this item to the november 8 agenda. Item number 94, case npa-2012-0018.01. Property locally known as 826 houston street and 5536-5540 north lamar boulevard, waller staff is questioning postponing to to the november 1 agenda. Item number 95, case number c14-2012-0053. Locally known as 5536-5540 north lamar boulevard. Staff is question qing postponement of this item. Item number 96, case number c14-2012-0052. 828 Houston street and 5527 sunshine drive. Staff is requesting postponement of this to the november 1 agenda. Case number 97, npa-2012-0005. Property locally known as 1700 1/2 frontier valley drive. Staff is requesting postponement of this item to your october 18 agenda. Item number 99, case c14-2012-0032. 2905 Del curto road and 1814 lightsey road. Our applicant is requesting a postponement of this item to your november 1 agenda. Council, item number 100, I'll skip that for a moment, a question for the postponement by the neighborhood and the applicant agrees but on a different date. Item 101, case c14-2012-0075. 2885 State highway 71. This is to rezone the property to general commercial services or cf district zoning. to grant general commercial services-conditional overlay cs-co combining district zoning, with conditions. This is ready for consent approval on all three readings. Item number 102 is case c14-2012-0077, 718 w. Slaughter lane. To rezone the property for general office or go district zoning. Zoning and platting commission to grant general office-conditional overlay go-co combining district zoning, with conditions. Item number 107, case number c14-2012-0098. 905 Banyon street. Staff question postponement. Those are all the items I can offer for consent. I can read into the record 100 if you like.

>> We will go back to that. For now, consent is to approve item 91 on second and third readings, to postpone items 92, 93, 92 and 93 until november 8, postpone items 94, 95 and 96 until november 1 postpone 97, 98 until october 18, postpone item 99 until november 1, close the public hearing and approve on all three readings item number 101 and 102 and to postpone item 103 until october 18. Entertain a motion to approve the consent agenda. Council member morrison so moved. Second by council member martinez. All in favor, say aye. Aye. Opposed, say no. Passes on a vote of 6-0 with council member spelman off the dais. Now let's go back to item 100.

>> Thank you. Mayor and council, item number 100 case, c814-2012-0071. Rezoning of a property located at 433 west riverside drive and 2001 south first street. Request for rezoning is

for planning and development neighborhood planner pud district zoning. The neighborhood has requested a postponement of this case to the november 1 agenda. The applicant requests that the council grant the postponement only to october 18, and i understand town slick also in AGREEMENT FOR THE 18th. There is a disagreement on the date of postponement between the applicant and the neighborhood.

>> Before we take up the case, we will decide if we want to postpone or not, so we will hear from one speaker on each side, the neighborhood association and the applicant to discuss only the postponement. Don't talk about the merits of the case.

>> Maybe the neighborhood should go first.

>> Anyone here from the neighborhood association? Apparently not.

>> I'll make this quick. I summarized it in my letter. Michael whalen. I think the best way to aknock late against postponement requests is to reach up to the stakeholders and to do so to seek feedback and that's precisely what we did back in april when, five months ago, we reached out to both, we met with the neighborhood association, that the zoning committee, their individual zoning care, cory walton individually as a member of their executive committee and on july 11 we were told they no longer wanted to negotiate towards resolution. Those where the words that were used. As a mediator and lawyer that had a disappointing impact on me as you can imagine. I think it is important to continue dialogue even in litigation. I'm told that parties don't resolve things unless they're talking but that was the end of it two members of the bcna executive committee attended the water front overlay advisory board. Corey wall and it walton is a member of the board and cindy was at the meeting, as well. Subsequently, at the planning commission, corey walton made a presentation and talking about puds and why he doesn't like their use. I understand that, that's not the point of today's discussion. On monday of this week, a letter was forwarded to me from the stay had been sent on friday by cindy coleman, I sent my response, they received it, i sent a special e-mail to cindy asking her to contact me and we would make ourselves available any day, from monday to next wednesday, any evening, any day, any time, I have not received a response. In fact, her response to me was, I will get back to you on friday. At some point there has to be a fair -- and I understand is a volunteer organization, I'm doing the best ike, which is why I started in april with the discussion and giving them material, so I would just ask another one-week postponement, that's fine. I'm agreeable to that. I understand it is a volunteer organization, save town lake is agreeable to a postponement, i semisimply would request, given the effort we undertook that would be given some regard in postponement. The market is what the market is. There is some pressure, and that's why we started early, we were respectful of the time that it took and I would ask that we just postpone this for one week. Thank you.

>> Mayor.

>> Mayor pro tem. can you tell us how a postponement to a november date would impact the project.

>> We don't like to talk about this publicly because everybody gets squeamish, but it costs money to postpone. There's time associated with payments, to hold open the contract interest payments there's also the market itself, so pull aside any out of pocket expense, the market is, as you know, has some demand in it. The equity markets are available and are interested in funding and that goes away with more time, as time kind of flitters away because we don't give it due regard or act due haste, if you will. So, there is some pressure on the buyer and the seller to get this done in a timely way to respond to the marketplace, and we missed markets when we aren't able to deliver the property, which is, again why we started so early and made such a big attempt until we were told on July 11, we do not want to talk to you any more to work towards resolution. That affected me. It was upsetting.

>> Mayor, I will move to postpone to October 18.

>> Mayor pro tem moved to postpone until October 18. Second by Council member Spelman. Council member Morrison. I have a question, if you don't mind. Can you tell me about, not the content of but have you been having discussions with Town Lake? Have those been on going?

>> No, and unfortunately, Graham is here, he will talk to you, as well, we had great discussions. We met three, four times, great guys, met with them several, several times. Send them a draft-restricted covenant to talk about the issues we talked about and the afternoon of the water front overlay advisory, they sent an e-mail that said, quote, without speaking to the merits of the project, end quote, it went on to say we oppose puds generally, by we have great feedback from them, we've incorporated ideas and shared some great exchange. Jack, we met with him separately and he confirmed that from the days of planning commission that we had a very good discussion that was positive. We didn't reach agreement, but, again, very healthy and helpful.

>> So, do we have a representative from Town Lake here?

>> Yes. Mr. Graham is present. I have a quick one, I heard Town Lake was interested in a three-week postpone some apparently, that was misinformation?

>> We did request a longer postponement, but we are in agreement with one week.

>> Morrison: okay. I guess, you know, this is going -- this may well be another really, really tough case for us to hash through, so if we do postpone only until the 18th, I HOPE THERE'S A LOT OF Productive discussion and I would certainly support a further postponement on the 18th if it looks like there's some headway that's being made. Council member Tovo. Yeah, I would like to read a little bit of the letter from the neighborhood explaining their rationale for requesting a longer postponement, and I just want to say, too, I have heard concerns and it was my understanding that save Town Lake or individual members wanted to see a few more weeks to allow for that conversation to happen, but -- and you should know that we have received concerns from members of not just the neighborhood. I will read from the letter we received, and that is, since they're not here to speak for themselves, I will read their letter. And this is from Cindy, the president. I understand we're in the midst of securing a meeting with you and Greg Gurnsey, this is directed to the city staff, but that meet willing not take place until after October 15. We hope that this meeting will give us enough information to respond City Council by this project

by november 1, then they went on to say please inform the city council about the request for postponement. I've been copied on some of the e-mails they've sent city staff, I know they are very interested in meeting with city staff and understanding better the staff's recommendation of this project, and feel like that is information they need in working and talking with the developer and with coming before our board and being informed about why the staff are recommending a project they have concerned about. So I think it is entirely fair to provide a few more weeks to that group to allow them to first have their meeting with city staff, which, again, we probably have all been copied on the same e-mail back and forth between the bca representatives and city staff trying to coordinate a meeting. I think some city staff are out of town and it is scheduled for october 15. As you probably know, if you've been a part of any neighborhood association or volunteer group, it is going to be very difficult for them to take information they received from staff and turn around down here, providing an informed opinion in three days, so I would strongly suggest to my colleagues, in fact I will make it as a formal amendment that you consider postponing it to november 1 to allow for us to have the fullest, most informed dialogue WITH OUR COMMUNITY ON THE 1st About this project rather than THE 18th. An amendment -- I can play around with that did it as friendly amendment to your existing moment, how about that.

>> Next case.

[Laughter] well, I will make substitution that we postpone until november 1, I think we all do better when we have an informed dialogue and community members who feel they understand well both the staff's position and the developer's intent and the will of their neighbors. motion by council member. to postpone until -- by council member tovo to postpone until november 1. Second by council member morrison. We will consider the substitute motion first. I will support the main motion because my understanding is these negotiations have been under way for a very long time. whalen just stated that the neighborhood broke off these discussions, which were on going for some time, and they stopped. That was at the discretion of the neighborhood association. And, thirdly, we can always postpone again if there's some good reason to do so after the 18th, BUT I'M GOING TO SUPPORT A one-week postponement. With that, all in favor of the substitute motion, which would be the november 1 postponement date, say aye. Opposed, say no. That fails on a vote of 5-2 with council members riley, martinez, myself, council member spelman, mayor pro tem cole voting no. Now we will take up the main moment. All those in favor, please say aye

[chorus of ayes] opposed, say no. Then that passes on a vote of 7-0. Postponed until october 18. So, with that, we will go back to our morning agenda and take up item number 5. We do have two speakers signed up. I would like to ask a couple of questions of staff before we go to main speakers. The main reason I pulled this item off of consent is there seems to be a lot of confusion, at least in the public about what this ordinance does and doesn't do. My understanding is it has nothing to do with regulation, it merely requires a registration in accordance with the state required practice of registering water wells, and feel free to confirm that deny it or elaborate on it.

>> Okay, I'll confirm and elaborate. Assistant director of ralston water. This is a well's registration ordinance, because we have a lot of wells being drilled in the austin water service area. The state data base is where people are required to jesse to register wells with the state.

They're, let's just say, a little behind on the registration, getting them on to the system, so that's a big reason why we're doing this. Then, as explained in the resolution that you all passed, we just want to get a handle on this and know where all these wells are.

>> Okay, so it does not have anything to do with regulation.

>> It doesn't have to do with limiting, pumping or getting over into state ground water law in that kind of way.

>> That would be involved with -- that would be a state function.

>> Well, it would be really -- the ground water districts can perform that function, and before I get too far into that, probably call the attorney up to talk about that. But, we're not regulating pumping in this ordinance.

>> That's okay.

>> If that's what the question is. I don't think I need to do that. I don't, others may. Just a couple of quick questions. How does this affect what will be required of people who have wells now? Existing wells?

>> They would have to register within six months with us.

>> Mayor Leffingwell: or?

>> With the city. or they would be subject to fines?

>> That's right. potential fines. There's an item in the ordinance, I'm not sure I understand, about charging fees. Basically, an ordinance can be enacted in the future if charged fees for administration of this registration.

>> That's correct. Too that would have to come back to the council, but that's something we would like to consider because this is going to be some cost to our -- to the water utility. Rather than take it out of rates, we would like to capture it through fees or at least some of it through fees. and, so, if it has to come back to the council anyway, what's the purpose of having it in this ordinance?

>> There I might rely on the attorney. For one thing, from my standpoint, we didn't want to come back later to the council and say, o we're charging a fee and we didn't tell you about it the first time we brought the ordinance through. just advanced notice.

>> Yes, sir. but, right now, there are no fees associated with registering.

>> It would be an annual fee so we would not capture any fees for the year -- I won't say exactly when it might come back, but we would capture them annually from the time the fee was passed. and the purpose of the registration is to ensure compliance with the plumbing codes,

electric codes, make sure that business is done correctly, and also to ensure that there's not back flow into the city's water system.

>> And I can take you through what you would have to do. You would have to register with us, then we would steer you through our permit process, so you would have to get an electric permit if you're putting a pump on there, which most everybody is. Really, everybody. And, if you're hooking into the -- if you're putting any plum in with it, you have to get a plumbing permit. If you're hooking into the irrigation system that is connected to the austin water system, they then you would have to have a back flow meter where it is connected to the system. so this is not an unusually ownerrous process for --

>>s no, I don't think so. Those things I just sries described are already required, except for the registration part. We feel like there are people who are drilling these wells who are not registering or not going through the permit process. Having this registration will get them going in the permit process and we will know how many there are and get a better item about the impact on the aquifer and the water table.

>> We support that. It's a very small step but a very important step. There are a lot of things i could say but I'm just going to say way to go. Thank you very much. Let's make it 7-0. Adios.

>> Mayor Leffingwell: Thank you. Bill bunch.

>> Good afternoon, mayor, councilmembers. I'm bill bunch with save our springs alliance. We had provided a letter to you earlier just suggesting some minor changes, and i believe the amended draft addresses a few of those just small tweaks and we appreciate that. We really do appreciate the city legal, you know, taking this leadership step on this issue and council support on it. As mr. whaley said, s.o.s. Agrees with the sierra club this is an important first step to just understanding what's going on. The vast majority of our citizens who irrigate their lawns and gardens are embracing conservation. Our per capita water use continues to go down. We have a very well informed electorate and customer base for a water utility and they are shifting to native plant land escapes that are very water efficient, but we're polarized like other communities and we have a few folks going the other direction, who have the means to spend 10, 20, 30 thousand dollars to punch a well in the interest of just pumping as much as they want. And we don't have good data on what this means for our aquifer, especially in west austin. Shoal creek watershed and on the east side of lake austin. And this will start to provide us some information about that. You would think we would know everything we need to know about ground water right here in the heart of our city, but we've had a need to study it in other parts, especially south of the river in the barton springs, edwards and the truth is we don't know much about exactly what's there and how these wells are going to be affecting us and our community. So we're very happy that you are getting this information and making sure that to the extent these wells are being drilled, they are being done safely, not harming neighbors or accidentally connecting to our drinking water supply. Thank you.

>> Mayor Leffingwell: I'll entertain a motion on item 5. Councilmember tovo.

>> Tovo: Mayor, I move approval on this item.

>> Mayor Leffingwell: Motion to approve on all three readings by councilmember tovo, seconded by councilmember morrison. Further discussion?

>> Tovo: One quick comment. I want to thank staff because they worked very hard. It was a short turn-around time for a very long ordinance and I want to thank watershed protection and our legal staff because it was a good effort to come forward today with as well thought out process as we have before us and I think it's a very important process for our city to make sure that as we have -- we have seen a proliferation of wells in our city and to be sure that these are done in accordance with state law and with our local regulations and that they are -- that we are doing our responsibility to make sure the public water supply is protected. It's very important. So that's all.

>> Mayor Leffingwell: All in favor say aye? Opposed say no. Passes on a vote of 7-0. Some potentially short items that we can take up quickly. Item 30 was pulled by councilmember morrison.

>> Morrison: Thank you. To allow them to continue to operate on parkland and at that time we encouraged them to reach out and see if there were some other opportunities for sort of expanding the use there and maybe getting some concessions going. And so what I understand this is is that the youth hostel has in fact identified an organization, I think it's called epic steps, and it looks to be a really exciting partnership. And so the city obviously has to be involved because we have to identify -- we have to understand what the fees are and where they are going to go and how they are going to be managed, and so I see tara just running up right now, and basically because there are so many open issues still on the table with this, I wanted to ask the director just in a nutshell to tell us what's going on and then I'm going to suggest that we approve negotiation and ask that once things get more solidified to go to the parks board and then bring it back to us for finalization.

>> Sara hensley. That's what we're working on right now. We actually have a draft agreement, but we want to take those specific areas to the parks and recreation board which talks about what is the benefit from the concessions to the hostile to the general public and, of course, to the parkland. That's all in there, but what we'll be able to do is further define that, may it out, run it through the parks board. We're pushing for this october parks board meeting and then follow right back up with mayor and council at the first meeting in november.

>> Morrison: Okay, great, so it should all work out fine. A little transparency so folks know what's going on. I appreciate that and I want to thank the youth hostel for doing a great job and listening to what the council had to say and asking that you go out and find f opportunities. With that I move approval.

>> Mayor Leffingwell: Motion by councilmember morrison to approve number number 30 for negotiation only and return for execution. Seconded by councilmember martinez. Discussion? All in favor say aye. Opposed say no. Passes on a vote of 6-0 with councilmember spelman off the dais. 34 Has no one signed up wishing to speak. Councilmember martinez moves approval of item 34. And I will second. Discussion? Councilmember morrison.

>> Morrison: Thank you. I wonder if we could have staff up here to give us a little bit of an overview and to cut to the chase, it appears people want to cut to the chase here, I am going to make a motion to make a minor modification in the -- in the exhibit b that's included here. So I wonder, this is -- i wonder if we could have staff give us a nutshell chronology of what happened back in 2006 and 7 and what we're doing now.

>> Virginia Collier from the city of Austin planning and development review department. Back in 2007 the city was requested by the city of Bee Waves, made a request to city of Austin to release a portion of our e.t.j. There's a project, the Falcon Head West development, split half and half within Austin. It's at the very edge of Austin e.t.j.

>> Morrison: Was that land before we released it? My understanding, I was told that it was.

>> I would have to defer that to our watershed protection department, that if that applies to everything in Austin's, then that

[inaudible]

>> Morrison: So it was under s.o.s. before?

>> Sounds like yes.

>> Mayor Leffingwell: Is ?

>> It was in our e.t.j.

>> Mayor Leffingwell: And is it Barton Springs recharge or contributing zone, do you know that?

>> I believe it was little Barton and --

>> Mayor Leffingwell: Well, let's proceed under the assumption it is and you can ask your question and we'll try to find out.

>> It was in little Barton Creek and subject to -- to --

>> Morrison: We just confirmed it was --

>> Mayor Leffingwell: It was subject to s.o.s.

>> I can find out the answer for certain, but I believe it's probably contributing zone. Out in that area it very unlikely to be recharge zone.

>> Morrison: Okay, so it is subject to s.o.s.

>> That's my understanding. I'm not familiar with the original case, but it would -- if it was contributing zone, it would have been subject to s.o.s. Prior to it leaving our jurisdiction.

>> Morrison: And though it may or may not have been variance when we released it, it was a unanimous vote of council, and as I understand it, the environmental protections that were put into the agreement were equal to what would be s.o.s.

>> That's our typical standard.

>> Morrison: That's the standard. So I think that's all good and what we're doing now is just changing who actually -- we're maintaining the environmental standard and we're, as I understand it, changing who can control it.

>> That's correct. The obligations remain the same.

>> Morrison: Right. So the only thing I wanted to mention is that it's all done through a restrictive covenant, and the restrictive covenant is -- is on the land so it's going to be signed by the homeowners association, they are restricting the land, and it has the environmental protections in it. But it can be modified and there are constraints on who has to approve it if it's modified, and that's in section -- exhibit b, section 3, and to modify it it only requires -- it requires 50% of the members of the city council of austin, 50% of the members of the council of the city of bee cave, and the owners of at least 50% of the gross land area of the bee cave release area. The reason I bring this up is because we have -- when , the standard is a super majority of council to modify it. So what I want to do, what I'd like to propose is that we change that modification constraint and say that with regard to a, the council of the city of austin, at least a super majority, and I'm not sure if that's 75% or 66%, would be --

>> Mayor Leffingwell: 75.

>> Morrison: 75? That 75% of the council of the city of austin would be required to approve it because I feel that that's another element of s.o.s. Protection and I hate to see us releasing land to another jurisdiction that is no , but weakening it to some degree. I feel like this would ensure we have the same standards on the plan. So that's my -- I guess i will make a -- propose an amendment to the motion and that is that we change exhibit b, number 3 a to say that at least 75% of the members of the council of the city of austin have to approve it for modification. So is that a friendly amendment? Councilmember? Thank you.

>> Mayor Leffingwell: There was a second. Oh, I was. So I got a question I guess from the attorney. About the substance that has already been released, and could it be exempted from s.o.s. Requirements by the two bodies voting 50% or does that pertain to something else? It seems unlikely to me that that could happen, but i want to make sure.

>> Jill williams, assistant city attorney. I'm not exactly sure -- i mean if your question is can we make this change, yes, you can. Obviously it wasn't that way before, but you can do it now if you choose.

>> Mayor Leffingwell: So it could have been, it could have been in the existing agreement modified by 50% of the council and 50% of the -- the other body --

>> you could have structured it that way.

>> Mayor Leffingwell: Allow 80% impervious cover. Could have been.

>> Could have been, yes.

>> Mayor Leffingwell: All right. So we have a motion on the table that was a friendly amendment to require a super majority, 75% of the austin city council to modify the agreement. All in favor. Opposed say no. Passes on a vote of 7-0. 67 Was pulled by councilmember spelman. There is one speaker. will McCloud.

>> Good afternoon, council. will McCloud here again. I am against authorization of -- negotiation and execution of interlocal agreement with the capital metro transit authority to seek a federal grant from the -- in the amount of \$4 million. I did read the article when you all were in executive session concerning this, and you yourself, mayor, and june said you would not be putting urban rail on the ballot. You would oversee funding be put on the ballot for the voter. I don't see it on the ballot for november. No, I don't. I see it over here as a -- looks like an action item on number 67. Now, let me tell you why I'm against light rail or rail of any form, including urban rail. Urban rail costs too much and does too little. Every time we have rail we have a cut in bus service. You always come back to us saying we need more money because we cannot afford our buses. We need more fare hikes. I have been through many capital metro meetings. Two councilmembers can confirm that. All the time. If there's a problem with the services, I think it's because y'all spend the money on rail. You know what I'd like to see instead of this? I would like to see capital metro transit authority abolished. I would like to see that go to the polls. I would like to set up a petition to abolish capital metro metropolitan transit authority and have the city, the citizens decide to pick what transportation agency and how they want it run. \$4 Million is a lot of money and it affects our bottom line. We can't afford -- we can't afford to fix our streets and sidewalks. Well, here's the money right here. It's going towards a choo-choo train that nobody wants to ride. How many are on the leander line? Not many. So why are we spending money when we can widen i-35. I can't tell you the many times I was in san antonio and I can't be here on time because I'm stuck on 35 traffic. I think that's more important. We've got our priorities mixed up and we need to have our priorities straight and that is to vote against urban rail. Urban rail is just bad. Bad for the citizens, bad for the economy, bad for the taxpayers. Thank you very much.

>> Mayor Leffingwell: Okay. Councilmember spelman.

>> Spelman: I asked a stiller on this and he told me he would have an answer on thursday and I bet he's got one.

>> Yes, sir, thank you, councilmember. Robert stiller, director of transportation. I think the question that you are referring to is could you -- could i elaborate on the distribution of how these funds are to be used.

>> Spelman: Yes, this \$4 million is split among several different categories. How much will each of the categories get?

>> The \$4 million, remember, are the federal funds that come through capital metro to be matched with an additional million dollars of city funds to make a total of \$5 million. Pursuit of those funds was first approved by council in June 23, 2011 and then the local funds that will be used as the match were approved as part of the f.y. 13 Budget. There are four major areas where those funds will be spent. To reengage the public through the alternatives analysis, so restart the alternatives analysis. That represents 4% of the funds or \$205,000. That already matched with approximately \$224,000 that have already been obligated for that purpose but held in anticipation of receiving these federal funds. The other area is mepa, the continuation of the environmental process. That represents deployment of about 22% of the funds or a little over a million dollars. Advanced conceptual engineering, again to continue the specification of the physical description, if you will, of the proposed investment, represent about 24% or 1.175 million. Preliminary engineering assuming that we get through the environmental process and get some early indications from the federal transit administration that they are interested in continuing this discussion about a potential investment. Those funds would represent about 48% of these funds for amount of 2,398,000. Those four specific technical areas subtotal to about \$4.8 million. On top of that there's about \$122,000 administration fee or roughly 2% of the overall grant that the fiscal agent, in this case capital metro, would use to monitor the contract and make sure that the coordination between us and the federal transit administration is on track, sir.

>> Spelman: So fundamentally what's going on here is we've decided -- we haven't decided which alternative we like best. We still have to engage the public much but most of this money is going for getting through the -- completing the nis, getting through advanced conceptual engineering. What's the difference between advanced and preliminary?

>> Will with, advanced conceptual engineering will continue to support the environmental and alternatives analysis so that may be at a very shallow level of engineering but enough to answer the questions. Once we settle on what's called a locally preferred alternative, which this body, of course, would have the first bite at, if you will, to recommend to campo what that locally preferred alternative that the proposed investment, then we would delve much deeper into the engineering which would be the preliminary engineering. Those are federal firms so they found -

>> Spelman: Let me cut this in a slightly different way. About 50% of the total would be spent on the federal alternatives analysis need for conceptual engineering which can be rolled up into the locally preferred alternative. Here's what we want and roughly where we want it. The other half of it would be spent on preliminary engineering associated with how exactly are we going to build it along this route in this particular way.

>> Yes, sir, and really those lighter fund would be used to answer remaining questions that fta might have to generate the desire on their part to join us in this investment.

>> Spelman: Basically making it real, making it clearly feasible from the point of view so they are much more likely to buy in.

>> Yes, sir.

>> Spelman: It occurred to me looking at all this that two of our number know a lot what you are talking about because we've been going to these transit meetings seems like every Friday for seems like years, and five of the councilmembers have not had the benefit of all of those meetings and all of that discussion. It might be a good idea for you and your staff to brief the rest of us as to what we've accomplished up to this point and what -- what we knew up to the point where we decided another \$5 million of [inaudible] money would be helpful to move forward with.

>> I would be very happy to do that as soon as we can get it on the agenda.

>> Spelman: Thank you very much. Mayor, I move approval.

>> Mayor Leffingwell: Councilmember Spelman moves approval. I'll second. Councilmember Riley.

>> Riley: We've been working on urban rail for some time now and we have put some effort into working with consultants on plans. I've had some questions about what work is still ongoing and how that work will relate to what's on the table now. In particular there's been a question about a contract with Austin Urban Rail Partners for an Austin Urban Rail Engineering Study, and evidently there is some money remaining on that contract [inaudible] I understand it's something like \$300,000. Could you elaborate on that?

>> Yes, sir. Austin Urban Rail's partners were engaged at the very early phases of the city's effort on this project. When we are potentially going to -- what I would call an early vote on the decision. And in that case we were not contemplating federal funding. They've actually produced a number of documents, mostly again that early engineering conceptual engineering on pieces of the route that we were fairly confident on

[inaudible] working on understanding the utilities and [inaudible] understanding the issues perhaps getting across the lake, talking the full corridor. There is a little funding left. As we move into an environment where we have federal funding, of course we have to abide by federal contracting rules. When we started the environmental process, we did hire that contractor. Through federal contracting rules, but unfortunately partnering with the rail partners [inaudible] procurement process. So we're not able to use federal funds on that contract. Given that, there is some little bit of work that is remaining that we are in negotiations with them to pick up in lieu of other scopes that we will not get to. So there is a small amount of money if they will be able to be deployed on that is local money in a is not related to the project.

[Inaudible] they've also supplied assistance in tapping into stakeholders to date in terms of getting opinions on issues related to concerns that are supporting the overall process. So there's a little bit of

[inaudible]

>> Riley: I see. Okay. Then just to build on some questions Councilmember Spelman was asking. Some of the work contemplated by this project would be -- would be focused on alternative

analysis, and other parts would actually be focusing on the details related to [inaudible] route. Can you give us a sense of how much -- what is that breakdown in terms of -- for the folks out there concerned about spending money on a specific route while there's still some question about what that route will be, can you provide -- shed any light on that question about where this money is going to go?

>> Yes, sir. As I said, about -- out of this grant, there's about 4% or \$205,000 that will go to be combined with another little over \$224,000 that is committed to restarting the alternative analysis and discussing how we best meet the purpose and need of the study as we go forward. We've been working with project connect, our regional partners, to better define how urban rail as a proposed investment might fit within a regional system and have continued to believe that it is important to serve the four major activity centers, downtown, , and then the mueller redevelopment area. Within their serve there are a number of route alternative that still need to be evaluated. In the early discussions we talked about parallel couplet on 17 and 18 street. Maybe stay on 17th street and maybe make that in terms of investment. We know there are other alternatives that may be recommended or suggested and certainly we'll look at those [inaudible]. The real strength in this is to really reengage the public in a discussion. We've been at this for probably six-plus years just on this series of connections and this is a continuation of the process.

>> Riley: And that engagement with the public will allow for continued discussion what exactly the optimal route would be.

>> Yes, sir, I believe that.

>> Riley: Okay. Thanks.

>> Mayor Leffingwell: All in favor of the motion say aye. Opposed say no. Passes on a vote of 6-0 with councilmember tovo off the dais. Skip to -- without objection, to item 76 which I have questions of staff on this. Minor questions. It has to do with -- is there anyone here that can address questions about a review process for potential real estate sales on city-owned land? Since we don't have staff here to address the question -- okay. Here we go. So this resolution describes an enhanced process, and I thought maybe it would be useful to discuss what you do now very briefly.

>> Lorraine riser. The current process is we identify a piece of land to be sold either by a client department who no longer needs the property or by somebody outside who want to purchase the property. We then -- once we decide that we want to go ahead and put it on the market, we contact housing based on a resolution passed by council many years ago to see if this land could be used for affordable housing. If housing says this is not an appropriate site, then real estate sends out a letter to all the city departments to see if there's any city use that could be used for. And when we do that, that's assuming that that city's department is in touch with whatever boards, commissions, whatever they need to touch to let us know if there's any use for the property. Once we get that information back, if there's any uses, let's say we need a drainage easement on the property or we may need electrical line this the future, then we would reserve that in the proposal.

>> Mayor Leffingwell: Can you tell me how this resolution would change the way you perceive it what you do now.

>> The main difference is putting in the community component of it. We have done that on some other properties and taken it out to the community and we've been told on one that we had done that they wanted, like an ice cream shop on there or they may want a beauty shop or a grocery store. And the issue with that is their desires may not -- may conflict with the zoning.

>> Mayor Leffingwell: But that decision, that's discretionary on your part right now too.

>> Right. Right. And so then what we do is we get the property appraised, any environmental work, survey work, and we draft all the documents and then we do a request for proposal. Once we do a request for proposal or an invitation for bid, if it's money only, then we put it out. Once we put it out, we advertise in the paper, we advertise through various real estate brokerage websites. We put it in the paper and we put signs on the property. We usually keep it out at least 50 days. Then we get the bids in, and during that 50 days we don't discuss it because the law says we have to sell this property through sealed bid or through an auction. So during that sealed bid time, we have to answer the question the same way to every person. So anybody who has any questions about the site, we have them submit it to us and then we put the answers on our website so everybody has the same information all the time. Then we certify -- we have law meet with us in the client department and we open the bids and certify whether it was in compliance or not and then look at the winning bid and bring it to council.

>> Mayor Leffingwell: Okay. Thank you. Councilmember morrison.

>> Morrison: Thanks, i appreciate that and I know the work that you've been doing lately has been great. Part of this came up -- became visible to me when we had a situation not too long ago where somebody came and said, hey, I would like to buy some property and we were sort of going forward with our normal procedure and it was in a really critical area for long-term growth and there was a neighborhood plan and a very active neighborhood plan team and things had been changing a lot in the area. And so that was where it was a flag for me that it would make sense to reevaluate the vision of the community and see how it fits into the neighborhood plan, so that's one example I think it would be great if we can capture that because I don't think it's fair for us to leave it up to staff, you know, to go through that and know what the vision of the neighborhood is. It's not like we're looking for anything cumbersome here, just a little more transparency, especially in the case where we have someone contact us and say, hey, I'd like to buy this piece of land. I think we can get some good improvement in our prosecutor estancia. Estancia. escarpment. "-- improvements in our process.

>> The question I have so i get neighbor input and it conflict, do I decide --

>> Mayor Leffingwell: This is only a resolution to develop the process. We're not doing it right now. Motion by councilmember martinez to approve. Seconded by councilmember morrison. All in favor say aye. Opposed say no. Passes on a vote of 7-0. So that brings us to item number 21 and we have several speakers. First speaker is roy whaley. Several speakers signed up against. Roy whaley does not wish to speak so we'll go to bill bunch. Roy whaley, three minutes.

>> Thank you very much. My name is roy whaley. I am vice chair of the austin sierra club. And we certainly hope that you will not vote to settle this lawsuit today. I know that some of the concerns that I have heard is that we're not going to get a good deal at tceq. Guess what, we don't expect to get a good deal at tceq. But we do expect to go to the administrative law judge and have science on our side. And this will be a case about science. And the case is based on science and science that you can trust and in fact it's science that you trust every day because it is city of austin science. Coming from nico howard and ed peacock and the consultant on the case is dr. lauren ross. And this is science that we use every day here in the city of austin. This will be based on science at the administrative law level. They -- by the way, they had three teams that spent eight days in the fields researching the site itself. And they can tell us that from that jeremiah site to barton springs is a three to four-day journey. So it's -- it's just pock marked with critical environmental features out there. So the concern is that we'll get an unfavorable opinion from tceq. Well, that's not the end of the road. Then we go to the third court of appeals. And the most recent case of tceq being overturned was just in july of this year when the -- the homeowners association of the heritage on san gabrielle out in hutto took exceptions to tceq permitting the landfill out there. And they took that to the administrative law judge -- or they took it to the third court of appeals, and third court of appeals reversed tceq's ruling. So we will have that same science on our side in this case so that when we do get to that step then we will win. The city of austin will win. We've already put all of this time and effort into researching this and the untold hours that the legal department has spent on this. So we need to go ahead and see this through to the end. Let's not compromise at this point. Let go all the way through, let win this case. It sets a horrible precedent. It will be the first time that this sort of effluent will be pumped directly on to the recharge zone.

[Buzzer sounding] and you are going to hear more about what has happened on the contributing zone --

>> Mayor Leffingwell: Okay. Thank you, mr. whaley. Next speaker is bill bunch. Who is now signed up against. And donating time is adam abram. Is adam here? Okay. Roger baker? Roger baker? I don't see roger baker so you have six minutes.

>> Yes, your honor. ic barder had to leave, keller man would like to --

>> Mayor Leffingwell: Dick kellerman donating time.

>> Could we at least have staff summarize and lay out the proposed settlement so the community knows what we're talking about so i don't have to use my very limited time telling you what the settlement says and why it's inadequate?

>> Mayor Leffingwell: Yes.

>> Thank you.

>> Good afternoon, mayor, mayor pro tem, councilmembers. I'm an assistant city attorney in the law department. I'm here presenting the settlement proposal for your vote in the application jeremiah venture for a new permit. The proposed settlement agreement contains the following

terms. One, the developer agrees to plan to control pesticide applications on the property. 2, The developer agrees to allow the developer so perform dye tracings. 3, The developer agrees to exclude use of residential lawn areas towards total acreage available for land application resulting in a less concentration overall. And finally the developer agrees if monitoring wells demonstrate that nutrients are making their way through the soils, then remediation plan will commence which requires the developer to lower application rates 5-acre feet in the triggering application field until monitoring will demonstrate nutrients are no longer making their way through the soil. In exchange the city would withdraw their protest of the tceq draft permit.

>> Mayor Leffingwell: Thank you. Mr. bunch. With nine minutes.

>> My clock says 7:15. Thank you.

>> Mayor Leffingwell: We go by my clock.

>> Thank you. Mayor, mayor pro tem, members of council, I'm bill bunch. I'm executive director and attorney for save our springs alliance. We've enjoyed a very about partnership with the city in opposing this wastewater permit application before the tceq since all the way back in 2007. That continued until just a few months ago when we got wind of staff negotiating without us a potential settlement which you just heard a summary of and which I believe excluded some very critical points that you should consider. We sought to get a copy of this draft settlement agreement which we were told about not last friday but the friday before and were assured we would have that, but we got it just this morning. And it's pretty lengthy and detailed. If you only just saw it in executive session, I hope at minimum you will take some additional time to understand it before you vote for it. The background here is that currently there are absolutely no permits irrigating wastewater on the recharge zone of the edwards aquifer. Not just in the barton springs segment but in the entire region. Southern edwards as well. And there's a really good reason for that. And that is because the tceq rules set up incredibly high legal bar that says you can't add any pollution to the aquifer. You have to demonstrate that. And that standard simply can't be met with the science that we have and with the proposal that's before you. So most people don't even try. They haven't even tried for years to get a permit like this. The ones that existed years ago polluted the aquifer. At travis country and shady hollow. And we had to take them off line and put them on our central system. That's not a remedy that's readily available if we make a big mistake here on this one. So we have an incredibly strong legal case, scientific case, the best scientists on this issue, nico howard are on your staff. They've lined the out. If you could put that first picture up. They've done incredibly detailed report. Dr. howard, on the site. Just to cover for you with his professional stamp. If you could put the next picture up. To illustrate one issue about this site that should crystalize this for you. If you look at the top, you don't see any significant recharge feature. There's a little tiny hole. They start digging it up. And lo and behold there's a big cave under there. Your staff did not have adequate time and it's what this report says to study the whole site. They need a whole lot more time to study the whole site. The survey that was done was not up to full procedures of tceq. Nevertheless, they found over 100 recharge features, caves, big sinkholes like this, and a lot of stuff that looked insignificant, but if you have the time, you take the time to see them and ino carrierringconnect 57600 withdraw your opposition. It doesn't say that. It says you go in the hearing and you tell them you support issuing the permit. That's important. It does not lower the irrigation rate, as I said, it

allows irrigation directly on the recharge zone. It doesn't require doing the surveys to even identify all the recharge features. It doesn't address the science that's crystal clear howard's research that up to 28 to 30% of rainfall recharges directly, diffusely, not through big holes but through these features that don't really show much expression on the aquifer. This is pollution disaster waiting to happen and we already have too much nitrogen and other nutrients in the aquifer. Once this is built, you can't take it back. The monitoring scheme in the settlement proposal won't help us on that one bit. There's also some fluff language in the settlement that talks about higher treatment capacity of a membrane facility. That's nonbinding. It says they will build a facility that has that capacity, but it doesn't say they discharge to those standards. It says best efforts. There's some other fluff in there. And then finally a really critical part of the settlement actually violates an agreement that we have with the city. We entered a joint defense agreement with the city in february of 2009 that required that even if the city settled, they would continue to make their witnesses available to help us and to participate in the hearing. And if you look at the top of page 7 of the draft settlement agreement, it specifically says that the city shall not provide expert testimony, consulting or resources to essentially s.o.s. to continue. So the way I see that, that's a direct conflict to the agreement we have with the city that even if they settle, your experts are going to continue to be available to us to testify in this hearing. So please don't do this. Good taxpayer dollars are paying for the best science we have on the edwards aquifer. That science needs to be made available to the state agencies, to the courts, if necessary, to protect barton springs for ourselves and for the future generations. If you have any questions, i'd be happy to try to answer them.

>> Cole: Mayor, I have a couple questions. Bill, I would like to use this time to make sure that I understand not only the science but also the not science even though it might actually be science but in nonscientific terms. You used phrases like too much nitrogen into barton springs. Tell me what that means to our community.

>> Too much nitrogen in the springs are going into the aquifer leads to algae blooms that are nuisance at the springs. It leads to dissolved oxygen levels being much lower that hurt the endangered species. Those are the main concerns about nitrogen in the springs and aquifer at these levels. If you get up a little higher you start being concerned about drinking water safety concerns.

>> Cole: So there a risk that if we don't go along and fight this and have a favorable outcome, then we could leave ourselves open for negative precedents that could have us reach the level of being concerned about drinking water?

>> Yes, it moves us in that direction. And as I mentioned, the usgs studies and the city's own studies that came out just in 2011, that's where they sounded the alarm bells about nitrogen going up this the aquifer and the springs.

>> Cole: Okay. Thank you.

>> Mayor Leffingwell: Just to be clear, there's no city of austin drinking water involved. There are about 50,000 well customers out there, but they are not a part of the city.

>> Yes, your honor, that's correct. There are drinking water wells immediately adjacent to this tract.

>> Mayor Leffingwell: Okay. All right. Next speaker is mary gay maxwell. You have three minutes.

>> Good afternoon, mayor and councilmembers. I'm mayor gay maximum well, chair of the environmental board for the city of austin. I don't come down here very often, as you know, but I'm here today because I think it's extremely important. I just passed out to you a resolution passed by the BOARD ON SEPTEMBER 27th, And it very explicit. I would like to go through it with you because the points are the essential points, I think. So we recommended that the council continue continue the contested case hearing that's scheduled in november, and the reason is that the city of austin staff says that the application rate is excessive again even geological conditions. It also says that jeremiah ventures' first major application of effluent on the recharge zone, and also there is a direct connection between the up land areas where the effluent is proposed for application and the underlying aquifer. Onion creek bisects the property several times. Onion creek has the most influence on the recharge of the aquifer because ofity large watershed. I'd like to add that I spent a lot of time on the tract that's adjacent to this tract that used to be the rutherford ranch, and it's water quality protection land, and I did training out there as a citizen volunteer for volunteers to work with the -- replanting and revegetation on the land at rutherford, and in the process we were given a tour and we actually walked the property on the rutherford. And there were the kind of holes that bill bunch just mentioned to you that became caves as they dug in there. That land is adjacent to jeremiah ventures. I just want to say that I've seen that myself and it's really distressing to think that we would get effluent placed on top of that kind of land. The next one is the currently settlement agreement between jeremiah ventures and the aquifer district, lera and hays county may not be sufficient to protect the aquifer from pollutants such as nitrogen phosphorous. The city of austin has made substantial investment, \$30 million, in the water protection land in this part of the county for purpose of protecting the water quality in the barton springs edwards aquifer. That's something that's really dear to my heart because that's where I spend a lot of time is on the water quality protection lands and they are set aside for protection of the aquifer.

[Buzzer sounding] I don't have to say anything else, you all can read the rest, but I just wanted to put this on the record because it's really important that we not go forward with this. Thank you.

>> Mayor Leffingwell: Thank you. Those are all the speakers that we have signed up to speak on this item. So council, I'll entertain a motion. Mayor pro tem.

>> Cole: Mayor, I'm going to move to deny the settlement and for staff to continue with the litigation.

>> Mayor Leffingwell: Motion by the mayor pro tem to disapprove, seconded by councilmember spelman.

>> Cole: Mayor, I'll add --

>> Mayor Leffingwell: Mayor pro tem cole cole I'll add that I think that staff has done a wonderful job thus for working the stake holds and bringing this issue to our attention and that I hope they will continue to do that, but the risk at stake of establishing bad precedent if we do not continue are too great.

>> Mayor Leffingwell: All in favor say aye. Opposed say no. Passes on a vote of 7-0. That brings us to item number 12. For this is pulled by councilmember martinez and there are a number of speakers signed up. Martinez I just pulled this for a time certain to allow the speakers' comments.

>> Mayor Leffingwell: First speaker is michael cunningham. Okay, chris willett. Gilbert garcia. He's going to go over the top here. Aaron johnson. Is here. Donating time is kaitlin bony. Kaitlin, all right. And you also have time donated by michael cunningham, chris willett and gilbert garcia. However, the max is 15 minutes so you have 15 minutes.

>> Thank you, mayor, councilmembers. We appreciate your consideration of this matter. This is the matter of the prevailing wage disputes that are currently pending before the city. We're awaiting initial determinations on a number of prevailing wage complaints by construction workers on city projects. We know that the city council elected officials of this city take the wage laws very seriously. We know this because the city has multiple full-time employees on its wage compliance team within the contract management department whose sole job is to enforce these wage laws. And I believe we're expected to hear some testimony from miss truelove, director of contract management department, about all the effort that cmd takes to enforce these wage laws, prevailing wage laws at the beginning of city instruction projects and during the construction projects. The reason we're here today is not to complain about the recommendations, or not just to complain about the recommendations that cmd is making to the city council on the present cases but rather we are alarmed about some systemic problems we're seeing within the contract management department. When they get complaints from workers they are not receiving the prevailing wages required by state law, that they are conducting investigations in such a way as to set a standard, an evidentiary standard that workers will never meet and it's designed to ensure that no complaint goes forward that cmd recommends to the city council to find that there's never any good cause on any complaint that workers make when workers come forward and bring these complaints at least after contract have been completed. In the present cases we have worked -- we've had plenty of conversations with cmd staff and I have a letter here from frank mays of the contract management department and he explains, and I'm quoting, the importance of timely notice and knowledge in enforcement of the wage rate statute cannot be overemphasized. The city has ability to withhold fund however, when the city no longer hold any project funds, its ability to enforce the statute is extremely limited. This corroborates exactly the problem that we have seen and that I've heard from a number of others who have helped workers bring complaints we're seeing that once the contract is completed and the city can no longer withhold any funds from the prime contractor, we are hearing from cmd that there's not much they can do to help us. All we are asking for as we're representing these workers is that the city look at the evidence the workers have brought forward and make a very preliminary initial determination whether there's any evidence, any good cause --

[buzzer sounding] -- to support the workers' claims.

>> Mayor Leffingwell: Did you have the timer set for 15 minutes?

>> Thank you. What we're seeing is a general hostility from cmd toward these claims as least when they are brought after projects are complete. I want to take the present cases, there are five cases before city council right now this this item agenda. I'm the attorney representing the workers on two of these projects. And I just want to use my workers' cases to show you what cmd is doing and why we're complaining there is a systemic problem that need to be reformed. When we met with -- when my clients, worker clients brought their claims, they provided ample evidence, overwhelming evidence to cmd that there were violations on this project. Now, cmd's job, the city's role in a revealing wage complaint under state law, is to make an initial material nation. It a gate keeping function. -- Initial determination. The closest analogy is in criminal law if the police want to arrest you or to search your house, they have to have probable cause to get a warrant to do that. They don't have to prove their case. That comes down the road. They have to have some evidence, more than mere speculation, some evidence of a crime before they can get that work. And that's what this initial determination is like. You have to have some good cause. The procedure that the state law sets up leading to the final adjudication of the wage complaint for a later face where the workers and contractors go to arbitration if they can't settle the matter, but the city is supposed to make a quick, initial determination within 31 days whether there's some evidence, good cause violations occurred. However, what cmd explained they couldn't find there was any good cause for my workers because here's the standard, the degree of proof they were asking for. They said we have to be completing convinced beyond any shadow of a doubt of the violations that you are complaining of. And we had provided cmd with ample evidence there were violations and they disregarded all of that evidence. Let me explain what that evidence was. To start with my workers provided sworn testimony regarding their claims. Cmd told us that's garbage, we don't care what the workers say, their testimony doesn't mean anything because anybody can say anybody. My workers happened to have pay stubs in their possessions that showed that the certified payroll reports that the subcontractor they worked for on which the cmd was relying to reject their claims were inaccurate. They didn't match. They showed they were falsified. But cmd rejected that evidence. They just disregarded that evidence also. But here's the kicker. Cmd said we have to have -- we have to be completely convinced beyond a shadow of a doubt that these violations occurred and that essentially they couldn't provide us with any examples of evidence that would meet that standard. They said, well, you know, we can't see -- the issue in these cases is always whether the workers were properly classified under the prevailing wage scales, under the right jobs. And contractors on these projects, they don't just blatantly violate the law by turning in payroll reports which they are required to keep showing, well, this person was doing this job and I paid him less than than the required rate. The dispute is over whether they have classified workers correctly. In this very case, on one of the projects that my workers are complaining about, cmd had previously while the project was ongoing received complaints, prevailing wage complaints and they found that several of the subcontractors on the job were not paying the prevailing wage. And they particularly found that the subcontractor that my workers worked for were not paying the right prevailing wage. Particularly they found that this particular subcontractor, which was installing the hvac, the air many is, was classifying workers all as hvac next instead of sheet metal workers which would have been the proper higher paid job for these workers. They were installing sheet metal air conditioning ducts. And we're seeing across the state problems with sheet metal workers, pipefitters, insulators who all have a decent prevailing wage set by law and contractors trying to classify them all as the lowest paid

hvac mechanic classification. And cmd did investigation and watched with their own eyes these workers sheet metal work and looked at the record and said you are paying them as hvac mechanics, that's incorrect, and they required the subcontractor pay them at the sheet metal rate. That was while the project was ongoing. When my workers came and made a complaint after the contract was completed, they told us no, we can't find any good cause. Even though when we got the certified payroll reports for the rest of the job after their investigation had been completed, it showed that they paid almost all of their workers information almost all of thundershower hours at that lower paid hvac mechanics rate. And cmd told us, they said you haven't proven your case -- you haven't proofed your case beyond a shadow of a doubt because theoretically it could be that all of the sheet metal work, the higher paid work, was done back before we did our investigation and after we did our investigation the rest of that job, it was all the lower paid hvac mechanic rate. That's theoretically possible, right? In real life, no, that's not possible, but it shows exactly this incredibly this impossible standard of proof they were hold us us to. What they've done, they've rigged the system against the worker so no worker who brings these complaints is ever gooding to have enough evidence to find a finding of good cause. I have provided -- I've sent a letter detailing the fact of this case to assistant city attorney cindy crosby. I've asked she circulate it to each of the members. I don't know if you've received that. That lays out the facts of this case. I think you have ample evidence to pass a resolution today just making the initial determination there is good cause that violations occurred in the present case, but more importantly we need some initial determination, we need the city to act just so these workers can move forward. They can't continue with their case until you make some anymore determination. Good cause or no good cause. -- Initial determination. More importantly, we're urging council to consider is systemic problems with cmd that we have at least an appearance that they are co-opted by the contractors they are supposed to be regulating and that they are killing every wage complaint that comes to them at least in the context of complaints coming after the contract is completed. We want to urge the council to consider a resolution at a future meeting that we can - where we can craft a plan to review, audit cmd's investigative process in order to propose some reforms, some corrections for the problems that we're seeing here. Thank you.

>> Mayor Leffingwell: Thank you. Next speaker is philip lahon. Philip lahon. You have three minute.

>> Good evening, mayor and councilmembers. My name is philip lahon, i represent the. The -- represent the ibew, electricians here in austin. I would like to ask that city council have cmd strengthen their investigation procedures when it comes to prevailing wage complaints when they are made. We also ask that the public body awarding these projects give an initial determination in a timely manner that is required by the state statute so that we can move on with these wage complaints. We also ask that the cmd shift their proof of standards from the employees to the contractors when it comes to these investigations. And we would also ask that the city require not only to keep certified payroll but also have the contractor submit it on a monthly basis on these projects and that it be available during investigations to the public for their viewing as well. Thank you.

>> We feel that the initial determination and findings of cmb are insufficient in the process that cmd has gone through in order to make the findings has fallen short of what is actually needed to discover wage violations that are going on in the job. We do want to recognize and thank you, all

of the work that council and cmd does in order to enforce these prevailing wage statues, however, we recognize that it is very challenging, given limited resources, staff, and dealing with a very unregulated industry. Over half of construction workers in austin are paid with cash under the table and with personal checks source that means that often times there isn't certified payroll and there aren't pay stubs to be submitted during an investigation process, so we feel it is very important for the investigative process to take the personal testimonies and statements from the workers, from witnesses, any other evidence that can be used to substantiate the claims and not be taken into consideration for the findings for wage violations. We've worked tirelessly with many of these workers to figure out the wages that are owed but because they never got paid with -- they never bought pay stubs, it was very challenging to do so. So, we had a personal experience with the texas department of transportation. They worked on the building with the same contractor and we were very impressed with the process of the texas facility commission, used to determine the violation of these wages. We made the claim, within two weeks we were in the office of the texas facilities commission, was doing interviews, and, within two weeks after that, we had a check for \$65,000 in back wages for prevailing wages for these workers. So, texas department of transportation and its facilities commission have codified a lot of their processes and we feel it is a great start so we can work together to improve this process. Thank you very much.

>>Mayor leffingwell: thank you. Barbara grove. Following barbara is michael murphy. mayor, members of the council, I'm from saint david's episcopal church. I would like to applaud the city of extent for a prevailing wage guideline for projects by the city. Projects that emerge from economic incentives. However, for these standards to work and be meaningful, they have to be enforced. We stand with the equal justice center in asking the council to enforce the prevailing wage standard. Thank you very much.

>>Mayor leffingwell: thank you. Michael murphy. Following michael murphy on the other side will be craig wright.

>> My name is michael murphy, and I'm the attorney that represents some of the complaintants on the arch john and on the austin community college center job and also on the african-american cultural and her stand heritage facility in the words of the attorney general, the statutes is a convoluted statute so it is kind of hard to sort your way through it, so as quickly as I can, I just wanted to lay out how it's supposed to work. When a worker makes a complaint, the public body has 31 days to make an initial determination on that complaint. Now, that's just an initial determination. It's not a final determination, it's just as aaron said earlier, it's just, is there good cause to believe that a violation of the statute has occurred. And, the significance of a good cause finding is if the job is still under way or if there is retainage that's still being withheld, the public body is to withhold pages to the contractor -- payments to the contractor pending this claim. If, on the other hand, no good cause is found, the public body does not withholds, except for the final payment. If the workers disagree with that determination, they have a 15-day period to work out a settlement with the contractor. If they don't work out a settlement within those 15 days, they have to settle on an arbitrator. If they don't agree on an arbitrator in seven days, either party can petition the court to pick an arbitrator who will make the final determination. That is not the city's job, that is the arbitrator's job. If the arbitrator finds for the employees, they will assess a \$60 per person per day penalty in addition to whatever back wages are owed and that

money can be paid by the money being held by the city. So, it's important, as I laid out how this works, is we get some determination. The statute gives the public body 31 days to make that determination. The complaint was filed on august 1 so we're well beyond that time, and the wording of the language is mandatory language. It is shall, not when they will, but they have 31 days to do it. In this case, that didn't happen. When I first filed a complaint on behalf of the workers, we offered to make the workers available for interview. Four more times through the course of the -- since august 1 until now, I had offered those workers for interviews. The city never showed any interest in interviewing. Am I out of time here? you're out of time.

>> My experience is completely consistent with what aaron described to you.

>> Okay. Craig wright.

>> Thank you mayor. I represent the texas carpenter's union, here local 166. These contractors that break the law, it is fraud, payroll fraud not only on the prevailing wage stance but the misclassification of workers as independent contractors verses employees, and that's intentionally paying workers through 1099 forms or cash payment, which we've seen on multiple projects here in austin, texas. The particular, the greer building, we were there as a carpenter's union and held demonstrations to alert the public through the actions this particular contractor taking on that building. I'm glad to see the guys got together and are being reimbursed for that hard work. We're losing millions in tax revenues for city, schools and roads and it is a very seriousish, I hope whatever determination you make today helps strengthen that, so i would like to see, you know, our issues are we would like to see more enforcement of the policies you have for the city. If there is a misclassification you find has happened, I would ask you that, you know, we have something that says, hey, if you're going to commit this fraudulent activity on city projects, you no longer are able to bid on a project. And thank you for your time.

>> Thank you. Jose juan martinez.

>> Mayor and council members, my name is jose martinez and I used to be the foreman for this company, and I'm here, invited by this crew of guys, as witness before you that these guys are seeking justice and they are saying the truth. They work in every place they mention on those documents, i guess that you have in your hand, and I'm available for interview or to give information if you need some more information about this case, and I'm -- justice is in your hands, make good use of it. Thank you.

>> Thank you.

>> I am here because I know that I'm owed money. And I don't want neigh doesn't belong to me. But, I do want to fight for my right and for what I'm owed. And so that these cases don't happen in the future and they don't continue to occur. That's it, thank you.

>>Mayor leffingwell: thank you. Able martinez.

>> Good afternoon. My name is able martinez. And I am here for the same reason, to stand up for my rights because I worked and i was not paid. And I'm here to animate and encourage the rest of my co-workers and to stand up for them, as well.

[Speaking spanish] and I worked for the company, and never once was I ever interviewed to determine whether or not the allegation and the complaint that I made was correct.

[Speaking spanish] we filed this complaint almost three months ago, and it wasn't until two days ago that somebody from the city finally came to interview me.

[Speaking spanish] and I am here because I'm standing up for my rights and I'm not asking for anything that isn't already mine. Thank you very much.

>>Mayor leffingwell: thank you. That's all the speakers we have signed up that wish to speak.

>> Mayor? council member martinez.

>>Martinez: thank you, mayor. I will try to be brief. There are important issues. My staff and I met with valentine and emily and so many others, including our staff this week, and there are a lot of issues here but we are really in a tough spot today as council because we've been told about this process that doesn't seem to have the teeth, if you will, or have the enforcement mechanisms that some of these folks would like to see, but forecast we vote this down based on that, it doesn't give them good cause to take that next step to go to arbitration, which would allow them to try to recoup some of their wages they're claim having not been paid to them. So, in the end, I will make a motion to approve this item for that sole reason along, they need this. They need these good findings by the council. But staff and I did talk about this and we did meet, and there are a lot of ways we can improve this, and I'm fully confident that cmd understands that and they're willing to help us do that now that these cases have been brought to light and we've gone through this one experience. But, just as an example, you know, it's not as simplistic as it sounds when someone makes a complaint and says I didn't get paid what I was told I was going to be paid, you need to go find this company and you need, to you know, help me get my wages back in some cases, there are really blatant examples of how a company can circumvent the process. If you are a contractor and several projects, the f-1 track, the african-american resource center or the heritage facility, you tell everybody to show up at the shop, which may be on south lamar, they show up 579 the shop and one day sent to project a, next day sent to project b. It's not as clear in some cases that they're all working on a specific project and there's not that clear evidence, but there's way to improve upon that process. That's one example that we found out. The other thing that's really important for me is, prevailing wage is what we stand by already as a body. It's what we've said, and it's what the law says we've got stand behind. We're having this big debate right now, it is not a big debate, but this request for us to establish a \$12 an hour minimum wage. What good would that do if we don't have a process in place that can't even enforce the prevailing wage law that we have now. So, for me, regardless of where this body is on setting a floor for minimum wages, at a minimum, we need to do all that we can to enforce the wages that we have established thus far, and that the law requires us to pay on these projects. And, so, we talked about how do we improve this. Cmd has lot of good ideas. They've talked and meant with these folks -- and met with these folks going forward and i believe we should give them the

opportunity to do so. I firmly believe, if necessary, there could be a function where the auditor's option is involved and I'm fully committed to that. I believe, as one speaker mentioned, it should be punitive. You should not be able to continue to apply for work in the city of austin if you're not going to pay your employees what's required by the law. And we have provisions in place like that under our minority participation goals. If you are blatantly violating our ordinance, you can be subjected to a ban on applying for potential contracts with the city of austin. And, then, lastly, in the case of avel and valentine, they worked for a company that doesn't exist any more. We need to look at the bonding insurance required of these companies when they bid on the projects to be able to speak to an issue like this, if they go bankrupt after a project, and if an issue is raised that we have some mechanism to claw back into some of that bonding capacity and be able to ensure these workers are made whole. So, there are a multitude of issues. I don't know if you want to add to anything that's been said, i know you're committing to helps us and I look forward to continuing to work with you on this. It is not an easy issue but i think we can come up with much stronger measure it is in terms of our investigation and our ability to enforce wages.

>> That's true. There are a couple things that i did want to bring up. First and foremost, we have very dedicated and committed staff that are fully tasked with enforcing prevailing wage, and to hear that, you know, there's this perception of general hostility about complaints that are coming in is quite troubling to me because I've never heard that before. Our goal here is, of course, to get the workers paid the wage rates that they should be paid and that's what we're working proactively to do. The past years we've brought in \$50,000 of back wages for workers through the prevailing wage program and we will continue to work to enhance that and improve that. I've taken note of a number of things mentioned today, including following up with the process at the texas facility commission has. If they've got good standards, we're certainly going to look at those. Some of the points that you raised about things being punitive, council member martinez, we're working right now with purchasing to develop a contractor evaluation program help us hold contractors accountable for the work performed on the site and included in that is the prevailing wage items, so we have a number of measures on going we're working to actively address and mitigate these issues.

>> I wanted to ask you one last question. So, we have, in this item from staff, we have two complaints that staff believes there's just cause or good cause, whatever the legal term is, to uphold their complaints that they were withheld wages. If we vote on this, what about the other - I believe there's 10 others, maybe, in this complaint. Do they no long very any opportunity to try to recoup their wages that they are claiming that have been withheld from them?

>> No. They still have their full -- the full administrative process. They can still enter into arbitration, they just need an initial determination from the council, and that's what we're here today to do. What we based our recommend to you on was what we were able to substantiate with looking at documentation that we have. I'm hearing that people were concerned that, you know, we didn't necessarily have all the information we requested. We are always looking to confirm through employee -- basically, the employee certification, we look at the certified payroll and then we look at canceled checks or cleared check or pay stubs, some way to tie the workers to the site that would give us the ability to prove, you know, a little bit more concretely. And in this case we requested a great deal of information, and when we were able to get some physical evidence, we were able to identify the good cause and that's what you will see for the

workers we have identified here. But we did have issues with some facts you brought up. Bomax is no longer in business, so we had issues getting information respect to that. Projects on the equal justice center, the projects were completed almost more than a year ago or year and a half ago, so there's -- you know, when the workers, you know, when you've got enthat far beyond the completion date of the contract, it does prove more challenging to have the physical sneeze and, mayor, the last point I will make to the council is, part of the point of having arbitration is to avoid getting to that point. You want to have a process in place that leads one side or the other to agree before going to arbitration. Because of the lack of process we have set up now there's no reason for any company or any contractor to allow it to go to arbitration, because the arbiter is going to rule what those back wages were. That \$60 a day that could come from the arbiter that's supposed to be the incentive. When we can't show the evidence, here's the evidence we have, here's what we believe you owe in back wages, if we can't present that to an arbitrator and say, you do want to pay these back wages and \$60 a day in fines if you lose, there is nothing for them, when they look at our evidence, which is somewhat lacking because we haven't created this better process, I think you're going to see them always go to arbitration and take that chance because there is a strong chance that, as in this case, two out of 12 employees are only going to be ruled in favor of for receiving back wages. What I want is to create a process that puts enough evidence in front of the contractors to where they voluntarily comply and here's the back wages. We won't be able to do that in every case but with a better process soon teeth in that process, I believe we can certainly improve the chance for the workers to be paid for.

>> If I can add, that's the process we've gone through, except the cases in front of you, our standard prevailing wage process presents the deficient wage to the contractor and it has been paid. We haven't had to bring it forward for an initial determination because we've not been asked to before the workers. So we have a voluntary program with the contractors where we identify these are the deficiency, they pay, you know, in a very quick fashion, and we've got compliance. And we're meeting the goal of the program, which is the workers are getting the money they are due. So, we've been very successful in that respect, but there's always ways we can improve and we will continue to work on that.

>> So I will move approval.

>> Council member martinez moves approval of item 12. Second by council member spelman. Council member morrison.

>> So, I guess I'm not quite clear. Is the motion to approve staff's recommendation, which includes some recommendations that there does not exist good cause?

>> The motion is to' prove a resolution making an initial determination whether there is good cause to proceed.

>> So there are several in here that our decision is with this motion, that there is not good cause to proceed.

>> That's correct. But this does not preclude them from continuing to attempt to recoup the wages that they believe were not paid to them, but if we don't approve this moving forward, the two that found good cause, they can't take it to arbitration to try to get their wages back.

>> But, don't we have the option today to make a motion that -- and approve a motion that we do find that good cause exists for all of the complaints?

>> That's not staff's recommendation.

>> I know that's not staff's recommendation but do we have the option of doing that? The reason I ask is because there have been some general questions raised about, you know, the timing of it the fact of interviews of workers, the question about misclassification, you know, how does that really play into it, so I'm really hesitant, at this point, to not give them the benefit of the doubt to move forward under this process.

>> You can always amend the resolution.

>> Can you. That's absolutely an option. The recommendation that staff has presented based on what we were able to verify with, you know, comparing the different contractual documents.

>> Okay. So -- and I really appreciate the work that you've done, council member martinez and the explanation, background, this is new to me, for sure, but I do have the concerns that I don't want to put a barrier in the way when we might not have really, you know, used an optimal process at this point, and I really appreciate your working with the council offices to fix that, so I do want to make a substitute motion that we actually make the initial determination for all of the complaints that have been filed. substitute motion to make the determination for all the complaints. Is there a second to that motion. Second by council member tovo. Further discussion? Council member spelman is next. I'm not sure this is germane, but let me try it anyway it. Concerns me a lot of this is rhetorical. Exhibit a, part one, initial determination states, based on the review of state records written in oral regard, the evidence does not support the initial determination of the existence of good cause. That is one way to put it. But another way to put that more accurately described the situation would be something like based on review of the records available to the city, insufficient evidence exists to support an initial determination of the existence of good cause. Would that be an accurate statement, rosie?

>> Yes that sounds like an accurate statement.

>> The way it's written, it suggests we looked at the evidence and it is not good cause. We looked at what evidence we could get our hands on and there is not enough there to support good cause there might well be good cause if we had the evidence, they may be cheated, we just can't prove it.

>> That's correct.

>> Is there a way of rewriting that statement so it more accurately depicts the situation, that might thread this needle.

>> I see our assistance city attorney writing so she might be helping with that. One thing I did want to mention is that on the fourth project that's in here, which is the african-american cultural and heritage facility, as part of the reviews we were doing in preparation for this particular item and the complaints that came forward from the worker's defense project, staff did find someone who was not part of their complaint who was paid incorrectly, and that's -- I'm going to hopefully same this name correctly, dagoberto sanguarto. We need to make sure we're not talking about just the complaints but the named individuals that are in the resolution. miss cross be, you do have a suggested language here?

>> Cindy crosby with the law department. There were two workers that filed a complaint, however, the prevailing wage statute does not apply to them because of the terms of the agreement, and we can certainly rewrite it. The only requirement under the statute is that the council makes the initial determination, and so, you can cly revise the resolution based on the testimony presented today, as well as, I did get an opportunity to pass out the letter from the equal justice center. I did not receive that via e-mail, as stated earlier, but that's also part of your record and testimony.

>> Council member martinez. You want to restate your main moment so everyone understands the difference between the main and the substitute.

>> Mine was to adopt staff recommendations. The reason I didn't, you know, move to say that there was just cause in all complaints is that I didn't do the investigation, and none of us here have done the investigation. There may be great cause for some of these folks who are saying they didn't been paid and that's why I ask the economy, does this preclude them from recouping their wages. It does not in this case, in order for them to move forward under the statute, these two individuals they have found good cause have to have this ruling from council to move to arbitration and that is the request from worker's defense when we met with them earlier this week.

>> So, all of the individuals that are named in this resolution will still have the ability to move forward to the next level allowable through state statute, which is arbitration, because they have an initial determination. When is a initial determination of good cause or that there isn't good cause, they still have the ability to move forward. You just have to have the initial determination, whether it is a thumbs up or thumbs down. They can still move forward in arbitration. okay, I apologize for the confusion. I did miss that. As long as they have an initial determination, they move forward, except for the two. Can you talk to us about the two. What number is that?

>> The fifth project. It is a contract that was actually done through the purchasing office, and I wasn't aware of the existence of this contract until the complaint came in and we started researching it so it was contract done through the purchasing office and the prevailing wage was not included as part of the scope of the contract. Nonein accordance with the statute, if we don't find what the prevailing wages are, it doesn't occur it doesn't apply to that particular contract. But they referenced it in their complaint so we brought it forward. are there people that disagree with you?

>> I'm sure there are many people who disagree with me.

[Laughter] rely on staff for perspective, but there are many ways to right the pie.

>> If this contract was coming forward again, we've come further in our process in purchasing and the contract management department, we work on a daily basis to define the difference between what are the types of solicitations they do and we do what's construction and what's not construction. Sometimes it is very clear cut, sometimes it is less clear cut than you think it would be. So I think this was done a year ago and we weren't as far along with those discussions. I think if it came up again today, it probably would land on the side of going through my shop, but the fact is, it didn't, it didn't have the prevailing wage terms in there. We reviewed it. It was actually done as a cooperative throughout Texas cooperative purchasing network. We've even viewed the agreement between the contractor and the cooperative and there's no reference to prevailing wage in there. and one other question, then. In your estimation, with due do a determination, does a finding of good cause or not, do you think that that will impact the discussion at the arbitration, the good cause or finding of no good cause, do you think that could have an impact one way or the other?

>> I would think it would, but I've never taken it forward. I've never represented or had this -- this is the first time we're taking someone forward for an initial determination so I don't know that I could speak really to that there might be some folks from -- that are representing the complainants but I don't know that I could give a recent opinion on that.

>> To share with my colleagues, that's what sort of has me concerned that the cut and dry, yes, there is good cause, no, there is not good cause, could have an effect when I think that really -- I guess that's what you were suggesting, that we try and find language that makes it clear that we're not saying, in our view, there is no good cause, it's just that we have not found any.

>> If I might just add, our attorney just reminded me there is a dispute in the amount that are owed the employees from staff's analysis and from what the complainants are bringing forward so there is going to be some improvement that will happen. The dollar amounts they're bringing forward are not the dollar amounts they think they are owed. That is the point of the discussion regardless what our finding is.

>> I guess what I would like to do is suggest, to throw out there that I want to -- I would like to find a way to soften the language, to withdraw my motion but to soften the language that's in the staff recommendation. I know there are some other comments so I will stop now.

>> All right. The substitute motion is withdrawn. Council member Tovo. this is really challenging for the reasons I think have already been articulated but how does the arbitration -- I mean, would softening the language have any measurable impact at all? If they're just looking at a thumbs up on just cause or a thumbs down on just cause, would softening the language have any measurable impact? Maybe that is a question for -- if you would come up and address that it seems to me, just as council member Martinez said, none of us up here have conducted the investigation so to weigh in there isn't just cause or didn't good cause is equally as uncomfortable. If we're stuck in a bind of, you know, which way to lean, I guess I would rather give the workers the benefit of going to arbitration without a negative -- without a ruling from this body saying there wasn't a good cause. , So anyway, if you would speak to these issues.

>> Thank you. I do think it makes a difference. Going forward in the arbitration is relatively uncharted territory because most of these cases settle at some point. Let me just give you a quick lay of the land how the cases usually play out. Across Texas, most of the public bodies in my experience and in Murphy, also, most of the public bodies don't take the prevailing wage laws seriously, the majority, and when they get a prevailing wage complaint, they will contact the contractor and they will say, we didn't do that. The initial determination no good cause. That's okay because we've now checked the box to move on. We have an initial determination and we can now go and negotiate with the contractor. We usually have evidence that there were violations and they don't want to pay those penalties. In the arbitration, if this were to go forward. You have an arbitrator that wasn't here for this meeting to hear the discussion, all he or she sees on paper is a finding from city council there was no good cause, the arbitrator is looking at that and trying to make something of that, and the arbitrator may give that some weight and say, well, this public body considered this and thought there was no good cause. If the language were softened to say, here is our initial determination, there is insufficient evidence at this time, in whatever way you suggested that could make some difference. One final option, I may be speaking only to my cases, I realize I haven't had a chance to inform but the events in these cases, I think what I'm hearing from some of the other three cases is part of their complaints were they didn't have a chance to submit some of the evidence and give some of the testimony they would have liked to. In the cases I'm representing, we provided the evidence. There was overwhelming evidence. The letter lays that out, I realize there is a lot there and you can't read it there and digest it all, there is overwhelming evidence, you may not be able to digest that and make decision there is good cause to date, that is what I would be asking for, a finding and even though a finding of no good cause or a finding there is insufficient evidence would at least let us move forward in our claims. Finding of good cause is going to make a big difference also, he was go forward to arbitrate this thing, given the reasons the three of you have each articulated already. Finally, I want to emphasize, the fact that we had the overwhelming evidence in this case, the fact that CMD really told us, if we didn't see it with our own eyes, we can't consider your worker's testimony, our previous investigation or any of the other evidence that a judge, an arbitrator, or any competent investigator would consider when adjudicating a claim, speaks to the systemic problem we need to correct here, which what I would suggest is, as council considers this in some upcoming meeting, that we -- some of the interesting stakeholders to suggest some ways to correct some of those systemic problems, also. Council member Tovo. Thank you for that I think I heard you outline a couple of options. I want to make sure I understood them correctly. We have the option to say several of the staff have recommended based on their research there was a finding of good cause so a finding of good cause is justified. What would you -- if we -- if our commentary on the rest of the cases was more along the lines of that additional evidence would be necessary for 79 council to make -- for the council to make a valid assessment whether or not good cause exists, is that something that you could carry forward into the arbitration cases for the rest of the individuals?

>> Yes that might be helpful. In fact, as we get down to the nitty-gritty of coming up with the exact language that would convey what the council seems to be expressing and what would help bring these claims forward, I would be happy to sit down with Miss Crosby and suggest some exact language and see if that is what everyone is asking for.

>> Mayor. council member spelman. it was me who said mayor, by the way. excuse me, council member martinez.

>>Spelman: oh, darn.

[Laughter] I would suggest we come up with neutral language. And, I agree, it's an art, it helps in arbitration. Here is what helps you the most in arbitration, take copy of this video what happened in the last 30 minutes and present that to an arbiter, as well. That's what you need. I'll send you a bill later. without objection, we will lay this on the table for later. And we will go to - just in order, 105. 105 Has one person signed up to speak. Richard subtle. Richard subtle is not here. Do we have a staff member -- we're going to go through all these, annexation. Public hearings. I guess we should get a quick presentation on what the public hearing is, if we can get someone here from staff to do that. Here we go. So we have 105.

>> Good evening, mayor and council. I'm virginia collier from the planning and review department. This is the first public hearings for the following public annexation, 105 through 114 and item 116. The sector hearing is scheduled october 18 at 4:00 p.m. Remind you, council will not take action on these items at any of.

>> Readings. Ordinance readings for november 8 with effective date of december 17. Described in the imagine austin plan, the city should annex area for development regulation, protect and expand the tax base, deliver my news tell services such as public safety and utilities and coordinate these services to the developing areas. By expanding to the city ordinances, regulations and codes, annexation improves the city's economic base and manage develop growth and new development. I will brief levi in general, the city will provide services to these area, includi services provided by the county. Topics for each area are available this evening and I cannot attend. And it includes three main components, first, the early action program, includes seices pvidein are commencing on the of annexation. And services not required by state law but available city wide. And, finally, a capital improvement section where we would include any information about capital improvements necessary to provide services to the area tomorrow get back to the item 105, the west lake cross roads, includes approximately 162 acres located in travis county at the southeast corner of the intersection of loop 360 and westbank drive, including approximately two and a half miles of loop 360 right of way between the intersection of bee caves road and walsh tarlton lane. Development includes single family and multi family and commercial properties, as well as the 360 right of way. The city will provide full municipal services and I can answer any questions you might have on item 150.

>>Mayor leffingwell: thank you. Councilor tovo. Toe thank you, that was a brief presentation and you covered a lot of ground so thank you very much. I wanted to ask you a little bit about the level of -- the level of assessment that staff engage in this those areas to look at their ability to provide adequate fire protection, so, you could speak to -- and i understand there are differences in the infrastructure that way exist and what we're considering annexing.

>> As part of our interdepartment amount review, when we look at areas to put on our annual annexation program, we coordinate with the five department and they explain the resources in the area and how they would go about providing services so, if there is an area had a as a limiting

factor or something they would need to make special accommodations for, then they would, you know, describe that and make note of that in their evaluation. In this area in particular, they've got a good agreement with west lake fire department, so they've already got service available to that area they coordinate together and, so if there's a fire, an emergency, austin annexation would be the first responder and they have a cooperative relationship with west lake fire department to respond in that area that currently responds to that area.

>> And, again, this is a general question about all the properties that we're considering and annexing, does the fire department request whether the infrastructure supports adequate fire flow, for example, adequate water pressure in the areas we're considering. Is that a subject of assessment?

>> Again, if they are aware of any deficiencies, if it is an older neighborhood and might not have the adequate water pressure that might be something they can coordinate with the water department if it is with the austin water service area to make improvements for in this area in particular there wasn't any concern about any inadequate water pressure. and, again, this is a general pressure about all the properties we're considering annexing, are you aware of any areas that were found to be, i don't want to see deficient, but under adequate levels of water pressure?

>> No.

>> I assume if there were areas that were, that did not have the same level of infrastructure we expect and support throughout the rest of the city, they would need -- there would be a question about who would bring that infrastructure up to the standard.

>> I know that they do inspect fire hydrants annually as part of their program to maintain those hydrants and making sure everything is in working order and with grease and would work if anybody tried to connect a hose to it. If they come across problems with that, they could report that to the austin water utility area. If is another service area, typically they're not in the business of providing fire flow, they're in the business of selling utilities so it is a different situation. but, if we have properties we're coring annexing where austin water utility will not provide service, they are another water provider, what options exist, especially for residents in that area who might have concerns about whether or not they have adequate fire protection.

>> I understand the fire department would provide service currently to the way the current is providing service, if they need to connect a longer stretch of hose to reach the nearest fire hydrant or bring in water, you know, they would provide service by a contingency plan.

>> But, it's your belief that the investigation that goes on before these annexations come to us for a decision is thorough enough to eliminate those issues, eliminate the areas where the fear department, which will then be obligated to protect those areas will have to take other precautions or other measures, I guess?

>> I think, I deally, the fire department would like to have hydrants evenly spaced and available city wide, but that's just not the way the city was developed and built so that's something they

have to work with and operate with. but the fire department's review is thorough enough to have identified any potential areas like that, where they would have to use other measures?

>> Yes, if they need to make any special arrangements, they would do so toe again, as last point of collar if indication, the annexations on our agenda today there aren't any areas in those, and quick this through the q&a process this week if that is helpful, but were there weren't any other sources identified.

>> That's correct. and the tire department didn't have concerns about infrastructure in those areas?

>> Right. thank you very much, i appreciate your information.

>> Richarduttle. Three minutes.

>> Linda moody, she lives at 3607 pinnacle. moody lives next door to the city of austin allen road pinnacle road pump station, she reluctantly lives next door to it. She would rather live next door to a house, but when the city needed a conditional use permit, she was able to reach an agreement with the city to actually get waste water service. Currently, she is on a septic and well over there. She had applied for an ser and it came back and it was a very long route to get to a different waste water line, but the point tonight is to tell you through the conditional use permit settlement, she was able to reach an agreement with the waste water department to tie into a manhole and connection point at the pump station, which is a very short distance from her house and get waste water service. The city of austin has actually helped us draw up what that connection would look like, and she's ready to make the connection now, so, with all moody does not oppose the and next annexation into the city of austin. I want to thank you for working moody for making that waste water connection available. those are all the speakers we have signed up. I will entertain a motel to close the public hearing. Council member riley moves to close the public hearing, second by council member morrison. In favor, is a aye. Opposed say no. Item passes 7-0. Item 106.

>> Item 106 is to conduct a public hearing for the full purpose annexation of the estancia hill countrywunneburger-strange annexation area approximately 619 acres in southern travis county, west of ih 35 south and includes the mixedupproject, an adjacent tract that is unavailable due to the extensive flood plain in the area this achieve a logical boundary where all the properties in the east san antonio road are in the city's full jurisdiction. The developer submitted a planning and development zoning application for this project that currently under review, tune approve zoning for the property it would be need to be annexed for a fuller purpose this project will use the city's watt earn waste water service and council authorized a \$2 million reimbursement agreement for waste water facilities. They seek a public improve 98 district and, as you know, it allows the city to sell bonds to fund supplemental and enhanced improvements for a particular location and the costs are repaid by property owners with pit assessments allowing developers to reduce their debt to the private lenders. So, none with the city's pit policy, the den if I wants would be requires for -- it may nobody competitive san therefore asking city council to forego annexation and state taxes to achieve a lower tax for the area if the city agrees to a pit. There is limited and full purpose annexation, including the residential portions of the project on the

northern half of the site and full purpose annexation for the southern end, however, city staff believes it is leapfrogging over the residential area and it would result in an inefficient provision of public safety services and wouldn't recommend this partial annexation. Staff included the proposal that had been offered, after multiple discusses with the developer, does provide for superiority on some elements, but they were part of the original plan so overall, staff's opinion, the proposal does not meet the superiority standard in the policy. And, if you will recall back when council set these public hearings in august, several questions were asked so I wanted to take a minute to respond to those. First was, what were the council's options for annexation for this area. Currently, we're on a path toward full purpose annexation as recommended by staff, following today's hearing and a similar hearing next week staff will prepare an annexation ordinance for council to consider on november 8. If annexation is approved, the develop kur seek the pud and pit applications, orb an alternative could be to direct staff to initiate a process to annex for limited purposes. The develop core then proceed to move along with the pud and pit applications and seek council approval for those. Each year, staff conducts careful planning and analysis and brings forward tore consideration areas ripe for development an nextation and this is one area that meets the standard described in the austin comprehensive plan plan describe certain benefits for the city. Delay of annexation is not in the city's best interest. Council asked for more information on the economic impact and the city's financial impact model incorporates estimated revenue and requirements associated with providing for municipal services and the proposed development. Note that the model is not intended to identify or predict exact costs of revenue, it is just a tool for assessing the financial impact of the city for a proposed and sessionation. Based on the development in the approved plan for the project the cumulative cash flows over a 25-year period represented in today's dollars is a positive \$7.3 million. In comparison, this same model couldn't be used to compare a limited purpose annexation for the same development because city taxes aren't assessed in limited purpose areas and the city provides limit municipal services in those areas. So, to conclude, staff has net with the developer multiple times and finalized the recommendation on the pid proposal it does not per rate delay of the full purpose annexation. The developer indicated the staff is willing to forego the cost reimbursement in exchange for the limited purpose annexation. Even with the submitted offer we believe the staff recommendation on the proposed pid is the same. Getting back to the annexation hearing, the first of two, to be followed by the council action in november, the city would provide full municipal services to this area and copies of the service plan are available behind me on the table today. Can I answer any questions you might have?

>> Right here. council member morrison. I'm a little bit confused because I haven't encountered a situation. You talked about option, we go ahead and annex and they do a pid, also couple clarify, was that full and annexation and go forward down a pid.

>> THERE IS FULL-PURPOSE PIDs In the city limits.

>> It would be a self assessed or they would have to vote to do that themselves,s property owner would.

>> Right. to add the enhancements. And the other thing that i recall is when we're talking, for instance about muds or pids instead of muds we often talk about comparative tax rates and having gotten into a situation where a tax rate was lower and we annexed it and once they then

came into the city and had to pay the tax rate it was higher, cautioning some trouble. Ien -- causing some trouble. I wonder if the city manager could give some context to that and help me remember exactly when that gets to be an issue, and if that would be an issue here.

>> City manager, I think you're referring to when we annexed the mud and the issue where the tax rates are not comparable. -- Comparable. In all the muds since we started doing muds again, we have had a clause in the agreement that equates the tax for the mud with the city's tax at the time that we are going to annex them so we have resolved that problem.

>> Okay. Thank you. Council member Spelman. You reported that 3 million net presentation value for cash flows is difficult to reestimate if we're talking about limited purpose annexation, but there is a cash flow, for limited purpose annexation, is there not? We would still be taking it on retail, for example.

>> The city doesn't assess sales tax in limited areas. No tax at all it is limited purpose no land use controls. I was under the impression that people who controlled Acencia Hill were counter proposing a full annexation on part of the property and limited purpose annexation and a bid on another part of the property. You're familiar with the proposal?

>> Yes, and the way you look at the city limits, if you can imagine, moving south on 35 in the full purpose jurisdiction, then a gap where you would be out in limited purpose where the county would be providing public safety and the ESC would be responding to fires and service and suddenly you would be back in the city limits for the commercial area in the intersection of 45 and Courier and I-35 is what they are proposing so including that gap in the middle would be confusing, I think, for public safety and not something that staff would recommend creating. I understand how it would be complicated for public safety and other city departments, but if we were annexing that area for full purpose we would be collecting full taxes on some section of that. Do we have a sense for how much we would be giving up and how much we would be getting if we did that way.

>> , No we did not run the model. We could run the model for a smaller area. If we could run that model so we have a sense what we're getting into it we accept a proposal for a bid. Thank you, ma'am. and this is only the first public hearing. Council member Morrison. I wonder if we can ask staff, I'm getting your issue about the leapfrogging and I wonder if there's been any discussion about trying to connect the two with full purpose annexation but leave out the residential, halfway in between what the applicants or the developers is proposing to address your concern, so connect with some strip of full purpose but leave the main part of the residential out.

>> I think that would be the complicated part of it is leaving a whole neighborhood of residential outside of the city limits, you know -- would it be a hole in a donut or just a chink?

>> It would look more like a chink.

>> Morrison: okay. Has there been any discussion about what I'm saying to --

>> I think that's what the developer is requesting, yes. Leaving that residential area and to the west out. In limited -- lara morrison but, all along i-35 --

>> 35 south is in the city limits now. It was annexed many years ago . san it a continuous strip on the property on the west side? Alone i-35? There is actually a --

>> as you're driving down i-35, the right of way would be in and we would respond and all the properties like from the service road over would be out, and then, once you get down towards the intersection, the properties at the intersection --

>> right. What I'm suggesting is has there by any discussion on including a strip on the piece of property to provide some kind of connection?

>> No. I was wondering if that might be a possibility.

>>Mayor leffingwell: okay. We have one speaker. Steve metcalf. You've got three minutes.

>> Thank you mix I don't remember and council members. Knowing this is first public hearing and second and another vote after that I'm going to be pretty brief tonight. I think we presented something recently to staff that I think we will go back and reconsider some of this, but, big picture, we came to the city in november of 2011, and proposed this project of limited purpose annexation, pud zoning and recreation of a pid and we didn't hear until april of this year that maybe they were going to want a full purpose annex it it wasn't on any annexation plans so we were really surprised when we came in and suggested the project that's when the whole idea of full purpose annexation came up so this isn't a situation we were told we were getting full purpose annexed and said, wait a minute, let's propose something different. We came in with our proposal and then full-purpose annexation sort of came out of that. We still think the best deal for the city is the creation and annexation of pud. You have the affording housing, free preservation, additional parks and open space, trails and bike lanes, green building, increased water quality and drainage controls, and reduced infrastructure cost from us waving the \$2 million in reimbursements we're entitled to. That's not a potential thing, that is a \$2 million reimbursement they're already entitled to that we would be giving up, which would really create, you know, a big dent in the delta between the ad valorem tax. It is interesting that we're hearing this number about 3 million tonight, because we provided numbers two weeks ago and our numbers were different and staff has never provided us any response back. So, the first time we've ever heard a number despite asking for the last week about the number was tonight. And, literally, I asked about it two hours ago and they said they didn't have any numbers, so that was a little -- not the way i think it usually gets done, and not usually my experience with staff, so I was a little taken back by that. That being said, we look forward to working with staff over the next couple weeks. I think we can find something that works for everybody here and happy to answer any questions.

>> Okay. Those are all the speakers we have signed up so I will entertain a motion to close the public hearing. Council member bellman moves to close the public hearing, second by -- council member spelman moves to close the public hearing and second by council member morrison. All those in favor, please say aye. Passes 7-0. We're now in recess until approximately 7:00.

[♪♪ Music playing ♪♪] unusual flush

[♪♪ music playing ♪♪]

[applause]

>> thank you very much.

>> Thank you.

>> All right. All right. Well, that was awesome. Thanks so much. Aaron, can you tell me, do you all have a web site people could check out? aaron tin jum.com.

>> T-i-n-j-u-m.

>> We'll keep you updated on the album release later this month. where is your next show? Anything coming up?

>> A lot of shows coming up. Playing around austin, carousel lounge, flipnotics, and going up north for december.

>> Where can people buy your music?

>> Right now you can just buy that single that you just heard on itunes and other distributors, otherwise when the album comes out on halloween it will be available on all places on-line.

>> Thanks again.

>> Appreciate that.

>> Thank you.

[Applause] oh, actually, i almost forgot, I almost forgot one of the most important parts. I have a proclamation here, wouldn't be an official ceremony if I didn't present it. Proclamation to present on behalf of the mayor and the city council and it reads as follows. Be it known that whereas the city of austin, texas is blessed with many creative musicians whose talent extends to every musical genre, and our music scene thrives because we support music by legends, local favorites and newcomers alike, we're pleased to showcase and support our local artists. Therefore, i, lee leffingwell, october 11, 2012 as air tinjum and the tan jens day. Tangents day.

[Applause] now we have a few citizen recognitions and proclamations to do. For the first one, we're going to bring up russ weisman. They didn't put your name here.

>> Thank you very much, mr. mayor. Good afternoon, I'm russell weisman cultural and arts education, for the dougherty arts in the history and nature diffusion of the austin recreation department. October is arts and humanities month. This is a coast to coast collective of arts and

celebration of arts and culture in america. It's the largest celebration of the arts and humanities in the nation. The history, art and nature division of the austin recreation department would like to take this opportunity to recognize several businesses and individuals and organizations for outstanding contribution to the arts in austin. I would like to thank honorable lee leffingwell, mayor of the city of austin, texas, sara hensley, director of the austin parks and recreation department and laura esparza, director of the history art and nature division and my boss for their assistance with this presentation.

[Laughter] before we begin I would like to invite everyone associated with this ceremony to join us after the event outside to take a group picture together. Nominators, presenters, and guests, to begin. The elisabet ney museum lynn hill. Lynn?

[Applause] lynn has been a consistent weekly volunteer at the elisabet ney museum since january of this year. While it has only been six months, lynn, a master naturalist and urban habitat steward has brought knowledge and passion to the ney museum. This has created positive results for the prairie restoration project. She shares not only her time and expertise but also shares her knowledge and love for native plants and seeds. Lynn also ablighted as an expert during the ney museum urban birds event. Lynn is a great asset to the museum and to the greater automatic community. Thank you, lynn, for your commitment to the ney museum and the citizens of austin.

[Applause] the george washington carver museum and cultural center would like to recognize dr. alan johnson.

[Applause] this is a man with a mission, a proud mission, for the past five years johnson has been developing the carver center's genealogy workshop series. He has brought it to the attention of local citizens interested in connecting with their past and he has brought the carver center to national visibility by guiding who is who are interested in learning and saving their own past. johnson is the carver's resident jeanologist conduct the monthly inch with motion meetings with a variety of topics on genealogy. It takes time and patience. He gives that and more. His quiet intelligent manner always wins the day because he knows tomorrow will bring new challenges to the great reward of learning what one's heritage really is. Know he is there's nothing like knowing, appreciating and sharing your own family history. johnson, for helping us have a better understanding of ourselves.

[Applause] the george washington carver museum and cultural center would also like to recognize mr. william brown. William --

[applause] william is a junior at westlake high school. He came to the george washington carver museum because he heard about the carver's Broadway Bound performing arts camp. William was too old to register for the camp so he offered to voluntarily design the lights. William spent at least 20 hours a week for six weeks at the museum designing, hanging, circuiting, and running the lights for the show. He is a bright young man who offered his talent and time freely. Thank you, william, for your generous spirit and hard work.

[Applause] the history, art and nature division of the austin parks and recreation department would like to recognize three gentleman, john faulk, matt ragsdale and dave malice. Would you

come down please? These three gentlemen made generous donations of time and resources in the renovation of the backstage area of the zilker hillside theater. Thanks to these gentlemen and the businesses they represent zilker page stage area has been increased by roughly twice the space it used to be. The foundations for green room, offices and rehearsal room backstage have been laid and extensive storage under the stage has been created. This improvement will serve not only the beverly sheffield zilker theater, the zilker theater productions and the austin shakespeare festival but all of the theater's many renters. Thank you, gentlemen, for your generous contribution.

[Applause] also related to the hillside theater renovation the history, art and nature division of the austin parks and recreation department would like to recognize flynn co llc represented by john martin, mike hutter, pete navarte and mark pierce. Would you gentlemen join us?

[Applause] flintco was instrumental in the development of the backstage theater of the zilker theater in zilker park. It will ensure a quality program on a grander scale for many years to come. The citizens of austin will find a bigger and better environment both on stage, backstage and in the audience as a result of flintco's generosity. This will allow the theater's co-sponsors and renters to attempt more challenging productions which will result in a better quality of life and more engaging experience for all of austin's citizens. Thank you one and all. This is a marvelous example of a public/private partnership that will benefit austin literally for years to come. We would like to extend our sincere thanks to everyone involved for your vision, your expertise and your commitment to austin. Thank you, flint-co. -- Flintco.

[Applause] the o'henry museum would like to recognize the texas book festival. Today represented by mr. clay smith. Clay? Here we go. The texas book festival has been an important collaborator with the o'henry museum for the past two years. The book festival has provided authors an opportunity to participate in museum programming, promoted museum offerings like the short story master class, and the coolest book club in the world, and co-sponsored museum events such as the pen, o'henry prize stories anthology celebration publication. The book festival helped elevate the image of the o'henry museum and enhanced the literary arts in austin. Thanks to the book texas book festival for promoting literacy and the o'henry museum.

[Applause] the zilker botanical gardens would like to honor the austin area garden center for significant contributions to the botanical garden. Joining us are garden center president donna freenrek. Ed parkin and project coordinator for the tanguchi gardens, project coord naitder for the woodland fern -- coordinator for the thewoodland fern bed. Significant improvements to the pond bed. This saves water and enhances the appearance of the/japanese inspired garden. Additionally one of theg garden clubs, the garden club of austin contributed a new woopped land fern bed by clearing invasive species, installing a streambed, irrigation and a variety of ferns for the new public exhibit. The park and recreation department extends sincere appreciation for the austin area garden center's creativity, work, and contribution to improve the experience for citizens and visitors to the zilker bo botanical garden. Thank you and one all.

[Applause] again,he austin parks and recreation department history art and nature division would like to say a thank you to these generous people, businesses and organizations that have made austin the arts and cultural heritage center it is today. I'd like to invite all participants, nominations and staff to join us outside for a group photo. Thank you and good afternoon.

[Applause] I'll bet very few people new that knew -- knew that this is public power week, but it is. So we have a proclamation in honor of austin energy for public power week, and first I want to say austin energy has been a part of the city of austin, not by that same name but since 1925. They now comprise about half of our budget. There are 1 -- they're a 3 billion a year enterprise, and we're very proud and very grateful to have austin energy because they contribute so much, not only to our city but to our annual budget. And that's what we really appreciate.

[Laughter] second largest publicly owned utility in the state of texas, and I believe sixth in the entire nation.

>> Eighth. eighth in the entire nation. So most of the utilities as some of you may know around the country have become investor owned and we're very proud that our energy company is still owned by the people of austin. I'm going to read this proclamation and then I'll just let someone, maybe the director of austin energy, the general manager, larry weis come up and say a few words. Be it known that whereas the city of austin is celebrating public power week and austin energy to recognize the value and contribution of a community owned electric utility, and whereas austin energy has been serving austin and surrounding communities with reliable affordable power since 1985 in a manner that reflects the values most important to our customers and whereas austin energy is a national leader in programs that help customers manage their energy use and a utility that strives consistently excel in the delivery of service. Now, therefore, I lee leffingwell, mayor of the city of austin, texas, do hereby proclaim october 7 through the 13th, 2012 as public power week in austin. Congratulations, guys. Great job. Larry?

>> Thank you.

[Applause]

>> all right. Well, thank you, mayor. Probably thought it was just austin city limits week, but it's not.

[Laughter] it's public power week. On behalf of all of the public power utilities across the united states, which there's about 2,000, small cities to large ones, on behalf of all the employees, including myself and austin energy, we're grateful to have a service area like we do and for me a great group of employees. We have some here today with me. So thank you, mayor, and we'll keep up the good job. thank you.

[Applause]

[applause] as we all know, the heart of austin is its creativity, and we certainly do our best here at city hall to promote the arts and to promote creativity. As some of you may know we have public art all over the walls of this building, and it sure makes these old pieces of rock look a lot better. I'll tell you that. So this is arts and humanities month, and we're going to recognize our group of artists with a proclamation that reads as be it known that whereas the month of october is celebrated locally and nationally as national arts and humanities month to recognize the importance of culture in america and to encourage all citizens to participate in the arts, and whereas, arts, culture and creative industries are an important economic force in our city as

evidenced by recent economic impact studies showing that the creative sector in austin accounts for over 35 billion in economic activity and almost 49,000 jobs, and continues to grow, and whereas, the city's cultural arts division of the economic growth and redevelopment services office continues to promote art, imagination and creativity as a part of the daily fabric of our community's identity, its economy and cultural vitality. Now, therefore, i, lee leffingwell, mayor of the city of austin, texas, do hereby proclaim october 2012 as austin creates month in austin, texas. Congratulations to all of you and thanks for the job you do.

[Applause] megan, are you going to be speaker? Thank you.

>> Thank you. Thank you, mayor. This month we are celebrating creativity. Austin continues to be a leader in its commitment to arts and culture. 27 Years ago city council established the first public art program in the state of texas. It's now over 250 public art works, many of which receive national recognition. Nine years ago the cultural arts division was established as part of economic growth redevelopment services office. Really establishing the arts as a major economic development strategy. So we're very excited and proud about that. And just last week city council awarded cultural contracts to over 250 arts and cultural organizations, giving us a reward of 2 million tourists in austin just last year. So we're joining the parks and recreation department today to celebration national arts and humanities this month, with the rest of the country to celebrate the freedom of expression and individual creativity, whether you're a hobbyist expressing for personal fulfillment, whether you're a professional artist helping to improve and beautify our environment, whether you're an entrepreneur inspiring to share new ideas or even public policy makers who are creatively problem solving for a greater city. So I want to recognize and thank the arts commission, who is joining me here today. We have the current chair bret barnes, former chair deplore yeah pennington, comition commissioner amy monwok and new commissioner lou lou flores, and also our cultural arts division staff and I want to thank the mayor for recognizing october as the month when austin creates. Thank you.

[Applause] october is also toastmasters month, and I have behind me a whole group of toastmasters. Obviously since this is what they're -- what their mission is in life, they all wanted to speak, but --

[laughter] we're going -- we're going to limit it to one person who's going to speak for the entire group. We know what toastmasters does. It builds confidence in people to come out and speak in front of a group of people, how to organize their thoughts, how to present in a dramatic way their ideas and thoughts to other people. So I toast the toastmasters tonight with this proclamation. Be it known that whereas toastmasters international is a nonprofit educational organization that teaches public speaking and leadership skills through a worldwide network of clubs, and whereas toastmasters' motto is where leaders are made. Each week toastmasters helps more than a quarter million people of every ethnicity, educational background and profession to build their confidence in communication so that they can gain confidence to lead others, and whereas, austin is included in toast master district 55, serving central and south texas with more than 100 clubs around the austin area alone, and whereas we recognize the value of improving one's communication skills and the effectiveness of toastmasters club in reaching that end. Now, therefore, i, lee leffingwell, mayor of the city of austin, texas, do hereby proclaim october 2012

as toastmasters month in austin, texas. Congratulations to all of you. I know you have a great time, and athena is now going to come up and speak for the group.

[Applause]

>> I never thought I would be up here a year and a half ago.

[Laughter] I'm going to speak on behalf of this group, many of whom belong to the same club I belong to, Barton Springs Toastmasters, as well as Sharon Brown, the District 55 governor. Toastmasters is a worldwide organization and it was born in October 1924. It's well-established. It's 88 years old now, and most people know it as just a public speaking club, but it is so much more than that. Toastmasters is a place where people can develop their leadership and communication skills, where people can do this continuously on their own time using their own pace in a positive and supportive atmosphere. The effectiveness of Toastmasters, most people agree, it's come to their aid many times when they're called to speak in front of a room of people, like this room or a wedding or a conference. People --

>> [inaudible]

>> and television.

[Laughter] People say that when they're called to speak on the spot impromptu that they feel prepared. The idea is that if you spend a small amount of your time developing yourself, maybe an hour a week, over time gradually you'll find that outside of that one hour a week you will start to become the person that you are within that hour. You will become a great communicator and a great leader. And in the area we have not hundreds but we have thousands of great communicators and great leaders, and the Toastmasters here today are proud to honor all the other Toastmasters in the area and accept this proclamation for October as Toastmasters Month. Thank you.

[Applause]

>> Great. Good evening, everyone, I'm joined here by Paul Scott who's the executive director of AIDS Services of Austin, and I think people know by now that every October that rolls around and we have organizations that people from all over Austin come together for the AIDS walk and many other sort of AIDS and HIV-related things going on. If you go in the City Hall atrium right now, we have some of the panels of the AIDS quilt, which are really quite moving. The good news is that there are many people that are living long and productive and healthy lives with HIV and AIDS and in many ways thanks to the support of the folks at AIDS Services and the other organizations in town. So we're here with a proclamation. It says, be it known that whereas there are an estimated 6,000 people living with HIV and AIDS in central Texas, and approximately 20 of those individuals do not know their status, and whereas AIDS Services of Austin has provided prevention and necessary life-sustaining services that enhance the health and well-being of persons living with HIV and AIDS in central Texas, and whereas celebrating its 25th year in 2012, AIDS Walk Austin is an event aimed at heightening awareness of HIV and AIDS in Austin, and raising critical funds needed to provide prevention, education and support services. And whereas the city joins AIDS Services of

austin in promoting the health, safety and well-being of all residents. Now, therefore, i, lee leffingwell, mayor of the city of austin, texas, do hereby proclaim october 21, 2012 as aids walk day in austin.

[Applause]

>> thank you, council member morrison, and thank you, mayor leffingwell and all the city council members. Aids walk austin is in its 25th year. 25 Years ago in 1988 we started at capitol grounds and then governor ann richards kicked off the first aids walk here in austin, texas. And 25 years later we are still raising awareness about the effect of hiv and aids on our community. Aids walk austin benefits ten organizations providing critical hiv services in our community necessary to making sure people live well with hiv, know their hiv status as well as to fight indifference and stigma associated with hiv in our community. We still have a lot of work to do, and that's why the aids walk austin is so critically important. As maybe maybe many people remember the health department announced that six children in austin schools were hiv positive and six diagnosed with aids. We have lots of work to do because aids is decimating young people as well as people of color in our community and we need to continue to talk about hiv, make sure we get people tested and make sure people have the full education they need to protect themselves. And I want to say how much we appreciate the thousands of people over the 25 years that come out each year and support aids walk austin and make sure that this community honors the memories of those people we have lost to aids as well as to acknowledge the thousands of people in our community, the over nearly 6,000 people in our community living with hiv that still need services and help and need our support. Thank you.

[Applause]

>> hi, I'm kathie tovo, council member in place 3, and it's my privilege to present this next certificate of appreciation to our police monitor, margo frazier and some others who she will introduce. When I first learned of this program I was really impressed and just immediately thought how creative -- what a creative opportunity it is for our police officers to build relationships with youth in our community, and I know that as you learn more about the program here tonight, i think you'll be as impressed as I was. So it's my privilege on behalf of the entire city council to present this certificate of appreciation to behind bars doing time on the outside program. The behind bars, doing time on the outside program, is deserving of public acclaim and recognition. Several thousand children in austin and travis county have one or both parents in prison. The goal of this program is to help these children know that they are not alone in their situation and to explain the criminal justice process so that they understand what led their family member to be incarcerated. Another aspect of the program focuses on developing a positive image of police officers, and further, on involving the children as investigators in a hypothetical incident so that they learn to resolve difficult tasks and see themselves as active citizens working with law enforcement to keep our community safe. This certificate is presented in recognition of the efforts of the city's office at the employs monitor in coordinating this effective and needed program. Presented this 11th day of october in the year 2012 by the city council of austin, texas and it has the names of all of the council members on it. So congratulations. Thank you so much for the work you do for our community and for your -- all of the energies you expend in this program. And I'm going to invite ms. frazier to address that.

>> Thank you.

[Applause]

>> first off, I want to recognize the people without whom this program doesn't happen. The first is irma zamorita, who is the visionary who had the idea of this program and brought it to me. And then we also have with us lieutenant ely reyes and hank more reno. These two individuals take part in our program. One of the messages that we strongly try to get across to these children is the fact that the path that someone else has chosen does not also have to be the path they take. And so the idea is for children to understand that even though they may have a parent who's incarcerated, that they can choose to live a different life and to choose a different path, and I have been incredibly happy to know that we've been able to find all kinds of partners. We have some partners in the religious community, we have the texas inmate families association, and a group called amigos in azul, which is the austin police association and mainly hispanic officers. They've all worked with us greatly to make this program happen. Last year we were in two schools. This year we've been in -- the school district term we've already had one and we have three more that have just started out. So we're expanding into the middle schools, and I'm oh so pleased for us to, quite frankly, have a chance to help children understand how the system works because these children are often very angry. So thanks to the folks who make me look so good and thank you, council member tovo, for recognizing their work.

[Applause]

>> riley: okay. I'm so excited about this next one. I'm austin city council member chris riley and i have a very fun proclamation to present. I want to invite up our core volunteers for this one. It's my great pleasure to be able to present a proclamation to a particular effort related to giant chest. This is an effort that has been going on for ten years now in wooldridge park downtown between the courthouse and the library in austin's first park. And any saturday -- wooldridge park is currently undergoing some renovation so it's currently closed but apart from this one time, this temporary closure, any saturday year-round you can go to wooldridge park, from 30 and you'll see a giant chest set and you can just walk up there, anybody can walk up and join in. There will be a chest game going on, a furious chest game. 30 because the excitement is that intense. People just get -- have a lot of fun there. And often it's kids coming to the library, happen to see it, come down and start playing, all sorts of folks come down and join in the game. It's a really fine tradition that's been going on for a long time now. In addition to that every fall there's a giant chest tournament that goes on with the help of gary gait here who organizes chest all over the state. At that tournament we typically get 75 to 100 kids or even more playing chest there in wooldridge park all day long. So it's a really fun thing for the whole community. So it's my great pleasure having been involved in that for some time, it's my great pleasure to be able to present a proclamation from the mayor and the whole city council recognizing this activity, and let me go ahead and read the proclamation. It says, this is the official proclamation from the mayor and the whole city council and reads as be it known that whereas the history, tradition and celebrations of the game of chest date to and national chest day has been proclaimed annually in the u.s. since 1976. And whereas learning the game of chest has been shown to have a beneficial impact on the development of critical and creative thinking as well as helping players to develop patience and analytical decision-making skills. And whereas the knee high chest set in

wooldridge square park was purchased in october 2003 and volunteers regulating organize and assist with tournaments and other chest activities for austin youth there. We're pleased to recognize austin giant chest on its 10th anniversary as -- as a beloved introduction to chest for school age children. I, lee leffingwell, mayor of the city of austin, texas, declare october 13, 2012 as austin giant chest day.

[Applause] and I want to know -- one of the most amazing things about this effort is it is totally volunteer run, with some support from the austin parks foundation, it is organized entirely by volunteers who every week just self-organize and figure out how they're going to have it covered and we have a few of those volunteers here today who kind of keep the thing afloat. I want to recognize michael McGILL, WHO NOW, Coincidentally, happens to work in mayor pro tem sheryl cole's office, who's been leading the effort lately. We have lindsay fuller, who's been with us for a long time. William moreal, lange wong, ellen McCrack in, scott johnson been involved from the very beginning and gary gaith, I mentioned previously, who helps us organize those tournaments every fall that gets all the kids there. And I want to invite a couple of you all to say a few words. Michael, if you could just share a little bit of your experience?

>> Sure. Thank you, council member riley. I think you're being very modest about your own involvement in this. I remember getting a postcard about ten years ago for a donation to buy this set and I'm glad you were able to raise those funds. A little known fact too is that council member riley's mother actually sewed the board we use today. A fine sewing job. This group of folks were responsible for teaching me how to play chest. I didn't know how to play when they first met me. Just a fantastic group of volunteers and a unique skill set to go out in 100-degree weather to a park and have the patience to teach chest to children but also to basically anybody who would come up at wooldridge square. And this was started both to activate the park as much as to educate children, and the -- the great celebration every october of having a tournament is also one of the key facts that we're celebrating here today because it's the 10th anniversary of that. Usually it occurs in october and I believe this year it's november 3, and the other change that folks should be aware of too is normally we -- we have been meeting at wooldridge square. This has -- because of the closure, a temporary closure of that park we are at brush square currently. So come out and join us 30 to 30 as council member riley said. So thank you very much, gary, did you want to say anything?

>> We are austin giant com I believe is the web address.

>> Giant chest.org.

>> Giant chess.org. Thank you, chris. It can be found on the austin parks foundation web site as well.

>> I appreciate the opportunity to talk for one minute on just general chess in austin. The giant chess tournament is a collaboration between the city, the parks foundation and our chess community. It's one of the few things where we get family involvement. So normally at chess tournaments we either have adults playing or we have children playing, and when i first came to austin we had a very vibrant adult community. Now we have a very exciting happening this year where we have our first grandmas ter grandmas ter living in audit, guerera, so he is helping

adults and children perfect their game and is one of the top rated players in the united states, in fact, in the entire world. He's world recognized. The other thing is that our scholastic community is getting a very wide reputation across the united states. We've run numerous national tournaments so austin is now becoming one of the recognized capitals for chess in the united states, and part of it goes in recognition to the city's promotion of the game. Thank you very much for this recognition.

[Applause] just want -- i want to say, we got a good sampling of our volunteer corps here. I want to mention rafael trujillo, david kim, john roth well and many others have been long time dedicated supporters of this effort and we'd love to see you at the park and you can hook up with us by just check out the web site, org or just come on out to the park, any saturday, as michael explained. We're now at brush square which is down there just north of the convention center, and we'll actually be back at wooldridge sometime -- as soon as the renovations there are complete, hopefully sometime this spring. So thank you all so much for all you do and let's get some pictures taken.

[Applause]no carrierringconnect 57600 test test test test we are out of recess and we again with item 104 which is the development assessment.

>> I am with the planning and review department, number 104 is cd, 0012, 106, it is the planning and development located at 114 and a half shady lane, this 3-acre project and a part of the property or complex formerly known as the bank farm. If y'all remember that,. The tanks have been remove and remediate and post for redevelopment and it is along on airport boulevard and backs up to future green line mass transit, railroad tracks owned by capital metro, the project in '86 has a cip for extension of city lane and that extension was never completed. Existing zoning is lo, co, mp and sff3, f3 is the zoning of project and there is a variety of uses including office, retail and multi-family testify it is located by the del valle area and the future land use map identifies the property for multi-family and mixed use land uses. However the contact team has been approach and they have written a letter in support of a proposed cha the plum 2 mixed use and it is along a tributary of boggy creek, as I said the extensive remediation has been performed on the tank run property. The proposed meets all tier one property standards and several tier two requirements which I will summarize here, proposing 36 and a half percent open 97-acres of department dedication, proposing boggy creek hike and bike trail extension as well as adjacent to del valle park and will be doing three star green building. They will be doi bioretention and other wet ponds and they are proposing to do affordable housing between 30 and 60% of median family income for rental property and homeowner property at 80% mfi and are working with the guadalupe neighborhood -- the guadalupe neighborhood located for providing this housing and are looking at 150 units. We have a map of proposed land uses that are in the pud and I am available if you have any questions. The applicant would also like to do a presentation

[indiscernible] with the proposal.

>> Okay. Mayor, mayor pro tem, city council, my name is rob

[indiscernible] and together we redeveloped this project and we want to be considerate of your time and a few high points of the project. daniel and the

[indiscernible] had application and I want to thank jerry and

[indiscernible] 14 people have been considered review and the development of this thusfar and I want to thank you for your time for what you have already given us. I want to show you a picture of this slide and ground austin north crest trail road and the del valle johnston and also del valle johnston. This land was originally settled in the 1800s up until the '40s, '50s, and late '50s and early '60s, and hank [indiscernible] on the pipelines along this plan, five to 1950 to clean it up with what is shown here as tank one properties between 52-acres. Our tract is outlined of 52-acres of the tank one property and our tract is the only tract of the tank one property and was cleared residential standards and the number of 49-acre and

[indiscernible] that is all left for the development. There was soil and ground water contamination for many years on this property and finally the straw that broke the camel's back was in 1988, when the city of austin contractor was completing the pip project, as jerry mentioned, they hit a pressurized fuel line and hit it again the next day, i think to make sure it is there and that accident started an investigation that led to a lawsuit against the city, against the street and led to community activism and ultimately the shutdown of the tank farm and industry and cleanup and initially began voluntarily in 1990 and a couple of years later in 1992, when tceq ordered assessment and remediation of the tank owned property. That remediation took 23 years of a number of facilities over this property, including one on the small tank farm triangle that is on our tract and that remediation began 23 years and all of the systems were shut down in 2003 and then granted residential exposure to this tract in 2007. The land is safe and additional environmental studies on it, it's ready for redevelopment. To show you this, the future land map, you are agree of the [indiscernible] single family and the land use area with additional mixed use and development of multi-family. This map also shows in green to park land dedication that are very important for all of us, for the one on the lower side, it provides a north entrance, north connection to del valle park, and the one strip on the north side, in addition to providing a 58 -- or a 50-foot buffer for those residents, will provide access to the boggy creek greenbelt for the tract. As jerry said, our proposal meets all of the tier one and all of the tier two that are applicable. That's 11 of 13. Here is the concept. It's to transform, just abandon the industrial site into an urban center for austin's great of community. We offer affordable living, working, studio spaces, for technology design, music, film, fashion ever we do in austin and as jerry mentioned, in combination of gndc, we hope to offer 150 units of real affordable housing that is really affordable for people on society, 30-60%, in that line. We do have a letter of intent that they will purchase the 8-acres and potentially the bottom strip that you see below the boggy tributary there and they will produce the affordable housing, which is all in a park-like setting. It is connected to those boggy woodlands, del valle park and other walnut creek hike and bike trails. This is another view that shows you the purple, the retail office particles, which are under the departments [low sound]. This is really an example of opportunity of the best practice of public-private partnership, the combination of local entrepreneurs, local nonprofit, city government, and [low sound] and to provide housing that is truly affordable. Thank you for your time. I will be happy to answer any questions. any questions?

>> Yes. I don't want the weekend to go by and we will process and the staff is excited about this and has a lot to offer the city and we will be, again, taking it through the working commission's process, the staff review and bring it back for y'all's approval. There are two things I want to

quickly I forgotten. daniel yada was here in supp the pud and I want to let you know that and secondly, unlike most puds where the developer is seeking greater entitlements in exchange for the superiority items and in this case they are asking for extension to finish the cip project that was started but not finished so this is a little bit different which would involve the city expensing funds to build a road, not that much of a road, but that is the request at the time so we will be working with the transportation department and look into the feasibility of that but i want you to know that's the exchange we are dealing with her.

>> I want to say, it looks like an excellent concept and excellent thing at this point. Council member martinez and then mayor pro tem.

>> Martinez: I will be brief. Thanks, jerry and I want to thank the folks from east, they have reached out to many folks, way early on in I guess the idea of process, if you will, now we moved to the point where they are going to file this pud. If there is any such good thing as a good pud, that's this. There is no additional intensity entitlements sought. They are trying to be a community partner and have substantial affordability with mixed use type of environment on the site as well. They have embraced the neighborhood plan, and, as they mentioned, this is the first major and only development in the tank farm which was a huge, huge controversial issue when i first joined the fire department in 1992, at fire station 5, just five blocks up the road. I remember it very well, so I look forward to continuing to working with big east and the community and hopefully we can see a great project in an area that is sorely needed in east austin. mayor pro tem cole.

>> Cole: Thank you. I want to echo council member martinez's remarks. I remember, also, what controversial issue the tank farms were and the many leaders in our community, including commissioner davis and then county attorney ken odon and many others that you have reached out to as stakeholders and community groups that were involved in that closure and at that time we did not think that we would geto this point, so we thank you for bringing the project and is that you continue to serve the community. Thank you.

>> Mayor leffingwell: Council member tovo.

>> Tovo: Yes, I look forward to hearing more about the project. I know very little about it other than what I just heard. Would you remind just reminding me about the affordability component. I have heard references but I am not clear.

>> Proposing on the rental property to be 30-60% of the the fine, and homeowner properties to be 30-80% and working with dndc and talking about 150 units.

>> Tovo: Great. So 1350 units and all of them would fall into one of these two categories?

>> I believe so. It's something we need to work with them on the exact number. Something we haven't gotten quite with. We will work with gndc on that.

>> Mayor leffingwell: okay. Thank you.

>> Thank you. i think we are ready to go back to item number 12 now? Which is laying on the table. I think all of you have a copy of revised language.

>> Martinez: Yes, mayor.

>> Martinez: Council member martinez.

>> Martinez: Yes f you refer to exhibit a, I think everybody can agree we agreed with language that neutralizes the findings but gives those that did find good cause the ability to take this document forward to arbitration, again, with the commitment from staff that they realize that we all need a better process and they want a better process as well for the sake of the work that they do, so we will work with them, and if necessary, we will come back to council with potential policy to review. But I am hopeful we can come to a good conclusion without bringing anything back to council, so move approval.

>> Mayor leffingwell: okay. Motion by council member martinez, and the motion would be to approve the resolution with exhibit a as revised here.

>> Martinez: Yes. and second by council member morrison. Further discussion? All those in favor, say " aye. Opposed say no. Passes on a vote of 6-0, with council member spelman off the dyas and so there we are. That brings us to item 107.

>> Thank you, again, mayor and council, my name is virginia collier for planning and development review department. Item 107 is the parmer lane luxury apartments area which includes approximately 71-acres and located northern travis county east of parmer lane, north of the intersection of parmer lane and legendary drive and it is in a limited city purpose jurisdiction and located by the city's full purpose jurisdiction on the outside of the area, it is having a proposed multi-family project and again with the other areas proposed annexation this morning, the city will provide full municipal services described in the service plan and copies are available today and I will be happy to answer any questions on item 107. any questions? No speakers signed up. Entertain a motion to close the public hearing. Motion by mayor pro tem to close the publicy " aye. Opposed say no. Passes on a vote of 5-0, with council member martinez and spelman off the dyas. 108.

>> 108 Is avana phase one area which involves 28-acres in northeastern hays county approximately one mile south of seconds of state highway 45 and it is in a limited purpose and ad jay sent to full purpose on the northeast side of the tract and it is annexed by the purpose of regulatory plan and the owners request for annexation, it is currently undevelop and has remaining multi-family portion of the plan which is the balance of which is in the jurisdiction. Upon annexation, they provide municipal services and that's in there today and that concludes the staff presentation for item 108.

>> Mayor leffingwell: Questions? There are no speakers signed up for this item. Entertain the motion to close the public hearing. Council member so moves. Second by council member morrison. Excuse me. Can't jump quite that after. Council member morrison so moved and

second by mayor pro tem. All those in favor, say " aye. Opposed say no. Passes on a vote of 5-0, council member martinez and council member spelman off the dyas. 109.

>> Item number 109 is the greyrock areas, with 178-acres in southwestern travis county south of south mopac and highway 45, and it is the limited purpose jurisdiction and adjacent to full purpose on the north side of the tract and annexed for the regulatory plan at the owner's request and it is currently undeveloped and includes the great red rock bridge single family division and upon approval THEY WILL PROVIDE FULL MUNICIPAL Services as described in the service plan and copies are available today and that concludes the staff presentation of 109.

>> Mayor leffingwell: Questions? No speakers signed up. Entertain motion to close the public hearing. Council member morrison so moves. Mayor pro tem seconds. All those in favor, say " aye. Opposed say no. Passes on a vote of 5-0, with council member martinez and spelman off the dyas.

>> Item 110 is the upper bear creek coa parcel area and is located in southwestern travis county and northeastern hays county east at south mopac express way and intersection of south mopac and 45, it is the limited purpose and etj and adjacent to the full purpose jurisdiction on the west sides of the tract and annexed for purpose of land regulatory plan and the owners request. It provides city owned water protection quality plan and upon annexation, the city will provide full municipal services as described in the service plan. This concludes the presentation for item 110.

>> Mayor leffingwell: Motions? Make entertain motion to close public hearing. Second. All those in favor, say " aye. Passes on 5-0. With martinez and spelman off the road.

>> The next one is annexation of the wells fargo tract annexation and it's currently in the etj and the full purpose jurisdiction on the best side of the tract. This area is also undeveloped and includes approved approve at lin brooke and the village at lynn brooke condominiums and upon annexation, it will provide full service, copies which are available today and this concludes my staff presentation for item 111.

>> Mayor Wynn: Yes, sir? No speakers lined up. Entertain motion to close public hng. Council member tovo moves. Second by council member morrison. All those in favor, say " aye. Opposed say no. Passes on 6-0 with council member is spelman off the dyas.

>> Number 112 is the wells fargo tract area, approximately 161-acres in travis county at the southwest corner of highway 290 east and state highway 130. This area is partially in the city's limited jurisdiction and etj and adjacent to the city's full purpose jurisdiction on the west side of the tract. It is currently undevelop and annexation will extend land use regulation to the area. This is located at dedicated regional center at high capacity transit corridor, on -- in the austin -- imagine austin growth concept math. Again, upon full purpose annexation, the city will broaden municipal services in this area and this concludes the staff presentation. thank you. We have two speakers signed up. First, it is terry bray. Pete dwyer and donating time is brian zilozol. You have up to 6 minutes.

>> Thank you, mayor, members of the council. I am here to speak tonight in support of this annexation. We visited with a number of you out at this property, this project. To recap a little bit, the area is the intersection of highway 290 east and sh130. A lot of your agenda items tonight are on east austin showing that finally, you know, we are getting some good high quality growth coming out to east austin. This piece of property has been designated, has been purchased out of bankruptcy foreclosure by allied waste which is now subsidiary for public services, allied waste called me up and involved with wild horse ranch next door and said we want to try to build a pretty substantial solid waste transfer station on this piece of property. do you want to set the time for five and a half minutes starting?

>> Sure.

>> And I will be brief. I won't take all of the time. This is the first of three annexation hearings on this piece of property, and the staff, virginia has been very accommodating with us on this request. Council members, mayor, i see this as a -- as an early on referendum on imagine austin. It is unfortunate -- I am a big property rigs guy. I can't own all of the property around you but i hold this to allied waste as a representative. This is a terribly inappropriate use. Allied waste told me that they did not go acquire this property because they had the results of some scientific study that directed them to acquire a facility site in this location. It was a bankruptcy deal be sold by the bank and the first guy who could come in and write a check, and so the imagine austin that everybody worked so hard on and that you guys voted in 7-0 designates 290-130 intersection as the major eastside mac, and, for example, one of the letters and communications that you have gotten have been from the harris branch neighborhood. The harris branch neighbors have told me that for probably 20 years now, they have been trying to get quality restaurants, services, professionals to come out and locate in the neighborhood and it's virtually impossible with such a large landfill operating next door. So we've talked to the -- to the republic people. You can see the site. Can you slide it south a little bit? You can see the yellow line is the representation of the current trma, 450 million-dollar manor express way highway 290 widening project, sh-130 is several billion dollars of investment. This is the major intersection, and all of the other folks out there in the area, the residents, myself as a developer, we are just terrified that if allied waste proceeds, that we do open giant trash collection and recycling facility on this piece of property, it's going to kill that mac, and we've offered to say, we will buy it from you and we haven't really made any head way, and so this is the first of three potential annexation hears. This is the first of three annexation hearings. John joseph left a map and wanted me to remind everybody that three of the four corners on 130 and 290 are puds and they are exemplary pud that is were approved almost unanimously by the council bec they did bring better management practices to the area. So we are looking forward to further engagement with allied waste on trying to convince them to not do this facility on this piece of property. The city of austin's annexation of these two pieces -- there is actually two -- will begin the process of more scrutiny. I believe you have gotten a letter from one of the travis county commissioners, ron davis, saying he supports the annexation. It's important for me to try to get the point across for the other speakers that weren't here tonight. We support the annexation because we hope that leads to this facility not being built on this piece of property. Thank you very much.

>> Mayor leffingwell: That's all of the speakers that have signed up wishing to speak. Entertain a motion to close the public hearing. Council member martinez so moves. Second by council

member morrison. All those in favor, say " aye. Opposed say no. Passes on a vote of 6-0 with council member spelman off the dyas.

>> I have just three more. Item 113 is the dessau business park area which involves 151-acres and located northeastern travis county east of the intersection of dessau loan and howard lane and it is etj and close to full purpose on if steve west side, development industrial park, adjacent park and rural residence, the portion of this is for tax use for ad valorem tax use and now the owner has an opportunity to go to ensure the etj status in addition to continuing to be an ag process and in addition to doing this, the owner has signed an agreement and bring that forward for council approval and at the same time you are asked to take action in november. The city will provide full municipal services described in the service plan and the copies are included today and that concludes the staff presentation for item number 113. we have three speakers signed up. Roger murry. Roger murry here. All right. Mike jeter. You have 3 minutes.

>> Thank you for your time to talk about this. I am the original developer/contractor, now commercial landowner, president of the property owners association t is dessau business park and i know the origins and i worked with the city of austin staff in developing this area, we designed the street, the utilities, the storm water retention, power grid, everything to be a light industrial use. The streets are not residential streets, the utilities, power, nothing is residential. I am not opposed to this annexation but I am opposed to be grouped into single family residential as typically annexations are. I know that at different times you have had -- bending other rules or whatever, to where something like this could be annexed and then be rezoned for one application for all lots. I would like to encourage that, if I could. If nothing more than built for that purpose and in the process of creating this entity called dessau business park, we already have codes, covenants and restrictions that prevent any residential use here. No one that owns a lot here can utilize their property for residential use in the process of being zoned a single family residential. We've got a problem. The problem becomes somebody is trying to refinance their land. They are not compliant with either code covenants and restrictions, or the zoning. Somebody wants to sell their land, the same thing takes place. So that's -- that's the only problem I have in that fashion with the annexation. It's just a matter of the zoning issue, and, again, i will ensure -- I am trying to encourage that if the annexation goes through, we be allowed to, all at once, be with one fell swoop, everything be annexed as that zoning. And the other thing is that looking at the map as to what is being annexed here, it is pretty obvious there is a stinky route that goes around a problem area. The problem area is one that, you know, we all have to deal with problem areas. I had to as a developer out here. There was a place called dessau music hall and some of you may have grown up and been out there, or whatever. Well this police, when we started developing this business park would typically have 5 or 600 people every night and they had a septic tank that was 750-gallons, so on mondays -- [buzzer alarming] you would have -- sir, your name has expired.

>> Awe. Could I get -- are you donating time? All right. He has 3 more minutes.

>> Okay. Thank you. So typically on monday morning, you go and look at harris branch creek and it was suds. Stepped in a range for the utility lines for the business park to accommodate and go through, take up the waste for this place, and, you know, we fixed the little problem. Now we are seeing an annexation somewhat similar. You can either go around this little problem area,

which all around harris ranch, or you can try to annex at least a liking part of the problem. What is the problem? The problem is that there is probably 100 lots that are 8,000 square foot to 9,000 square foot, small homes, and every one of them is septic tanks. Every one of them has a septic tank that cannot possibly comply with the current restrictions that allow the waste to be properly taken care of on the lot. What happens? It all flows into libraries. Without incorporating and providing services to this little area, this is always going to be that way. So you have a chance to do the right thing. Include this area in with it. Provide the services. You've already written, i know at least two ftrs, service extension requests, where developers are running main lines on crystal bend so the main lines are there, not that big of a deal. The taxes you s get from dessau business park will easily support the improvements and I know there is a plan that is called -- what is it -- 15-11-7 financing program applications for the city may establish a lateral finance program to assist the property owner in financing to repair or replacement of a defective private lateral. It is the right thing to do. Include them in. Thank you. jerry colt.

>> Good evening, yes, I am gary kulp and one of the owners in the business park and I have a couple of issues I would like to bring up. The first is we have a significant crime problem because of a very large criminal element that lives to the north and to the west of our park. And I am concerned that given the boundaries drawn in this annexation, there is going to be a jurisdiction al conflict that will lead -- a jurisdiction al conflict that will lead to lack of prosecution and i will give you a very specific example. My building has been vandalized a number of times -- excuse me, and this year, one of my trucks was stolen and it was driven to a residence just on the other side of the area -- the boundary between our area which will be annexed and, will, therefore, only be county lane after the annexation and I do not see how the city of austin will possibly be able to recover our vehicles and prosecute these criminals when they do not have jurisdiction over the area in which these criminals are taking our -- our property and when the criminals live outside of the jurisdiction of the city. So I am very concerned about that issue, and also, I have an issue that's smaller but it really perplexes me. I have been told that even though we are being annexed that our address also remain pflugerville and I just don't see how we can be annexed into the city, pay city taxes and still have pflugerville on our return addresses on our envelopes, so I don't know who is in charge of that, but it con found me and I would like to see that. i think it's the post office. Take it up with them.

>> Okay. Okay. Anyway, that's my main concern, the jurisdictional issues there. I think the city should go ahead and annex to the north and to the west and that would incorporate the areas with the septic issues because it is true, there is enormous amounts of waste that go into the creek and, therefore, we will have jurisdictional continuance around the entire area, not just in the business parts. Does that make sense?

>> Mayor leffingwell: sure.

>> Thank you. thank you. Those are all of the speakers signed up to speak. Entertain a motion to close the public hearing. Council member martinez so moves. Second by mayor pro tem. All those in favor, say " aye. Opposed say no. Passes on a vote of 6-0 with council member spelman off the dyas.

>> Item number 114 is the mar bella area which includes 114-acres of land and located south east travis county east of 35 south and approximately 34 feet north of the second of 35 and slaughter lane and it is in the city's full purpose jurisdiction and it is currently undeveloped and includes proposed multi-family project part of which is within the full purpose city limit and the property requesting delay of the restrictions under a full project under the county pe. In lieu of annexation the property owner has an option to enter into development agreement with city that will ensure the etj status. If the owner is interested, I will bring a development agreement to council for purpose before or after you are scheduled to take action on it. If it is for full purposes, the city will provide full municipal services to the area as described in the service plan, copies of which are available today and that concludes the presentation for item number 114.

>> Mayor leffingwell: Questions? Entertain a motion to close the public hearing. Council member martinez so moves. Council member morrison seconds. All those in favor, say " aye. Opposed say no. Passes on vote of 6-0. Council member spelman off the dais. We will go ahead and, if there is no objection, council, go to our last annexation case, 116.

>> Item 116 circuit of americas area, this includes approximately 1,584-acres and located in travis county, south of pearce line one half mile of pearce lane and ross road. This area is in the city's etj and adjacent to the city's full purpose jurisdiction on the northwest side of the area. This includes undeveloped land owned by the state of texas in addition to undeveloped agricultural parcel, segment of right-of-way of elroy road and circuit of america site. The tract that is appraised for agricultural use as an option to enter development agreement with the city to ensure the property etj status as it is continued to be used for ag purposes in lieu of annexation at the time. To move forward with the development, any restrictions on city annexation becomes void and unenforceable. The owner signed one of these development agreements and I will bring that forward to council at the same time you are scheduled to provide annexation ordinance for approval. This is described in the service plan and this concludes the staff presentation for item number 116. one speaker, richard subtle. Donating time, ray salinas, you have 6 minutes.

>> Mayor, members of the council, thank you. I am here on behalf of circuit of americas, also known as coda and I want to get on the record that coda is more than a racetrack, it is a high traffic multi-use facility that's in progress. It includes automotive use facility and racing facilities from running and bicycling, all the way from cars, motorcycles and everything in between. It has multiple aviation facilities in the form of teleports out there. We have medical facilities, meeting and convention space. We have an rv facility and related amenities for an rv facility, grandstands both permanent and temporary out there for all of these events. We have utility services in the form of a transformer station, electric utility transformer station. We have parking facilities, both paved, unpaved. Office space, retail sales. We have alcohol sales on the entire site, as part of the facility. We have got potential hotel sites, driver education facilities and training facilities. We have multiple live music venues including a very large outdoor permanent amphitheater and the related facilities with those and other related outdoor entertainment planned out there and also in addition to the formula one race we have many events that are scheduled for the upcoming year. This annexation raises many interesting issues. One, we have got an esd out there that now provides the fire service, I think we would like to have that conversation before it's actually annexed but I think it's something that can be worked through and we have other regulatory issues including enforcement of ordinances, both land use and city ordinances, the one

that sticks out the most probably is the sound ordinance. I mean, how we are going to deal with that because we will have a pre-existing loud use out there. As we understand it, though, the facilities and uses and everything related to it will be grandfathered or deemed to be nonconforming uses, both under our nonconforming uses and noncomplying use ordinances, as well as state law. If that's the case, then code enforcement should not be an issue and we should be able to come to terms and have rules of engagement on how that will work. If that is the case, then cota looks forward to this facility being annexed and part of our city. We will be happy to answer any questions you might have.

>> Mayor leffingwell: Council member morrison and council member tovo.

>> Morrison: Actually, i have questions for staff. there may be questions for you. Go first, go ahead.

>> Morrison: Great, and subtle will have something to add to it. A couple of things I want to understand. One is about the est, can you explain or somebody on staff explain the situation in terms of their tax revenue and if we -- if we annexed this land, we will be getting the tax revenue and how will they still be able to maintain the services we need? Are we talking about an agreement there?

>> The way it works with esds and annexation, prior to annexation, esd will se area and when city annexes it we become the service provider and then city disannexes it and then they are no longer on the county's tax roll. So once in one jurisdiction or the other, they get the tax revenue and obligation to provide service.

>> Morrison: My understanding there have been a lot of discussions going on lately because when we annex and basically take away a lot of evaluations, there is also -- they are still going to have to provide -- they are still going to have to provide service to the rest of the area and it is not necessarily just proportional because there -- to how much land they have and as i understand, there have been some issues going on and some discussions between -- and this is not just an issue here. In many places and maybe somebody can speak to that.

>> Thank you. Council member, I believe that this may be a more appropriate question for the fire department, and we can get you some answers on that because I know that the fire department has been in discussion and chief mcdonald and I have been in some discussion but it is ultimately a fire department agreement that would have to occur or not occur and i will be happy to get you that information.

>> Morrison: Yes, if you could because as i understand it, the esd did offer some suggestions as to how to share different pieces of the revenue so they can still be whole and they were also concerned because, in fact, they say their station is closer to the city station so oftentimes they will be continuing to serve the tract, and so I think we need to work this out so we are not just, you know --

>> you are correct and their fire station is really right adjacent to the track, and, in addition, circuit of americas has contracted with them for services for formula 1.

>> Morrison: For this year?

>> For this year. So we are -- I do probably have the same letter you have and we are working through those issues.

>> Morrison: Okay. So is this the first of three hearings or the second of three?

>> This is if first of two.

>> Morrison: First of two.

>> And november 8 will be an ordinance meeting. No action taken this week or next week.

>> Morrison: So it would be good if we can get this sorted out quickly so that if you hear a report on where -- where it is by next week, is what we are talking about, right.

>> We will do that to the best of our ability.

>> Morrison: Great. Thank you. And then the other question I have is we were provided a summary of the financial analysis -- thank you for each one of these and I want to make sure -- each one of the annexations and I want to make sure I understand, there is a chart at the bottom. It says 25-year cumulative cash flow for the cota tract, millions of dollarss and sources of funds and then uses of funds. I assume sources of funds, that's our city income and uses are the -- like the cost.

>> Right.

>> Is that correct? And so and then at the bottom it is net present value of net cash flows and it shows a 16 million-dollar net -- present value of net cash flows. Does that mean on an annual basis? That is positive over the 25-year period that the valuation is done.

>> Morrison: That it will be \$60 million -- we will be \$60 million better off doing this?

>> Correct.

>> Morrison: You are saying. And then one question that came up recently is obviously there has been a lot of talk about transportation and -- and to and from the track and so how have roads been included in this analysis or is that just sort of an outside thing and do we have any idea what the cost of those would be?

>> We are not proposing to annex any additional roads or any surrounding roads other than what is absolutely required to make it continuous. Our goal is to reduce the impact of the neighbors on the adjacent properties so the roads leading up to the track and all around will remain in the county. In the county jurisdiction.

>> Morrison: So we are just annexing a little bit of the road?

>> Yes, elroy road on the main transect on the north side, to make it contiguous to the property on the north.

>> Do we expect -- will there be any road improvement that is subject to the city's responsibility?

>> I think, council member, that depends on the annexation. I think that there has been some discussion. Settle may want to speak to that with Travis County and I prefer that he speak to that.

>> Morrison: Okay.

>> The state has made improvements to 812, getting out there. That's the main road out there. There has been some county maintenance done on Elroy and McAngus, and then there is an agreement to extend a road -- actually, it is Kellum road up to Pearce land and then recently Campo voted to include in a land doing a road up to 71, but as I look at the map here, it doesn't appear that annexation is taking those roads in except for possibly the extension of Kellum road as part of the annexation. So those -- that's -- that's just basically a fact.

>> Morrison: I guess I am just trying to figure out -- it looks like we are going to be 16 million better off -- 60 million better off after 25 years. I am just wondering if, in fact, it is going to cost us 5 or 10 million in road improvement.

>> I don't anticipate that. The road -- the road network is basically there now. It was -- as people develop around your normal development rules and the county's normal development rules to take care of new infrastructure that goes out there as a result of the track.

>> Morrison: I guess I would be concerned about needs for expansion based on people having to expect it on the way to the tracks next month. So it just feels like a big open question for me that I wish we could get at least some foundational information on it, maybe working a little bit with the county or something like that. Thank you.

>> Mayor Leffingwell: Council member Tovo.

>> Tovo: I want to follow up on a point I heard Settle mention and I will start by asking Settle to follow up on it >> you referred to noise ordinances and I think I heard you express, I hope, that the property would be grandfathered -- would not be subject to noise ordinances. Did I hear you correctly?

>> Yes.

>> Tovo: Okay. Thanks. That's what I wanted to verify with you and I would like to hear from our staff about this issue and I ask in part because we got a question just this week from a member of the community who wanted -- wanted to know whether city of Austin noise ordinances would apply to a property once it's been annexed, and they asked in particular because of this track -- because of this item on our agenda, so if you could address that, Mr. Guernsey.

>> Greg guernsey, planning and development review. Under state law, the property owner has a vested right to the uses as they come in the city. They are not even required to rezone and are actually allowed to continue those uses. The question might be some of the uses that have not yet come in and been constructed. The racetrack, for instance, would be one where it would be a use that would be recognized under that state law, section of local government code, and that they would have the right to continue that use, so, yes, you probably will still hear large, loud race cars going around that track or other vehicles going around that track and that -- that activity would be grandfathered. But if there was some other future activity that were to come in, that's where the question might come up, as far as the operation of it. It does speak to the land uses but it may not speak to all municipal regulations, and so there may be a question about how our sound amplification ordinances may apply to a certain type of uses. I know that that's a question that came up and i think we will be talking a little bit more with our law department through the week about that. I don't know if I can give you all definitive answers, but the state law is pretty clear with regard to the uses that are either planned or on the ground upon annexation, that they are entitled to that use and city regulations may not necessarily be able to hinder that use on annexation.

>> Tovo: Right. So if I understand what you are saying, once we annex it, we couldn't say now you can no longer have a racetrack use on that site, obviously.

>> Right.

>> Tovo: But it doesn't necessarily follow that the regulations that apply to everybody else in the city limits don't apply to this track and one of them would be amplified zone?

>> For the certain activities that are planned or established 90 days prior to the annexation date, the folks that live around it are not within the city limits, and would not trigger certain setback or requirements or limitations by having residents on adjacent parcel, the track, part of it being annexed in the city. If they were to operate things outside, they would still be outside of the city limits and would not be subject to our regulations. For those people that are out. For those people that are in, like f1, if they were to introduce some new activity in the future, that may be subject to our regulations as far as noise but the existing track, as it exists today, if it were annexed in, or as I mentioned before, those things that are planned that may not even be constructed today but are on the slight plans, that may be approved by the city, those can be grandfathered.

>> Tovo: I hope we can get more clarification on that, especially since the surrounding neighbors will not be within the city limits, I guess there will be an additional question of if the track itself is obliged to comply with the noise ordinance, can somebody who is not within the city limits call and register a complaint about it. So if you could -- because we have gotten some specifics and some comments about that, I hope that you will be prepared to provide us with that information.

>> Regarding code enforcement issues an individual doesn't have to reveal themselves, whether they are inside the city or not, as far as making a code complaint. But if it's in regards to the track that exists out there, then our response will probably be that we would not be able to -- that's subject to our noise regulation, I think it's a pre-existing --

>> Tovo: Right. Again, you are talking about the cars, right?

>> The cars or maybe the pa system -- the pa system.

>> [Indiscernible]

>> Tovo: I thought I did.

>> The pa system associated with that. Those things are already, as I said, that are either on the ground or plan to be on the ground 90 days prior to annexation.

>> Tovo: Ninety days prior. Okay. Thanks.

>> Mayor leffingwell: Council member morrison.

>> Morrison: I have a follow up question, greg. I want to make sure i understand. So our outdoor sound ordinance, when it's -- it's triggered by residential use nearby, or amplified outdoor sounds, can you only be a resident nearby if you are within the city of austin? Is that what you are saying?

>> I would think so because the unusual thing is, that you would be saying our municipal regulations are triggered by, I guess, uses that are beyond our city limits. If we had a -- for instance, on a zoning change, certainly people have the right to protest against a zoning change, but the petition right that exists does not apply to or is not extended to that -- that courtesy is not extended to somebody that is outside of our jurisdiction. So they can come in and protest, but they -- but that person outside of our city limit can't force that super majority vote of 6 out of 7 votes that accounts to override that, even though they might be right next door, even within 200 feet because they are not within the city limits.

>> Morrison: What about, there is an 85db state law limit, as I understand it. So that anybody can complain about that at the property line. Is that correct?

>> That may be true even today. If it is a state law --

>> Morrison: Yes.

>> Guernsey: Then somebody could probably complain about that.

>> Morrison: Then they could complain -- we have 85db limit, right, in our code?

>> We do.

>> Tovo: That's the way i understand it, so they could ask the city to enforce that, as far as having to go to the state.

>> Guernsey: I would like to pursue that probably with our law department and get back to you on that.

>> Morrison: Yes, I agree with council member tovo, though, we need to get some answers. People are concerned about that and I do have a subtle that is a related question. I know that you are looking at having concerts and live music circumstance and all out there. Have you all spent any effort on sound engineering to try to contain the sound within a certain area, as opposed to letting it blast across the corn field.

>> Sure, first of all, the track -- part of the decision making to put this where it is, is that it's in the flight path of the airport, and so we have the airplane noises to start with and then the amphitheater itself, the music amphitheater is actually pointed away from the majority of the residents and pointed toward the airport.

>> Morrison: We already have live music at the airport.

>> Well.

[Laughter]

>> we might have some more.

>> Morrison: Yes.

>> But it is one of the issues. In our region, we don't have an outdoor amphitheater, this is the first one, we will have music playing prior to annexation and it will be a discussion we have. It is built as a bowl but I can't promise you that you won't hear it and I can't promise you that -- el, I can't promise you won't hear it outside of the boundaries and of course outside of that, of course the racetrack there is noises out there and we have a system where if people are out there, we can tell people what is happening. We have got that and it is called amplified sound.

>> Morrison: I think we need a preexemption for that.

>> And I can't imagine our city wanting to annex and shut down a facility that is going to be bringing what this facility is going to bring to us. And it's beyond football right now. It is music and technology and testing and research and development and lots of school things. It's a multi-use facility now. It's more than a racetrack.

[One moment, please, for change in captioners] I briefly want to go back to the financial. I think we established it 2 million in net revenues over a 25-year period. Is that correct?

>> Right. but tell me what value does the football track add to our tax rolls, to our tax base?

>> What is the assessed value of that property itself? I can bring that back to you next week. I don't think I have that number. I thought I saw a number that was 200 million. Because I think

it's important to recognize that we might do a 15, 20, 25-year projection, but we have added a significant value to our tax base.

>> You're correct, in the assumptions that we used for projecting out the revenues, we used a taxable assessed value of \$200 million. I move to close the public hearing. Motion by Mayor Pro Tem Cole, second by Council Member Riley. All in favor say aye.

>> Aye.

>> Mayor Leffingwell: aye. Opposed say no. Passes on a vote of 6-0, Council Member Spelman off the dais. So that brings us to item 115, and that is in -- we'll hear public testimony on item 16 and 115 together and we will consider two items separately for a vote.

>> Good evening. I'm Michael, and I'm growth and redevelopment services office. Item 115 is to conduct a public hearing and after the public hearing consider a resolution authorizing the Austin downtown public improvement district for a ten-year period. As part of this reauthorization we'll be adopting a ten-year service plan and budget and designating the downtown alliance as the advisory body for the district. 16 is authorization to negotiate and execute a management agreement with the downtown Austin alliance to manage the services extending the contract for another ten years. In 1993 the city council created an Austin downtown public improvement district and it was reauthorized in 1997, 2002 and 2007. The current five-year reauthorization expires on -- you should have in front of you revised copies of exhibit A, the map of the public improvement district. The district encompasses an area approximately 650 acres. The boundaries are roughly

[inaudible] boulevard on the north, I-35 on the east, the southern boundary is generally defined as properties on the south side of Cesar Chavez boulevard but includes properties south of Lady Bird Lake. The western boundary is roughly San Antonio Street. The city received petitions signed by over 50% of owners of -- representing -- excuse me, representing over 50% of the appraised value of the taxable value of the district, and over 50% of the -- of the area of the district. As state law requires the district has developed a ten-year service plan. Parts of the service plan are public safety and security, 28% of their budget, music and culture 10% and other areas making up the last percentage of the budget. The PID will continue to -- at 10 cents a dollar valuation. The first \$500 of value and property qualifying for homestead. The budget is \$3 million the first year, and is projected to grow to \$5 million over the ten-year period. Pursuant to section 372 of the Texas local government code staff has notified property owners of this public hearing. At this point unless there are any questions we're ready to conduct the public hearing. Questions for staff? We'll go to our speakers. Jules sure? Pamela Power. Donating time is Julie Fitch, Molly Alexander, David Bodnam. So you will have 12 minutes.

>> Thank you. I won't take all of that. Good evening, Mayor and Council Members. My name is Pamela Power and I chair the board of the downtown Austin alliance and I'm here to take you tonight about the renewal of the downtown, it requires owners to submit indicating their willingness to consider the assessment for ten more years. The downtown PID was formed in 1993 when downtown property owners first petitioned city council. They were willing to pay an additional real estate assessment in order to -- in order to gain services over and above that which

the city of austin could provide. Property owners gave permission to renew the district in 1997, 2002, and again in 2007. And in order for the downtown public improvement district to continue operating, you must approve the property owners' request this evening. A great of work has gone into the analysis and preparation for this renewal process. In fact, the preparation began in summer of 2011 with a working group of daa board members evaluating several options in context to our strategic plan, including four geographic expansion options, whether or not to raise or lower the assessment rate and the authorization term. The group recommended and secured daa board's approval to maintain the assessment rate at 10 cents per \$100; to retain the residential homestead exemption; to retain the 500,000 exemption given every parcel; to extend the authorization term to ten years; and to expand the district to lamar to better reflect both public perception of downtown bownld ris and the area -- boundaries and the area in the downtown austin plan. After the board finalized its decisions the daa sent notification by mail to all property owners within the authorization boundary. Each of the 886 parcels that are liable for assessment received a letter, a petition, a fact sheet and district map in the spring of 2012. After all packets were mailed out, daa staff followed up with phone calls and personal visits, and by the time the daa submitted all of the signed and notarized petitions to the city clerk's office on july 31, we had collected positions representing -- petitions representing 79% of the value and 62% of the land area in the district. State law requires just over 50% of each. Now, while we originally planned to expand the district and met all petition requirements to do so, we ultimately determined that there is not enough support from key property owners in the new area to justify expansion, so this evening we ask that you renew the existing public improvement district boundaries, which would bring our revised petition totals to 85% of value and 71% of land area. This strong support speaks volumes. We are very pleased that the vast majority of our property owners and members understand the benefits they receive from the daa, both in direct services and advocacy and have done so for the past 20 years. You are quite familiar with much of the daa's work, and I want to highlight a few of the recent contributions. One, the daa's large financial investment to support apd with the installation of surveillance cameras placed not just downtown but in high crime locations throughout our city, the daa support and formation of new partnerships to improve our downtown parks, trails and green spaces, and the daa has similarly supported efforts and partnerships to improve mobility in and around downtown. Organizations we've supported both financially and through advocacy include the austin parks foundation, the trail foundation, the waller creek conservancy and moveability austin. The daa has also advocated for and provided financial support to increase permanent supportive housing. The austin downtown rangers serve as ambassadors and security personnel for our city and provide eyes and ears on the streets every day, providing assistance to our police department. The daa maintenance team provides daily litter control, sidewalk cleaning, graffiti removal and seasonal bird control. And the organization is making a large financial investment and managing the project to install lights within the trees all along congress avenue, which is not just austin's main street but the main street of texas. I want to stress the efforts of the daa are great and the accomplishments are many. In the past 20 years austin's downtown residents have grown from 4,000 to 9500. Downtown employees now total in excess of 116,000, up almost twofold from 67,000 in 1993 at pid -- at the pid's origination. Occupancy rates have increased to over 80% and downtown property values skyrocketed climbing from 700 million in 1993 to 5 billion currently. This growth has not only helped property owners within the pid, but this increased tax base has benefited businesses and enhanced quality of life in neighborhoods and districts surrounding downtown and throughout our city. The tax base will continue to grow and the experiences of

our residents and visitors will be further enhanced by the daa's work over the next ten years. The daa board and staff want to thank you for all the support you've given us for the past 20 years. The organization's strategic plan largely reflects the city's adopted downtown austin plan, and we are looking forward to continuing our work with you to realize the shared vision of making austin one of the best and most recognizable downtowns in the world. Thank you, and good evening. . >> Mayor leffingwell: thank you. Council member riley? power, questions for you. power, first I want to thank you for your service and for your comments here tonight and I also want to congratulate you and the whole daa for the strong support that you've got among your membership in downtown. You mentioned one decision that I just wanted to ask about, the decision to go -- to change the reauthorization term. In the past generally we've seen reauthorizations every five years as I understand it, and now we're moving to ten years. Could you just briefly explain the rationale for that?

>> Sure. The rationale behind that, because the daa has worked so much of the advocacy work is long-term advocacy work and it makes more sense to extend that to a longer term so that we can carry on and carry through that advocacy. It also enables the daa to be better stewards of these tax dollars so that we can negotiate property leases and so on to maintain staff and property on longer term at more affordable rates. And it is consistent with other like districts throughout the country.

>> Riley: got it. Okay. Thanks very much.

>> You bet. council member morrison? thanks for you comments. I do have a question. I'm curious about the consideration that's been dropped now of expansion. Could you -- could you talk a little bit about what that was and explain why? And I see charlie coming down. I don't know if he wants to be the one to speak to this. Explain why it was maybe not embraced in terms -- because it seems like when you're talking about the services that you provide, that those services are needed in the expanded area too. So I'm interested in that dynamic.

>> Sure. So, you know, while we did exceed the 50% level, when you look at the entire new boundary area, the largest part of that support was in the original pid, and obviously property owners who have had experience with the daa realize and value the benefits. When you look at just the westernmost part, the expansion area, the percentage of support was not as great. and were you considering -- contemplating all the way to lamar, basically?

>> All the way to lamar. and all the way up to 18th street or mlk?

>> I tell you what. I'm going to refer to cynthia bass and charlie for specifics.

>> The proposal was to go north to about 7, one block. One block to 7th, to l'amour, to lady bird lake. And so I guess there just wasn't that enthusiasm for the added services, because

>> I think there was an understanding and an appreciation for those services but there was maybe the thought that the needs in that westernmost area didn't necessarily match those needs in the cbd, and so and so there was not that abundance -- maybe -- maybe the thought is that there is a separate public improvement district in that area at some time but at this juncture there --

>> it just wasn't the right time? Because I would say especially along 6th there i think everybody knows what's happening. Is it possible to amend the boundaries during the ten-year period if the sentiment changes?

>> Additional properties can come in. They have to be contiguous and so over time, over the course of the next ten years we could expand further to the west at property owners individually petition to come in, contiguous property owners.

>> Morrison: okay. Thank you very much.

>> You bet. next speaker, charlie betz? Okay. Thank you. So I believe that's all of the speakers that we have signed up that wish to speak. We will consider item 115 first and then 116.

>> Mayor? council member riley. yeah, just a couple questions for staff, if I could. Michael, there's been some talk about the possibility of changing boundaries. Right now the proposal is -- that we're hearing from the austin alliance is to stick with the existing boundaries but, in fact, we expected some properties will be coming in within the next few years that will push that boundaries westward in some cases.

>> I understand the agreement, the green -- the agreement would be they would join the pid at some point. any timetable for when the green --

>> I'm not exactly sure what the timing is.

>> How about seaholm?

>> There's no agreement at this point for seaholm although they're certainly entertaining that idea.

>> So there has been some discussion about that? Other properties in that area?

>> Possibly gables as well.

>> The gables, the gables as well. Okay, so we -- there is a good chance that we will be seeing some movement of boundary towards lamar within the next few years?

>> Yes.

>> Riley: okay. Thanks. So entertain a motion to close the public hearing and consider a resolution. mayor, I will make that motion. I'll move that we close the public hearing and approve the reauthorization of the downtown -- of the austin downtown public improvement district with -- keeping the current boundaries intact. motion by council member riley to close the public hearing and approve the resolution. Is there a second? Second by council member spelman.

>> Riley: mayor, if I may? council member riley. And did you want to speak, mayor pro tem? I want you to show me recused on this item. just a brief comment. I appreciate all the work that the downtown austin alliance has invested in this effort over a period of many months in their lengthy discussions with stakeholders across downtown. I had hoped that we would actually see an expansion of the boundary because I think long-term it makes a lot of sense for us to all visualize a united downtown stretching all the way from lamar to i-35. That, in fact, is the way a lot of us -- have envisioned the downtown for some time and I think long-term there's every reason to expect that that's -- that would be the shape -- the configuration of the downtown public improvement district, and my hope is that we will see some continued movement in that direction over the next few years as property like green and seaholm and the gables are brought in. I think as that happens we're likely to see a continued evolution of our downtown and particularly the southwest quadrant of downtown, to the point where the need for a public improvement district becomes all the more apparent as time goes by, and I think -- I think what we'll see is that the stakeholders all across that area in particular will recognize the value of having an authority like the downtown austin alliance stepping up and taking responsibility and carrying out the kind of very valuable functions they've been performing for the central business district for many years now that they have -- the downtown austin alliance bears much of the credit for the incredible resurgence we've seen of downtown over the -- over the -- especially over the past ten years, but really, it's been close to 20 years now that we've been seeing a real rebirth of downtown, and i think we're poised for exactly that kind of growth in the -- in the western part and so I think it makes sense for us all to keep our eye on the ball of having -- of getting those boundaries expanded. And I know that the property owners to the west have expressed a willingness to remain engaged and to continue this conversation and it's my hope and expectation that that dialogue will continue and we will continue working towards a united downtown extending all the way from lamar to i-35. But at this point I'm happy to make the motion to renew the authorization for the district based on the existing boundaries. well said, council member, and i second everything you said. I'd just go one step further. I think the daa has been the biggest single factor in the revitalization of downtown austin over the last few years. I grew up in this town. I remember what downtown was like before it declined. We lost some major -- the last major retail outlet in 1984, for several years thereafter there was nothing on congress avenue downtown. And just a few years ago we started rebuilding, and i think progress has been remarkable and I want to extend my thanks to the daa for their efforts, both in the past and thanking you in advance for your efforts in the future on several big projects that we're working on. So with that all in favor of the motion say aye. aye opposed say no. Passes on a vote of 7-0 coal col I'm recused.

>> Cole: I'm recused. maybe pro tem is recused. So now we need to take up item 16, which is to authorize the negotiation and execution of the management agreement. Anyone? We've already - - mayor, I'll move that we approve the negotiation and execution of the management agreement as proposed. motion to approve on item no. 16. Is there a second? Second by council member morrison. Any comments? again, mayor, i need to be recused. in favor say aye.

>> Aye.

>> Mayor leffingwell: aye. Opposed say no. Passes on a vote of 6-0 with mayor pro tem cole recused. Brings us to the last two items on our agenda, last several items. We're considering

items 24, 25, 26 and 117 together. I have a number of speakers signed up to speak. These items are mutually exclusive, so when one of these four items passes, the other three will be automatically withdrawn.

>> Mayor? council member martinez. just briefly, I'll request to be recognized for a motion because as law pointed out this week, if one item is adopted, it has an effect, as you mentioned, on our items where they won't be able to be taken up. So I would like to attempt to take up one item first and if it fails obviously the other items can be acted on. i understand. First we will go to our speakers, and senator barrientos is first. All right, juan oyevidas. Donating time is julio trevino. Julio, are you here? You have up to six minutes.

>> Good evening, mayor, mayor pro tem, council members, city manager. We had a meeting last week with the developer of the project next door to the mexican-american cultural center. I'm the chair of the emma barrientos macc we got a chance to look at the proposals and the rendering for this project and it is based on three lots that are already in his possession. He confirmed the rendering -- the crude rendering that you saw that I produced two weeks before that was -- was pretty much in order as far as the parking structure there blocking the major part of the view the macc. Mayor pro tem, regarding your propose to have the staff educate us and the community about the waller creek tif and those subjects, we didn't have any staff there to help us with that. We invited council to the city manager's office, pard, transportation, those are the only two that attended. Also invited austin energy because we did have some transmission line questions to follow up on. Council member morrison, regarding the suggestion concerning the constraints that you suggested that we talk about with the developer, he didn't have any to offer other than what's required for city code. So it was a very short conversation. From what I understood and if I'm correct, there are no city guidelines to engage the community when a project like this is developed, and I believe the ordinance or the guidelines are that he can engage the community at his discretion, and if -- if there's anything else to that, that's all that we heard. Long story short, as far as the process goes, because we didn't know how we got to this point or what was happening or how any of these discussions were made. We never really got an answer to what happened, and at the end of the meeting we probably talked about the process for 45 minutes and we went around in a lot of circles but we just didn't get anywhere as far as satisfactory answers from pard or transportation. Jaime bean could not be here with us today -- tonight, but he did issue a statement and it talks about the practicality of keeping that piece of land for future expansion needs for the ingress and egress for the center, especially when the final phase is built and there's a parking garage there. Right now it's a bottleneck and in the future it could really come in handy to have that piece -- that parcel as part of the -- of the main campus, so to speak. And so it would just be too tough to create a bottleneck there and have any possibilities of relief. Mayor, if there's one recommendation I could make above all during my service on this board for you, i would say that this one would probably -- the top recommendation that I could make to you is to vote no on these items and vote to keep that piece of parcel with parks and rec, or with the city. I think it's time if we step back, we have a 12-year-old master plan. At that time the waller creek project was not really a part of the discussion, but I think it's time that we get reenergized and reacquainted with the master plan for the emma barrientos macc and I'd like to courage us to start talking -- encourage them to start talking about their project. That's all I have. council member riley? I'm not sure i understand the vision that you're articulating for the future of this parcel. Are you saying that we would want to use it as a driveway?

>> It will be necessary to expand the -- the entrance to the macc once the final phases of the macc are in. If you can imagine, it will be like a ut game trying to get out of the entrance, and so I think it would be very smart for the city to hang on to this piece of parcel for future expansion of that entrance, yes. so if we go back and look at the master plan that is in existence, and has been in existence for years for the macc, would we see that that need was recognized and that there was a driveway where this parcel sits today?

>> I have not seen that, sir, nos. No, sir --

>> my understanding was that the plans -- master plans for the macc never have addressed this site in any way.

>> That's correct, as far as I know, it has not specifically referred to this parcel for expansion of a driveway, that is correct.

>> What are okay. Thanks.

>> You.

>> Riley: okay. Thanks.

>> You bet. speaker sylvia orosco. Sylvia? Vilia sanchez? Cassie smith? You've got three minutes.

>> Good evening, mayor and council. I am a member of the emma s. Barrientos mexican-american cultural center advisory board, and I want to thank you for this opportunity to hear us speak because i think that we have not been included in a lot of the talks about this land, and to the best of my knowledge neither has the staff of the macc. And I have been a volunteer at the macc for the past five years, almost since it was open. I am there a lot, probably more than I am anywhere else besides home and work, but what I've seen there is the community coming together in a space where they're making art, they're enjoying music, they're taking part in various activities, bub the most important thing -- but the most important thing i think is very magical is there's a lot of community billion that's happening there. And this meeting making that is happening is really enhancing the quality of life for all of austin, and or me, you can't put a price on that. I know this land is very valuable, but it's very valuable to the community as well, and I think that I'm -- it's important to preserve this land for future projects that will happen there. I reiterate what juan said about the future stages of the macc, and that being a staging area for the construction and also for the entrance. I think what we're facing there in the rainy neighborhood is a desperate situation. We had a community member who was putting on a performance at the macc last week come to our board meeting, our regularly scheduled meeting, and she wrote up a letter about her volunteers who had to work the parking lot in front of the macc so that rainy street visitors who were not attending the event would not park there because they were expecting a full house. It was their vip night. The volunteer who was working the door also had barriers set up in front of the driveway, two cars almost ran him over. They came in, they ignored the signs there, and he politely asked them to leave, and they -- you know, someone said, I always park here. It's my right to park here. And of course they get out of their car and

they walk to the rainey district. I'm a bike rider so I don't have to worry about parking very much, but in that -- in that area it's desperate. All the new development that's going in has made it a really hard place to move around, whether it's on a bike or a car. We recently went to our

[inaudible] celebration and it was the same thing. You couldn't get out. Cars were backed up. So really illustrates multiple issues. It's preserving the integrity of the building which is also a piece of art and it's also about this desperate situation in the rainey district, and I think overall it's about inclusion in these talks about something that are happening right in front of our building. Thank you. thank you. David carroll? David carroll? Paul saldana? Okay. So villia sanchez is here, donating time. Ruben cabios? Corinne jimez? Riana garcia?

>> She left.

>> You have 12 minutes.

>> I think I had peggy vasquez down.

>> Peggy vasquez here? Have you signed up? Okay. So you have 15.

>> Thank you, mayor. Paul saldana speaking on behalf of myself tonight. I want to be able to answer some of the questions from council member riley, but i think it's important for us to start with a historical perspective of this neighborhood and this land. So let me start at the infamous 1928 master plan. I think we all are very familiar with that particular plan, but I'll just fast-forward and say that one of the lone survivors of that infamous 1928 plan was the rainey street neighborhood, which in our history books is considered to be the first official mexican-american neighborhood in the city of austin, where many mexican americans lived there, very small houses up you mean the early 1990s when that neighborhood began to change. Today all the original congressman families are gone oh mexican families are gone with the exception of two or three, the velasquez family still have property there, maybe another family lives there. I grew up in east austin on river view street, further east but my aunt and uncle lived on rainey street so as a child I remember visiting family and friends. Most importantly I remember our cultural traditions and our rich heritage and history in that particular neighborhood. And if you remember that the rainey street neighborhood actually extended all the way to first street and to the i-25 frontage road. In 1971 our mexican-american community led by lucha, which is the league by -- found the juarez university at 715 east first street. Juarez lincoln university was part of the chicana movement during that particular time period, part of the whole civil rights self-determination and ethnic pride initiative that took root and grew from the 1950S TO THE EARLY 1970s. Link on juarez was closed in 199 when apartment I don't care university withdrew support. However the juarez link on building housed lucha which was the umbrella organization that hosted many multimedia projects, cultural programs, juarez lincoln served as a cultural arts for the mexican chi cano community. The building had a famous mural that was famous. It was done by raul valdez. That became a symbol for many east austin residents. Our community fought, protested and went to court to stop the demolition of the lincoln juarez building which was the center for cultural arts in the mexican-american community and was located across the street from palm school which at the time was the only public school where mexican americans were allowed to go. My fathers and uncles went there and I remember as a

child seeing that. Long story short our community lost a court battle to save the lincoln juarez building and the mural and it was demolished and replaced with an ihop and a parking lot that still compiles today. So rainey street is no longer a residential community, although again two or three family still live there. Parallel to this time we started talking about need for a mexican-american cultural center and we supported a bond item in 1992 which you remember failed. We again a few years later, 1997, '98 and we were technicalful. The last time I was here we celebrated the fifth anniversary of the emma s. American cultural center. 15 Years after we started and organized we're having this discussion here tonight to fight for the integrity of our rich cultural heritage. We're not talking about a park lot. We're not talk about -- for us it's very important because again this is the first mexican-american neighborhood that was recognized through the city. So it's important that you all consider and put in the context of our history as painful and as difficult and challenging as it was for all of us. So the issues pending before you tonight we're talk about a city owned parcel of land that's adjacent, in our opinion. It's contiguous to the macc because it's located right at the swans to our macc. We believe by selling this it would violate the integrity of our cultural arts center and remember the building itself is considered to be a piece of artwork, at least to our community. We believe that the council should protect the city's taxpayers' interests, given that we allocated bond dollars. You should also know that the city of austin actually spent about 50 to \$75,000 to facilitate a parking study, which did include this particular parcel of land, and that information was shared with your real estate department. While we know redevelopment is inevitable and the developer plans to move forward with a study, the issue here is that we should not repeat the same history that occurred with the demolition of the lincoln juarez building in rainey street, so i'd like to go ahead and cue up a video here -- like to go ahead and cue up a video that we're going to show you.

(Showing video). martinez, what are you all concerned is going to happen to this building?

>> Well [inaudible] they're going to build something for history. That's what we're concerned about because it will affect

[inaudible] we're trying to preserve it.

[Inaudible] I'm talking about the whole chi cano

[inaudible].

[Inaudible] gets built

[inaudible]

>> in your own heart why are you here today? What does this mean to you?

>> [Inaudible] we're going to build, a big building here. From then on we're going to keep building, building a building. The thing is where are we going to go? They're going to squeeze us out, I've been squeezed out three times already. Since I was a kid.

[Inaudible]

[cheers and applause]

>> [inaudible] historic event because this is an important part of the history of east austin. Latina [inaudible] 35 years, la primera, it's more than that because it's symbolic of the need in the community today.

[Speaking in spanish] so that we can stop some of those [inaudible] that are coming into our community. For too long already our community has been exploited. Our community has been victimized by commercialization, by those

[inaudible] so that's what this symbolizes today

[inaudible]

>> had going to keep

[inaudible] to the artists.

>> I think the whole significance of it is

[inaudible] community has accepted it being a part of the community and

[inaudible] to them which was the intention in the first place, and I'm real glad that it worked out that way, and I feel that it's a community issue and it's also a community issue because of the fact that the building belongs to the community and it was bought with federal funds for that specific purpose, you know, to serve and be accessible to the community, and then they turn around and sell it and make a profit on it when it was government funds in the first place. So/after the contradictions and shady dealings and stuff like that, it turns out that a private owner turns around and sells it for a profit and now he's tearing it down, and it's [inaudible].

>> Watched this being destroyed [inaudible] it's way sad to watch

[inaudible]

[inaudible] and to teach our children what our culture is is and that we have very

[inaudible] I'm sorry it's not going to work. Where we're going to come out ahead.

>> [Speaking in spanish]

>> so that is just a small glimpse of some of the hist again that was rainy street. So I know we're talking about a parking lot but for us it's the historical street of the perspective of what rainy street and the mexican community has faced. It's an insult to us, it's a slap in the face when we simplify it and just talk about a parking lot and it's an insult to us when a developer wants to come and build a 7 or 8 story structure that in our opinion blocks the view of a piece of art that our community has worked for decades to do, work hard. It's also an insult when the developer

says we'll give you some money so you can put a statue at the roundabout at the entrance to the macc. It's an insult. Our request is a community, we humbly request you approve items 117. We want to thank council member morrison, mayor leffingwell and council member martinez to putting that item on the agenda today. I'll be happy to answer any questions you have. council member riley has a question for you. I just wanted to make sure we're all on the same page about the vision for the area we're talking about, the tract we're talking about, and I heard ovides that the vision would be to take out the strip of green and the sidewalk that's there now and replace it, and widen the road, essentially, so we'd have a wider road coming out there on to rainy street. Is that -- does that -- is that how you see the future of this parcel?

>> Well, actually it's unfortunate that jaime bean and the architect couldn't be here this evening. He had a prior commitment out of town. But I think in discussions with your city staff as the architect to accommodate future phases 2 and 3 because remember, the future phases talk about including 300 seat theater and 800 seat theater. That -- given the condominiums, what have you, the intersection with the roundabout is already close to failing. I think the concern is once the future phases of the macc are done, that we would need to improve the entrance to be able to get in and out of the cultural center. I don't think that the plans beam and the way he explained it to your staff person when we met with them at the entrance to the macc last week and discussions with staff is at least some of that land should be acquired for right-of-way, to maybe further enhance, maybe put more sidewalks so it's just not trucks -- or vehicles coming in but widen it so the entrance would be able to accommodate the future needs of the macc. Going back to feasibility studies started back in '85 when we first started talking about a cultural center and subsequent to that there have been three or four studies, the discussion in that talked about once we picked a permanent location and the council formally adopted the rainy street river street location in perpetuity in 1996 by ordinance. Prior to that there were two resolutions that reserved that piece of land for about ten years, but there was always discussion in those feasibility studies that should the city ever be in a position in the future where contiguous land might be available in the future home of that map, that should be incorporated to accommodate future plans, whatever they may be. I think we all agree it shouldn't be a parking lot. I think the discussion about a park lot was to address the interim solutions and the needs, because clearly when we have events there's nowhere to park and we encourage people to take other means to get to that area. But at the end of the day that particular piece of land could be used for an outdoor gallery. It could be used for outdoor activities for the young pope. I think that's that's what we're talking about for us, is leaving a legacy for our children, all of our children here in austin because I think you will agree here in austin, texas we pride ourselves in the diversity that makes up our community. We've gotten a lot of calls this week from the board members of the carver museum, from the asian resource center and most of them couldn't be here tonight but they did send their well wishes, and i think that's what we're looking about, is leaving a legacy that cultural arts and diversity in austin matter and that we should protect that. There are no specific plans, council member riley, right now, but I think at the bottom line we deserve to have that piece of land transferred over to parks and recreation department so that it can be incorporated, through whatever future plans may do, and I believe the resolution that the council member and the mayor put together today talk about directing city manager to come back with a specific plan and have that plan come back by december and i hope that all of us will be at the table to discuss that. And the last thing I want to say if I might be able to, is that one of the things that we've learned in this process is here in the city we have a lot of different competing interests. I

think we all support the waller creek tunnel, the tif. I know there's talk about maybe urban rail at some point going through that, all these redevelopment things that are happening downtown, but I think the struggle for us as a community and maybe the struggle for city staff is how does your city staff balance all the priorities and competing interests that we have, because as far as i know, this council has not prioritized any of those. So until we figure that out, I think we're going to constantly have these types of struggles and issues. Today we're talking about our cultural center. Tomorrow it could be another project. So I think moving forward that's a discussion that needs to happen. I think, you know, some people in our community say long before we talked about a waller creek tunnel and long before we even talked about a tif, there was discussion in our community in that neighborhood about the future of our community, and leaving a heritage for the children who came after us. Thank you.

>> Cole: mayor? mayor pro tem cole. paul, I want to thank you for the excellent video and also for elevating the discussion beyond a parking lot, or just what -- which is what might happen with the expansion of the macc. Ift to go back to something you said, not tonight but previously the history is something that's important to understand what we're doing with the hispanic quality of life. Can you expand on that a little bit?

>> Sure, one of the things first and you may remember reading an article in the paper a couple weeks ago and I'm sorry we did that but i think we felt compelled to elevate -- to move forward with this hispanic quality of life. That report is based on data that is now five years old. The report was adopted, and accepted by the council over three years ago, and it's sitting on a shelf. Rudy garza is no longer with the city of austin. I understand it's an executive assistant has that plan on their desk. We had four forums, if you might remember. We had one on economic development, health care and cultural arts and history and enrichment and it was at the mexican-american heritage cultural center. It was standing room only. In the -- paul, I have a question about that.

>> Yes, ma'am. so I see one of the fundamental purposes of the macc in general and consistent with hispanic quality of life.

>> Yes, ma'am. -- is providing services to the youth like you said, and I just want to make sure that that's consistent with your goals and what you're trying to tell us is important tonight.

>> Absolutely. The point I was going to get to is in the hispanic quality report there were recommendation that talk we should move forward with future phases with the macc and the master plan and determining what types of programs and services so the community can be better served. Thank you,. kathie vail? Following kathy will be gloria pennington. I don't think she's here. Then alicia perez hodge. Guadalupe sosa? Well, go ahead, we'll find somebody eventually.

>> Thank you, mayor, thank you, council. Specifically, mayor and council member martinez and morrison, for sponsoring the 117. My comments echo the macc board member cassie smith's comments and speak to how strongly I feel about the symbol of the macc in our community, and I stand here before you today in solidarity with my mexican-american community here in austin, and also personally in support of senator barrientos and his long-standing leadership in the city

and specifically with the macc. My late father and the senator served together in the texas senate back in the '70s and '80s. Those were very special times in the lives of my parents and the senator and his late wife emma. Back then you see there were very few mexican americans serving in the state house, and they were definitely some of the early trailblazers for mexican americans, in austin and san antonio where I was raised and in the state. So it's really on my father's behalf also that i stand here in support of gone salo, who's not able to be here this evening and I'm honored to share how special I feel about the macc, and i just wa, as I said, echo cassie's comments that mexican americans experience the presence of the beautiful emma barrientos mexican-american cultural center through the lens and understanding of a marginalized community. We are smart and generous community, passionate about life, our family, our education. We're hardworking in the pursuit of the american dream, and we are determined every day that each generation continues to resiliently push forward rising above the odds, seeking more, doing more, serving more. And, you know, today we look at this and we feel it's finally so wonderful for the past five years to finally have the beauty and interpretation of our culture residing in this amazingly beautiful space. It is a work of art. I'm sure many of you have been there. I feel confident you have. And as this mexican-american community in austin so beautifully expands out from the traditional east austin community, it's expanding through all points of the city, cresting close to 40% in the coming years. The macc continues to be a place where we embrace this healing remedy of forgiveness and it's a place where we feel confident looking to the future. So you see, the symbolism of this piece of land must never be taken for granted or diminished in any way. That's it. thank you, kathy.

>> All right. Patric patric ia lopez? A lisa perez hodge.

>> Good evening, mayor and council members. I'm here to discuss the macc, the emma barrientos mexican-american cultural center and I'm in support of item 117. Please make no mistake that this item is very important to the mexican-american community. It would be akin to saying that you're going to build a parking lot in front of a hallowed ground in terms of the mexican-american cultural center being an iconic building and one that is to represent the best in our community, to take that property and say we're going to sell it out, we're going to sell out to a developer and have them build a parking lot is just not austin. It just is not what we're about. So I'm glad that at some point in time someone got a heads-up on it in he is pan in spanish we say, the rooster fell asleep. I'm glad the rooster finally woke up and said, look, this is not a good thing for the city. It is not a good thing for the mexican-american community, and it is indeed a travesty to what austin stands for in terms of its respect for cultural arts. I have happen to think that it's part of some lack of representation among the management ranks at city hall. If you look around there is very few latinos or latinass in management positions. I think that leads to insensitivity, which is what we saw here. But I'm glad, I'm very glad, that indeed the people that were responsible for this, or the macc board got wind of this and brought it to the attention of the city council. I'm also glad to see that two council members and the mayor somewhat crossed over, that you didn't care whether it was a mexican-american issue, that you said it's a community issue and that you saw the importance in that. And that's important to me being a mexican-american, married to a white guy, but.

[Laughter] -- but to say that --

>> he [inaudible] over too.

[Laughter]

>> to say who's -- that color barrier doesn't exist because it's for love of community that we do a lot of things. And for that I really -- i want to thank you and ask you that you be cognizant of the sensitivity in the mexican-american community to a cultural past that is dynamic at this point in time. We're growing, and we are feeling our wings and that's a good thing. Thank you.

[One moment, please, for]

>> and didn't know anything about austin. I thought it was all cowboys and longhorns, but -- but i was really pleasantly surprised that there was this movement to create a mexican american cultural center and that's kind of where I found my -- my family, because I didn't think that austin was very diverse and i, you know, didn't know where to go, but in that movement to create the mexican-american cultural center, I found lots of friends and mentors and surrogate family members and it really did pave the way for my involvement in community and the sentiments and I feel like, seeing that mural, I feel deep down inside the wounds through the decades and really that macc has come to symbolize, I don't know, some type of victory and something that we can be proud of. I ask you to support agenda item 117 and take it, like, let's slow it down. Let's think about this. Let's plan what is the best use for this loss. I don't believe a high-rise is the best use. I don't want the structure obstructing the view of our beautiful mexican-american cultural center. I also don't think there should be a parking lot there. I understand there is a temporary need right now but I wouldn't see a parking lot there, either, but I do feel like we as a community want to be included in that planning process, that hopefully that lot can be incorporated into the macc master plan. I mean, I would like us to see it preserved for some type of public space, whether it's, you know, like a sculpture garden or a plaza or widening. Certainly there are needs to, you know, facilitate entering and leaving the facility, but what -- whatever that is, I mean, i and members of the community want to be included in that process and, you know, want to have the -- to use something that is beneficial to everybody.

[Buzzer alarming] thank you. thank you. That's all of the speakers that I have signed up. Council member martinez.

>> Martinez: Thanks, mayor. I will be brief. As I mentioned earlier, if the other items are taken up first, this will be disposed of but if this gets negatively disposed of, then the other items can still be taken up, so I would still, first of all, let me start in this case, yes, we have a developer who has a project that he is proposing, but in the developer's defense, the property was put in the newspaper and on the market and he went out and put a bid on it like anybody else could have, and so I don't want us to just all of a sudden assume big bad developer doesn't care, doesn't think. He just -- he's doing what he does. He is a developer and he saw a property and put a bid on it and there were no restrictions to his bid. But we learned from our mistakes. As you saw in the previous agenda item that was adopted, we actually, three of us sponsored an item, partially because of what happened here, and that is to try to create a better process for real estate transactions, because, in my opinion, it should have never made the newspaper. It should have never gotten to this level. It should have had a discussion either by council members, in

executive session, among community members and stakeholders, what have you and so i believe that item speaks to this item and hopefully we will have much improved process moving forward. This is how we learn from our mistakes, so I want to thank the mayor and council member morrison for sponsoring the item and my other colleagues who have also taken an interest in this. Don't know -- I don't know what the best use of this property is. This item simply transfers that or seems to transfer that into pard so that it can be incorporated into what I believe is the epic center of that area of rainy street and @)pá's/÷6i american culture center and it doesn't say other things but it says to bring it back to council with a well-thought out plan that involves community stakeholders and I know that many of you care about this and will be involved in that. So I will move that we adopt item 117.

>> Mayor leffingwell: Motion by council member martinez to approve item 117. Second by council member morrison. Council member morrison.

>> Morrison: Thank you, mayor. I want to make just a few quick comments. Council member martinez mentioned that we did pass a resolution today to come up with a better process for working with our assets, our real estate that belong to the community to figure out what is the best way to do with them and we also, i should mention, we had a great presentation about an upcoming pud think east which you might be familiar with and there is some property nearby that the city owns that some folks were interested in buying, but, again, that's a perfect example of we own a prime piece of real estate that could mean so much to the community. We have to find a way to do better in having that community conversation. So I want to thank the council for moving along on that. And I also just want to thank the community for this discussion, you know. Really we should thank council member riley who raised the flag on why would we spend essentially ah% million dollars for 30 parking spaces that made us all look at this in much greater detail, but there this conversation, I can say I have learned a lot about the history of our community and I want to say I agree with everyone that said that this is such a piece of art. This building, it takes my breath away every time I go there and we are just very fortunate to have it there and I think that we need to understand that blocking it off, along rainy street, that we need to do what we can to keep that from happening, because it is an amazing piece of art. So I appreciate council member martinez.

[Applause] -- for sponsoring this resolution.

>> Cole: Mayor. mayor pro tem.

>> Cole: I would like to make a motion to substitute in that we approve item number 25 and I want to lay out a couple of things. First, I am glad we had this conversation, too. And I definitely appreciate the item that has been brought by my colleagues and we are in a difficult saldania pointed out, of our financial responsibility with property where we have a buyer who wants to pay over a million dollars for a piece of property in an area that we have indebted and also our responsibility to the community to honor cultural values and history, and we have had a beautiful redemption of that and i don't believe we have to make these two difficult choices. I think we can do both. So I am passing out an amendment and I will let it get down the dyas, but basically the - number 25 says that we will not put a parking lot at all, but we will sell the property for 2 million and the amendment says that the city manager is directed to report back to the city

council in 90 days with the funding recommendations for programs recommended in the hispanic quality of life initiative with special attention given to the projects or events that were previously funded by the holly good neighbor program with recognition that we ended that program this year using \$200,000 of the proceeds from the sale of rainy street and the residual funding deposited into the general fund.

>> Mayor leffingwell: Before we get -- try to get a second, I would like the city attorney to comment on the motion.

>> Cole: Okay.

>> Mayor pro tem, I am trying to make sure that the motion that you are making is germane to the posted item. So the item that's posted, just generally relates to the actual sale and the documents necessary to execute that, and I am not sure that the way you phrased the -- the amendment is in order as far as directing the provision of the proceeds to a particular purpose. I am just not sure that the posting is broad enough for that. So --

>> Cole: Would you like to spend five minutes and recess it and confer with your other lawyers on it? Would you like me to get a second and more discussion while we discuss that and --

>> well, that's fine. It's just when I look at this posting and what notice we have given the public under this posting, I am not sure that your motion to direct proceeds fits under that posting. let me just say that we have four different very specific items that are posted as to what to do with this property, and given the city attorney's opinion on this, I am going to rule that motion out of order and perhaps allow you to go back and modify one of the other motions in a way that bears only relationship to one of the four motions. Council member martinez.

>> Martinez: I just want to ask a question because i believe the intent of the motion is sounding that if we choose to sell, she would like for the proceeds to benefit the hispanic community. My concern and my question is. Under the charter, I am not sure we are capable of making a transaction and then having the financial benefits of that transaction as it sits on the dyas to be specified how it's going to be spent. I believe that's --

>> that's another issue, council member martine but --

>> Martinez: I am asking it, because if it's the case, i want to go back on a bunch of council items and redirect the money.

[Laughter]

>> I am -- you know, I may need to have one of the lawyers but I am not sure if these proceeds were -- I am sorry, if the property was funded with some restricted funds. My general concern is that the posting specific, and the way I read the proposed direction, that would be pursuant to this posting, it seems to get outside of what this posting was intended for. That issue is an issue about directing the proceeds, and I do think that's a legal concern as well. But I am -- I am specifically just concerned that this posting doesn't allow the action that is anticipated.

>> Cole: Mayor, can I ask a question?

>> Mayor leffingwell: Council member riley first.

>> Riley: Mayor, I was going to suggest, it seems to me that mayor pro tem could make -- legitimately make her motion in support of item 25. The result of that will be that there will be 2 million more in the general fund than there is today and then mayor pro tem is free to state her intention to come back at a subsequent council meeting with an item directing the council -- directing the city manager to do something that would cost up to 2 million and that would be revenue neutral, given that this -- the action -- approval of item 25 would 2 million, so you would achieve one thing but it would take more than one council meeting.

>> I agree. You can always give direction. My concern is about trying to take the action based upon the way it's currently posted. But council can always, on an item that we aren't posted on, give future direction to bring an item back for further action, but I was concerned that the way I heard it was that the action wasn't contemplated being taken pursuant to the way the item is currently posted.

>> Cole: Okay, mayor, after legal advice from council member riley and our general council, I would like to renew my motion to substitute. go ahead.

>> Cole: I would like to move to approval on item number 25, which is the outright sale of the property on rainy street, 2 million and state my intention to come back with a resolution, using \$200,000 of that fund to -- for programs under the hispanic quality of life initiative with special attention given to those in the holly good neighbor program.

>> Mayor leffingwell: Motion by mayor pro tem cole. Substitute motion. Is there a second to that motion?

>> Riley: I will second it.

>> Mayor leffingwell: Council member riley seconds. So we now have a main motion on the table and a substitute motion. And we will take up the -- we will vote on the substitute motion first. Council member riley.

>> Riley: A question for transportation staff, who i see sitting in the audience. Rob, we had some comments from the chair of the advisory board, expressing concern about the capacity of the drive -- the existing driveway serving the mexican-american cultural center and I am trying to figure out how, an expansion of that driveway would work, to address that need. As you know the -- currently that driveway has two lanes. It leads into a -- a traffic circle at the corner of rainy and river street and each of the roads leading into that round about has two lanes, one in each direction, and so I am trying to figure out, if you were to expand river street to, say, three lanes, how that would work at that round about and I also would like to get your assessment of -- first we heard the comments that the intersection is already close to failing. I wasn't aware of that, so could you address that, and, also, whether the issue -- whether the issue of future congestion -- potential congestion at that point, how it would work to add a lane or two to

address that. I am trying to figure how that would work given the consideration of the round about at the situation.

>> Robert spiller, transportation, it would be hard to give you an opinion off the cuff. I can say whenever there is a major event at the macc or a similar facility like that, there is going to be a crush demand on the surrounding streets and using crush, that everybody is trying to get there at the same time is what i would mean. So it would not surprise me that during an event start-up, the traffic conditions are very congested in that area, regardless of what the design of the intersection is. Council member riley I will have to refrain from giving you a definition of what a three lane design would look like without further study. I don't think that would be professional on my part.

>> Riley: Okay. I understand that. Okay.

>> Do you have another question or is that it?

>> Riley: Well, there was a comment that intersection is already close to failing. Are you familiar --

>> that particular intersection actually has a traffic calming device that was placed there a number of years ago, based on my estimation of the size of the trees that are growing in the median there so I can only suspect that the design of that intersection was done so to slow people down and have people go through that slowly as a full arterial type intersection and so, again, I am sure it is very congested during an event that's going on at a major facility but I would hesitate to probably say that it would be congested regardless given the size of the surrounding streets, regardless of the design.

>> Riley: Okay. Thanks. I would like to just offer a few words about my seconding of the substitute motion. I completely agree that the ms barrientos mexican american cultural center is a cultural treasure. As a downtown resident more than 20 years, I was very interested in the development of this site, as a cultural center. I have enjoyed having it there. I have been to countless events and community gatherings at that cultural center. It has played a very important part in the community and its location is a very -- is an important part of what makes downtown special. We are all very proud of having the ms barrientos mexican-american cultural center right here downtown and it is especially -- its location is especially fitting given the tradition and history of the rainy street neighborhood. I had the opportunity to work with many long time residents of the -- of rainy street, including the valeskez family and it was them and others to push for the zoning of the rainy streets and others after years of neglect, they thought it was appropriate of the rezoning of this neighborhood and they thought it was appropriate and at that time there was a lot of talk about the vision for rainy street, evolving into a thriving, dense, mixed use community. One that was pedestrian oriented and would be an attractive destination for -- for everyone, including the hispanic community. And we are all very excited about having the -- the mexican-american cultural center be a part of that wonderful destination, that people would be drawn down to this area and they could enjoy rainy street and drawn to that area and enjoy the mexican-american cultural center as part of an experience of the whole area. Obviously the rainy street has not developed in exactly the way that it was envisioned at the time that we

put those plans in place but certainly we have all looked forward to a mixed use development that is up -- really of the type that has been proposed by the developer that we are talking about. This is really -- this is not some interloper that is proposing something that is foreign to the neighborhood. This is exactly what was envisioned at the time that those plans were put in place at the time the whole -- that rainy street was rezoned. This should not come as a surprise to everyone, because this process has been in the works for a long time. Now, if that -- given that vision, for a thriving mixed use development along rainy street, I am not sure that having a doubly wide driveway at the south end of that parcel really is going to complement that vision, is going to make that area more of a destination. Generally you want they rower curb cuts in an urban setting. In fact, we don't allow curb cuts on new driveways on places like congress avenue, which is sort of pedestrian oriented street they were envisioning here. It is not -- the vision for this street was never on of -- of surface parking lots and other things that are automobile oriented. It is having a place that is very pedestrian oriented. And I -- my sense is that an appropriate development that is planned with the active engagement of folks in the community would actually make this area more of a draw and would bring people down to enjoy the very beautiful ms barrientos mexican-american cultural center and would enhance this site and make it more of a destination. Now, I understand the interest in acquiring properties surrounding the macc, but the fact is that we have had plans in place, long-term plans for this cultural center for many years and they have not included this property. And so at this point, due to -- look to this site as a potential expansion of those plans, I have a hard time justifying that because, for one thing, what it would mean is that it would cost 2 million, since that is the amount that we are talking about getting into the general fund. We have asked the parks department about -- about priorities for park land and that this is not -- this area is actually considered park rich. There are many areas including areas of east austin that are starved for parks and would love to have 2 million to get urban in fieldworks that we desperately need. We don't have money in the general funds or capital must understand to provide the parks that we need so it is difficult for me to justify potentially taking 2 million from the general fund to do that -- to create more park land at this site, especially given that it has never been part of the vision of the cultural center and, in fact, the development that's proposed is part of a long-standing vision that was developed with working cooperatively with the rainy street community that had been there for many years. So I -- all of that said, i think it's very important that -- to emphasize that no one is intending to give a slap in the face to anyone for this. We all consider the ms barrientos mexican-american cultural center a community treasure and it will continue to be as such and we will -- we are committed to continuing to work with anyone on this site to ensure that it enhances the experience of that -- of that very important center. But I don't think that the way to do it right now is by changing the plans -- the long-standing plans for that site or for this street. All of that said, I will be supporting the substitute motion.

>> Mayor leffingwell: Council member morrison.

>> Morrison: Thank you, mayor. I want to briefly mention that, you know, there is talk about finance -- financial responsibility and us needing to be doing our due diligence and making sure that we are taking in appropriate revenues. The bottom line is what is our real challenge here is trying to -- we have values and we value money and then we value community and it's just so hard to put those all in one basket and see that you come up with an easy answer. But one thing I did want to mention, because I think we need to be really careful about that, we do have the

waller creek test and we do need to make sure we are encouraging the development that is foreseen to support the revenue to build the tunnel. I understand that. But I also understand that when the tif was estimated as a go that it would work financially, the publically owned land was not included as valued property, so i just want to make sure that we don't get in to -- on a discussion path that says we have to develop every piece of public property along -- along waller creek and it is a -- you know, it's a tough situation. Obviously I am not going to support this motion and we will see what happens.

[Applause]

>> mayor leffingwell: Council member tovo.

>> Tovo: Yes, I wanted to thank everyone who has been involved in this conversation. I was just looking back a little earlier at some of the email I got back in august when there was just a few lone voices asking us to please look again at this -- at this proposal, and I want to thank, first of all, our advisory committee for bringing this to our attention and I also want to thank council member riley because he is the one who raised it in our work session as an issue for our discussion and that was when I really became aware that, not for the first time, but was reminded that, you know, when we have public land, we have such enormous opportunities to do great things with that land, and so we really need to be very careful not to rush to sell and I know that our real estate staff and our other departmental staff have worked really have thought a lot about this tract and worked creatively to address the parking -- make sure this sale address the parking challenges and other needs that have been recognized for this area. So by all means, I just want to recognize their work, too, in really thinking about this tract carefully before they offered it for sale. But, you know, I have to say I disagree with that decision. I think that it is a publically owned piece of land. We have an opportunity for it to really enhance the value of our existing public investment there in the mexican-american cultural center, and so to me, it makes very good sense to think very deliberately about how we use that tract and how it might really enhance our mexican-american cultural center, so I want to say that, again, I just really appreciate the conversation that's transpired since august, because I think it's been really valuable to have -- to have this discussion about the history of that neighborhood and the meaning of that site, so I will not be supporting this motion. But I will support the next one.

[Applause].

>> Mayor leffingwell: Further discussion? All in favor of the substitute motion, say aye.

>> Aye. all opposed say no. No. That motion fails on a vote of 3-4 with council member tovo, myself, council member morrison and council member martinez voting no. So that brings us to the main motion. So in favor of the main motion, say aye. Aye. Opposed say no.

>> Cole: No.

>> Mayor leffingwell: Passes on a vote of 4-3 with council members riley, spelman, and mayor pro tem cole voting no.

[Applause]. And motions number 24 -- i mean items number 24, 25, 26 are withdrawn. I believe that's all we have on our agenda, so without objection, we stand adjourned at 9:33 p.m.