

City Council Meeting - 11/8/2012

I'm austin mayor leffingwell. Ill begin with the invocation. Please rise.

[10:06:32]

>> Good morning on this beautiful day. Let it's praise and thank god for the wonders of creation, using the words of saint francis. Most high all powerful and all good lord, all praise is yours, all glory and honor and blessing. To you alone, no mortal lips are worthy to pronounce your name. All praise be yours my lord through all that you have made. And first, my lord, brother son who brings today in light you give us through him. How beautiful he is. How radiant in all his splendor. To you most high, he bears the purest likeness. All praise be yours my lord through sisters moon and stars and the heavens who have made them bright and precious and fair. All praising yours my lord through brother wind and air, and fare and stormy, all the weather's mood by which you cherish all that you have made. All praise be you, my lord, through sister water, so useful, lovely, precious and pure. All praise be yours my lord through brother fire, through whom you brighten up the night, how beautiful is he, how happy, full of power and strength, all praise be yours my lord through sister earth, our mother. Who feeds us in her sovereignty and produces various fruits with colored flowers and herbs. All praise be yours, my lord, through those who grant pardon for love of you, for those who endure sickness and trial, happy those who endure in peace. By you, most high, they will be crowned. All praise be yours, my lord, through sister death from whose embrace no mortal can escape. Happy those she finds doing your will. Praise and bless, my lord, and give him thanks and serve him with great humility. Amen.

>> Amen. Thank you, pastor. Please be seated. A quorum is present so I will call this meeting of the austin city council to order at thursday, november 8, 2012, at 10:09 a.m. We're mitting in the city city hall. I will start with changes and corrections to today's agenda. First item is number 9, postponed until december 6, 2012. Item 28 is a spelling correction. Delete the word "meyers", and insaid empty myers ". Item number 87 and 88 are withdrawn. Time certain items for today are 30 briefing on the downtown austin wayfinding master plan. 00 noon, our citizens communication. , a discussion and possible action on bond sales. , our zoning matters. 00, we will call to order a meeting of the austin housing and finance corporation. , our public hearings. 30, live music and proclamations. The musician for today is mayeux and broussard. Also, on item number 2, read into the record, execution of an 11-month service contract with river city youth foundation for youth services in the 78744 zip code area in an amount not to exceed \$73,000, beginning november 1, 2012, through september 30, 2013. That's a change and correction to today's agenda. That I just read into the record is for item 21. Our consent agenda for today is items 1-63, plus item 98. The following items have been pulled off the consent agenda: Item number 2, pulled by council member tovo. Item number 7 will be pulled by council members tovo and morrison for a time certain of 4:00 p.m. Item 16 is pulled for executive session. Items 21 and 22 are pulled by council member martinez. Item 31 is pulled by council member spelman and myself and 00 p.m. Items 43 and 44 are pulled by mayor pro tem cole. And, item 54 is pulled to be heard after executive session. Mayor pro tem. for time certain at 4:00.

[10:12:15]

>> Mayor leffingwell: all right. I'll join you in that. So, myself and mayor pro tem cole ask that that be set for time certain of 4:00 p.m.

>> Idea number 54 is an item related to the texas facilities commission, interlocal agreement.

>> Okay. And correction on the consent agenda is items 1-62, plus 98, with the items pulled off the consent that were announced, the following items were also pulled off the consent agenda due to the number of speakers signed up. Items number 5, items number 35 and 36. Items 51, 52 and 53. I'm sorry, sir, but you can't speak from the gallery, and item number 3 is not pulled off consent agenda because the speakers were not signed up prior to 9:45. You can't speak from the gallery, sir. Now we will go through -- now we will allow people to speak on the consent agenda. So, sign up to speak on consent are brad parson. You have three minutes to speak on any item on the consent agenda.

>> By the way, if I signed up for consent, that means I signed up before 9:45.

>> You have three minutes. Time donations are not allowed to speak on the consent agenda. We will call all the speakers --

>> tough you have it on your records on the computer. Three people signed up for item 3. I've now been informed it is item 3 that has speakers signed up. Item 3 is pulled off the consent agenda, so you can sit back down, and item 5 will be on the consent agenda. Typographical error. First speaker on the consent agenda is lara presley. You have three minutes.

[10:15:15]

>> Council, mayor pro tem and lara presley, I'm a small business owner in austin. I'm a resident of allen dale and I spent 17 years in the semiconductor industry in austin as a engineer and engineering manager. I want to oppose item number 42. It is \$300,000 for oracle software coding for the water department. This is to change our water bills to reflect the new rate increases that we did not vote for. The new rate increases for our water bills. There's several issues with this. Number one, it's overcharging for simple oracle coding. This is not difficult thing, I've managed teams doing this. They are overcharging and overbilling you guys. You need to be aware of that. Number two, there's no competitive bid for these hours for coding of oracle. We have hundreds of people in austin, many companies that could do this, and the third issue with this is there's no companies in austin that were allowed to bid for this contract. It's a huge amount of money. \$300,000. This is scope creep of this company's responsibilities, lucidity. If you recall back in august, you guys gave them an emergency contract for \$400,000 to do four weeks worth of work, and now we're scope creeping, saying these guys are our sole source. That's a stretch. I think this is poor planning, and poor management of our manager's, our city manager's office. We have until february to implements these software changes. Why can't we follow the bid process, use a local company, allow them to bid and look at the number of hours that are needed for coding? So, I'm asking you to do is please ask these hard questions, and council member

spelman and tovo, I know you guys have been very careful with regard to asking questions about these type of things. I really would ask you to push this back, ask the questions and challenge this expensive expenditure. Thank you. next speaker is russell epright.

>> Actually, I was set up for agenda number 4. Is that -- that's on consent and you're allowed to speak on the consent agenda for three minutes.

[10:18:00]

>> Thank you. I'm one of the developer partners in green shores on lake austin and the woods of green shores, and I wanted to give you all a little bit of background as to why we're in this issue right now. We have a rate case for the tceq to raise our rates to try to help even get close to break even to pay for the water system that we have built over there. We spent \$8 million so far in water system improvements. We had originally planned to set up a mud in 2004. When the city blocked our mud, and the way they did that was by threatening to annex. They wouldn't serve us with water. We were already -- we already had development under progress. We had houses under construction, so we had no choice but to enter into this annexation agreement with the city of austin in '04. Part of that annexation agreement, the intent, was to keep the city from, when they did annex, from having to pay off our mud debt. As a result, the only way we could pay for our infrastructure we had to build was through higher rates than maybe normal. And, so, for the homeowners, essentially, we justified it in a sales standpoint for the homes in that since they're saving money on not paying the city of austin taxes, they can afford to charge a little bit more for water and sewer rates. We entered into an agreement with the homeowners back in '07, I guess, when we did raise the rates the first time to not raise rates for another five years. The rates that we've had for the past five years aren't anywhere close to being able to -- they won't even pay for the operating cost. We've had to chip in money just to keep the system going. We've also had to build a 5 million water surface treatment plant in the meantime, to keep water to these customers. And, now, we're just trying to raise rates to help -- to get us past the break even and start paying back the system. By the city trying to postpone this, they're just hurting us to get paid back for the system. The city, if you're not aware, the city has the ability to annex in 2015, early 2015, in just a little over two years. When they do that, you can imagine the political storm that's going to happen if we have rates that are significantly higher than the city of austin, and the city of austin annexes and puts their taxes on top of that. I have offered to the water utility to buy our system for a much-reduced price. They couldn't make the numbers work at what they had. I'm asking the council to consider possibly purchasing us at that reduced price. okay, thank you.

[10:21:02]

>> Thankings.

>> Derrick sue?

>> Hi, I'm also speaking on -- in support of agenda item number 4. My name is eric sue, I'm a resident and member two of sub-committees in the neighborhood, one of which has been enacted for a second time to oppose the rate increases. We've written a letter of protest and started a grass roots campaign to oppose the rates so far in excess of the city of austin. We feel that it should be

based on the cost of delivery of the system, not on a number that would include or not include the city's taxes. On the agenda item, there are six homes, I believe, in the city of austin proper, that have petitioned to get the rate change halted. I would request that the additional 150 homes that are in the partially-annexed region of green shores be also included and also vehemently support suspending the rate increase. As partially annexed homes and homes that will be annexed january 21 of 2015, we look to the city council for your help in this issue. Thank you.

>>Mayor leffingwell: thank you. Paul robins.

>> Council, I'm speaking to item 5, which is about seeking an emergency order from the texas commission on environmental quality. To limit lcra's -- excuse me. To limit lcra's dispensement of water to the rice farmers downstream. I'm completely for this ordinance, but I want to point out two things. First, austin will be approaching the lower colorado river authority with a weaker case. Austin broke drought protocol this summer when the lakes were clearly going down, a skeptic at lcra would ask why austin is asking to water grass when rice farmers cannot grow food? Second, I also want to point out, again, that your new drought management plan does not have a stage three figure until the lakes go down to 600,000-acre feet. This was based on a droughted record when the population of travis county was one-fifth of what it is now. You need to set the stage three figure higher. I would recommend 700,000-acre feet. Thank you for your attention. next speaker is john carlton. John carlton. Ken bailey?

[10:24:57]

>> Good morning. I wanted to speak on items 27 and 58. I want to just go on record that the issueses with the annexation and the facility are going to have an impact to our district. The emergency service district. We look forward to working with the city through this. While he would like you not to annex, I doubt that is going to occur. We support item number 58 and look forward to and appreciate your work on that, council member martinez and those who have worked with us over the last couple of weeks. But, we would also ask for a deadline. We don't want this to go on to -- we have to plan for the future and we have races coming up in the next couple of months that are going to have an impact to our district and we would like to have some finality and closure on this issue so we can act accordingly, so I want to thank you for your time.

>>Mayor leffingwell: thank you. Darryl widdle? I don't have steve miller signed up. Skeeter, are you signed up? Okay, you can speak for three minutes, and darryl widdle can speak for three minutes, but you can't donate time. What item are you speaking on?

>> I'm speaking on item number 3.

>> That's pulled off the consent agenda.

>> Excuse me? that's pulled off the consent agenda, so it will be heard later.

>> All right. so, those are all the speakers I have signed up to speak on the consent agenda which does not include the items pulled off the consent agenda. I will read item 47 into the record, which is our appointments to boards and commissions and that will remain on the

consent agenda, to the public safety commission marino as council member martinez nominee and to the animal advisory economy, david pastor is council member riley's nominee. I'll entertain a motion to approve the consent agenda. Mayor pro tem so moves. Second by council member morrison. All those in favor, please say aye?

[10:27:24]

[Chorus of ayes] opposed, say no. Passes on a vote of 7-0. 30 briefing on the downtown austin wayfinding master plan.

>> Good morning. just a second. It goes without saying, if you could hold your conversations down until you get out of the came better so we can go on with -- the chamber so we can go on with our business, it would be much appreciated. So I'll say again, if you could hold your conversations down until you get out of the chambers, we would appreciate it. Go ahead.

>> Good morning, mayor and council members. Planning and development review. We're here to give you an update and the master plan, which roughly occurred from march to july of this year. We had our next public meeting for the presentation of option 4 in the final master plan in just this august. We presented to several boards and commissions the master plan, as well as the options late august through early september, and we are now in front of you all this morning to give you an update on what we've been doing over the past few months. I would like to introduce our consultant and he will take you through the rest of the slides.

[10:31:57]

>> Thank you. I want to talk about the wayfinding master plan. The one thing we've made clear with everybody is it is not a signage project. All too often, people feel like we went around and put up signs everywhere. It is really about marketing downtown austin and the experience that visitors have when they come here, and not only just to point them from point a to point b, but also to build awareness of all the things that are available to them while they are in downtown. You will see the chart we have up there, starts to talk about what kind of information do you get on websites. When you get here, are there mobile apps and that information and how does that information is consistent with everything else. We talked about qr codes and other downloadable technologies. Downtown austin has a very clear environment in finding your way in the sense that you have numbered streets that give you an orientation to where you are. You certainly have the capital that gives you a landmark and other tools such as brochures, bus shelters, other kind of physical elements that help people find their way. And then, lastly, signage. You will see the signage that's out there now is very inconsistent. signage, some random signage destinations have put up, but there is no single graphic language that ties this together. We've considered using icons for information visitors and giving them somewhat of an flair, make it unique to this place. So, our approach was the physical layout to the downtown aids and your understanding of it, websites and local data scenarios are being recommended for mobile apps. Gateways will consider much more than the post and panels that say welcome to austin. It will consist of lighting and street scape elements. Five primary destinations. The capitol, the visitor's center, convention center, ut. Those types of destinations will get a larger radius of signage and we will use symbols to direct to those. Secondary destinations, like smaller museums, you will still but

closer toes -- signage but closer to the point. This minimizes the obstacles in the street. You want to minimize the quantity of signs in historic districts. That was very clear in our interviews. And parking. Parking, parking, parking. We talked a lot about parking. The attitude with that is it is a market progress jec, not simply -- marketing project. Not simply putting up signs but create an identity and use that across many different things whether they are printed materials, electronic displays or static signage that identity promotes it. And it was an important part of connecting to public transit, public garages and trail access. As I mentioned earlier, the layout of downtown helps you very much in finding your way. Numbers streets, the east west address system. We identified gateways, primary, secondary coming in. And, the gateways, the basic design principals were they should be welcoming, site specific, so you will have multiple functions. Some will be wayfinding related, roughly conceived, announcing and informing. These are some of the options we came up with, so as you come in from the airport, this is sort of what you're faced with, and it is a one-way coming at you. You know, there are things that we can do to really make that arrival point special. This is coming off at red line, and as you get off of the train, what you can do there to really create a place of arrival. Again, not simply signage, other elements, whether they are in the paving or street furniture for bikes so you can get a bike when you get off the train. We looked at pedestrian radiuses and how far people need to -- what's in access to people maybe at the capitol or the convention center. We looked at all the parking and worked closely with transportation about the capacities of parking and where electronic parking signs could work. As you mentioned, parking is a marketing identity program, so you have a "p" and you tuesday across a variety of elements. Whether that is a website or mobile app or printed materials. And you will see the signs in a moment. We also felt there should be a public relations or communications package that promotes the wayfinding system itself and lets people know, if you need to get wayfinding information, where it can be found. So, with that, we then moved into development of signage as part of the system. Option one, we heard from the public was that option one, they like the simple and clean aspects of it. Option two, they like the hand crafted aspected. And, option three, they like the modularity. There was not a clear winner, which is not uncommon, so we came back with option four which incorporated all the feedback we got. This was option one, which was more organic and sculptural feel. Option two, which was more textured, more ornamental, historic. And option three, which was more modern and more technology -- we had some technology base and solar panels and there were some things people liked about those. Option four simplifies this. If we look at one, two and three, comments were over seemed, too complicated, we needed to control the information a little bit stronger, so I think that's what you will see in option number four, which includes a heavy dose of pedestrian orientation signs and trail signage. You get a better scale there. And also show some photo renderings. There you can see it dropped in, tying it to existing infrastructure so we're not adding more out there. The idea of the cognitive map downtown and having a pairment compass, letting you know where you are in the downtown area. Gives you an idea of pedestrian signage, which can also have transit information on it and how that might appear, bringing it really into the materials of that particular place. The information hubs, which will have more of a technology element to it -- sue it see it up there, solar panel is the topic, giving you direction at the base. As you come off the pedestrian bridge there, providing information. And, then, information at the trail. So connecting the trail system to the downtown system, and we talked a lot about connecting various parts of the city to each other. The trail signage. Markers at that entrance. And, then, the parking. So vehicular signs directed to major destinations, you see on the left, the capitol and visitor information center or to a smaller destination, but the parking has

this identity. It is clearly identifiable and memorable that goes across not only just the signage but other elements, and that shows electronic parking signs. Enter in downtown, I can understand how many spaces are available in a given garage. The system's modular so we can update it on a regular basis. Then, there's the signage for the parking garage. Our master plan also talks about how the system will be managed over time, so through the transportation department and public works, who will go out and repair it and there's a strategy for management and maintenance, long-term. As we've gone through this, we've also come up with a saving plan, so in 2012, it is basically the planning process. 2013 We'll move to first some simple elements that can give the program a launch, and then build into more of a system framework with electronic parking signs and information kiosks. And then, we've built it out over a series of years, what different elements can be implemented over time.

[10:41:48]

>> Our next steps today and beyond, obviously, we're here in front of you giving you this update, but at your next meeting in december we will be asking you to authorize an additional, about \$85,000, so we can move into phase 3 for this project. That part of it, as I mentioned, will include the graphics manual and it will also include quantities and locations for signage to start to give us an idea of what -- how we might implement the project going forward. We would like to be able to start phase 3 scope of work no later than january next year, and begin phase 4 in the fall of next year. And, with that, we're going to open it up to questions.

>>Mayor leffingwell: questions? Council member riley. first, thank you for all the work you've done on this and thank you for the presentation. A very challenging and exciting project that you've embarked on, and I know wear all looking forward to seeing the implementation of this. Just have a few questions. First, I'll start with just the most basic signs that we're all going to be encountering when this system is in place. One is the traditional "p" signs that signify parking and you showed number of variations on that theme. I notice the "p" is somewhat different from the traditional "p" we see from other cities. What is the thinking on departing from the standard international logo for parking?

>> We kept it blue, we looked at a couple of color options and we decided to keep it blue to keep with the international symbol. We didn't change it that much. We gave it what we felt was a little bit of an austin twist to catch the character. We really used a slightly different type face. We could test it a little bit and make sure that it is appropriate, but all indications up until now, it is pretty recognizable, especially when you're at the parking lots. Again, the parking's identity of creating that was that it is spread across many different forms so that it is reinforced, as you come into town.

[10:44:17]

>> And another thing we've talked about in terms of what people are going to experience when they come into town is the whole gateway concept you mentioned. The presentations early on, the opening presentations for this project, there were a number of slides showing the existing conditions at some of those gateways.

>> Right. for instance, slides showing the conditions of the railing on the bridge to cesar chavez, other places they weren't in good shape right now and the idea was to fix them up to provide a more appealing entry way into the downtown.

>> Right. is that still part of the plan? And where you do foresee the funding from those improvements coming from.

>> I SHOULD MENTION, McCANN Adams studio is developing those gateway elements. The gateways are interesting because we have the opportunity outside of the wayfinding project to implement some of those gateways with other construction projects, highway department projects that are going on, so part of the next phase, also, is to expand on the ones that we've done and then see where we've come up with a strategy within the book to see where each of those gateways can fall into either -- it is part of the wayfinding project or it may be part of other initiatives that are going on, so we're trying to kind of see where it fits into those other initiatives. So, you know, the intent is that a lot of those things do we when projects are available. have you been in touch with the parking enterprise about the funding stream coming from --

>> right. we expect there will be an on going revenue stream to support continual improvement into those gateways?

>> That's right. one of the challenges associated is we have a couple -- we have many things going on all the time in downtown, but in particular there are two very big transportation-related initiatives that are on the horizon. We have the bus routed transit system that is under construction today, and will be in place within the next couple years that will come right through downtown and will involve a whole new set of transit stops and a whole new mode of bus transportation. We also currently have an rfp out for bike sharing, which is -- which we can expect to infuse a significant number of new bicycle riders, especially in the downtown area, based on experienced in other cities, we would expect to see a lot more bicycle activity on our downtown streets. A lot of those folks are going to need help getting around because those systems often are used not just by residents who know their way around but by visitors who come to the city. And particularly, with to the that, one of the chal -- with respect to that, one of the challenges it changed the picture on slide 17, the five to 10 minute walk, we now have to be thinking in terms of the five to 10-minute bike ride, people who are going to need help finding their way around. Can you just speak brief three whether you've taken a look at those two systems on the horizon and how you would see this plan adapting to respond to those systems?

[10:47:46]

>> We met with both those groups. We certainly met with cap metro and talked to them a lot about the various public transportation issues. One of the things that is in the master plan, we identified their current bus stops that have the greatest number of boardings, so that we were sure to make -- to have elements in those areas to support those high-boarding areas. The second was the bike sharing, talking to them about where potential locations would be, and then, also, making sure that that kind of information could go on pedestrian signs. Where you saw the one gateway we showed, thinking about that at the train stop so when you get off the train there's a bike-sharing element there. So, I think it will be part of the information kiosks as well, and

certainly, information will tie into any kind of electronic elements that we have as part of the system. But, they both have been very much as part of the stakeholder meetings as we've gone through the process. have you looked at how you expect the system to be maintained over time? Where it will be housed? Who will be in the position of oversees the system once it is long gone and what we need to respond to? Organizationally, how do you suggest that we --

>> there is a slide on that. how we prepare for new developments as they come up.

>> Sure. We came up with a maintenance and management strategy, started to outline it. You basically look at four components. From an administration standpoint, a new destination comes on board. How do you -- who coordinates that, which is the steering committee. Day-to-day management, a sign gets hit, someone needs to repair it who gets the call? That's transportation, public works. We will continue to work on that. And who actually goes and does it? Are we doing that in house? Most likely, it will be a contract you will have with the person who -- the contractor who has built the element itself. And, the fourth part is the funding source. You know, who's going to pay for those repairs over time, and now the parking revenues have been outlined for that. That's what slide 42 outlines.

[10:50:21]

>> If I could also mention, merje has worked with our sign shop to make sure that as many elements as possible could be fabricated within their shop, and we were pleasantly surprised by their ability to manufacture many of these components. So, we believe that the sign shop will be able to take care of some of the day-to-day smaller maintenance items. would you expect that that transportation department would have on going oversight over the wayfinding program?

>> Yes. We've actually been working with steve grassfield pretty closely, so we've been working with him day-to-day, as well, and so i expect and, as he expects, as well, to have input on that throughout.

>> Okay. Well, we'll look forward to working with steve and other staff as this system gets implemented. And, again, I very much appreciate the work you've done and the report you've provided today.

>> It's been a pleasure. I would like to comment along the lines of what council member riley said. I really don't see the point in having a nonstandard fee. It's supposed to be a signal that is the same around the country and around the world. I don't see anything gained by a little twist any more than i could see the point of making stop signs triangular than octagonal. Just my two cents word.

>> Fair enough. council member tovo. I want to be clear, are you done with design development? Or is there more opportunity to respond to the "p" and other items?

>> I would say we're 95% done with design development. I think there is probably still room for input, but the major components of it has been designed, but we can certainly look at any input anyone may have. can you just give me a sense of how concerned you've been through the

process with universal accessibility guidelines about colors and font use and that kind of thing for those who may be visually impaired?

>> That's definitely something we've been considering throughout the process, not only visually but hearing impaired, as well, and anything that makes it easier for a broader community to have access to the system. We haven't gotten down to colors and that sort of thing quite yet, but be reassured, that's something that we'll keep in mind throughout this next phase.

[10:53:05]

>> So that will guide the color choices?

>> We do have -- we have been -- the ada require adds 78% contrast on that the vehicular signs, we're limited to clear view for a certain type faces for the vehicular so we used the clear view type face. Also with accessibility that goes more into the actual placement, as well, to make sure that we have the clearance around any them goes into the sidewalk, so we look at it from that standpoint, as well. and then, one last question, as you've gone through the design development process and are making final design choices, I wonder if you could give me a sense of how informed the process has been by austin's goal of becoming the most family friendly city in the country? Has that been a value you brought to this process?

>> I really do think so. As I mentioned earlier, the system is not just about getting you from point a to point b, that is part of it, but it is also about building awareness. When families and visitors come and want to know what there is to do, when they're aware of what is around them, they're more likely to stay longer, they're more likely to understand the depth of destinations that are here to visit that will promote their experience while they are here. so they will have an easier time navigating and that helps encouraging those with family, children, to come downtown.

>> And whatever destinations are here that they can visit. what would you say is fun about the signage you're considering. What are the sort of fun elements that might be appealing to children down here? I say that having been to other cities where there are interesting graphics or signage that has scavenger hunt elements. There are lots of ways to make downtown signage fun for families and kids and part of why they want to come downtown and spend time and walk around.

>> Two things, one from strictly a design aesthetics standpoint, we built in a component on the top of the sign we felt that local arts and craftsmen could be part of designing and we wanted to include that as -- kind of give the system, when appropriate, a funkiness. The second part is, funny you mentioned scavenger hunt, i think there is the ability within the system and our information hubs and some other elements that we designed to bring in that interactivity into the system, whether it is playful or discovery or a game, I think when we -- our next step is to get very deeper into those information hubs and find the opportunities to include those kind of elements.

[10:56:02]

>> I think that would be a really good goal and a really good direction to go in. I think that is, again, as i said, I think that's one reason people might come downtown and spend longer and walk around around in doing so, find a coffee shop to pop into. I think it really fits in nicely with our goal of encouraging tourism in our area.

>> Generally, when you come and see an organized graphic system, you're going to calm down, you're going to feel more comfortable that downtown austin is organized, safe, caring. Those are just the visual goal you will get out of this rather than random signs.

>>Tovo: thank you. Playful sounded good, too. Thanks.

>>Mayor leffingwell: okay. Council member morrison.

>>Morrison: thank you. just a moment. The speaker sign-up system is down. Go ahead. I appreciate the work on this and giving us some description, and for me, giving, you know, some understanding. Because wayfinding to me, an hour ago, was fine so now I get that it is more than that and i appreciate that. One thing I wanted to ask about, it is a little bit of a take-off on council member tovo's comments, on slide seven where you have standard and proposed customized icon for downtown austin. And, I know there's already been comments about "p". So, I have questions about that, two questions. One, is there a standard for a cultural place? Because I'm thinking about, you know, paramount and things like that and I wonder if those are sort of branded in a way.

>> There is a -- there is one that's used, but I don't know how recognizable it is. I think it's on that -- that really doesn't really come across for that, so that's why, you know, we looked at -- the icons would really only be used for key destinations, I capitol, you know, recognizable things. Parking the capitol, ut, visitor information center. We had the music one in there just blitz different. There was a -- just a little bit different. There was a desire condition the stakeholders to have the ability to post that or use that on different elements to let people know when, where music was available because it is available in all kinds of places a visitor would like to know. I guess I need clarification, we're using icons for key destinations, but for music are we using it for key music areas?

[10:59:02]

>> We would use for a venue or store that would have music. Art day that would go by its name. Because we don't really have a recognizable icon for that. That. so the music icon there is a lot of music venues downtown.

>> We're not directing to all of them. are we directing to some of them?

>> An icon that could be used by anybody on a map or a printed piece or electronic element, but we would not and using it, certainly not on vehicular signs. If there was a cluster of venues we wanted to direct to, you could do it that way but it, really hard to direct every single one. so that idea of directing to music area or if somebody just wants to scan and figure out where I can find music, that is great for a visitor.

>> Correct. but it also brings up for me, we have a lot of really wonderful cultural items downtown. And, also, if some places could be branded as family-friendly or family-focused, and we had a family icon, so this is what I'm talking about a take off on the comments on council member tovo, somebody who is bringing their kids downtown could just look at see six different family things. Four of them they might not have thought about. I don't know how you would decide which did or did not deserve that.

>> It is something to consider. I think we can find a way to get that in there. I think that would be a really nice way of the family's use of downtown.

>> Mayor? excuse me spelman. I cant to congratulate you on the use of powerpoint. I never use it myself, it gives me good feelings about your act to help show us around. Thanks. And, for the record, I don't mind that little twist on the "p" at all.

>>Mayor leffingwell: thank you. So, now we can go, I think, to item 63 and 64, which are imminent domain items. We can take these two items together and the motion would be item 63 and 64, condemnation items. The city council, city of austin authorizes the use of the power of immeant domain set forward in the meeting to describe in the public uses there in. Mayor pro tem so moves. This is for 64, second by council member spelman. Discussion? All those in favor, please say aye.

[Chorus of ayes] opposed say no. Passions on a vote of 7-0. And, with that, go back to item 2, pulled by council member tovo. No one signed up on this.

>>Tovo: thanks. I had a question about this. This is a rebate for a multifamily property that has under gone energy efficiency upgraded, and I had asked a specific question and i appreciate the information about how much tenants expect to save on their monthly bills as a result. And that's great we want to see these programs being used and see tenants benefiting from them, but I'm concerned there is no -- there's no requirement to the property owner to keep those units at the same rental rate. And, so I wondered if you could tell me why that is. I know that from your response that property owners receiving federal, participating in the federal program, I may not state this correct leer -- maybe I'll ask you, can you tell me about programs receiving federal funds?

>> Yes. The vice president of distributed energy services and austin energy. Yes, you are correct under the federal weatherization program, properties that received weatherization funding were required to keep the rents at the same rents for two years. That's on the federal weatherization grants where we funded pretty much 100% of the renovation of the retrofits, of the energy improvements. Under our standard rebate programs, which we have a number of them, small business, commercial, multifamily, we currently do not require property owners to make that commitment. can you explain why that hasn't --s that just not come up before or is there some kind of reason why you wouldn't require that of property owners? My concern here is one that i know we've talked about in other context, but, you know, we've provided a city rebate. Those apartments, you know, have become more valuable to the property owner, and, you know, we want to see those -- we don't want to see that increase being passed along to tennants who are

suddenly unable to stay in the same apartment because of an increase in rent so we've, in effect, participated in a situation where those units have become less affordable.

>> Can I go back and check -- i can go back and check to see if, in our free weatherization, the low-income weatherization assistance program that is not federally funded, it is funded by austin energy, there is a requirement. I'm not sure we have that requirement or not. But, I know in the multi family rebate program, we currently don't.

>>Tovo: okay. I think that is a situation we talked about before in the low income weatherization program, we had that discussion what restrictions we have on that property owner and I believe they may be not as strong as they need to be. In fact, I'm not sure if they exist at all in terms of the requirement they keep the rent at the same rate. And, so, I will say that is something that I'm hoping to bring forward a resolution about because I think we need to -- we need to really address that if we're offer regular rebates to multifamily properties, we -- offering rebates to multifamily properties, we need to keep the rents stable for families that live there. I thought we might have had earlier this week, talks about the affordable in austin and we need to use the tools that may be open to us and I think this is one. At this point, is there anyway to require that other property owner? Could we make a decision here today or delay this and have you come back, is there anyway to require of the property owner they keep those rents stable for, say, the next two years as the federal program would?

>> I'm not sure, to tell you the truth. I would need to check with our legal group to see. There are program guidelines we publish on our website, and currently, those -- the guidelines don't have that information in there. And, so, yeah, I'm not sure. I can check into it. and so they've already completed the work?

>> They are -- they've already hired the contractor to do the work and they're doing that work. have they begun with the work yet?

>> I believe so. can we let the city attorney weigh in on this?

>> I think if we have a specific guidelines in place for the program right now, I don't believe that if we changed them, they would apply to the applicant that we're currently considering. Toe okay. Thanks. That was my assumption if they had already been awarded it. Okay. And, so, in the answer back about the average rent at miravista being 738, they don't qualify at affordable housing. Are we talking about two bedrooms, three bedrooms?

>> Okay, I may need to get some information from my staff.

>>Tovo: that's okay. If you don't know that's okay, it is sort of a moot point because we can't impact that issue in any case. I was just curious about that 738, because that's, you know, for a two or three bedroom, that might be --

>> so there are 168 two bedroom two bath, and 32 one bedroom, one bath.

>>Tovo: okay. Thank you very much. Mayor, I move approval of this item. council member tovo moves approval of item 2. I will say with the understanding thing is an issue we need to address.

>>Mayor leffingwell: discussion? All those in favor, please say aye?

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

>> Thank you. Item 21 by council member martinez. Nobody signed up.

>> Thank you, mayor. I pulled 21 and 22. I was going to go to that next. I will speak to both at the same time. We adopted the 2012-13 budget in september, and we -- when we adopted it, we adopted -- we had some funding available that is now allocated to these two agencies, and the anticipation was it would be a full fiscal year 12-13 funding, so I'll move approval of item 21 with the understanding that it is applicable to october 1, 2012, through september 30, 2013. And then I'll do the same if it passes on item 22. Because it session it is explicit in 21 but not 22 but I think it is the same exact intention and should start october. I'll move approval of 21. council member martinez moves approval of number 21. Second by council member morrison. All those in favor, please say aye?

[Chorus of ayes] opposed say no. Passes on a vote of 7-0. on item 22, I will move to strike the term october. And move approval. council member martinez moves approval the item 22. Council member morrison second. I'll say I'm voting no on this because I voted no on it during the budget session. All in favor, say aye

[chorus of ayes] opposed, say no.

>> No. Passes on a vote of 6-1 with myself, I voted no. So, we can go to item number 3. Which is pulled for speakers. A number of folks signed up. Brad parsons. Brad parsons. Donating time is laura presley, so you have up to six minutes.

>> Thank you, council members. Again, what I have to offer here on this is based upon experience of where this type of an ordinance has been already enacted. And, you might call it best practices. I notice that these -- again, this item is the administration rules to implement the single use carry out bag regulation or ordinance. And, traditionally, you know, administration rules don't add new content that materially changes the ordinance that was passed by the legislative body, which is you all, but in these administration rules there's at least three areas here of detail. Again, I reviewed all of your motion items, all of your verbal discussion about this and the ordinance itself, and there are three areas of these rules that are entirely new material information. And, you know, maybe there's a tradition here in austin to do at minute stray -- to do administration rules that way, but I will say off the bat, legally that is really a little bit improper so, what are the examples I'm speaking about? They actually are a part of the exemption, the alternative compliance, and then I also have a comment or something that could be added about enforcement, ordinance enforcement. In particular, in the rules, I'll read first from the rules then the ordinance, but in the 7, these rules before you, restaurants and in the rules that you have here, restaurant bags, these are exemptions from the plastic bag, basically, requirement.

Limited to recycling paper bags used to take away prepared food. And this is the new thing here. Single use plastic carry-out bags allowed only where necessary to prevent moisture damage. In fact, I met the guy who came up with this phrase and it was added in the committee hearings on this, but that is not a legislative body for the ordinance. In the ordinance, what you all had for that same section exemption, 15-7-123, bagged used by restaurants to take away prepared food only if the bags are recycle in the city of austin residential recycling program. So, when I read in the first time, as a citizen would normally hear about this, i thought, well, that's pretty good because that's the standard being adopted elsewhere in this kind of an ordinance. That's going to basically mean, we heard him say that he didn't feel you had a way to recycle plastic bags in the single stream. And we did also hear your waste management guy came up and say if they're all bagged in one bag and bound up and thrown in the blue container, we can deal with it in a single stream, the plastic bags. There might be -- you could make a change that do allow the restaurants to still use the single use bags, not having to change the legislative intent of your ordinance with these rules. So that's one change, material change. The next is, here, you know, in your -- it was interesting, reviewing all of your verbal comments, a couple of you, three of you, spoke about an emergency access plan, and when testimony about it by the merchants and -- it was always about an emergency access for the customers, what it was couched as, but actually, here in these rules, it's an emergency access plan that can extent out to three years, basically the way it reads, full exceptions, but out to three years for the merchants. This is an emergency access plan for the merchants. And, it is basically going to allow them, at the director's purview, for them to adopt an alternative-type bag that may presumably meet the same standard as, say, the four mil requirement in the rules and ordinance. If it can meet that requirement, why not go with the four mil. By the way, this is section 10.9.2 emergency access. It's not a bad idea, but this is a three year out for the grocery stores is what this is.

[One moment please for change in captioners] z.

>> This one is entirely a deviation is alternative compliance called alternative bags 10.9.1. And basically this allows -- it's really amazing. This -- this phrase allows the directors judgment to totally set aside all the other requirements earlier in the ordinance about plastic and paper bags and if a merchant presents to him in a form, and they need to be doing this in the next three months, if they present that to him -- do i have six minutes?

[Buzzer sounding]

>> Mayor Leffingwell: Six minutes has expired.

>> I presented my main point is I think you should change to one year. Also one last thing --

>> Mayor Leffingwell: Your time has expired.

>> You don't --

>> Mayor Leffingwell: Your time has expired. Your time has expired. Next speaker is andrew dobbs.

>> Mayor and council, thanks so much for having us today and for considering this. Andrew dobbs speaking on behalf of texas campaign for the environment. We were up here that late, late night when we passed all this. Good to see it at a more reasonable hour. I want to -- we support the adoption of these rules with some reservation. We are concerned about the -- I think that -- i worry that -- there's some worry that the restaurant rules or the exemptions are a little too broad. That this will kind of undermine the effectiveness of this ordinance. We're also concerned that under the hardship variance, 8, there doesn't seem to be any kind of time limit. That there's -- that we do see that and that has been and these have been improved since the swac meeting in terms of time limits and reporting requirements for any emergency systems. That's good, but we want - - you know, we've got to make sure -- we've got to keep our eye on the ball here long term. Even after these have gone into effect we need to make sure we can fix it later on if need be. If it isn't as effective, we may come back and ask for changes but we're excited to see it do into effect. One element that we have expressed concerns about from day one has to do with the legislative session. The kind -- what we're hearing right now, concerned about is that any pre-emption, any local pre-emption of bills that come through the legislature will be -- will grandfather in existing ordinances including [inaudible] austin. We want to make sure that the city of austin stays -- or doesn't get us distracted and that we continue to support the right of local communities that have not yet passed these ordinances to pass it and to pass these ordinances in the future. That is another concern. But generally speaking we are -- you know, we are cautiously optimistic about these rules and we urge adoption and I'm available for any questions.

>> Mayor Leffingwell: Thank you.

>> Thank you.

>> Mayor Leffingwell: Peter miller. Donating time is daryl wittle. Is daryl here? You have up to six minutes.

>> Thank you, honorable mayor and councilmembers. I apologize for the confusion earlier.

>> Mayor Leffingwell: I apologize to you.

>> I'm owner and president of the county line restaurant and have been for 37 years and I'm extremely proud to still be a part of this city. And one of the things I'm really grateful for is to have had the opportunity to work with bob gedder and his staff with the pilot program. It's been very successful and helped us get towards the zero waste initiative. I'm here to speak on the single bag ban and I -- on 7 on the exemptions and on restaurant 3, i worked with staffen they washed hard to try to come up with wording that was workable because the way it was written the takeout bag was limited to a paper bag. And in our industry, hot liquids, items with moisture, et cetera that come out of our restaurant are damaging to your vehicles, they leave open for burns, et cetera, and i think that the wording that they came up with was very good and I think that in situations where we are taking out liquids and hot items that the availability to use these single use bags is extremely helpful and in the future if there is a bag that comes available that is better and more recyclable, then we're totally open to using that and so we support the proposed language before council today.

>> Mayor Leffingwell: Thank you. Clay dafoe.

>> Thank you, austin city council. You are considering item 3, a resolution to approve amendments to administrative rules for city code chapter 15-6, solid waste, regarding single use carryout bags. I think citizen brad hit this one right on the money. Why do we plan to have this plan in place for three years? Why not just try one? You guys did a good move a couple council tings ago decreasing the corporate payment to sherri matthews 7 million to \$800,000 and it's a step in the right direction. I like that kind of thinking. But my big question is here -- I'm not really going to go into the specifics, but how much time, money and energy are we spending on these bag bans? You guys have been considering items related to the bag bans for well over a year and I just wonder how many hours that takes up with city council that could be spent on protecting our economy, protecting our small businesses and protecting the future of austin. I want to see that time, money and energy spent on protecting our rights. And I think we'll get a lot more accomplished at city council, we'll have a much safer city, we'll also be more economically prosperous, we'll have a better community environment which is what we're striving for as citizens of austin, texas. I'm not going to go into the united nations agenda 21 stuff. John bush has talked to you about that before, so has ronnie reeferseed, but from every question from now on, I want you guys to start thinking less in terms of dollars and cents, less in terms of how we can affect things with our policy and more in terms of how will this help a small child born not long before today. And I think some of the gedder needs to start thinking how is this program going to help a small child that was born not long before today. It's not going to help them, folks. It's going to make life more difficult. You are creating a very complex situation, it's going to be hard to back out of it. We look at the speaker registration system, they used to have cars we can ride on and now it goes down and we can't function without all the computers. I'll just leave you with a quote from a band I really enjoy listening to, wookie foot, we may not have it all together but together we have it all. If we start thinking more in terms of a community instead of how can we ban bags, i have nothing against them personally, but if we want to promote true environment lymph in the city we have to take personal initiative instead of using government force. That will force higher taxes and a lower standard of living for our citizens here in austin, texas. Thank you for your time.

>> Mayor Leffingwell:

[Inaudible] meyers.

>> Mayor and council, I'll just take a minute. Thank you very much for the opportunity to speak with you. I'm here today to represent TACO BELL, McDONALD'S, Whataburger and sonic. We have spent the last several years working almost on a monthly basis with bob gedder and the staff and how to comply with the zero waste ordinance and examining the bag ban. And we are here in 100% support of the rules as presented to council and want to compliment the zero resource recovery staff on a job well done, at least we think it's a job well done. I want to point out that the swac commission passed these rules unanimously and also we support the restaurant association comments this morning. I'd be happy to answer any questions you might have.

>> Mayor Leffingwell: Thank you.

>> Thank you, mayor.

>> Mayor Leffingwell: I'll entertain a motion on item number 3. Councilmember tovo.

>> Tovo: I'll move approval, but I also have a question.

>> Mayor Leffingwell: Councilmember tovo moves approval. Seconded by mayor pro tem cole. Councilmember tovo.

>> Tovo: Just a quick question. You heard the comments from parsons and miller about the restaurant bags and i wondered if you could just address why that evolution from the ordinance to the rules we have before us.

>> Yes, bob gedder, austin resource recovery. The evolution is rooted back in the original intent of council's resolution to request an ordinance. It was targeted towards retail checkout bags and restaurants were a auction silly issue that popped up -- auxiliary issue that popped up later. We attempted to accommodate the food industry with the accommodation with this extra rule. We don't believe it's an overreach. We believe it's an accommodation based on the fact that this was an unintent 9 consequence and not the original intent of the ordinance.

>> Tovo: All right, thanks.

>> Mayor Leffingwell: gedder, and i agree this is addressing in a meaningful way something that's a real problem and we have done that for other uses of plastic bags where we've seen there's not been a reasonable alternative, newspapers, dry cleaning, for example, and I think it's pretty obvious once you think about it, and obviously we didn't think about it, but once you do think about carrying out a bag full of barbecue sauce in a paper bag is not a good idea. So all in favor of the motion say aye. Opposed say no. Passes on a vote of 7-0. So now we can go to items 43 and 44 pulled by councilmember cole. Did you want to make a comment first? We'll take the public comment together on these items. One is an ordinance and one is not. We'll approve them separately, but peter miller. And this is the -- related to the ordinance on valet -- revisions to valet service rules.

>> Yes, it is. Honorable mayor and councilmembers, peter miller with county line and president of the greater austin restaurant association. In reference to the valet parking, when it first came to our attention, the fee was a \$250 a year fee, which obviously was something that needed to be revised. The fee did not cover the policing and administration of valet parking, there's 180 spaces in the city. We agree with the fact the prices need to go up. The proposal is a 20, 40, 60 proposal. Given the fact that the economy is in the state it is and you've got restaurants that proteins are going up and it's getting more and more expensive, we ask that you give us an opportunity to spread that over a five-year period rather than a three-year period to help us put that into our budget and make it happen. I've been in the restaurant business for 37 years and we definitely know how to make changes, it's just a matter of giving us time to get it done. And in addition to that, i guess the fee in the fee schedule, I'm under the impression that the fee for a year is about \$265,000 a year to run the valet parking program. And in the 20, 40, 60 proposal, my only question is is that I'm -- I'm under the impression that at 35-cent is where it covers the cost of the

program. So when we exceed what the cost of the program is, at the 35-cent level, is that the -- is that the way it's supposed to work, does it become a profit center or are we trying to cover the cost?

>> Mayor Leffingwell: I think it's probably illegal to charge a fee for more than it costs the city so i don't think we can exceed that. Councilmember morrison.

>> Morrison: I'd like staff comment on that because it's my understanding that we're setting aside spaces where we would otherwise be having revenue from parking meters. So -- and that would be, of course, a dollar an hour and I think that maybe staff could --

>> Mayor Leffingwell: Are you finished with your comments?

>> Yes, I am. We do approve the 20, 40, 6, asking if we could spread it out over five years.

>> Spelman: Mayor?

>> Morrison: miller, i wonder if you could comment on the idea are we in a situation where we're charging more than it costs or is it a replacement of lost revenue?

>> Thank you, councilmember. Robert spiller, department of transportation. The parking system is part of the larger transportation system so we don't recover the full costs at all on our parking system, and so yes, you mentioned there is lost revenue from the meters taken off line. We recognize that the number of people being shuttled through the valet system is a public benefit so we're not trying to fully recoup all those costs, but there are costs beyond just the maintenance so it does go beyond [inaudible]

>> Morrison: I appreciate that.

>> It does not become a profit from other costs that are associated.

>> Tovo: Mayor?

>> Mayor Leffingwell: Councilmember spelman was next and then councilmember tovo.

>> I have a question. If you would come back up again.

>> Yes, sir.

>> Spelman: If we wanted to implement five-year phase in rather than three year, we could have two -- talking 20, 40, 60, we could have the 20 for two years, 40 for two years and 60 at the end or do two, three, four, five, six. I understand that keeping the 20 for two years would be cheaper for y'all, but do you have substantial objection to go two, three, for, five, six and substantial ratchet?

>> No, we don't have objection to that.

>> Spelman: Thank you.

>> Mayor Leffingwell: Councilmember tovo.

>> Tovo: spiller, i wonder if you could give us a dollar figure for what the lost revenue is for metered spots.

>> I'm going to ask gordon to figure that out.

>> Gordon derr with the transportation department. Right now we have about 1700 hours of the -
- the 180 spaces right now we use for valet. So if we were to get 100% occupancy of those meters throughout the year, it would be an income of about \$500,000.

>> Tovo: I'm sorry, you all have to give me the number -- I'm trying to come up with a per meter revenue so can you tell me the number of meters again please.

>> There are 180 spaces used for valet. Some of those are 24 hours a day, seven days a week. Some of those are four hours in the evening. So there's a lot of variation among the different valet operations. Right off the top of my head, I don't have --

>> Tovo: Well, maybe this is another way to do it. So it's a half million dollars worth of revenue that would come in and right now we're collecting as a city 180 times 250.

>> Well, about 45,000 is what we currently get from permits.

>> Tovo: So in essence, i mean there certainly is a having a valet service because that takes cars off the road, but that course has been \$450,000 a year so that's a pretty substantial subsidy of those valet spaces. So what - it seems to me in coming up with the fees, that was part of the reason to have the three-year phase-in. While it's still an increase, it's far less than the revenue we would be receiving as a city if those spaces were metered. Right?

>> Well, the phase-in was because current budgets as JANUARY 1st, IT Did need to ramp up. What's before you today is just a budget revision for the 20-cent or calendar year 2013 and not any additional increments which if council asks us to next year as we do the budget we would include those increments and they would be part of your normal budget.

>> Tovo: Thanks tore that clarification because we did talk about this tuesday about the three-year versus the five-year and we've heard testimony preferring the five-year but today all we're deciding is a one-year. Thanks, I appreciate that.

>> Mayor Leffingwell: Mayor pro tem cole.

>> Cole: Thank you. I'm glad we are nailing this issue because this is the reason I pulled these two items and it was just out of concern of the low amount that we initially were receiving from valet parking and trying to ratchet that up and bring it more in line with the -- what

councilmember tovo has pointed out is about a half a million dollar loss. So let me ask you this. Going three-year phase-in to five-year, can you give me a dollar number on that?

>> I don't have the calculation right now about what the difference in the increment of three versus five-year. We can certainly calculate that. But each year there would be some less revenue realized. But I don't have the cumulative number right at the moment.

>> Cole: Today since we're only making a decision about the 20 sent, if we want or decide at the next budget cycle that we want to make up that revenue at a faster pace and give the stakeholders notice of that, we can do that either at the 40 cents like councilmember spelman suggested or at a higher rate or go all the way to the 60 cents, but that is our option at a later date. It's just now that we've been working with the stakeholders, we're on notice that's what you have -- they have agreed to and what we have represented that we are intending to do at this time.

>> That's correct.

>> Cole: Okay. Thank you.

>> Mayor Leffingwell: Councilmember spelman.

>> Spelman: I don't want to get into the weeds too much on this, but

[inaudible] glossy number to help get a sense of this. If the spaces which are currently used for valet purposes, 180, were used as street parking only, we cancel the valet program, do we have an estimate for how many cars would be using them? 180 Cars, twice that many, three times as many?

>> We know during the evening we've been tracking we're getting about two and a half vehicles per space with turnover. That's probably pretty comparable two to three during the day because we have a lower occupancy during the day than in the evening. So it's probably five to eight vehicles a day turnover for just a metered space where we have the three-hour time limit.

>> Spelman: So [inaudible] day, evening, somewhere between five and eight vehicles could use the space.

[Inaudible] let me ask do we have a sense for how many vehicles would be using the space for a short period of time until the valet got in and [inaudible] when it's used as valet parking?

>> Just a gross calculation, we don't collect data about how many vehicles are actually parked in valet. We're going to be asking for that in the future. The estimate that the industry gave us was they park about a million vehicles. So if you take a million vehicles and 365 days a year average out to about 15 vehicles per space per day over the year.

>> Spelman: And some of these [inaudible] four hours, 24 hours, it's complicated [inaudible] roughly somewhere between two and three times as many vehicles would be using these spaces in a valet setting as if we just put them out for regular parking.

>> That's a rough gross estimate, yes.

>> Mayor Leffingwell: Councilmember tovo.

>> Tovo: I apologize. I just realize there is one more figure. Have you done a calculation of how much -- how much revenue the city would realize at the 20-cent per hour?

>> Yes. About 137,000. We anticipate there would be some reduction in the number of hours. We also anticipate there will be more valet. That's just based on current snapshot of how many valet spaces are used. To use the same hours they are now that would be an estimate.

>> Tovo: So there's still a very substantial investment/subsidy the city is making on this basis. Ordinarily if they were metered spots it would bring in about \$500,000. Instead they are going to bring in about 137,000. If given the caveats you mentioned.

>> Right.

>> Tovo: Thanks.

>> Riley: Mayor?

>> Mayor Leffingwell: Councilmember riley. Excuse me. We do have some more speakers.

>> Riley: We talked about a couple possibilities especially stretching out the increases. First, we are talking about the fee schedule for 2012-2013 and would staff prefer that we go ahead and agree on a five-year plan or would you prefer we

[inaudible] is there any value in reaching some decision as to a five-year plan.

>> I don't know what we have posted. I assume the posting is for just amendment to the ordinance. If we can we'll bring back a recommendation with information about the cumulative effect of that. If that's what you all would like.

>> Riley: So at this point

[inaudible] for this coming year. Okay.

>> Mayor Leffingwell: Councilmember morrison.

>> Morrison: Thank you. I just wanted to note that at our work session I had raised a couple of questions about the ordinance and staff did take a look at those and provided some cleanup and some modifications and revised backup. I appreciate you all taking care of that.

>> Mayor Leffingwell: And although we're not addressing this specifically today, just for planning purposes, I would like to say I support it. I think it's a fair compromise. I think the consumers have agreed in principle to the five-year increment with an increment each year. In

other words, it would be 20, 30, 40, 50, 60. That way we won't lose quite as much money this the second year as we would

[inaudible].

>> Thank you, mayor, based on the comments we certainly understand what we're heard and will bring that back.

>> Mayor Leffingwell: So next speaker is daryl wittle. Daryl wittle? Donating time to daryl wittle is ronnie reeferseed. Is ronnie reeferseed here? Not in the chamber so you have three minutes.

>> Thank you very much, mayor. I appreciate you having us in hereno carrierringconnect 57600

>> Mayor Leffingwell: Mayor pro tem moves to approve item 43 on all three readings. Seconded by councilmember tovo. All in favor say aye. Aye. Posed say no. And I'll entertain a motion -- that passes 7-0 and entertain a motion on 44. Mayor pro tem moves to approve seconded by councilmember tovo. Discussion? Councilmember riley.

>> Riley: I want to add my voice to those already

[inaudible] staff comments, I understand they will be coming back for approval at a later time. I just want to make sure there's no confusion about what we're doing today.

>> Spelman: Mayor?

>> Mayor Leffingwell: Councilmember spelman.

>> Spelman: If I could second councilmember riley's conviction we need a five-year phase-in, and a smaller 20 cents to 30 cents for calendar year 2014.

>> Mayor Leffingwell: Councilmember tovo.

>> Tovo: Yeah, and I'll look at the numbers when you bring them back at 30 cents, but at this point I will disagree with my colleagues and say I think a three-year phase-in is appropriate. We've already had in my mind a one-year delay since the discussions started at least a year and four months ago and I think we need to be fiscally responsible with our spaces downtown and it's in the city's best increase to increase the price on these more quickly.

>> Mayor Leffingwell: Councilmember morrison.

>> Morrison: I just want to add that in fact the valet discussions started, at least in my experience, in july of 2008 so it's actually been more like a four-year phase-in at minimum. And I will reserve judgment on this.

>> Mayor Leffingwell: Councilmember riley.

>> Riley: I'm glad to hear my comments recognizing the issues associated with subsidizing parking in the evenings by providing it for free and welcome the new-found interest in bringing those into market rates. I'm glad that we will get there. But I appreciate the comments from the speakers today, but I'm [inaudible] i just wanted to reiterate my support for the five-year phase-in.

>> Mayor Leffingwell: All in favor say aye. Aye. Opposed say no. Passes on a vote of 7-0. We only have about 10 minutes. We may be able to cover item 53. Without objection we'll call that item up, it was pulled because of speaker and the first speaker is michael evanston. Apparently not here. So paul sald a. Na. Juan olevides. Those are all the speakers we have. Councilmember martinez.

>> Martinez: Thanks, mayor. I need to ask staff just maybe two or three questions that were brought up in an email. I wanted to ask, first of all, this -- the disparity study that's about to begin is a study that's required to be conducted so we can continue our m.b.e., w.b.e. Program.

>> Right.

>> Martinez: And so there's been a request that we include a veterans business enterprise program within that, but there's really no way of us knowing whether or not we can or cannot without a disparity study. And so by simply asking to include that in the scope of work, it would give you all the information you need to determine whether or not there were some opportunities or whether or not it would have a negative impact on our existing program.

>> That's correct. Mayor and city council, cindy crosby. Now would be the opportunity to include it in the r.f.q. That's proposed to go out to request for a consultant to conduct a disparity study and it should be minimal cost and they could advise us on the exact statistics of veterans in the community and -- as well as whether or not the program would be defensible [inaudible]

>> Martinez: And that minimal cost, would that be borne by other entities who share in this study with us?

>> Understand that staff has spoken with county and aisd, however, the city would want to retain its data and so the cost would be borne by the city and those entities could contract separately with the consultants.

>> Martinez: And by adopting this item, this does not in any way presume or even begin to implement another program. It just simply gathers the data so that then it can further be processed through our advisory committee and council deliberations and public discussion.

>> Correct. It would be another layer that the consultant would look at and could include in their studies and surveys to the community.

>> Martinez: Thank you. So mayor, first of all, thank you for co-sponsoring this with us. Councilmembers, you know, we, we share the concerns as well brought to us by the minority trade associations and obviously we would never do anything to hurt our existing programs.

We've been approached by veterans groups and asked to create the veterans business enterprise. We simply don't know whether we can or cannot nor do we know the impact it would have on our existing program nor do we know there's disparate treatment on of veterans. This is a study that would let us know that and whether or not to proceed. I would move approval just so we can gather that information. Once that information comes back, we'll send it to our advisory committee

[inaudible].

>> Mayor Leffingwell: Motion to approve by councilmember martinez and I'll second. And I'll just say that i appreciate councilmember martinez doing the researches in to bring this item forward. I think it's -- as is well known, I've been interested in a long time, ever since I've been on council in veterans issues. We don't know specifically what the study is going to yield, but we've got a pretty good idea anecdotally it's going to tell us that there are particular problems with our veteran population with regard to homelessness, unemployment, et cetera. And this is an attempt to try to get at that. So obviously I think this is a good thing, it's an opportune time to do it. Any other comments? All in favor say aye. Aye. Opposed say no. Passes on a vote of 7-0. So it's almost 12:00 noon. I don't think we have a time to take up any other items. The only ones that we have we can take up before executive session are items that have a number of people signed up to speak. So go ahead and go to our citizens communication. First speaker is paul robbins.

>> Hello. An apology will not be good enough. Council, the recently announced overruns for water treatment plant 4 are much greater than suggested. The austin water utility has admitted to \$7 million in increased costs. But this does not consider the 12 million in quality decreases in construction or the 16 million for elimination of the forest ridge transmission main. This is \$35 million. A 10% increase over the original budget. And austin already has the highest water cost of any major texas city. Now, I am quite sure that the water utility director will stand before you and apologize, try to explain this away. Apologies will not be good enough. This could have been predicted, and in fact critics of water treatment plant plant 4 including myself did predict the overruns. This slide that you have before you I found in my archives. I presented them to council in 2010. The charts are made from monthly commodity costs from the international monetary fund and cement costs from the u.s. geological service. This first chart you can see commodities like metals went down, but then headed upward during the discussion period of -- the discussion period of construction. The second slide, the second slide is cement costs. And you can see they were staying even, yet staff was claiming construction costs were going down while construction materials were going up or staying even. The critics also predicted environmental problems and currently ground water leaks during construction are equivalent to the annual use of about 140 homes. Council, the water utility has been responsible or irresponsible for misleading us. Apologies are not an option. Apologies will not be accepted.

>> Cole: Thank you, mr. robbins. Next we have ronnie reeferseed. reeferseed is going to speak on peace, freedom, fluoride and kill grid.

>>

[speaking in spanish] yes, we can. And by the way the mayor is missing whenever I speak. Hmm. Take our once proud republic back to our constitution, our founding fathers knew for all of us now and into the future the rule of law means obedience to our constitution. Mob rule, 50% plus one is not the answer for the long term. Remember nixon and watergate? The facts had already hit the fan yet still dickey dick went 49 states over the actual peace candidate history eventually proved right. Sound familiar people? Already everybody knows our ron paul revolution of love for liberty with and through our constitution just keeps on keeping on paul's last campaign is in the history books, it's true the ron paul revolution is the shining light for illuminating the path to liberty for the whole world. This is the best of all possible worlds because war pig romney care was not a good option for even in except the israeli stooge war pigs. Thank you brain dead obama-trons. We have plenty of time to impeach and remove so-called president, so-called peace price barry for any if not all of his crimes. Fast and furious is the adjective for the melt down and code name for one of his treasons. Don't forget libya-gate, benghazi-gate. We cannot fit his tee sonous crimes within the 180 seconds allowed to speak. Rejoice, the 10-1 plan brings our city government in line with the rest of the nation for proper neighborhood representation. Wow, what a concept. There is no need for these gentleman's agreements or any of the slimy bam room dealings among these criminals. We can retire these corrupt slime balls none of whom have bothered to read our constitution that we all swear to uphold, protect and defend. Not one of them told our laughing stock of a mayor that he was wrong to stop on my first amendment rights. That goes for judge biscoe too. You are next in line to be thrown out of office in shame. You can take slimy criminal commissioner sarah elkhart on your hot rod to hell. She's even worse than you are, sir. That was for judge biscoe. I'm a fan of judge biscoe generally speaking, but he chose to stomp on my rights the last time I was in his meeting because I spoke poorly of the chinese war on unborn. I guess --

[buzzer sounding] he's in favor of that.

>> Cole: Thank you. tom johns, corruption at city hall. -- Tom jones.

>> Good afternoon, mayor and councilmembers. My name is tom jones. I've been in austin real estate for 33 years. This is my fourth appearance before the council. My complaint involves immaterial pro my advertise by the legal department including lying under oath and suppression of evidence in declaring a 50-year-old single-family subdivision illegal. You have a secret committee making policy and I think it's the public's right to know who these people are. I can no longer afford an attorney. All of my complaints have been back to legal department where they are ignored and dismissed. I feel it's implausible for the legal department to investigate its own misdeeds and a fair and partial resolution of this needless atrocity. My proposed situation is simple and will cost the taxpayers nothing. It will bring transparency, clarity and openness to city government that you all claim to aspire to. The other alternative is more needless litigation. I've been building homes in this travis county subdivision for 17 years. There are homes under construction by others there today this the so-called illegal subdivision but mine are not now -- are now not allowed. All homes are served with austin electricity despite their illegal status. I ask you again a straightforward question which you consistently fail to answer. How is a travis county subdivision legal for some and not for others? How does this happen? How can you allow some of your employees to lie under oath and withhold evidence to achieve some political ideal? How do you continue to ignore this dilemma. Several years ago I was diagnosed with a

potentially fatal disease and undergoing chemotherapy when former city attorney david smith told me he did not like the law that grandfathered old subdivisions for newer rules and he would bring to bear the might of the city's 69 taxpayer funded attorneys to bankrupt me if I resisted. Against all medical advice and my own will, I was forced to curtail the life saving treatment and my disease has returned. I cannot resume therapy since this travesty has rendered me unemployed and without income and unable to sell my homes and lots which lie wasting away in another beautiful subdivision. You've all decided to ignore my plea in what probably amounts to a death sentence to me. I've recently received illegally withheld documentation that the subdivision was indeed approved by city council and other staff strongly recommended against such ruling stating the city has always treated these subdivisions as legal. The city has illegally performed a regulatory taking of our private residential lots and forced us under duress to build a water quality pond on the side of a cliff that was not legally required. Travis county assumed maintenance for the streets and drainage facilities which include the ponds. It failed during heavy rains --

[buzzer sounding] -- and you filed charges against me claiming the lots were in a commercial development inside the city limits which is untrue. These actions are illegal and the consequences are grave and unjust. I ask you again to appoint an independent arbitrator to settle this and this issue that strikes at the heart of our constitution. No one is above the law and due process has been grossly violated. I again ask for your help in this important matter. Thank you.

[Applause]

>> Cole: Thank you. Next we have Linda Greene. Mayor pro tem?

>> Cole: Councilmember Riley has a question.

>> Riley: One quick comment for Mr. Jones. Jones a couple times and discussed this situation and I just wanted to provide some assurances that we are listening and continuing to work with the law department and the watershed protection department and hope to get some movement out of them very soon.

>> Cole: Linda Greene.

>> The title of my speech is the politics of water fluoridation and the few charitable trusts since I didn't finish last week. The Pugh Charitable Trust is old oil money. And about a year ago, as you remember, Fluoride Free Austin presented you with a resolution asking you to immediately publish a warning on the water bills urging parents not to use city water with baby formula, and out of nowhere comes Libby Doggett, Congressman Doggett's wife, sending a letter to Mike Martinez which you saw last week urging them not to put this water warning label on the water bill because it's unnecessary and misleading. And at the same time Pew Charitable Trust was lobbying Austin City Council, they were lobbying Portland, Oregon. And in the next two videos you will see how this year that they've -- Pew lobbied the Portland City Council to force fluoridation on their search and rescue citizenry and how a different outcome -- you will see in the next couple of videos. But Pew Charitable Trust says they are nonprofit, nongovernmental, but they are definitely political. And so I was upset that she was lobbying you to add this toxic

fluoride waste and so I sent congressman doggett a letter giving him citation of the national research council report on fluoride which you were given last week also, eight reasons on why not to add fluoride. And then later last year neal carmen stated the professional statement cites eight scientific reasons to end fluoridation including a landmark toxicology study of fluoride buoy the national research council that should have resulted in an end to you fluoridating our water. But here we go four years later. But the goods is wichita, kansas, as being lobbied also and this past election night wichita, kansas, voted not to fluoridate their water.

[Applause] it's a great success and we want to congratulate the groups in kansas, fluoride free kansas, wicta opposed to fluoridation --

[buzzer sounding] -- and kansas republican assembly. We also want to applaud portland, oregon for voting against getting their city council, getting -- let's see, how many signatures?

[Buzzer sounding] 43,000 signatures in 29 days and they voted it out this past evening.

[Applause] we're ready for you to vote it out.

[Applause]

>> Mayor Leffingwell: Next speaker is walter olenick.

>> [Inaudible]

[chanting]

[applause]

>> we got 46,326 signatures. The people of portland care about their drinking water. A lot of people said this couldn't be done. We collected twice that number and we collected it and we're turning them in a day early.

[Cheers and applause] I think we all need to stop and ask ourselves why was this rushed through so quickly. Why was it done behind closed doors. Why wasn't the public told. Why did the city council come to a conclusion on this before hearing any public testimony. That is not the way democracy works.

[Cheers and applause] we are here today to send a message that we care about our water and we care about our [inaudible].

>> We care!

>> These are public servants and their job is to serve the public and not special interests, not [inaudible] people care about their water and that's why year here today to send a message that we don't want any more

[inaudible] in our water.

[Cheers and applause] I want to take a moment to thank everyone that worked on this campaign. I want to thank my

[inaudible] I want to thank all the people who stepped up to the plate and worked tireless hours.

>> Mayor Leffingwell: Thank you. Next s rae nadlerolenick.

>> Continue the video.

>> We need to find real solutions [inaudible] our children.

[Inaudible]

[cheers and applause]

>> first off I just want to thank every single person who volunteered time, who went out and circulated. We have people working behind the scenes who literally have worked 14, 16-hour days and sacrificed time with their families and friends, have used money out of their own pockets. Unlike some of the back odor dealings, not a single one of us have gotten any money from big corporations, not a single one of us took any money to do this work. We care about the water, we care about democracy, and we care about the children. What we care about are direct, real solutions to simple issues. We don't want to just throw chemicals in the water and call it done. We want direct approaches and we want real solutions by our commissioners. So from here on out, let it be known that portland says we want clean water, we want democracy, and we will fight to get it.

[Cheers and applause]

[inaudible] and I am confident when portland finds out what type of flurocillic acid is, they will not allow portland to add more chemicals to our water to wholesale drink as though it was kool aid.

[Cheers and applause]

>> okay. A few million might have been enough to buy off portland's at-large city council, but portland's 600,000 citizens weren't having it. And did you note the quote, we don't want to throw chemicals into the water and call it done. And in wichita, kansas, where pew money paid for a 11,000 signature drive to force fluoridation to a public vote against the wishes of both the public and the council, it was trounced as it deserves to be 60 to 40. So it's -- it's time for austin to join these --

[buzzer sounding] -- enlightened cities on the side of history. Thank you.

[Applause]

>> Mayor Leffingwell: That's all the speakers that we have signed up to speak in citizens communication. So the city council will now go into closed session and take up five items. 071 of the government code, council will consult with legal council regarding the item 16, legal issue related to the city's legislative program for the 93rd texas legislative session; item 54, legal issues related to the interlocal agreement of the texas facilities commission to participate in the texas facilities commission master planning; item 66, legal issues related to open government matters; item 67, legal issues related to the november 6, 2012 election; and pursuant to section 074 of the government code, council will discuss the following item, item 68, retirement of the city clerk. If there's no objection to going into executive session on these items, hearing none, the council will go into executive session. It's a fairly lengthy period that we're going to be in executive session. Just as a guideline, I would estimate it would be three hours or more.

>> The staff has spent many, many hours putting together the presentation and kindly going through all of the edits we put together for them so thank you very much. thank you, dennis, and thank you for all the hard work you did. I know going into this, these series of rating conferences, we have a lot of trip day all of us -- trepidation, all of us did, because of all austin energy has gone through in the past year, and I think we're all very happy. If you do get a downgrade, as we've all heard several times in the last few months, it stays with you for a while. So, I'm optimistic about the last one coming through and i want to congratulations you for your good work and the rest of the city staff in getting this through this significant hurdle. It is going to save the city a lot of money. Thank you.

>> Thank you. city council will go into closed session now take up five items 071 of the government code, the council will consult with counsel regarding the following items: Item 16 related to the city's legislative program, item 54, issues related to the interlocal agreement and master planning. Item 66, legal issues related to open government government matters, and item 67, related to the 2012 election. Pursuant to section 5, is there any objection in going no executive session on these items? Hearing none, we will now go into executive session.

>> Mayor Leffingwell: We're out of closed session. In closed session we took up and discussed legal issues related to items 16, 54, 66 and 67. So council, without objection, we'll recess this meeting of the austin city council and call to order a meeting of the austin housing finance corporation. And I believe we actually have speakers on one of the items.

>> Good afternoon, board of directors, treasurer betsy spencer. We have two items, I offer both on consent, but i understand we do have speakers.

>> Mayor Leffingwell: Okay, so I'll entertain a motion to approve item number 1. Board member martinez moves approval. I will second. Is there any discussion of that? All in favor say aye. Aye. Opposed say no. That passes on a vote of 4-0 with councilmembers riley, councilmember spelman and mayor pro tem cole off the dais. Okay. 5-0. That passes on a vote of 5-0 with councilmember spelman and mayor pro tem cole off the dais. All right, we'll amend that to passes on a vote of 7-0. The second item, if you want to give us a brief presentation, we can go to our speakers.

>> Yes, sir, the item is to authorize negotiation and execution of a contract with bailey elliott construction, incorporated, to construct 24 units of affordable multi-family regional housing at 3101 east 12th street in the amount of \$2,609,548. Plus a contingency of \$260,955 for a total contract amount not to exceed 2,870,503.

>> Mayor Leffingwell: Any questions of staff? Go to our speakers. Clay dafoe. Clay dafoe not here. Ronnie reeferseed. So I guess what I should do is what they do in the legislature, you should say -- if I would have been here, I would have voted aye. Show that on the record. No.

[Laughter] go ahead.

>> Okay. Well, I'm ronnie reeferseed. Just trying to get through to you all. You are supposed to be our -- you are spoked to be our servants and on this decision before you even heard a peep out of me or anybody else, you all just voted it down. Come on, that's just so simple. Are you so stupid you don't understand, you are supposed to hear from public before you vote on an issue? What's so tough about that, are you just so freaking arrogant --

>> Mayor Leffingwell: All right. I'm going to pause your time just a second and we're going to give you a warning that you can't be disrespectful and you can't use words like stupid and arrogant.

>> I didn't say stupid.

>> Mayor Leffingwell: You did.

>> I'm sorry.

>> Mayor Leffingwell: Go ahead. That's your warning.

>> Clever. I meant clever. I'm sorry. And you are right, it not good to be over -- over on fire about it. But I'm serious and I hope other people are paying attention notice this and i mean you all are spoked to respond to us, not despite whatever I'm going to say, whatever clay was going to say. It should matter. At least you can pretend. We're going to be sitting here for the same amount of time period anyway so why don't you just pretend like you are actually responsive to the citizens instead of just arrogantly voting it over and then oh, now we'll hear from ronnie reeferseed. Isn't that kind. Make sense to any of you all? It's just arrogant out the wazoo and I think the voters are starting to wake up and I know miss huber, she got her due and we'll see about toll road who replaced her. But that's another issue and I wanted to speak on behalf of the suffering taxpayers who are literally living in a depression and we have this ridiculous doubling, they say 5-cent tax, that's 5 cents on every \$100.

>> Mayor Leffingwell: Stick to the subject, mr. reeferseed.

>> Well, it's all related and you don't have the right to tell me what to say.

>> Mayor Leffingwell: You have to stick to the subject.

>> That's what freedom of speech is. If I'm not cuss or overly loud --

>> Mayor Leffingwell: Step back. Your time is terminated.

>> Doesn't exist anymore.

>> Mayor Leffingwell: Goldie sharp.

>> Good afternoon everyone. I am the chairman of anderson community development board and just a little history about anderson development corporation. We were established in 1984 with a focus on creating and maintaining affordable housing. From 1984 to 2000, anderson rehabbed and built over 35 units in the east austin area. Through the skip 2 project. With the city of austin's support. The current project as presented today is a step forward in adding new affordable units, housing units in east austin. I'd like to say thank you to the city manager, mark ott, assistant city manager anthony snipes be and director betsy spencer for moving the project forward. Thank you.

>> Mayor Leffingwell: Frederick lawson.

>> Good afternoon. Thank you for the opportunity to speak with you this afternoon on behalf of anderson community development corporation. As you heard, my name is frederick lawson and i joined anderson in early spring of this year and currently serving as a secretary to the board of directors. I would encourage this board to authorize and to execute the contract with bailey elliott construction for the 24 units on 12th street. While anderson is not pleased with the size of the unit and we have documented this concern with the neighborhood housing and community development organization. We proposed a couple of recommendations to change is size of the units without success. We didn't get larger units, but we are pleased that new green affordable rental housing is being proposed for construction in this area. I've not been in austin a very long time, but it takes not too much to discern that east austin is void of a lot of affordable housing which makes us very pleased that this project is on board and scheduled for construction in the near term. I would be remiss if i didn't acknowledge the strong relationship that has been developed between anderson corporation or anderson community development corporation and the neighborhood housing and community development organization. And that has been accomplished under the leadership of betsy spencer, which we do appreciate. And since june of this year, the board, the board and the neighborhood housing community development corporation recognized that stronger lines of communications needed to be in place for this project to be successful for both parties. And today there are now monthly meetings are taking place between anderson and betsy's organization. There are monthly meetings taking place, and in fact david porter -- potter and i are working on a proforma for the 24 units, so we are going to be involved from day one which is what our desire is and which has been betsy's desire as well so we're working hand in hand. We've also reviewed the detailed architectural plan and with steve richie and we also visited a similar size organization recently thanks to the efforts of david and susan carroll and their efforts. So a big thank you to betsy and her team for this great start toward a successful project.

[Buzzer sounding] a few words about anderson, as I said, I am new to the board --

>> Mayor Leffingwell: Sir, your time has expired.

[One moment, please, for change in captioners]

>> council member martinez or board member martinez moves approval, second by board member morrison. Discussion? All in favor say aye. Aye. Opposed say no. Passes on a vote of 6-0 with mayor pro tem cole off the dais. Without objection this meeting of the austin housing finance corporation is adjourned and I'll call back to order a meeting of the austin city council, and we'll begin -- I think we can get a number of zoning cases out of the way. We'll do our consent zoning agenda.

>> Thank you, mayor and council, greg guernsey, planning and development review department. 00 zoning and restricted public hearings. These are items I can offer for consent. First time is item 771, case c14, for the property at 301 and 311 colorado street and also 114 west third street. The applicant has requested a postponement of this item to your december 13 agenda. Item 72 will be a discussion 00 zoning and neighborhood plan amendments, public hearings are open, possible action being, the first item for consent is item no. 73. 03 for the property at 214 san pedro street. Staff is requesting a postponement of this item to your december 6 meeting. Item no. Npa-2012-0018.02. This is located in brentwood/highland combined neighborhood planning area for the property at 827, 836, 900 and 9 east houston street and 5527 sunshine drive. Staff is requesting a postponement to december 6. Item # 5 is c14-2012-0052 for 828 houston street, sunshine drive. Staff is requesting a postponement to december 6 agenda. Item 76 is c14 (462)009-4600 point .001. On nofort north lamar boulevard. Requesting a postponement. 77 Is c14-2012-0060. For 8401 south first street. Staff is requesting a postponement of this case to your december 13 agenda. 78 is case c14-2012-0097. This is for the property at 5425 burnet road. The neighborhood has requested a postponement of this case to your december 6 agenda. It's my understanding the applicant will agree to their first postponement request of this item to december 6. 79 is case c14-2012-0099 for the 3r-6r79 located at 6810 mcneil drive. This is to rezone the property to community commercial or gr district zoning, zoning and platting commission recommendation was to grant gr-co. This is for first reading only. Item 80 is c14-2012-0049 for the property at 2104 west ben white boulevard. The applicant is requesting a postponement of this case to your december 13 agenda. 81 is case c14-2012

(0105 for the property at 702 san antonio street. This is to rezone the property to downtown mixed use historic landmark, conditional overlay or dmu-h-co combining district zoning. The planning commission recommendation to change the condition of zoning and this is ready for consent approval on all three readings, item 82 is case c14-2012-0108 for the property located at 5501 1/2 ross road. Staff is requesting a postponement of this case to your december 13 agenda. Item will 83 is case c14-2008-0159, rca for 114 west third street. The applicant is requesting postponement of this item to your december 13 agenda and item 84. C14-2012-0106 is a discussion item. thank you. So the consent agenda for zoning cases is to postpone items 73, 74 and 75, 76 until december 6? Postpone item 77 until december 13, postpone item 78 till december 6, close the public hearing and approve on first reading only item 79, postpone item 80 until december 13, to close the public hearing and approve on all three readings item 81, postpone item 82 and 83 until december 13.

>> Mayor, if we could also 71, there's also a postponement on that one by the applicant to december 13.

>> Mayor leffingwell: okay. I thought I read that but if not, that is added to the consent agenda to postpone item 71 until december 13. Any motion? Council member morrison moves approval, second by council member martinez. All in favor say aye.

>> Aye.

>> Mayor leffingwell: aye. Opposed say no. Passes on a vote of 6-0 with mayor pro tem cole off the dais.

>> Thank you, mayor and council. do we 00 items that are --

>> mayor, I can go through several of our 4:00 items. We can offer for postponement.

>> Mayor leffingwell: okay. Starting with item no. 86. This was to cubt a public hearing and consider an ordinance to create the central austin university area zoning overlay district. This involves a group residential land use in the mf-4 district. Staff is requesting a postponement of this item to december 13. We are still working with some of the neighborhood stakeholders. They would like to continue those conversations, so we're agreeable to that postponement. The affected property owners will probably want to talk to staff as well, and since this is being postponed to the 13th, they may come back to us because it's finals week, on the 13th, so staff may be asking another postponement after we finish our discussions with the neighborhood. The affected property owners may want to talk with us a little bit longer. we look forward to that.

>> Thank you. Mayor. Item 77 and 78 are withdrawn. Those are the two appeals reg cheer up charlie's. No action required of council because they've been withdrawn. 9, this is to conduct a public hearing and consider an ordinance amending the city code, chapter 25 to subchapter c. Regarding affordable housing regulations in the university neighborhood overlay. Staff is requesting a postponement of this item to continue discussions with some of the stakeholders to december 6. And mayor, if there's no one signed up for 90 and 91 i could do those very quickly too if you wanted to hold those public hearings and close them -- nobody signed up for 90 and 91.

>> Okay. Mayor, then 90 is conduct a public hearing and consider an ordinance amending city code to chapter 25-2, subchapter c, article 3, division 9 relating to local uses and development standards and requirements for compliance within the university neighborhood overlay or uno district. If you do not have any questions we could offer that for consent approval on three readings. 91, which is to conduct a public hearing and consider an ordinance amending chapter 25-2-476 relating to the requirements of granting special exceptions from setback regulations. And we could also offer that for consent approval on all three readings if you desire. on the 00 items, the consent item would be to postpone item 86 until december 13, noting that item 87 and 88 are withdrawn. Postpone item 89 until december 6. Close the public hearing and approve on all three readings items 90 and 91. Entertain a motion. Council member morrison moves approval. Council member spelman seconds. All in favor say aye.

>> Aye.

>> Mayor leffingwell: aye. Opposed say no much passes on a vote of 7-0. So we'll go back to our morning consent agenda. And first is item no. 7. Has several speakers signed up. This item was pulled by council members tovo and morrison. Would you like to go directly to our speakers? the intent was actually to hear that adjacent to the eroc plan because it's the same speakers, but if you'd like to -- what number is that? 92, 93, 94, 95, 96, 97. If you'd like to skip that that would be fine. so 92 through 97. We'll take up 7 when we get to that.

>> Morrison: thank you. so 16, which was pulled by council member morrison.

>> Morrison: move approval. council member morrison moves approval, seconded by council member spelman. All in favor say aye.

>> Aye. opposed say no. Passes on a vote of 7-0. And we can go to -- let's see, these were approved. 31 A number of folks signed up to speak. It was pulled by council member spelman. Are you ready to go to speakers, council member? I believe it was also pulled by you, mayor, but I'd just as soon hear the speakers first. I just helped you set the time certain technically. Michael fossum. Michael fossum. Pe meseo?

>> I'm peggy maseo. I'm sure most of you know me. This came up real fast, but I do some concerns about the development called estancia. And I've heard that it's a very complicated issue concerning annexation, and my concern is that whatever road we go down on this, or you go down, that we will lose some -- a very valuable resource which is the fact there 8 protected trees on that site, probably 300 heritage trees, and because of the early site plan filing, I've heard that there's also a possibility that they will be grandfathered. So -- that they will not be protected. So this is something that's going to be part of austin and, you know, we have a heritage tree ordinance. It's something that we all consider valuable, and so i hope that you can find a way that, you know, we could protect the trees and still accomplish what -- what you would want to through the annexation. Thank you. so you're signed up against?

>> It should be neutral, because I don't have one way or the other about the annexation. My concern was to let you know about the trees. Unders unders tanding that without the annexation the tree ordinance wouldn't apply.

>> Pardon? the tree ordinance would not apply without the annexation.

>> Right, but I -- I thought I was told that even with the annexation that there was a grandfathering issue. either way, okay.

>> Yes.

>> Mayor leffingwell: gotcha. Okay. Clay defoe? Not here. Ronnie reeferseed?

>> Thank you, and -- my name is ronnie reeferseed, but what I'm trying to say here is that I really wish I had the, oh, positive outlook on everything as the previous speakers. No, I don't

think it's wise for any of us to just assume they're going to make nice and assume that they're going to take care of the community. It's more overdevelopment. We need -- the thing is, saving the trees is, i think, all of our real duty is stewards of the planet, and it's the trees that hold the topsoil. The topsoil is what the farmers feed us with, and we just can't keep throwing them away and making our -- more planets more places for more development of the ultra-rich people not unrelated lily like the chuckie farley. So it's rich people running around tearing up what environment we have left, and we're still, you know, a desired place to come, but with what the doubling of the taxes last night and -- property taxes and on the line of it being a 5-cent thing, what a -- what a scam. And I'm not alone. Don zimmerman talked a bit earlier. There are a whole bunch of people will have to get out of here. It will be a city for the rich and the rich only. it's not -- it's going to quit being weird. It will quit being unique. We'll just be another lockstep city of conformity and high-dollar business and all you weirdoes go the way of the breeze, blowing in the wind. So -- to quote the great bob. So again, I'm -- my main object here is to save the trees, and 300 trees, they're old trees, maybe 100 years old. That's like 3,000 years worth of trees -- I'm sorry, 30,000. We need -- there's a lot of life that's been there serving all of us and holding that topsoil in place and every time we cut down a tree we're not only losing that topsoil but the whole ecosystem, which means all the bugs, all the birds, all the critters and everything else, and it's just -- we need to hold on to as much as we can. This is god's earth and it's our job to take care of it, not to totally exploit it and use it up. That's just selfish and greedy and that's not really doing the youngsters any good, when we are so stuck in our own little ways we had to use up every last critter that's here. It's not good stewardship, and we can only lead by example. I think that's what concerned people, like me, are trying to do, and urge you all to follow suit and take care of those trees. And either -- just -- let's not go on a promise anymore. Let's actually do something. steve metcalfe.

>> Mayor, council members, steve metcalfe. Let me address the tree situation first real quick. If this project gets full-purpose annexed, there is an existing preliminary plat that predates the heritage tree ordinance, so I think it's -- we feel very strongly that it would be grandfathered out of the heritage tree ordinance. If it's limited purpose annexed, you've agreed not to do all of it but a large portion. So a lot more trees will be saved on limited purpose annexation full-purpose annexation. A couple things I want to hit quickly because we've already had ub public hearings on this and I want to address a couple issues. One thing would be the annexation map and if you look at where this project sits, it is right on the edge of how far austin can annex out, so if you look at that property outlined in red there, that is our project. Anything to the south of us really sits in floodplain, and along onion creek and really not developable. And then you hit the buda e.t.j. There's really not anything after us to be annexed. This is sort of the end. This is not blocking annexing, or keeping anything from going along. Plus as you know it's strip annexed along 35, so it's all contiguous and there's full-purpose annexation all around it. The second thing that I want to point out is that the staff has estimated that if you full-purpose annex this whole site, excluding the retail, there's that little retail node which we've agreed should be full purpose annex no matter what. It's going to produce sales tax. The city should get the revenue off that. On full-purpose annexation on the rest of it, staff estimated that there's 2 million of net present value of revenues to the city. If it's full purpose annexed, then a reimbursement agreement kicks in that's already council approved for a wastewater line that's \$2 million. So out of those net -- out of that net present value of 2 million, 2 million of that is eaten up in the first two years, so at that point the net cash benefit to the city is 2,000,002,, then the fire department wants a fire station

there and transportation wants a multi-model transportation site. We've agreed to donate both of those. The city doesn't have to take that and if they don't want to do it they don't have to do it, but if you buy those sites from us, then your net -- your net cash value is down to 400,000. And so we're not talking about much money here. It's not really a big cash difference. But if it gets limited purpose annex we're doing the pud and we're doing all the superiority items that come with that, most notably affordable housing and with the recent failure of the affordable housing bonds this is going to be an important thing to other methods to create affordable housing. Parks, water quality, drainage control, lots of other benefits that come with it. So I'd like you all to consider those benefits when you're analyzing this annexation. thank you. Wala vega? Wala vega? Soila vega? Not in the chamber? Those are all the speakers that we have on this item. Council member spelman.

>> Mayor, I understand that Collier also has -- would like to present a staff position on issue.

>> Thank you, Mayor and Council, my name is Virginia Collier from the planning and development review department. The item for council consideration today is the full-purpose annexation of the estancia property. Staff is recommending this annexation of this area because it's actively being developed and a preliminary plat for this area was recently approved and as a matter of standard practice it's preferable to annex an area early in the development process to provide certainty to the city and the developer and the end property owners about the regulations and taxes that will apply to the property. It's contiguous to the city limits which are adjacent to the north site tract. City services are available, water and sewer water structure has been extended to the property, full-purpose annexation provides revenue for fire, police, public health, library and other city services. Limited purpose annexation can't provide that revenue and leaving this in the wouldn't provide that revenue. In contrast things staff might recommend for limited are not contiguous to the city where the city isn't prepared to provide municipal services and where land use controls are not available. Although we're not here to debate the value of the pud but to discuss the value for full-purpose annexation staff from several departments have invested time meeting with developers and discussing the proposal at the annexation hearing, which includes not for years but decade. Staff put a lot of thought into the recommendation and concluded while the developer's proposal demonstrates superiority on certain elements of the proposed project maybe enough that staff could support a pud as a whole the proposal doesn't provide a significant level of superiority and includes nothing so extraordinary as to merit an extended delay of full-purpose annexation. The developer also requested a pid and the adopted pid process provides guidance where staff is asked to make recommendations on a pid. According to pid they requesting that should demonstrate it converse an extraordinary benefit not only to the properties in the pid but also to the community in general. Excluding this development from the city's tax base for a considerable length of time means this area wouldn't participate in funding those municipal services supported by the city's general fund and instead pid assessments would be returned to the developer for investment in the property itself. The policy also states that one of the public benefits to be considered is whether the creation of a pid allows the city to establish land use controls that otherwise wouldn't be available, an obstacle that doesn't exist here. Staff believes that pids can be useful for areas where we wish to acquire utility service area and expand infrastructure that would cost the city tens of millions of dollars. The city has shown success with puds in obtaining additional development benefits without the use of a pid. According to the pid policy a pud must concurrently be obtained but a pid is a poor substitute

just to obtain the benefits of a pud. For staff pud requirements in and of slem don't cute a staff recommendation of a pid. For the estancia project before you today the old ad annual comes to mind it's about location, location, the location along i-35 primes it for location. It's contiguous to the city limits, utah infrastructure is located adjacent to the property and it's on the agenda today because staff believes the proposed developer benefits don't outweigh the general fund revenue. Staff recommendation this for full-purpose annexation this year. Thank you. council member spelman. please hang on for just a second, ms. collier. The -- let me summarize the argument. There are some circumstances under which a pid plus a pud would provide sufficient benefit that it might make sense to consider, but this is not one of those circumstances, whatever benefits are associated with a pid plus pud that these guys are talking about won't be sufficient to outweigh the benefits to the city of annexation.

>> Correct. Right.

>> Spelman: okay. Let me be sure I nailed down the terms. They were suggesting that the net present value of benefits to the city from a purely financial point of view of annexing this property was 2 million over the next 25 years. Is that accurate from your point of view or is that different from your numbers?

>> The analysis that we ran back in june, based on the approved palestinian plan, this comes out at -- preliminary plan, this comes out over 25 years of \$7.3 million. If you exclude the residential portion of it, that was the 7 million that I had mentioned at the public hearing. So what they're proposing is the difference between that 7.3 and the 4.7.

>> Spelman: okay. I'm actually getting a different number so you may have to help me with the math on this. You're saying existing 7.3. That's how much we get for the whole thing.

>> Correct.

>> If we took them up on their offer, which is what they're suggesting at this point, and annexed for full purposes the retail section so we could get the sales taxes as well as the property taxes from the retail section but only limited purpose annex the rest of it, how much money would that bring into the city.

>> That would be a loss of 7 million out of that 7.3. 7 net. They were suggesting it would cost us 4.2. That's roughly similar.

>> Right. now, the next metcalfe was making was, let's just look at the cash costs of this. 7 because we're not annexing. But we're also -- if we're not annexing, we're not having to pay back \$2 million in water and wastewater lines. Is that an accurate statement?

>> That's what their proposal is.

>> Spelman: okay. So he suggested let's just take that \$2 million off of 7 million gain associated with full-purpose annexation of the residential section. The net gain is actually 7 billion because we have to pay up some in water and wastewater lines. Do you agree with that?

>> It would be the 3 and 4.7 minus 2. So 2.6. 6 is the net present value over 25 years of the residential --

>> just the commercial.

>> Just the commercial -- I'm sorry, just the retail, right. well, he's suggesting we annex the retail.

>> Okay.

>> Spelman: let me back up. We got two projects here. We got a commercial project with a bunch of retail in it and we really want those guys for their sales taxes and we got this residential section out there where metcalfe really wants to not annex that. If -- and the proposal he made to us is if we annex the commercial part, but we only limited purpose, being essentially we don't annex the rest of it, then the net present value of the commercial part is going to 2 million -- I'm sorry, what is -- from your point of view -- let's work off your numbers. What's going to be the net present value if we did it his way?

>> 2.6.

>> Spelman: 2.6. And if we do it your way it's 7.3.

>> Right.

>> The difference between 7 we were talking about.

>> The residential,.

>> The residential. So reannex the residential stuff that will bring in 4.7. He's saying if we annex the residential stuff and get 7 coming into the door, we also have to send \$2 million out the door to reimburse for the water and wastewater lines. And therefore that 7 million gain is going to be balanced by a \$2 million loss for a net so far of 2.7 million. Does that make sense?

>> I see. so now we're at 2.7. Then he says, well, but he thinks we're going to need a fire station site down there. Have you talked to the fire department about whether they want to have a site on this property?

>> They have requested they set aside land for a fire station.

>> Do we have a sense how much it would cost us to acquire fire station land from the developer?

>> I don't have that number right now. metcalfe suggested it would cost about \$300,000. Is that roughly consistent with how much fire station sites cost in areas like this?

>> For a net buildable two acre site is what they're loo.

>> \$300,000, Does that sound about right?

>> I couldn't guess on that. metcalfe not share these numbers with you at all?

>> Yes, we discussed the different models and different approaches that the city took in analyzing the annexation and the that the developer took.

>> And part of what we're talking about is embedded in our cost, presumably is that \$300,000.

>> Our model did not --

>> some amount of money to buy a fire station.

>> Our model doesn't incorporate expense for construction of a fire station. I see but the fire department wants one and we'll probably need one.

>> Yes, as development builds out over ten years or however it takes, at some point in the future --

>> it may not be right now, it may be ten years in the future, in which case the net present value of that \$300,000 would be less than 300,000 but that's the kind of numbers we're talking about. metcalfe at his word and assist residents worth \$300,000. Since that's more money that would have to go out the door if we annexed -- would that money not have to go out the door? Would we not be obligated to put up a fire station if we only limited annexed?

>> The fire station would serve much more than this project itself so I wouldn't associate the entire expense of that station with the site itself. For example the area south of estancia he was saying was undevelopable, they already submitted a prelim for that site as well. There's more development to occur outside the boundaries of this project that wouldn't be available for annexation if we didn't annex this project itself. that was another point he made but let me get to that. Let me finish with the financial stuff. Some amount of money, maybe it's 300,000, maybe it's less, would go out the door if we annexed because we would be obliged to provide fire service for the newly annexed residential area, roughly consistent with the service we're providing other parts of the city of austin. Okay. And if you believe that 300,000 bucks, that would be -- 7, that would be about 2.4 left as a net. 3, now we're at 4, and then he's suggesting, but wait, there's one more thing, just ong dollar to dollar comparison. The multi-modal transportation site. Tell me about that. Is this something we've been talking about, something which would be valuable enough that we would actually be willing to spend a million and a half bucks to get one? What do you think?

>> I couldn't answer that question. I don't know how the transportation department works on those --

>> I see jerry has considered this issue, however.

>> Jerry rusthoven. I think that the idea for the fire station and the multi-modal station being located on this site came from discussions of the pud and what would be superior, and were perhaps offered up as -- by the developer as ideas or offered up by staff as ideas for achieving superiority. I don't think standing alone, you know, taking this whole discussion away from it, would the city go there and approach them, you know, with a -- you know, the need to put a multi-modal site or a fire station site. I'm not sure. I think they've just been talked about in light of a pud and trying to achieve superiority.

>> Spelman: okay. So this may contribute to superiority but it might not be sufficiently superior that if the pud weren't out there we would be willing to spend a million and a half dollars to get it.

>> Exactly. well, there's a long list of other things which the developers have attached dollar signs to, as I'm sure you're aware, and i just want to go through a couple of these with you. These are their claims on superiority, which look pretty useful to me but I'm not sure how to evaluate the dollar signs after those claims. For example, they're suggesting park and open space over and above which would -- what would be required by code to be dedicated. It would be about 40 acres of park and open space and they're associating 5 million for that 40 acres. Are you familiar with this list?

>> I'm familiar with that list. I'm not familiar with whether the exact dollar amounts on that list are agreeable to the different city departments or not. We'd have to speak with them.

>> Spelman: okay. Well, this is kind of important -- this is an important part, I think, of their argument, is that if we believe that the open space is worth three and a half million bucks that the green building is worth something like 1% of the total construction cost, therefore is about worth \$5 million and so on. The total amount in cash equivalent of the superiority is way in advance of the piddling amount the city of austin would be taking in on a net 7 million for annexing them. So more or less for the low low price of 7 million we're getting so much more stuff in response that we ought to take this instead.

>> Right. And I think that, one, there may be -- there would be some discussion about whether those numbers are accurate or not. Secondly, I don't think that all those items, although they may have been an out of pocket expense to the developer, are not things that would necessarily cost the city money because the city, for example, would not be building the homes, therefore we would not incur the green building expense, et cetera.

>> So it's not out of pocket expenses to the city, it wouldn't cost the taxpayers but it would benefit some portion of the taxpayers by conceive blif around \$5 million --

>> --

>> presumably would be residents of the pid taxing themselves with the pid to pay for these superior items.

>> So it's worth more to them than it is to the rest of us.

>> Their community, yes.

>> I understand that. And their houses too. Is there some way that if we did not finalize annexation on this case today, that i could get some people from city staff to take a look at this list and give me a sense for about how I should evaluate these numbers in terms of their claims to superiority?

>> Sure, we could do that. We've been doing that often throughout this whole process, but we'll take a second look at the numbers. Some numbers are not quantifiable, the value of the tree, for instance.

>> Spelman: I understand.

>> Others, the affordable housing, we can put a dollar amount on, but yes, we could take a second look at that list and give you our number versus their number. even if the -- even if we were not obliged to buy a fire station from these guys on their land, if the fire station is -- we're going to have to buy a fire station somewhere close by, it's going to cost us around \$300,000, it's worth it to have a free fire station for \$300,000 or not to have to buy a fire station at all because they have to provide their own fire service. So if there's a sense of getting a way for how much these amenities are worth with the citizens of austin, I would love to see that, and even if it's not an exact number, a rough guess of around a million bucks or around nothing would be much more helpful than what I've gotten, which is largely we've looked at this in its entirety and found it not to be sufficiently worthy to be worth the trouble. There's a disconnect between that argument and the argument I'm getting back from the developers, which is, pu this is worth \$4 million and this is worth \$3 million.

>> Argument is a fiscal one as well as a planning argument, a precedent argument as well.

>> I understand the precedent argument as well, and although I take that very seriously, if there are, as the developers are claiming, oh, \$21 million of value lost, the value of the precedent is going to be a precedent to be worth \$21 million to me. And I'm not sure it would be possible for you to make that claim in a way which i would find believable all by itself. If, however, the value of these amenities is not anywhere close to \$21 million, it's a lot easier for me to understand the value of the precedent.

>> I understand.

>> Spelman: thanks. council member riley. I guess I have a question for virginia. And it relates to the cost assessment that we've done. At some point, even if we proceed right now with only limited purpose annexation, at some point the pid would expire and we would -- we would fully annex the property and one argument could be -- would be that we might at that point have superior development in the area as compared with what we would have if we proceeded with full-purpose annexation today. That superior development presumably would have some greater value than the development that we would see with inferior development, and so there would be some value associated with the -- from an assessed value standpoint, there would be some benefit to that. Have we done any kind of assessment to try to factor that? Pea -- factor that? I realize

that requires more than a 25-year cost assessment but if we stepped back and took, say, a 50-year assessment of this, seems like the picture might change. Have you considered that?

>> I think with the assumptions we have to work with, that's way too far in the future. I don't think that our model would run beyond 25 years. I don't think that would be possible.

>> Riley: okay.

>> The other thing is to think about what we've heard thus far is a request for 30-year deferral. After 30 years the houses are 30 years old, so, you know, we would not be getting the taxes while those houses are being built, increasing value over time, chances are over 30 years, given the quality construction of the house, the values may have already seen their peak. Most importantly the infrastructure would now be 30 years old. We would be assuming control of it, and, you know, it would be headline older and probably more likely to need repairs. of course we'll be in that situation anyway if we proceed today with full full-purpose annexation. We'd still have the aging infrastructure, just inferior development.

>> We'd be collecting taxes while it was new infrastructure that was paid for by the developer and would not need to be repaired more than likely for the first -- and the discussion we've been having is what is the difference in the taxes that we would be getting, and that -- there is -- we've been slicing those numbers pretty thin, but they keep getting somewhat smaller, and we're down to the point -- we're down to somewhere in the ballpark of at most 2 to \$3 million, i think, and then possibly less if you consider these other benefits, and when you stretch that kind of money out over 25 years, and then you -- and then you add to that some consideration about a longer term view in terms of having superior development within our tax base, then it seems like it gets to be a closer call still. I realize that we're not there yet and a compelling case -- we haven't -- it's not an open and shut case for limited -- either way, frankly. And so I -- as I suggested at the work session, I think it may be worth taking a little bit more time to look somewhat more carefully at the -- at exactly what we would be getting with the pid and the pud approach, and doing -- and I know staff has been hard at work on that and has looked carefully at a number of different aspects of the superiority. There are -- I suspect there are additional things we might want to add to that list to consider and other things we could put on the table and discuss with the developer. So it seems to me it may be worth taking just a little more time to consider that, and so what I suggest is at the works -- suggested at the work session on tuesday is we go ahead and approve full-purpose annexation on first reading only and then take the next few weeks to burrow a little deeper into that side by side assessment of limited purpose versus full-purpose annexation to figure out exactly what values we're talking about. So I think if we -- are we ready to take a motion? I'll go ahead and state that as a motion. I would move that we go ahead and approve staff recommendation on first reading only and that we ask staff to take some -- a little more time to look at -- look at that -- the assessment of superiority and provide council with a chart showing all the different categories that you've looked at so that we can talk about that in some greater detail on second reading. council member riley moves to approve on first reading om, only, second by council member spelman. Council member tovo? I think I heard you suggest that there was another -- there was some other development going on that would not be able to be annexed if this property is not annexed. Did I hear that correctly?

>> Correct. If you delayed annexation for decades on this property, then the area to the south would not be contiguous and we couldn't expand further to the west. Displot. and does that property show likelihood or that area show likelihood of beginning to develop soon?

>> Yes, I believe twawx the it was the boon heap tract, I may have the name wrong but they have a prelim they submitted for that property. and so the fire station, I think I heard you say the fire station would serve that area as well, would likely serve that area as well. So I certainly appreciate taking more time. I want to say, I know the staff have gone over the numbers a lot and worked with the developer representative, and i appreciate that and i appreciate the information you provided to my office, as well as the information, I thank you, to the developer representatives for providing all the numbers and consistently answering the questions that we've raised. I'm happy to take more time to do this but I want to be sure there's not going to be any kind of time constraints. We won't lose the opportunity to make a final decision on this.

>> As long as there's a first reading today, that preserves the option to continue the annexation.

>> Tovo: okay, thanks. And if you come back with some additional information for us about, you know, looking at the numbers, i hope that those numbers will also consider the development to the south and the extent to which that fire station cost could be attributed to the other development taking place. I heard you say that we can't -- you know, we couldn't attribute the cost of the fire station just to this estancia, but also to some others, so maybe there's a way to provide us with some information about that but also about the lost revenue if we don't move forward and annex this, we'll lose the opportunity to annex the property south. So thanks.

>> Riley: mayor? council member riley. virginia, if i could ask a question about that. I know we've already strip annexed along i-35. Does that -- the property to the south, does that not abut the city property along i-35?

>> The strip down 35 just follows i-35. It doesn't -- and the property we're talking about is --

>> to the west. to the west, it's not adjacent --

>> right.

>> Riley: thank you. and could I follow up and say as long as we're coming back for second reading anyway, if you can give us a diagram of that situation, i think it would be --

>> certainly. council member morrison?

>> Morrison: thank you. Just two things I want to ask. One, you know, the issue of setting precedent is troublesome to me, and I -- you know, I get concerns about the idea that we might be, for instance, DOING TOO MANY TIFs WHERE We have the money from the property excess get invested into the property per se and it's similar here so I can understand the concern we don't want to make that a habit by any means. Has this ever been done before, where we've done -- is it really a precedent setting where we've done -- put off an annexation for a pid that would merely be -- it's much different than the whisper valley? Dism.

>> Correct, it wasn't next to the full -- it wasn't where we could have full service immediately and didn't have utilities available. We didn't have land use control unless the developer was willing to participate and request limited purpose annexation. so the question I have is the -- the developer is -- their suggestion is to put off annexation for 25 years or 30 whyers? Is that correct?

>> Right, based on the amount of debt that they would issue, so however much bonds they want to spend.

>> And we don't really necessarily have detailed plans, financialing laid out oh financials laid out for that at this point. It occurs to me one of the other variables in this discussion is how long annexation is put off for, and so I wonder if it might be possible to get some numbers calculated from the city's point of view and from the developer, whether it would even -- what they -- how they think it would affect their plans if we were to look at a 10 or 20-year scenario of differing annexation as opposed to a 30-year scenario.

>> I think that would really be a question for the developer, how much bond capacity do they need and how long do they expect it would take to pay this off. okay, but is that something that you could -- you're calculating net present value of lost income and all, can you fold those numbers in on a 10 or 20-year time frame to see how the numbers are different, if it was a 10 or 20-year scenario?

>> I guess I'm not sure what the assumptions -- what kind of assumptions you would want to use, like what rate would be -- what assessment -- what rate would you want to assess --

>> I'm just saying, what about the possibility that we don't annex them for the next ten years as opposed to 30 years. What rate are you asking about?

>> I guess I'm trying to figure out how much bonds and how long to -- no, those are numbers we would get from them. I'm saying --

>> okay. -- how would the -- we're doing all this math but it comes down to 7 lost revenue or something. What would that be if, in fact, we annexed them after ten years as opposed to after 30 years.

>> Okay. So I think I understand what you're saying. Instead of starting the model at year 1 where there's nothing on the ground, and let things build out for ten years and then start the annex model thach.

>> Right. Yes, because it seems like that's a variable and i assume the developer applicant is still here. To see whether -- I guess I'd like to ask them if that's -- if there's -- if there's -- because there's sort of some consternation here and there might be a way to find some middle ground if that's something that you all would be willing to plug in the numbers.

>> We would consider a shorter time frame. We've got to run the models and figure how it works but it's a variable that can be played with.

>> Morrison: great. Just shooting for ten or 20 years --

>> or closer to 20 but we'll look at it.

>> Morrison: great. Thank you. I'm not sure that I've heard all this analysis on any other annexation case either and I'm concerned about that precedent. I'm perfectly willing to support coming back pursuant -- to hear some more data on it. I'm not sure I understood everything I heard about what kind of data is being requested and how valuable it's going to be, but we'll -- I'm willing to see. With that said, I want to mention one other thing. This is an annexation case, and there are two -- two others, I believe, that we're about to hear and we have a large number of people signed up to speak and we're going to hear from them. But this should not have been the case, because we had two public hearings, we closed both those public hearings, and unfortunately these items were mistakenly added to the consent agenda so our tradition has been that we take public comment without regard to any public hearings. But next time when these zoning cases come back, they will not be part of the consent agenda and the public hearings will be closed. I just wanted to mention that to everyone. Okay. The motion is to approve on first reading only. All in favor say aye.

>> Aye.

>> Mayor leffingwell: aye. Opposed say no. Passes on a vote of 7-0. Okay. We are not going to be able to finish items 35 and 36, but we can perhaps get the public testimony in, so -- this is on both related items 35 and 36, and we can go to -- unless there's some preliminary comments by council members we can go to our speakers, wayne angel is first. Is wayne angel here? Might jeter? Is mike jeter here? Todd harrison? Roger murray? Ted veetack? Do you want to speak? Ted? Well, he is not here so I'm giving you the option. You don't have to speak. Okay. Thank you. So those are all the speakers that we have signed up. I'll entertain a motion on items 35 and 36. They're annexation ordinances for two related but different pieces of property.

>> Mayor, real briefly, if i collier to come up. The reason these folks signed up, we talked to them this week and I don't want to speak on their behalf but veetech is here, they felt like they were unsure of the process moving forward and when we explained to them that once you're annexed, you're allowed your existing use but within a certain time frame you have to request that your property be zoned appropriately and that it would not be a cost to them. And these were things that they hadn't heard up to this point. And so if you could just briefly explain what happens to these property owners' property in the short-term right after annexation occurs, I think that was some of the concerns they had. They were afraid that we were going to zone them into another category and they'd be forced out of their existing use.

>> Okay. Upon annexation and until property is zoned, it falls under a section of the city code 25-2-222 designation of annexed land and everything is assigned an interim designation strictly based on the lot size. Most everything gets i-rr, if it's in a platted subdivision with smaller than an acre lot it gets i sf-2. If it's in a small lot, i-sf-4a. For the first year after annexation the code waives the zoning application fee so -- to encourage people to come in and seek the appropriate zoning, what zoning they want for their property. In this case this is an industrial park area where the uses are all very similar, and it might be something that the council could recommend staff

initiate a zoning case for all of these individual properties so they don't have to come in one by one and it could all be done together as one lump sum case if that's something that you're looking for.

>> Martinez: thanks, mayor. I'll move approval, I guess on all three readings. council member martinez moves approval of items 35 and 36 on all three readings, seconded by council member spelman. Discussion? All in favor say aye.

>> Aye.

>> Mayor leffingwell: aye. Opposed say no. Passes on a vote of 7-0. Okay. So without objection, council, we're in recess for live music and proclamations. 00, sometime in that range. Be it it known that whereas

>> joining us today is. joining us today is cup blues american band --

>> brian broussard and band members taylor, misha and matt wily. With musical influences such as hubbard town and stevey vai vaughn, texas country and swatchy blues is quickly finding its place in texas music. The band performance throughout the state and local venues including thread gills, antones, the white horse, hilltop and the cheemum street warehouse. Their new album, while the getting is good, was released on-line today, and an official cd release show is in the works. Please help me welcome mayeux and broussard.

[Cheers and applause]

>> how are you folks do? Pretty excited to be here today. We are -- we just released a new record today. We're actually going to play a song that's not on that record. We're going to do a song, this is a danny flowers tune called -- it was originally called tulsa time but we're in austin so we're singing austin time tonight. Are you ready?

>> All right.

[🎵 Music playing 🎵]

[🎵 music playing 🎵]

[cheers and applause]

>> thank you so much, city of austin, it was a pleasure to get to be here.

>> Thank you so much, austin. It's good to see you.

>> Cole: great job, guys. I have a couple questions for you. Are you ready?

>> Yes, ma'am, absolutely. do you have a web site?

>> We do.

>> Cole: what is it?

>> Everybody has a facebook in here and we have a com, mayeux and broussard. Today we just released our record and the main site we're directing everybody to is our band camp. It's mayeux and broussard, band camp.com.

>> Where can we buy your music?

>> There, and band camp.

>> It's the only place released. We have a hard copy that will be coming out near to the mid-january, and we'll have a cd show somewhere here around town. the last question, where are you performing next?

>> Actually we're permitting -- we'll be on fox 7 news in the morning performing, I believe at 9:45. And then our big show is on saturday we're playing at midnight rodeo, it's the one and only bar crowd. It will be a good time. we have, we have a proclamation for you. It says be it known that whereas the city of austin, texas is blessed with many creative musicians, whose talent extends to virtually every musical genre, and whereas our music scene thrives because austin audiences support good music produced by legends, local favorites and newcomers alike, and whereas we're pleased to showcase and support our local artists. Now, therefore, I lee leffingwell, mayor of the live music capital of the world, austin, texas, do hereby proclaim november 8 as mayeux and broussard day. Did I say that right?

>> Yes.

[Cheers and applause]

>> we really appreciate it.

[Cheers and applause] as most of you know this sunday november 11 is veterans day, originally armistice day, but the city is going to recognize and honor veterans day today, and I've got a couple proclamations but first I want to introduce some of the people behind me here. We have representatives from the texas veterans commission, and over here -- and we have representatives from an organization called honor flight austin. And we also have representatives -- a representative from the employers in support of the garden reserves. You're still with us, colonel, I assume? And representing general nichols, who is the commander of texas military forces at camp mabry, we have lieutenant colonel chris shellstat. Welcome to all of you. Before I read the proclamation I want to say a word about two of the organizations and then present. I have one for each of you for honor flight and for the texas workforce commission, texas veterans commission. Honor flight austin, which was begun in the early part of this year but it's actually an older organization like -- than that. It was formed several years ago and its mission is to take world war ii veterans to see their memorial in washington, d.c. That memorial was built in 2004, and

we're very proud to say that we're finally catching up here in austin and we're about to go on our third flight tomorrow.

>> They're having dinner right now.

[Laughter]

[cheers and applause]

>> oh, they're up there. Great. So the first flight had 25 world war ii veterans on it. And I was proud last month to go on the october flight, which had 50 world war ii veterans on it, and believe me, we had -- it was hard for me to keep up with those guys. We did so much sight-seeing in one morning, I've never done anything like that, in washington. We had a very good time. But the point is these world war ii veterans are reaching, if I can say it delicately, a critical stage of life. As a matter of fact we're losing about 900 world war ii veterans every day right now, so it's very important to get these guys -- we take them up there at no cost to the veteran. We -- the funds are raised from private sources. The city doesn't pay for it, and we have a whole bunch of people on scene here in austin that go with these veterans to make sure they're well-taken care of, and I've got to mention, gun ri sergeant alan bergeron, our veterans coordinator for the city of austin who really makes all this happen. There are a lot of other people too but I wanted to specifically mention him. We have volunteers from all over the city of austin and other organizations who accompany them to assist in all kinds of ways. Austin ems personnel volunteer their time two days -- two off days that they otherwise have free with their families, but they do so that we -- in the last instance, in october, once we got there we had three buses so we had to have one ems guy on each bus, and so we want to thank them as well. So we're going to continue to do this until we reach the approximately, what is it, 1500 or so --

>> between 700 and 900. 700 to 900 world war ii veterans in central texas. So again, very proud of that effort. The other organization i want to honor is the texas veterans commission, created in 1927 as the state service office to assist veterans and their families. They're the advocate for veterans in texas, which 7 million strong. They serve veterans, surviving spouses, independents, every day in four different program areas. Claim representation and counseling assist veterans, survivors and dependents in obtaining dense and entitlements from the u.s. Department of veterans affairs. The veterans employment services matches veterans who are seeking jobs with the best opportunities available to them. And education services determines those programs for which veterans and their families may receive still gi benefits. So a fund for veterans assistance awards reimbursement grants to organizations that support veterans. Last, I believe it was last year, 11 grants were awarded 9 mlion for seven different organizations in travis county as of november 1. 2400 Veterans have been served in austin and travis county already, and we're very proud of that. So I am going to read this proclamation and then present a copy to retired army colonel and vice chairman of the texas veterans commission, jim scott. There's jim right behind me, and also who's representing the texas veterans commission? -- I mean, excuse me, the honor flight?

>> [Inaudible]

>> vic. I'm sorry, vic. You'll get one of these also. Proclamation reads as be it known that whereas for more than 80 years america has set aside a day to honor the men and women who have served in our nation's armed forces and to express our appreciation for their service in times of peace and war, and whereas the city of austin is privileged to take part in this year's veterans day ceremonies honoring the courageous men and women who have protected our national security and preserved our rights and freedom. And whereas the city of austin is especially pleased to recognize the 1400 employees in our workforce who have served in the united states armed forces along with the more than 150 currently serving in the guard and reserves, and whereas we call upon all austinites to thank our military service members and their families for their service and sacrifice on behalf of our great nation. Now, therefore, i, lee leffingwell, mayor of the city of austin, texas, do hereby proclaim november 11, 2012 as veterans day in austin, texas. Congratulations to all of you.

[Applause]

>> mr. mathias? Mr. scott?

[Applause]

>> let me first thank all of you for being here today and witnessing this occasion. I had an opportunity to go on the honor flight, and for those of you who have not witnessed one of those it is something to behold. I won't go into detail but just let me tell you from a logistics standpoint the mayor and alan bergeron and other gentlemen who went, they left nothing to be desired for the 50 people who went and also the guardian, our escorts. Had I not known better i would have thought they were all in the air force.

>> Well, one was anyway.

[Laughter]

>> seriously, on behalf of al cantu, who is the chairman of the texas veteran commission, and on behalf of the other three commissioners, I want to thank you all for this, mr. mayor. Most assuredly I want to thank you for recognizing the very hard working and dedicated staff from the texas veterans commission, which is headed by colonel tom paladino. Thank you.

[Applause]

>> I'm honored to have been chosen to receive this on behalf of the veterans of central texas. I was also honored to be on the first honor flight going to washington, d.c. I was part of the first 25 guinea pigs, and I'll have to say that the experiment was almost perfect. They did a wonderful job in hosting us for about a 48-hour flight, and it was great. My brief comment about armistice day, and I called it that because my dad was a veteran of world war i, and on the 11th hour of the 11th day, the 11th month, he was in the trenches in france. 48 Years later we found notes that he had may have had at that time, and just previous to that time. So I know what it means to be a veteran and what it meant to him and how much -- how much we owe to those people back then, perhaps the group that I represent and to all of the rest of the veterans for the freedoms that they have

brought to this country. And so there isn't anybody owes me anything. I feel that I owe so much to this country, that it was a pleasure and a privilege to serve for the short while that I did during world war ii as a combat infantryman. So I'm grateful for the freedoms that it's brought to all of us and I'm grateful to the veterans, the millions of them, who have made it possible. Thank you.

[Applause] thank you both, and I just want to remind everyone, there are celebration, veterans day yet to go, and especially on 00, we will begin a parade and we'll march from the ann richards bridge on congress avenue to the state capitol, and all of you who can please come out and join us. Thank you very much.

[Applause] so as you can see from the sign in front of us here, we're celebrating generation zero. These young folks are already being indoctrinated, to grow up as the zero waste generation. So that is our goal, as many of you know here in the city of austin, to be essentially zero waste by the year 2040. That agreement, or that goal was signed by my predecessor, mayor will wynn, back a few years ago, and I'm proud to say that we're making very good progress towards that goal. When we say zero waste, we mean real close to it, because obviously there are always going to be some things that have to be put someplace, but we're making big improvements in recycling, with the inauguration of our single stream program a few years ago, overnight we increased our recycle material by 50%, and it continues to improve. We are developing some new initiatives right now that have to do with plastic bags in our community, the gradual elimination of that kind of waste that is pretty hard to handle by any means other than just not using them, and there are other programs that we have on the way down the road, such as composting and so forth. And I'm sure we'll have an opportunity to learn a little bit about that if i gedert up here to mention those, and we are going to set the three-minute timer on him, though,.

[Laughter] because I know that he can get carried away on the subject. But I want to read this proclamation. Be it known that whereas the city of austin is committed to reducing the amount of waste to area landfills by 90% by 2040 and endorses the generation zero education program to engage school children in environmental efforts, and whereas keep austin beautiful, an established environmental education leader in our community, is poised to educate k through 12 students in our schools and informal youth groups in the generation zero curriculum, and whereas, with support from austin resource recovery, keep austin beautiful will engage 10,000 children in activities and projects that raise awareness about zero waste while providing simple solutions for reducing waste, and whereas austin discovery school, that's these guys here, is the first school to complete the curriculum and is designated as a generation zero school. Aisd hill elementary and bailey middle school have also committed to this program in the future. Now, therefore, i, lee leffingwell, mayor of the city of austin, texas, do hereby proclaim the 2012-2013 school year as the inauguration of generation zero in austin, texas. Congratulations, guys.

[Applause]

>> hi, I am rebecca. I have the honor of teaching the keep austin beautiful curriculum to our 400-plus students for a total of 72 classes and I just want to thank the keep austin beautiful staff for making a teacher-friendly, kid-friendly curriculum that really taught the concepts. There's nothing like playing with worms that will teach you about compost, and I'm sure they can tell

you what percentage of waste -- neil, what percentage of waste can we divert away from the landfills? Do you remember?

>> Yes. what can we take away from the landfills? How much can we put someplace else?

>> [Inaudible]

>> thank you.

[Applause]

>> we're very pleased that the discovery school is our first school in this program, and they are commissioning the program. It's understanding that 100% of the students in this school have participated in the generation zero program. So we're very impressed with the school commitment, and this is our youth, this is our new generation. One of these students from this school may be our next mayor in the future. So we are very pleased with our commitment to the environment. And I want to thank the austin -- the keep austin beautiful campaign and organization of rodney ahart and their commitment to this program. Rodney?

[Applause]

>> thank you so much, bob, and of course thank you, mayor. Keep austin beautiful over the past 27 years has not been involved in a program as exciting as generation zero. You know, I think it's great for teachers on one hand because the programs are actually helping students study. We wouldn't pitch that to the students, but if you're doing verma compost that's touching on science. If you're actually doing waste audits, you're touching on math. And if you're also doing -- looking at up cycling, ways we can take products and put those back out in the community, you're looking at economics. So really the students are having the opportunity to touch on science, math, and economics in a fun setting. I mean, that's the key, is making these concepts fun and exciting. And when you look at these kids, you see the future, you see the generation zero, and there's no way we're going to accomplish this 90% diversion rate without engaging our youth. You know, I think about that, that's 28 years from now. I don't even want to think about how old I'll be then, but we have to have our youth engaged in that process. But again, keep austin beautiful is extremely excited to be a part of this program. I want to thank the leadership of austin resource recovery for truly being on the cutting edge of us becoming zero waste. I'm tired of reading about san francisco has 77% and portland and oregon, austin, we need to be above those cities, and I think it's programs like this we can get there. So thank you so much.

[Applause] ecl)

>> Mayor Leffingwell: What I want to talk about now is I want to say we celebrate diabetes day, don't want to do that, but we want to recognize the efforts of all of our community who are involved in promoting good health so that we can prevent and treat diabetes. I think all of us, most of us have a personal story relating to this really terrible disease. In my case my sister was diagnosed with type 1 diabetes at age 12. And she died a few years ago at the age of 52. And it was not a pleasant experience for her. Everyday of her life was a story of frustration in dealing

with this disease. So we continue to make strides. Many things are available now that were not available to her in managing this disease so that many folks, they manage it correctly, get the kind of care, treat it the way they're supposed to, can live long and normal lives. And that's part of the education program about this. So I have a whole bunch of folks behind me who are engaged in all kinds of health services organizations and groups here in the city of austin. We're really proud of them. Community care representatives are here. The city of austin health department representatives and so many others. You can see what a large group it is, and I want to thank every one of you for what you do for our community. So I have this proclamation be it known that whereas diabetes is a growing health issue in austin. By the year 2040 one in four adults in travis county will be living in diabetes and whereas type 1 diabetes can be managed through taking insulin, monitoring the diet and exercising, while type 2 diabetes can be prevented or delayed through healthy life-style interventions, and whereas diabetes education and access to health care can help prevent devastating complications from diabetes and whereas community infrastructure such as safe places to be physically active and access to healthy foods is vital to enabling people to either prevent diabetes or to live a healthy life with the disease, and whereas the central texas diabetes coalition mobilizes community partners to increase access and utilization of diabetes self-management and prevention resources. Now therefore i, lee leffingwell, mayor of the city of austin, texas, do here by proclaim november 2012 as national diabetes month in austin, texas. Dr. huang.

>> As mayor leffingwell mentioned, this is an initiative that probably touches every single one of us. So on behalf of the austin travis county health and human services department and the central texas diabetes coalition, it's my privilege to be accepting this proclamation for national diabetes month in crowe from community care. I want to recognize our central texas diabetes partners, other participating agencies and community members who are here to show support for this proclamation. In particular I want to thank the american diabetes association for their collaboration on this effort. Thank you also to the following agencies for participating today:

[Speaking spanish], and i want to recognize the medical director along with her team. Seton community health centers, people's community children's wellness center, tmf health quality institute, texas a&m agrilife community service, preventive health and

(indiscernible). These partners provide important services for diabetes care, prevention and education, especially for the most medically underserved residents in our community. And they're all great examples of the importance of partnerships and how crucial these partnerships are to meet the demand for services, especially since the incidents of new cases of diabetes is on the rise. Because we know that type 2 diabetes can be prevented or delayed through healthy life style interventions we're working on systems and environmental changes to make it easier to be healthy and physically active in austin. We say making the healthy choice the easy choice. And we're fortunate to have the central texas diabetes coalition on a community which helps to coordinate services and bridge gaps for diabetes services and our most vulnerable and underserved communities. We know that quality medical care is integral for individuals living with diabetes and so I'd now like daniel death rowe, the -- daniel crow.

>> And how about we have another round of applause for this great team that's up here that represents the central texas diabetes coalition. If there's ever a disease that requires a team, it's

diabetes. And if we think of a team, people who can reach out and touch diabetes throughout the continuum of their life. As the mayor stated things have really change understand caring for people with diabetes and we have many more options, but one of the more critical things that you can do for people with diabetes is to educate them and help them learn to manage their disease themselves. So much of diabetes care now is centered on this whole idea, concept of self-care. How do you improve their life and help the patient take care of their lives. We do have a lot of patients with diabetes that we serve through community care. Although we see about 65,000 patients a year in total, about 9,000 of our patients have diabetes and they're spread out amongst the majority of them are type 2, but we have type 1, we have gestational diabetes, some other more unusual types of diabetes and of course people who need help to avoid developing diabetes. We also need a village, and in that sense the community of austin has come together and developed a community health improvement plan that I think is going to go a long ways towards improving access to healthier foods in areas within the city where we can get our kids and our adults more active and helping to prevent the problems with diabetes. You know, it's a problem when you see kids going to school and they walk into the 7-11 and come out with a 32-ounce soda and a bag of chips and that's what their meal is to start their day out. And we have to change that. We have to change those kinds of environments and encourage everyone, parents, teachers, the entire community, to come together and help to avoid this epidemic of diabetes. So I want to thank again the mayor, the city council, the central texas diabetes coalition and all of you for helping us to make this disease something that will be at one time a remembered disease that we can conquer. Thank you.

[Applause]

>> Morrison: Good evening, everyone, I'm councilmember morrison here with some folks from house the homeless. You know, we work very hard trying to make sure that everybody in the city of austin is -- has shelter and has some quality of life. The fact of the matter is we have not succeeded in that yet, and the fact of the matter is that we have people not only living on the streets of austin, but dying on the streets of austin. So a few years ago, more than a few years ago, 20 years ago, some folks got together and organized an annual memorial sunrise service to recognize the people that we had lost who had lost their lives in the city of austin on the streets and homeless, and it's a very moving experience for me. It was really sort of an awakening to help remember that these folks that lost their lives are -- are our sons and daughters, our mothers and fathers, our friends, they're sisters and brothers and we all need to maintain our vigilance and remembering those people. So I'm here with richard troxell and others who have been involved for 20 years and we thought that after 20 years it was about time for a proclamation to recognize that. So it says proclamation be it known that whereas the first official recognition of the men and women living and dying in homelessness on the streets of austin occurred in 1992 and whereas that year house the homeless led a memorial and an improvement to you midnight march on the state capitol where the names of the 24 homeless people who died that year were read and whereas the number of deaths of those living on our streets has grown steadily each year since with more than 2000 homeless people having been remembered at memorial services over the past 20 years and whereas we urge all citizens, social workers, jailers and caregivers at every level to do their best to embrace and carry out the tenet to, quote, discharge no one into homelessness. Now therefore i, lee leffingwell, mayor of the city of austin, texas, do hereby

proclaim november 18, 2012, as homeless memorial day in austin, texas. Thank you all for your work.

[Applause]

>> thank you, councilmember morrison. On my left here, this is my wife. And chief executive for house the homeless. This is cecelia, co-founder of house the homeless how many years ago, 1989. I'd like to thank councilmember morrison first and foremost. Who has been a supporter of house the homeless. But I would like to thank the citizens who went to the polls and voted in favor of proposition 17, which will provide the needed funds to rehabilitate and to expand the women and children's homeless shelter already here in austin. By doing that we will then be able to help the women and children in the current salvation army to relocate to that facility and that will open up 27 beds in the immediate downtown area where single homeless women will now have a place to come on a nightly and daily basis. So this is critical. This initiative was born with the brutal attack and murder of valerie louise gooddow. House the homeless immediately do not not respond to that and we launched into a petition drive. We secured 3700 signatures from the citizens, gathering them one signature at a time, principally at our farmer's markets. Then we went to the human rights commission and parlayed that into a resolution and then we brought that to city council and councilmember morrison and councilmember cole and the entire council moved to place that on the ballot so the citizens could make that decision, and did you that and I cannot -- we cannot thank you enough for that. I want to -- I want to just invite everybody to the memorial on november the 18th. It is for all the citizens of austin. It is a one hour service. It's at auditorium shores on the southside. We now have a plaque and a tree and a bench. We have a memorial. Sarah hickman will sing. Poster will pray over us and bridget shea will be there. It is a sunrise service to join us. Lastly, we would like to take the opportunity because house the homeless never let's an opportunity go by not to try and change the status quo. Men and women are dying and have been dying on the streets of austin. We only first recognized it 20 years ago, but we would like to leave with the citizens today a simple tenet, the idea that when somebody enters one of our institutions that we discharge no one into homelessness. So whether they come into a hospital or leave the military a jail or age out of foster care or leave a prison, that before they go that they be discharged on their out due date, but that they be discharged into an environmentally safe housing -- environmentally safe housing. That will change the whole paradigm of this. We're launching this campaign here in austin. It's not a law, it's a tenet, a moral tenet. It's a pathway, a guideline. We have social workers at our hospitals, we have the people in our military. We prepare for discharge. Let's get comprehensive. One-third, 28 percent of the people experiencing homelessness in austin are vietnam veterans or veterans from all the wars. One-third. We can do better. And if we embrace that tenet today we can change this paradigm. So I invite you to go to org, that's our website, house org, and sign our petition. It's on change.org. And when we accomplish this here in austin, when we gather signatures, enough signatures that city council says let's make this a law, we'll move to the state. And as we moved to the state we've already been contacted with the announcement of this with the national coalition of the homeless. We believed that we can change what's going on together. And we thank you, we thank you austin for your support. We thank you for this proclamation and we thank all of you for this today.

[Applause]

>> this is a really interesting juxtaposition. Two proclamations back was for national diabetes month and diabetes is one of those diseases which we have gotten better with dealing with over the last few years. Medical profession, nursing, nutritional science, biological science have developed to point that many of thousands of people who have diabetes are learning to live with diabetes. They're actually able not to overcome the disease, but to deal with the disease and live with it in a way that they would not have been able to live with it 10, 20 years ago. I very much appreciate what troxell said we did on election day for the homeless population. We did not do everything for the homeless population on election day that we should have done, but we did do something. General we have started to deal with the homeless problem in a we did not do 20 careers ago when we heard him come to city council meetings and say house the homeless. We're doing a better job than we used to do. This as a problem that needs a solution and certainly we're starting to have the tions. This is not the case with pancreatic cancer. This is a problem close to my heart. In january of this year i was diagnosed with cancer of the pancreas. I'm not supposed to use the word cancer and malignancy and spelman all in the same sentence because my wife hears about this she will be in trouble. So this will be our secret. I don't want her to know about this. She knows I've had pancreatic cancer. She knows I have it. She knows I was one of the incredibly lucky people who can expect to be here five year. The vast majority of people who get it cannot expect to be here five years from now because our knowledge as to how to deal with pancreatic cancer, how to create it, get rid of it has not advanced to that level. I was one of the very small number of people who found out very early on. I had a tremendous surgeon and I have a terrific oncology and I can reasonably expect to be here for a long time to come and I expect to be here berating the rest of you guys for quite some time. But we as much with pancreatic cancer and there in lies the problem because as some forms of cancer have started to abate, as we've started to deal with medical and social problems, the fact that we have not been able to make the same kind of advances in pancreatic cancer has left that to be a bigger and bigger share of our medical problems, much bigger than it used to be. So although I'm not happy with the fact that we have not advanced to the point we have, I'm very happy with the pancreatic cancer do what they can and try to stimulate science and stimulate social networks to stimulate people that we can and move to the point that we can say the same things about pancreatic cancer that we can say about other forms of cancer and disease. At some point we'll be able to say that. I have a proclamation. Be it known that whereas pancreatic cancer is the fourth leading cause of cancer death in the united states and whereas pancreatic cancer is the only major cancer with a five-year survival rate in the single digits at just six percent. Yet there have been no significant improvements in early detection, treatment methods or survival rates for the disease in the past 40 years. And whereas the incidents and death rate for pancreatic cancer are increasing and pancreatic cancer is anticipated to move from the fourth to the second leading cause of death by as early as 2015. And whereas the pancreatic cancer action network affiliated in austin provides support for patients currently battling pancreatic cancer as well as to families of those who have lost their lives to the disease and are committed to nothing less than a cure for this devastating cancer. Now therefore i, bill spelman, on behalf of lee leffingwell, mayor of the city of austin, texas, do here by proclaim november 2012 as pancreatic cancer awareness month.

[Applause]

>> thank you, councilmember spelman. The rest of the austin city council for proclaiming this pancreatic cancer a action awareness month in austin. As councilmember spelman said, it's a

fairly deadly disease. Over 43,000 people in the united states will be diagnosed with pancreatic cancer in 2012. And over 37,000 people will die from the same disease, including over 2200 people in the state of texas. The pancreatic cancer action network is a national organization that works to help change that through public policy, research funding and awareness and education. The federal government invest significantly less money in pancreatic cancer research than it does other leading cancer killers. In fact, pancreatic research accounts for only two percent of the federal funding from the national cancer institute. The pancreatic cancer action network is working to change that through support of the cancer research act that was recently passed by the united states house and hopefully soon passed by the u.s. senate. That act calls for the national cancer institute to set up a scientific framework for dealing with pancreatic cancer and other

(indiscernible) cancers. I personally have also been affected by pancreatic cancer. My mother was diagnosed with pancreatic cancer in january of 2011 and she was not quite as lucky as councilmember spelman. She was diagnosed with stage 4 cancer and didn't have very many options at that time. She wasn't able to get surgery or do radiation and was prescribed chemotherapy mainly to ease her pain. She lost her battle with pancreatic cancer in december 2011 and I have been working with the pancreatic cancer action network ever since to help change her situation and help give others who are diagnosed with pancreatic cancer better options. So once again I would like to thank councilmember spelman and the rest of the austin city council for helping us in our efforts to raise awareness for pancreatic cancer.

[Applause]

>> Cole: I would like to welcome karen gross down. She is a citizen who gives and gives and gives to her community. M aangelou said people will forget what you have said. They will forget what you have done, but they will never forget how you made and I apply that to karen gross because she has always made me feel like I was on time when I wasn't.

[Laughter] and many, many other things, and that's the only one i will tell. But she extends that warmth and grace to her entire community. She is leaving the anti-defamation league as the director. And we're here tonight because the city of austin wishes to recognize her time, treasure and talent there and wish her well in her other pursuits. Karen has helped bring people together to fight hate crimes. She created and institutionalized the austin hate crimes taskforce and constructively managed to have people respond to discrimination and hatred. Karen helped expand the adl, and to a couple hundred central texas schools where thousands of children have actively joined in never being bystanders to hate. Karen has responded to incidents of prejudice in our community by helping to protect, bring healing and turn those ununfortunate situations into learning opportunities so that they are not repeated. Karen has been an effective candidate fighting both anti-semitism and discrimination which threaten all. Most recently being a lead advocate for the resolution passed by the austin city council that made austin the first city to endorse marriage equality. So without further adieu i will read your proclamation. Your distinguished service award for having served as a community director of the austin office of the anti-defamation league and helping to make austin a more respectful community during her three-year tenure, karen gross is deserving of public acclaim and recognition. Karen brought together many of our city's leaders with the common goal of preventing, fighting and constructively responding to discrimination and hatred by creating the hate crimes taskforce. She

also helped deliver hate crimes training to law enforcement and expanding the adl in our community. We join the adl in acknowledging karen gross' contributions to making the austin community office of the adl a respected voice and partner in the local civil rights community with this certificate presented this eighth day of november in the year 2012. The city council of austin, texas. Mayor leffingwell, miles per hour sheryl cole, councilmember chris riley, mike martinez, kathy tovo, laura morrison and bill spelman.

[Applause]

>> thank you.

>> Tovo: Good evening, I'm councilmember kathy tovo and it's my pleasure to present the next awards to representatives of the settlement home club. And I believe today we have with us meagan zellner who is a staff member of the she's been a staff member since 2003. And now serves as director of their foster and adoption program. And also we have andi kelly, who is also an employee of the settlement home, and she is their public relations and marketing director. And we also have darcy

(indiscernible) who is also with the settlement home. You may be familiar with their garage sale that takes place in november across the river. It is a very fun event. As a long time fan of the settlement home garage sale I've spent many hours ago and you feel so good pending money at the event because not only does it get used items back into reuse and really you get a terrific bargain and you know that you're helping grow the program. So really value valuable programs that the settlement home puts on. So it's very fitting in november, which is national adoption month, to recognize the great work that they do. So it's my pressure to present this next award. One of the things that I was really intrigued to learn about the settlement home is that it has been in austin since 1916 and really started as a day nursery for impoverished families here in austin. So that was a really early child care kind of support for our -- for austin families. And so the settlement home has grown over the year and evolved to meet the changing needs of austin families and children. So we really recognize them for their great work here. Sue on behalf of the austin city council it's my pleasure to present this certificate of congratulations for having completed their 37th annual charity garage sale benefitting the settlement home for children. The settlement club is deserving of public acclaim and recognition. The much anticipated settlement club garage sale brings out bargain shoppers from far and wide whose purchases provide more than 500,000 in support of the abuse and neglected children housed at the settlement home. Founded in 1916 as a day nursery for children of working parents, the settlement home later became a facility for homeless children and then a licensed residential treatment center and foster group home accommodating up to 50 girls. We are please, sirred to recognize the work of the settlement home on behalf of some of austin's young citizens and to congratulate them on another successful event. This certificate a presented in recognition thereof this eighth day of november in the year 2012 and it's signed by all the members of the city council, including our mayor, lee leffingwell. Thank you and congratulations am I'm going to invite them up here to say a few words about their program.

[Applause]

>> I'll just add that we just finished our 37th annual settlement home charity garage sale and this year we raised \$526,000, which we are thrilled about, so kathy thank you for coming and shopping. We appreciate it. We're really thrilled to be here and feel honored to have been invited here today.

[Applause]

>> I just wanted to say that this is national adoption month and there are thousands of children in the texas area that are awaiting adoption in the foster care system and we are very, very proud to work with this population. So thank you.

[Applause] e rock erock eRHYME EECHT TEST eTEST eTEST eTEST Now is the time test test eTEST TEST eTest we're out of recess, and we'll begin with items 51 and 52, taken together. And 51 and 52 I believe was pulled for speakers. And if these no objection we'll go directly to the speakers. Melissa hawthorne. Melissa hawthorne. in the chamber? Yes? Raise your hand, pleadings. Cory walton? Corey walton? Not here. Gardner sumner.

>> Cole: here.

>> Mayor leffingwell: okay. So -- so you have up to nine minutes. mayor, council members. I am here on behalf of myself and I'm also the president of the barton hills neighborhood association. Just last month we were host to the acl festival and the largest complaint we had during the acl festival was actually the banner planes that fly, over and over and around and it's been just a month. I personal ri live probably on -- probably I'm the closest house to the proposed site on the bluff wall of the barton creek greenbelt. Probably one of the things i feel really strongly about is the barton creek greenbelt and I understand this permit that got issued today has been being sought since sometime in april. And there was plenty of time between april and now to have a conversation and to try and work on logistics or, you know, find another site or just dialogue and should -- if a conditional use permit had been sought, there's plenty of opportunity there. And I see this as more being -- I call it small town/big city blues. We have things that we just need to address and fix, and I don't think anybody foresaw that this would be used in this way, and when we talk about multi-mobile transit, we talk about, you know, pedestrian, bike. I didn't think that a helicopter sign on the barton creek greenbelt, on the long canyon after listening to acl festival radiate all the way down to gus park, we're good neighbors, we're good hosts, and we've had conversations with e 3 about the second weekend and we're amiable and able to have a conversation. And so I would urge you to support items 51 and 52. 51 Just -- because I think this is an unforeseen -- you know, I'm not -- I'm not against formula 1 person. I love formula 1. I have tickets. I'll be there. You know, that's not what this is about. It's about code works and what it means and -- I'll try not to -- I know this is a long night for fall. I appreciate your time. I'm sure that executive session was just grueling after the election. I think that things are undefined, you know, with the executive session about 10-1 -- sorry, I didn't mean to kind of go on a little jaunt there. I thought about, you know, my joke, you know, melissa hawthorne, I enjoy long walks on the greenbelt, but anyway --

[laughter] sorry. I've been here too long. You all should have taken me 00 time and i would have been gone. There's nothing that really addresses, you know, so what happens if they go over this

-- the times that are allowed? Do they get fined? I mean, is that fined \$2? Do you even make any revenue from this? I mean, I know I got my tax bill this week, which, you know, is enough to make you fall over sometimes, and, you know, I've been host to a music festival, I've had fun, fun, fun fest, zilker park is not completely open until january 11 and I just wonder why, you know. I live here, and I'd really like to see these things addressed. And I understand that this application would have never been affected by 51 and 52, and I feel strongly that we need to work on the words and we need to do it together. I did -- our neighborhood association did send a resolution because we read about this in the newspaper, that this was going to happen. There was no notification, and frankly, if it hadn't been in the paper we would have all just been, what, at home and, you know, from the sky and we've been good players and worked with everybody, and we'd really like to see this fixed. Thank you. thank you. Mark gentle. You have three minutes.

>> Thank you, mayor and council members. My name is mark gentle. I'm a resident of barton hills. I don't have prepared remarks. I just want to convey a sense of shock and really a sense of outrage that there's been no public participation notification until after it was essentially a done deal, that we're going to have an unknown number of helicopter flights occurring adjacent to the neighborhood, near schools, near churches, near parks greenbelts, despite the requirements in the code. And what your staff has done has put on their regular blinders, looked only at one piece of one code and come up with a result that is a discretionary call on one person's call, when, in fact, your code says completely the opposite. It basically says you can't put a temporary helistop anywhere but on a field, unless it's an emergency. That's what your code says, and your staff has overruled it. You haven't defined an opportunity in the code to take into consideration sensitive noise areas within 4,000 feet of churches, schools, but the staff has decided not to exercise that discretion, not to take those things into consideration. I think that's a failure, it's a gap. 51 Fills the gap, and there needs to be an action. You may have considered not taking any action today. I urge you to go ahead, take the emergency action that members morrison and tovo have shown leadership and proposed, because this is the vital first step to show not just the neighborhoods that are directly affected but every neighborhood in the community, to let them know that you're not going to permit this going forward, because it could happen under the way that your staff has analyzed this, anywhere, anytime, an unlimited number of these kinds of flights, so long as you call them temporary helistops. You have a blank check. You're good to go. You get more notice of repaving your street than that. It's harder to adopt a puppy than to get a temporary helistop permit. I mean, that's no joke. You got a four-page application, they want a personal interview and a puppy cost 2500 bucks in it's registered. Here you get unlimited number of flights, and I'm not even sure if there's a fee, but you got to fill the gap, and this is a good first step. Thank you.

[Applause] tom knuckles? Tom knuckles? This way, tom. Ste allah von here? Leslie pool? You have you have to nine minutes.

>> Tom knuckles, barton hills neighborhood association board of directors. Let me start out by saying i like -- and most people in barton hills I think support formula 1 and circuit of the americas and think it will be a positive thing for the austin economy. Our economy is becoming ever more reliant on tourism, which is okay. I think austin is a good host city, and as melinda said, barton hills plays host to acl. We're affected by things like fun fun fun fest, and when it comes to tourism, you can't forget to mention STRs. But just as we're a good host city, I think it's

fair for us to ask our guests to be good guests, and I think this site was probably chosen because it was very convenient to downtown, and the people in the hotels will be able to get there easily. I would venture to say that if you asked them to spend 15 more minutes in their taxi or their limo, they could have gone to a site that would have been less intrusive on the businesses and residents that this is going to affect. The -- I think everyone knew grand prix would be a learning experience, and I think this is a teachable moment. Austin has done a lot to make the grand prix a positive experience for our visitors, but I think what we've learned here and what you need to do over the next year is also work to make it a positive experience for the people who live in Austin. Tourists spend a lot of money here, but we spend a lot of money too. So my request would be that the city through the transportation department, aviation department, work proactively over the next year with these helicopter operators to find sites that don't affect businesses, that don't affect schools. Thank you. Thank you. Paul Robbins? Here come the black helicopters council, strafing the neighborhoods and businesses, in the quest to give wealthy tourists an adventure at the expense of Austin citizens. I used to live near helicopters and I know firsthand how disturbing they are. I cannot but marvel at the arrogance of the people that planned this, and I cannot help but whince at the way Austinites are treated. It's as if Formula 1 elitists have colonized the city. And if we want the company's money, we have to collectively tolerate whatever indignities they hand us. This is really not the Austin that I know and love. I differ with some of the people speaking here. To me Formula 1 does not fit Austin's solar image, which is to spend tens of millions of dollars on the glorification of the world's most inefficient automobiles. Good evening.

[Applause] >> Mayor Leffingwell: flush. Karen Creps? Karen Creps? Not here? Robert Corbin? Is Jeff Jack in the chamber? Okay. Well, come on down. Are you Robert Corbin? I'll take care of the other folks. Linda Land? Linda is here. So you have six minutes.

>> Well, to begin with, I think this guy Jim Smith should be terminated. He should be fired from his job. I mean, the arrogance of this guy -- okay, I'm going to stop you right there.

>> I can't say that? You don't make any personal comments, derogatory comments. Just try to be civil. Or else I'll have to terminate your time. Time.

>> All right. So here let's see what happens here. Smith gets together, it sounds like, with this very wealthy, sophisticated man and they do a deal that's going to give this guy the right to fly all these helicopters in and out of our neighborhoods, and there's going to be a lot of money there. A lot of money. Now, the city, as people have said, never contacted any of the stakeholders that are involved near these helipads. There are several neighborhoods. There's the condos, the business condos, the offices, the Austin Rec Center where there's children and adults with special needs just below the helicopters, where they're going to take off and land. There's a greenbelt, Zilker Park, Barton Springs Pool and Town Lake. And these two people hatched a plan to put helicopters right there in the middle of this of this. Well, when I heard about it, like the other people, from the paper, I went out and I walked the neighborhood for a few hours, and I want to tell you the results of that. I talked to poor people, rich people, republicans, democrats, people who lived in tear-down houses, people THAT LIVED in McMansions, and every one of them hated it. They despised it, except for one man, and he had been a combat helicopter pilot in the Vietnam War. He was the only one that said, yeah, I'm for that. And one other woman said she doesn't care one

way or the other. Everybody else could not believe it was happening, like us that are here today. So I talked to the applicant, actually, a couple days ago and he sounded very charming and reasonable, and the paper -- according to the paper he claims that he had sold all of his tickets to this event. So it's sort of like he's saying, well, I've sold all my tickets so now I need approval of the city. I mean, it sounds like that was one of his arguments. Well, I don't know how much you know about this guy, but he is very sophisticated, very connected. He's got an mba with honors from the university of texas. He holds insurance brokerage licenses in several states as well as bermuda. He carries a bermuda work permit during the facilitation of offshore transactions. Could be a good place to go on a vacation, bermuda. So -- and he's very entrepreneurial. In fact, him and his friends started an entrepreneurial school in east austin called the acting academy. So here's a guy that's this sophisticated and he goes out and he says, jeez, I'm going to go out and I'm going to sell all these tickets in the hope that the city is going to give permission. Sound fishy to me. So, as other people have said, it seems like the way to handle this would have been to grab permission a long time ago to do a flight or two, notify the neighborhoods and the stakeholders and let everybody watch and see. Maybe he's right when he says the helicopters are going to be quiet, because they're new helicopters. Possible, right? But how do we know? He could have done all of this. But he just blindsided smith, because I guess we don't count or something like that. And -- so for him to fail this preparation so miserably and anyway, now claim that the city could give him these permissions is rather ludicrous, i believe. The other person I want to talk about is jim smith, the city aviation department, that this guy can act alone, is that right? That he can act alone and issue this? Did he even talk to anybody at the city council? Did he talk to you, mayor, about this? Do you know -- did you know anything about it that, he was prepared to do this? And if so when did you know? I mean, we would like to know that. I think the citizens of austin, and actually this is the kind of thing that should be put on a referendum for the citizens of austin to decide, not just somebody in the city. Is it possible that we could have a referendum that all the citizens of austin could vote on in the future? After we support this amendment that are being offered tonight? Is there any possibility of that, do you all think? So I was going to ask you guys to not -- to ask jim smith to not approve these -- what he wants to do, and I think he knew, of course, and everybody knew that the city council meeting was going to be happening today, so it seems like just to be polite they could have waited until after this council meeting to make the approval, unless they figure that people like me were going to say, please don't give them this approval. Please talk to them and say that the people of austin don't want them. But he wasn't -- they weren't willing to do this. So neighborhood planning area, to say it -- anyway, to say it again, I guess my time is up. You need to terminate this man's contract with the city. your time is up. Ann kitchen?

>> Thank you, mayor and council members. My name is ann kitchen. I'm a resident of barton hills. I would like to take just ten seconds or so to register my shock and outrage with this process, and then I'm going to speak to items 51 and 52. What this -- I think that mark gentle pretty succinctly stated it. What you have here is a city staff who boot strapped a situation into an ordinance it doesn't belong into. I don't know under what definition of temporary or what definition of community service this kind of activity fits. So with that said, I would say it is a teachable moment, as someone else said. This is an outrageous use of an ordinance that has a lot of holes in it, that doesn't answer a lot of questions, and I would argue that it doesn't fit. So I hope that you all will vote for 51 and for 52. Let me just -- I would like to just say a few things about this ordinance that is so -- I mean, it's so -- you could just drive a truck through it. There's

no definition of acceptable criteria at all, so there's no definition of community service. So it's possible to say something like a commercial enterprise is community service, which is what was done here. There's no consideration of noise. There's no consideration of impact at all, much less noise. There is no definition of temporary, so you can have almost 200 flights and call that temporary, over three consecutive days. There's no notification of the impacted neighbors or businesses, as people have been saying. There's absolutely zero public input process, zero -- it's all been the discretion of one person. And so if you're going to have an ordinance that allows this kind of thing to be considered under it, then you need to at least put some parameters around it. My initial argument would be that this doesn't fit at all under a temporary ordinance, but apparently it does because the decision was made today before anybody got the chance to speak, that it does. So I would just ask you all to understand this as a teachable moment. This is not a one-time thing. This is not just about -- it's not about f1. It's about a process, and it's going to -- it could happen again. So I would hope that you all would vote for both 51, for some immediate action and then 52 to give us time to think and talk about this thing. Thank you very much.

[Applause] clay defoe. Clay defoe. Those are all the speakers that I have signed up that wish to speak. Yeah, you're signed up not wishing to speak. You signed up saying you were for but you did not wish to speak. We're taking both of these together. Okay, come on up and you can speak for three minutes. We combined the two.

>> Okay. Thank you. Good evening, mayor and council. My name is cindy colin. I'm the president of bouldin creek neighborhood association. I did send an email to you all prior to seeing items 51 and 52 in regard to the permitting process that was going on and bouldin creek did oppose the particular process because again, as the other speakers are mentioned, we don't believe that this fits into community service. But specifically for items 51 and 52, we encourage you to support them because this recent permit process has taught a lot of us, especially the neighborhood south of downtown, the lack of lots of, let's say criteria within the current ordinance and codes. For instance, lack of a public input for affected areas when I was here a few months ago when we were having a public hearing in regard to music in the back of home place, and it was how far away were the speakers. I mean, the decibel levels i think for a stereo system outside are a little different than a helicopter, it seems that we have a good process when it comes to outdoor neighbors and seeing if it impacts us but when it comes to helicopter noise we don't really have anything on that. In regards to mechanisms to enforce the approval, let's say -- I saw the memorandum saying that the hours were restricted a little bit on sunday, and is there a mechanism currently here to enforce that those hours are going to be -- are going to be adhered to? When you do the math and you figure out how many trips that they sold, it kind of stretches the amount of hours that are in the permit, and I don't know, I'm -- maybe I'm being too cynical to think that the hours are really going to fall into the permitted times. So I'm hoping that you will support the two items for 51 and 52, and help us to establish a thoughtful process that includes public input and consistent criteria for evaluating this in the future. Thank you. one more sp david alsmeier. You have three minutes.

>> Mayor, council, I'm here tonight to voice my support on items 51 and 52. I represent three of the landlords in the barton oaks plaza. We have 35 tenants, over 500 employees that will be very much inconvenienced, disrupted and unable to conduct business, at least on that friday. And it is very important to us and our obligation as landlord to provide a safe and peaceful working

environment, and this is something that is proposed and I guess now has been agreed to, is something that is going to very much disrupt the park as well as we have medical, dental tenants in the park. Will they be able to conduct business that day? I don't know. This has never been done before. But my feeling is, is that it's going to be a terrible disruption and that's why I'm supporting the items 51 and 52. That's all I have.

[Applause] council member tovo. A question for you maybe here. I have a few questions for you. As you know, the application has been approved so this is -- you know, my questions are a little bit of a moot point but I just wanted to get a little bit better understanding. I think maybe we received a letter from you.

>> Right. you were talking about several buildings owned by -- can you describe to me again your relationship --

>> the park is comprised, it's a condominium ownership structure on the common areas. There's six units, two restaurants comprise one unit and there are five office buildings that comprise the other five units. I represent as the property manager three of the five -- three of the six units, which are three of the office buildings. About 325,000 feet, again, 35 tenants over 500 employees. So we also heard about it in -- from the statesman, and, you know, those helicopters are going to come in within a hundred feet of, you know, two of the three buildings that i represent. I can't believe that even with the technology of the helicopters today they're going to be non-disruptive. But that's -- that's my role as the manager of those three of the six units in that condominium project. and so the building that applied to be a temporary helistop did not consult with you or seek your approval?

>> No, it's separate ownership and we have nothing to do with them from an operations standpoint.

>> Tovo: I see. Well, I hope that you will let us know what that impact has been like for your -- for the folks who work and --

>> absolutely. work in those office buildings and also patronize them as customers because I think it is -- i think it will be very disruptive and I apologize.

>> Thank you. I've voiced similar opinions of other folks is that had we been involved in the process from the beginning, I think that we could have had a more successful outcome, and, you know, when we all read about it in the paper, this just doesn't feel good.

>> Tovo: okay. Thanks. council member morrison. I just wanted to make some comments. Thank you, mr. alsmeyer. I think we all understand that item -- I want to speak to item 51 right now, that item 51 doesn't impact the applications that have already been submitted and now approved. What it does do is for the future, you believe we change it again, it limits the number of take-offs and landings to the number that have been plenty for the past three years. And I think that it's important, and I hope that we all think about the big picture here, because as melissa so nicely stated and other folks have mentioned, our city has been a graft a great host for tourism. And we like tourism. It's good for our economy and we like having guests come to our

city but we are reaching a tipping point. And if we change to a city where it is so impactful for us to have tourists in our city, we are going to become like I have heard mayor bloomberg had once said, new yorkers hate tourists. What can we do to fix that? Well, we don't want to get there, and if we can take a stand tonight, because let me say I have a feeling there's going to be significant impact to these people. If we as a council can take a stand tonight and say, we understand that we might be about pushing past that tipping point and we are not going to do that to our citizens, it's good for our city to continue to embrace tourists, and we are not going to let tourism drive this city, but we're going to embrace tourism because people come here because we love it. And if we can make that stand tonight, we are going to keep our citizens of barton hills from going over that tipping point. So with that I move approval of item 51. council member morrison moves approval.

>> Tovo: and I second that. Second second ed by council member tovo. and I'd like to say, you know, we had a healthy discussion about this on tuesday and I do think it's an emergency that we pass this tonight. I don't think we should delay. As we talked about on tuesday I hope that the next item will pass and we'll have a good opportunity to look at the ordinance or a range of other -- other revisions that need to take place and we can certainly talk about them as the process evolves, but I think we do need as many of you have suggested, a better definition for what qualifies as a community service. We need to discuss -- i believe the ordinance should discuss impacts on neighbors in terms of noise and other -- other impacts. But we have never had a temporary helistop be approved that has more than 18 operations -- 18 trips, and I think that the 18 that we're contemplating putting into the ordinance is sufficient for all of the applications that have come through, other than the won that was approved today. So I think it is -- it allows for temporary helistops to continue to be used for events or films or some of the ways that they've been approved in the past. But it does achieve that balance of allowing those events to take place but not impacting them. smith for listening to the concerns that have bombarded all of us over the last couple weeks about that temporary helistop. I'm glad the hours have been limited and the numbers have been limited but they are still far out of scale of what I would consider reasonable, a flight every 13 minutes on sunday is still unreasonable if you're living close to that flight path. So I am wholeheartedly in support of making this change to the ordinance and revisiting it later if we need to after the stakeholder process is concluded. well, let me just say, I do agree that we need to make some changes in this particular ordinance because we have a situation that we haven't had before, and comparing the number of operations that we've had in the past, 18 operations, to this, i don't think is very meaningful because this is a different kind of operation. Previously what this -- the application, this ordinance has been to operations like construction jobs and that kind of thing. This is entirely different. And I agree, we do need to take a look at our ordinance, and I will support a resolution described in item 52 when we get to that. That being said, I think that item 51, approval of that would send a very bad message. First of all, it has absolutely no effect on what's going to happen ten days from now. It will not affect that. Everybody knows that. But we do need to make some changes, and it should be done in a thoughtful process, not just pulling numbers out of the air and -- or requiring emergency passage of an ordinance that I think sends a very bad message to everyone out there in the city and in the world who's looking at us right now. I think we need to show thatthat we're going to go through a thoughtful and deliberate ordinance and come up with an ordinance that addresses the needs of the community and addresses the needs of the users who would potentially use this ordinance in

the future. And I think to pass this ordinance right now shows, frankly, an element of panic and thoughtlessness that i can't support.

>> Mayor? council member spelman. smith a couple questions, if i could. Let me apologize to the rest of the council. My questions will not exceed one minute in length but i cannot speak to the length of mr. smith's answers. It's a private joke, I'm sorry. What this ordinance would do if we pass this change on it would mandate that the next person who wants to run this kind of a shuttle operation between some kind of an he event and some fairly long-distance away shuttle location, basically an aerial taxi service, am i right? That's what we're talking about here.

>> Yes. if somebody else wants to run an aerial taxi service to fl or moto gp or acl or anything else will not be able to do that kind of thing through the temporary helistop of -- section of our code.

>> That's correct.

>> So what would they do -- if I wanted to do this, i don't, but if I did, how would I go about doing it?

>> You'd have to come in and apply for a permanent heliport location, which would go through the normal process of conditional use permit tied to the land use regulations. So it's just a matter of preparation. Because obviously that is a reasonably lengthy process to go through, and -- but that's the way it would be handled going forward. so if I'm in this business right now -- i know, my, for example, person who's applying for this particular permit is asking for a temporary permit. It's been granted because of the way the code has been written. You had to grant it, more or less. But if you wanted to continue using this place a year from now, you would have to come in under either -- either the code would be changed as part of the stakeholder process or else he'd come in having to ask for a permanent heliport stop at that location or find another location, right?

>> Yes, and actually in the approval of the ones that were done for ten days from now, have that in the conditions in there that these cannot be renewed, in other words, you can't use this location again on a temporary basis.

>> Spelman: right. So he's not out of business. He just has to find a new location, and he has to go through the conditional use permitting process.

>> Correct. seems to me that this -- my first reaction when I saw this ordinance -- I'm going to go over but it will just take a little over a minute. My first reaction is why are we pre-empting the stakeholder process by changing it now. Why don't we say we'd have the process and once we know what it looks like we can change the ordinance then. But sometime between now and march 31 we're going to have another event and somebody might reasonably think this kind of a shuttle, especially if it works well, at least in a pecuniary way for the fl sites, might want to do it for acl or something like that and put in another application and you'll be bound by whatever the restrictions are for temp heli ports you believe the next time around and we get around to changing it. It seems to me permanent heliport rights-of-way are better in many respects than the

temporary ones. So I'm swallowing my concern about getting a little ahead of the game because in this particular case we're not putting anybody out of business and what we're asking somebody to do is to look a little further ahead than they otherwise would, find a site which would qualify as an appropriate permanent site and get your license to do that, rather than try and deal with -- a temporary site. That's it. I do have one more question for you, jim. And that is, what are -- the requirements, other than the conditional use permit and the processing is a little bit longer and there's more paperwork that has to be done for a permanent site, but it's my understanding just through looking at the code that you can only deny a permit request, permanent or temporary, if the applicant -- if the proposed fiment presents a material hazard to public health or safety or fails to comply with faa advisory circular 150, et cetera. Basically it's too noisy. Am I right about that or is there more to it?

>> Well, things would surface -- assuming you go through the conditional use process, that's going to surface a variety of issues merely by going through the process, and those can be factored into the decision-making process ultimately in what you decide.

>> Spelman: okay. If you wanted to see whether or not a proposed permanent heli facility was consist consistent with permanent use requirements, would that require are showing of more factors than just public health or safety and noise? Is there more involved than that?

>> I would ask to ask guernsey to respond to that since he would be looking at the conditional use process.

>> Spelman: okay.

>> I'm greg guernsey, plan and development. If it came into conditional use, there would be a notice of filing, notice of commission meeting. It would go through a staff review, transportation department would be one of those, look at people coming to, people leaving that. Also take a look at those things that are on adjacent land uses that are nearby. The notice that would go out would go out to registered neighborhood organizations, property owners, utility customers within 500 feet. It would be appealable to this body if there was someone who was not happy with the decision of the planning commission. If it's not -- the planning commission, it could be the sonic and platting commission, which is the other commission, so you've -- zoning and platting, you've mentioned both zoning and platting and in the planning commission item, 52, that's on here. So yes, there's a great deal of input. That process may take as little as four months, could take up to six months, so yo talking about something that would happen right away. I mean, this is an involved process of going through and especially it would be on the longer he said if there is an appeal.

>> Spelman: okay. So if I wanted to put one of these things together for the next fl event and i believed that the council is unlikely to change the ordinance back if we made the change tonight, I'd need a permanent helistop. I would have to go through this four to six-month period and I probably ought to get started right away.

>> Probably start looking right away. looking for a site right away. I got one other question for you and then I'll stop. One of the benefits of the ordinance the way it's written, or the code the

way it's written, is that it's short, it's simple, and i know pretty much what's likely to happen. If I'm not presenting a material hazard and I'm complying with the noise regulations established by the faa, I'm going to get my temporary helistop. If we say yes to this ordinance, then we're entering into this very complicated and uncertain process where the standards are less well-defined. I'm looking for help.

>> The commission has more discretion to determine whether or not it would be accepted as a conditional use permit. It's not so black and white, yes, I would agree.

>> Spelman: okay.

>> There's also a staff recommendation that would be rendered and given to the commission, and that we would hear from possibly interested parties that could register on that application of what their feelings are and that would be transmitted to the commission and to staff before the commission would have their hearing. are the standards going -- are there clear standards -- regardless of how much discretion there may be as to the interpretation of them, are there clear standards associated with conditional use permits as they apply to this problem?

>> They would apply to all conditional use permits, not just -- it's just like we'd have a cocktail lounge typically requires conditional use permits. Large day cares require it. They all go through a very similar process and I don't know them off the top of my head, council member, but i could grab them and go through the book if you like. But you occasionally have some that are appealed to you that you do consider and then the city council actually steps in the shoes of the land use commission, whether it's zoning and platting or platting commission, and then makes that decision.

>> Spelman: okay. Well, I'm surprised to find that I am sufficiently concerned about this particular opportunity that I'm willing to require the fellow to go through -- people who want to do this in the future go through this rather arduous and uncertain process, without clear standards or at least standards that I know whether I'm going to know whether I meet it or not in advance. The new criteria for the temporary helistop facility seems to be painful for the people who are close buy by that it makes sense to do that.

>> I think the council has only seen helistops in the past associated with larger hospitals that we've had. South austin medical, david's are the ones that come to mind most recently. Some of our large tech firms also may have through the pud process, have helicopter pads that were made available to them as a permitted use for their facilities. thanks, agreeing. i think I remember the south austin hospital conditional use permit for that helipad out there, and even as a hospital treating people who are injured and dying, it was very difficult, it was like pulling teeth to get that conditional use permit. Okay. So there is a motion on the table. Any other comments? All in favor of the motion say aye.

>> Aye. opposed say no. No. Passes on a vote of 6-1. With me voting no.

[Applause] so now we'll go on to item 52, which is a resolution to create a stakeholder process to recommend amendments to the code. Council member morrison. could I ask, is there any question that we 51 on all three readings? i think I said all three readings.

>> Morrison: thank you. I just wanted to be sure. Move approval of 52. council member morrison moves approval, seconded by council member tovo. Any discussion? All in favor say aye.

>> Aye.

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

[Applause] go to item 54. Pulled by council member morrison. Do you have any comments before we go to speakers? Laura presley? Peggy maseo here? Peggy maseo? So you have three minutes. laura presley, small business owner, resident of allandale for the last four years and I'm also on the allandale neighborhood association as treasurer. I am speaking here as an individual. Portfolio I start speaking I'd like the lawyers on the dais. I think there's three, to advise the mayor on the first amendment, and that the word arrogant is allowed by the first amendment. So I think you guys need to give him a little coaching. All right. I'll continue. I am opposed to this interlock agreement between the texas facilities and the city of austin. There are several issues with it and I'm going to pick two of the most critical ones. If you look at the shared vision statement, it says it will maximize the taxpayers' investment. We're talking only dollars here. The shared vision between the city and the texas facilities is to maximize profit. How about maximizing our neighborhood plans? How about maximizing our neighborhood values? There's no mention of neighborhoods or neighborhood associations in this agreement, and I think that needs to be fixed. These developments, commercial and residential, should go through our city's regular land development and planning processes. Clear and simple. They should follow our rules. They should also adhere to our local ordinances such as adherence to our tree ordinances, our heritage tree ordinances. We need these -- we need this language explicitly in the agreement, and it needs to reference our allandale and our neighborhood property values are critical, that our lifestyle and culture need to be preserved. Please postpone this item and get -- we need time for the neighborhoods to put some input into this agreement. Thank you. sean eastman?

>> Mayor and council, first of all, I really appreciate all the efforts in everything you do. This is not easy work. I represent the bold creek road coalition qhs a group of seven neighborhood associations. I'm the president of bold creek association, and we are surrounding one of the parcels in this interlocal agreement. We think it's great to see the state and city working together, particular ri given the very diversion interests that are often at stake. We appreciate the efforts of the staff for the mayor pro tem and some of the other council members in making some changes to this agreement. But there's still? Work that needs to be done. Last night the bcrc passed a motion unanimously requesting this item be tabled for a number of reasons, but two of the major ones, accommodating public input. We think it's reasonable to expect that when city dollars are spent on studies that are going to result in prevented development scenarios, there is a clear opportunity for public input. That's not in this agreement right now. We also think it's very important that these studies be allowed to fulfill their purpose. We think there's a very important purpose. In fact, we've met with both texas facilities commission and city staff to talk about

getting this interlocal agreement done and making sure it happens. One of the purposes is to allow for the review of development proposal submitted through the pu 3 process. Our understanding is there's development proposals that are poised to move forward before even the consultants are hired to complete these studies. We think that would result in a waste of city resources, encourage you to amend this to deal with that issue. I appreciate your time and all your efforts. joseph reynolds.

>> Good evening, council, I'm joe reynolds. I live on 49th street. I'm here to speak to the proposed interlocal agreement between the city and the texas facilities commission. Austin has an open and public culture. Openness and public review are embedded in all areas of city code and procedure, which made us a model of governments. We have a series of boards and commissions to collect and utilize the wisdom of our citizens. They help insure fairness and the best course of action. The ila that you have before you has been conceived and constructed in darkness. It's purely a product of city staff and state staff. The ila has changed from its original purpose of a chance to coordinate between the two groups into a mechanism for circumventing public planning and process. The current version of the ila has many deficiencies. It has unaccounted off budget costs. The ila calls for the city to fully support projects but would include studies, utilities and transportation. By having the state select the projects in the ila, it bypasses the city's strategic plan. It calls for a private decision process and effectively preapproves projects without review. These are just some of the items that are wrong with it. Without public input the ila will likely need revisions, but changing and revising later will be very difficult. The resolution should be postponed to allow public review. The boards and commissions should have a review and comment. The city manager should be given guidance in negotiations for the contract based on the oversight points revealed in that review. In summary, postponement today will support austin's open culture adopting today will exhibit disregard and violation of the open public culture. Thank you.

[One moment, please, for] ecl)

>> and there was an effort, and thank you, mayor pro tem cole to try to deal with some of the problems in the contract but, again, it was not enough time for us to get all of this done, but this needs a public vetting. This is a major contract. It affects thousands of families and neighborhoods. There are millions of dollars involved in the development of these and i want to say right off the bat, I am part of the barton creek neighborhood coalition, and we are not opposed to development. We just want good development and we want the state to be a good neighbor. And I think by getting this contract right, and I know it will take a lot of delicate negotiation, i think we can get there. You need to understand among other things that we are in a transition time in which the legislature is relooking at this brand new piece of legislation, this piece of legislation. They are relooking at the duties of who does what and the conflicts, for example, between the general land office and the facilities commission and so there are going to be changes going on and I don't think you need to rush into this. I really don't. Lastly, I just want to point out that I do believe that the city is in a better negotiating position than they think. I think we can come up with a contract that's more workable and that gives you more voice, and I want my elected officials to have a voice. That's very important to me. And we want the kind of city that, you know, I think we all agree upon. So, please, give us time to do this and postpone this. Thank you.

>> Mayor pro tem, I have a quick question.

>> Mayor leffingwell: Council member spelman.

>> Spelman: Hey there, sorry. There are two schools of thought as to how we should handle this today. One of them -- there are probably more than that, but two I have been hearing from, are that we could postpone action on the item for a month. The alternative is that we could authorize the city manager to negotiate further but not to execute an agreement, meaning don't make anything final, continue negotiations, and i would -- I think I would prefer negotiate but not execute, just to keep the ball rolling.

>> I hear you. I think he needs some direction. He needs to know what you want negotiated. And that was one thing that struck me in the resolution is that he was given no direction and I think that will help all of us, if we can agree on some principles that need to be negotiated. Yes. I don't have a problem with that. I don't have a problem with us having an agreement.

>> Spelman: Yeah. It just has to be the right agreement. It is not quite there yet.

>> That's right. And the city has to have a reasonable role.

>> Spelman: Thank you, ma'am.

>> You bet.

>> Martinez: Mayor.

>> Mayor leffingwell: Council member martinez.

>> Martinez: One of the things and I appreciate council member spelman suggesting this because i think I might be able to get there, in the ila it actually identifies the areas around the city we are talking about. One of the things we can do if we decide to authorize negotiation but not execution, it would have to come back to council, and the earliest it can come back is a month from now, december 6, is to give further direction to meet with the neighborhood contact teams and/or the neighborhood associations that surround those properties as part of this stakeholder process and the negotiations that take place over the next month. So that would give you all some direct influence in terms of what the ila actually looks like.

>> That would be great.

>> Martinez: Thank you.

>> We would support that. donna beth mccormmick. Welcome. You have three minutes.

>> I will be very short. Donna beth mccormmick, allendale neighborhood. I am talking on bullet points. There has been no public input or hearing about this. There is absolutely no rush to do this now. And the texas facilities commission is up for a sunset review and we have no idea what

is going to happen because we've got a new legislature coming in, so i recommend postponement for this until all of the factions are resolved and maybe solved, at least not, some kind of resolvment and that we have some involvement from the travis county delegation, travis county delegation really didn't change this time, but they have not been involved with this, but the legislature did change and they will be involved, so i highly recommend that we postpone this until we learn a little bit more. About what's going on.

>> Mayor.

>> Thank you. mayor pro tem.

>> Cole: mccormick, i wanted to address a couple of things that you have just mentioned. I have been in contact with most of the travis county delegation and some of them were aware of this and some were not but I will make an amendment to this resolution saying that we will continue negotiations but not execute until december 6th, just that we have discussed and one of the main reasons for that is to make sure we get not only the neighborhood input, but all of their -

>> because we haven't had any public hearing or no -- there has been some discussion but there has been no public hearings or anything. I mean discussion within the neighborhood groups and there is several neighborhoods involved and each neighborhood has like three people on the task force. So I know we have three from allandale that are on the task force.

>> Cole: I just wanted you to know that --

>> yes, so I think that we need to slow down a little bit. There is not a big rush. Thanks.

>> Cole: Thank you.

>> Mayor leffingwell: Leslie pool. Robert mcdoogle here? Okay. You have three minutes.

>> I am leslie pool. I am here to request that you postpone action on this item like the other speakers before me, inking the agreement means unknown but surely large and lasting ramifications. The texas facilities commission is pushing for a quick decision and except for some alert folks who saw this agenda item, there would have been no public input to this point. We are not even sure that tfc, frankly, is the proper agency to carry this respond. In the past the general land office has managed negotiations in development like the triangle and central market. Those processes included significant stakeholder input and the results were all the better for it. Tfc has no experience with such complex matters. Their primary role with the state is to maintain state office buildings, not to oversee complicated commercial development. A number of us are here tonight as you know to request delay in moving forward and as mayor pro tem mentioned, some members of the travis county delegation were aware of this, some of them were not. They have a more direct oversight with the state agencies involved and like in who may be listening in tonight, folks are only just now hearing about it based on reports in the media, and that -- that usually is not a good sign for public process. So as a member of the bull creek road coalition and member of rosedale i respectfully request council to delay going forward on the resolution, allow

sufficient time and information for city boards and commissions to review and comment on the issue with the Texas Facilities Commission or whatever agency may, in fact, in the end have the oversight for this, provide adequate time and notice for the public to have input on the issue and craft clear negotiation goals for this interlocal understanding that what goes forward with this negotiation will affect all future city/state involvement on all state-owned lands, properties in the city of Austin. We believe good design happens through good process. We'd like to see good process in place here. Thanks.

>> Tovo: Mayor.

>> Mayor Leffingwell: Council member Tovo.

>> Tovo: Pool, I wonder if you can comment on the question that Council member Spelman asked a previous speaker. I think what I hear you arguing for is a postponement tonight, not -- not authorization -- or not a vote to authorize the city manager to go forward and negotiate and come back for implementation but I just wanted to run that by you and get a clear sense.

>> You are reading that correctly, Council member Tovo. Yes. We don't oppose development there. We want it to be the right kind of development, and we want it to proceed in the Austin -- the fashion. I think it would be fine for negotiation goals to be discussed, but nothing should take place, and I think that's where the stakeholders' input would be key and we stand ready to help with that.

>> Tovo: And so, again, just to clarify, you would like to see that dialogue about what those negotiation goals happen before the council votes to go ahead and negotiate and bring a contract in.

>> I think that's correct. I don't know how you can proceed with a negotiation if you don't have clear direction on what the goals for that negotiation would be.

>> Tovo: And so that speaks to a postponement rather than negotiate/implement?

>> That's correct.

>> Tovo: Okay. Thank you.

>> Mayor Leffingwell: Carrie Arnold. Carrie Arnold not here. Steven Alamon. Last speaker and you are the only speaker signed up in favor of this.

>> Six minutes, Mayor.

[Laughter]

>> Okay. I am Steven Alamon now the immediate past president of the city neighborhoods council and Mayor, Council members I have a brief comment on another topic, but before I get to that, let me echo generally what has been said about ensuring neighborhood input, getting a good

public process in place. I do believe, like some of the speakers have said, an agreement is necessary. I think it's tremendous opportunity. It is about maximizing that opportunity for this city. The area that I wanted to link this topic to is the recent work of the affordable housing siting working group where I was a stakeholder/representative on behalf of austin neighborhoods council, while the working group is still spending before the community development attention, I wish to bring to your attention one of the recommendations that I think ties this all together. In the area of strategic acquisition, use and disposition of public land, the working group reached consensus on a recommendation to promote city partnerships with public entities, including the state of texas, to identify areas for achieving affordable housing. I would like to respectfully request that under this resolution and the agreement the city manager as in other areas be given direction for the opportunity to pursue affordable housing that might be part of any mixed use development or whatever is contemplated under this agreement. I think this is particularly important in terms of promoting and pushing affordable housing where it's feasible, where it's practical, where it's sensible, especially in light of what just happened earlier this week, with the defeat of the affordable housing bond proposition. So again, the text of the working group recommendation is not very lengthy. We would be happy to provide it to you but in short i think this is a tremendous opportunity to also work in that goal as well as further the interest of all austinites. Thank you.

>> Mayor leffingwell: okay. That's all of the speakers i have signed up that want to speak. So entertain a motion on this item. Mayor pro tem.

>> Cole: Ever since I've lived in austin over the past 30 years, whenever the state of texas has embarked on a redevelopment process, it has been brought with citizen and city input, challenges and discord. This resolution is designed to put a bookmark on that history and open a new chapter of how we do business with the state in its redevelopment properties in austin, and a new chapter of collaboration, where there is respect for neighborhood values, as it has been discussed, and we also respect sovereignty and we meet in the middle but there is a mutual understanding of our design principles and values. Back in november 2010, the city council passed a resolution that had to do with the capital complex master planning efforts. The basic premise of that original resolution at the state's process would be better if we were at the table during that whole process. If appropriated funds, and we asked the city manager to negotiate and execute an interlocal, that interlocal in connection with a capital complex has never occurred. In the 2011 legislature, senate bill 1048 was passed. Which basically governs public/private partnerships and allows for unsolicited proposals on state-owned property and made provisions for working with local jurisdictions. In late 2011, the city of austin passed a downtown plan and in 2012, we passed the imagine austin comprehensive plan, which we are up to date on but it documents extensive public input and lays out a long-term vision for the city. Since the time of that first resolution, the state of texas and the facilities commission has also expanded the scope of their efforts in central texas, and they are a significant landowner, despite that said, millions of dollars. And in that type of -- that type of development can make needs that we have as a city more realistic, especially hugely, like transportation and health and human services, so it's important that we get it right and we come to the table with that understanding. Other departments within the state have asked the texas facilities commission to use them as a mechanism for partnerships because they want their properties to be maximized. This is the reason we are engaging with the texas facilities commission because they have been asked to do this and authorized to do it, but it

does not limit us from working with the general land office or any other agency if they choose to work with the city, but that's simply not the ball in play right now. The Texas Facilities Commission is really at the beginning of a long effort that will have a significant impact and a significant impact on the neighborhoods and I recognize that. And all of these discussions do not preclude going through our normal process if we are involved in creating an interlocal agreement. This is not the final document. This is just the beginning of the process. So I am going to pause there and ask Andre Dukes to come down from the Texas Facilities Commission. Andre, will you come down a second. I want to ask you a couple of questions.

>> Mayor, Mayor pro tem, Council. Drain Dukes, the real estate portfolio manager for the Texas Facilities Commission.

>> Andre, can you briefly lay out what this -- what is your process for potential redevelopment of the state-owned lands that are mentioned in the agreement?

>> All right. Before I can answer it, I need to kind of back up and give you some history as to how we have gotten here and there is a larger overriding principle for why we are engaging in the efforts we are in now. We are undertaking efforts that were kind of unfunded mandates and mandates that were not acted upon since the 1950s, with any of the properties that are in consideration -- many of the properties today have been in the state's possession and the capital complex 1941-56 were planned for acquisition and not acquired until the mid '60s and '70s with the intent of placing them as place holders for future government. That came with a set of challenges. The legislature at the time same time issued a mandate to move state government out of leased space in favor of owned space. The challenge always has been receiving appropriations to get that done. Absent appropriations our portfolio has ballooned exponentially, and it's a cost that we can't control, and since my tenure began with the Facilities Commission we looked at outside boxed approach to properly manage the state's land, to maintain it, hold it, develop it, generate income from it, return the taxpayers' investment and at the same time achieve the mandates we were given since 1950s and bring state agencies into owned space in the capital complex as well as north Austin complex. And at present, the only way we can do this is by developing the assets that it has. We are doing this because we prefer not to burden the taxpayer. We have adequate resources now that are in ideal locations that have significant value that has not been leveraged and we can extract while maintaining these assets and providing public benefit. What I would like to mention is the capital area development strategy as termed is not intended to create time plans. We are looking at the development potential with the appropriate densities and the appropriate uses for those sites. We are educating our state leadership as to what's at stake what benefits could be joined from these properties and what tax benefits and how to utilize public/private partnerships for these properties to achieve the mandates we have had on the books since the '50s. The question about process, if I understand it correctly, you are asking about how the private/public partnership process works?

>> Cole: Well, the neighborhoods were concerned about a number of items -- the neighbors were concerned about a number of items and I want and to be clear that the interlocal agreement contemplates that you guys will work with us to be consistent with the Imagine Austin plan. And I wanted you to verify that.

>> Correct. To the great extent possible, we will -- to the greatest extent possible we will incorporate the city of austin plans into what the state's plans are. I would say this. The state, the city, the state citizens across the state, neighborhood groups all share the common goal of quality urban design bause the state is interested in developing its properties to achieve the maximum benefit for the taxpayers. The highest quality urban design accomplishes that goal. If we approve inferior development, the state's value suffers. It's not what we want. We share the same vision with the citizens that are in this room in the neighborhood. Again, this is the first step of understanding what all of that means. Every city plan since the 1950s is has kind of avenue -- has kind of avoided many of these properties because at that point it was probably perceived the state wasn't interested in considering developing those properties. We are taking the first step to get an understanding of what the potential is. So, yes, we share the common goal and we will, to the greatest extent possible incorporate the city's plans into the state's plans.

>> Cole: The study we are currently contemplating, is that the final plan? That's what I mean by process. I think there is a lot of confusion on where we are in the process of development.

>> Okay. This isn't a plan. It's a study. Again, we want to understand the development potential, the capacity, what impacts to utility infrastructure, what occur if these types of properties were developed. We are trying to forecast and predict that, not just the revenue that would come out of it but any capital improvements that would be necessary to support and facilitate those developments. Again, it is to understand the range of developments that can occur so we can gauge any polls we receive against that. It is almost a benchmark. It is not designed to preclude future planning because all of the property in the state's possession could not absorb the market if it were put in play now. We want to understand, you know, what's -- what could occur in the next five years, in the text ten years, in the next 15 years.

>> Cole: So we are going do analysis and projections?

>> Right.

>> Cole: I think part of the community's concern because of what our history has been, is more focused on a specific project. And whether a specific project, if it has been approved by the state, what incidents do the city and local citizens have to impact that project?

>> Absolutely. Our commission operates pursuant to the open meetings act. We hold public hearings just as the city council does. There is an oversight committee as part of the p3 act, partnership advisory commission with various members appointed by the governor and governor speaker and the house appropriations and senate finance. They operate in open meeting. No plan at this point has been -- I am sorry, no proposal has been approved. We are on conceptual phase of one of them but the time we move to detailed evaluations, the statute requires to submit the proposal to the city and the county who all have an opportunity to comment and the public has an opportunity to review and comment throughout that process and weigh in as promoters is being reviewed -- the proposal is being reviewed by the city and we will take that into consideration. And that's chapter 2267, the facilities and infrastructure act.

>> Cole: Okay. Thank you, andre. I would like to move approval, mayor, with one amendment to the resolution, and that is to change the language in the be it resolved clause so the city manager is directed to negotiate and bring back to council on december 6th for execution an interlocal agreement.

>> Mayor leffingwell: Motion by mayor pro tem cole to approve item number, excuse me -- I am looking at the wrong one here. Approve item 54 with the change of negotiate and not execute, execute to be brought back for execution approval on december 6th. There is a second by council member spelman. Further discussion? Council member martinez?

>> Martinez: I will just say that, you know, I will support this with the amendment. I was planning to vote against this because I -- and not for any specific reason other than I am just not certain as to what the interlocal does and does not do in terms of the zoning process that we traditionally employ. I heard andre's responses and I appreciate that. Thank you for coming down here. But I will just say that i am voting in favor of this on the negotiation point with the caveat that I may not vote for it on december 6th if we can't get this worked out. When I have state representatives calling me, saying, you know, we kind of have some things going on here at the state and it's really a purview of the legislature to work out these issues, I have to honor that in some form or fashion because I would hope that he would do the same thing if I were to call him and say, you know, this is really -- this is a city issue. We think we can work it out. Can you give us time to work it out before the legislature imposes something on us. And we kind of do that frequently with other entities, so I want to honor that. I spoke with representative rodriguez. He is concerned, but he is okay with us moving as long as he gets a better understanding, so I will not only look forward to gaining a better understanding myself, as long as -- as well as him, but I will add the directive that I talked about earlier in that the neighborhoods, the contact teams and the negotiations be a part of this process over the next month before it comes back to the council on december 6th. With all of that, I will support the motion. any other comments? Council member morrison.

>> Morrison: I am pretty torn about this because i had contact with three of our legislators this morning, two of them hadn't heard anything about it. One of them learned about it from the newspaper. Too, I got their take on it, just from the description i had was that it was premature, so I am really concerned about -- I mean, i understand that maybe taking half a step today is some way to keep the ball rolling, because I am fully on board for finding the right framework for us to have a positive collaborative relationship with all of the work that is going on with the state. And I appreciate mayor pro tem and the others for raising the issue. But what I am not -- with still some unanswered questions, but also bringing up the issue that I would -- I feel like it's important that we have some basic discussions with our travis county legislators to set the direction and to set the framework for what our interlocals should look like, and I am really concerned about asking staff to move forward with negotiating because we've already gone down this path, and I think it's really important that we have some of those questions answered so we can -- and discussions with our legislators so we can figure out -- make sure we are all integrated with the same goals, because this is within the context of what is going on at the capitol and I don't -- i want to not take advantage, but I want to respect and leverage the great work that folks that we have up at the capitol, so what I am not going to be able to support is to negotiate -- to even negotiate. What I could support would be to postpone it until, excuse me, december, but to

ask that in that month we do some work with our legislators to -- so that all of us can get comfortable with the context. I don't feel like I have a comfort, and to get their advice about what the framework and the construct should be as opposed to, let's just go off with this one and see if we can make it work, so -- so I won't be able to support this.

>> Mayor leffingwell: Council member tovo.

>> Tovo: Well, let me just ask. You know, I think -- given the range of comments I have heard, it seems to me it is not terribly far apart. I think -- I will just say i think -- I would like to see some changes in this document. I would like to see more conversation with the bull creek -- I am struggling with the name at this hour, bull creek road coalition and others who have been involved with our travis county delegation and i don't know there is a huge difference between voting to negotiate the interlocal and just postponing and having it come back for a decision and so I guess I would ask the maker of the motion to consider postponing it this evening so that we don't -- so that we have a -- I think we all -- we will all just, speaking for myself, I think there is a great deal of value in it and I would like to see the process continue to move forward but I do want to send a message to those who are having that conversation, that there is work to be done on the document and that that is a conversation that needs to happen in terms of some of the framework that's part of that document and I am not sure negotiating -- sending -- voting on a directive to negotiate the interlocal sends quite the right message. To me that means you are kind of -- mayor pro tem's motion is to -- as she stated, in order to do what she asked, she would have to withdraw her motion.

>> Cole: I will continue with my motion, that we negotiate and execute on december the sixth and i think that provides adequate time for the stakeholders and any city council members to contact any members of the legislature or review with them. I talked with most of them, and they are very much wanting us to proceed in a collaborative manner and to put the -- our history behind us and be involved in the process, but this kind of recognizes and appreciates the work that has been going on to bring us this far for the past two years, and to simply throw that out the window and say postpone, I would not want to do, so I want to continue to say negotiate and execute on the sixth. all in favor of the motion say aye. Aye.

>> Tovo: Can I just make one more comment?

>> Mayor leffingwell: Council member tovo.

>> Tovo: Thanks. I will say I am going to echo, then, my colleague council member martinez comment that I will support this tonight, to honor the process of moving forward but I really do, you know, i just want to comment that i may need to make a different decision down the road.

>> Cole: We know you never do that. Thank you.

>> Tovo: I am very -- all in favor of the motion say aye. Aye. Opposed say no. Passes on a vote of 6-1. Council member morrison voting no. Brings us to item 84.

>> Thank you mayor and council, item number 84, case c14-2012-0106. This is a rezoning case, property located at 300 east fifth street. It's to zone the property from central business district for cbd zoning for central urban redistrict or cbd cure zoning, the planning commission's recommendation was to grant the request for this property that's 41-acres in size. The proposal that's under consideration is to redevelop this tract of land that's currently a service parking lot and develop it with a hotel and the proposal under the cure modification is to increase the floor to air ratio 13-1 to allow off street loading facilities and trash receptacles to be located and loaded and unloaded from the alley to modify the minimum parking requirements to 105 spaces and I believe we were emailed another additional change in regards to loading associated with the property. It was recommended to by the staff and unanimously recommended to you by the planning commission on a vote of 9-0. At this point I will pause. If you have any questions. rustoven has the letter, I believe, that I referenced today.

>> Mayor and council, the additional request to be added here would be to modify the number and size of off street loading requirements to one 10 by 40-foot space, this is modification to 20-6, 592f, the staff recommends it to what the applicants agreed to we will add provision of the restricted covenant that the deliveries will be scheduled like we have done on other downtown hotels.

>> Mayor leffingwell: Questions for staff? Council member morrison.

>> Morrison: I have questions for staff. This might be for, I am not sure which one of those. Can you tell us when we approved the downtown plan? How long ago that was?

>> Guernsey: Oh, not off the top of my head, but --

>> Morrison: Would it have been august of 2011?

>> Guernsey: It was 2011 in the fall but I couldn't -- i couldn't tell you off the top of my head.

>> Morrison: A big chunk of time ago.

>> Guernsey: Yes.

>> Morrison: What is the plan for getting the code implemented.

>> Guernsey: We are working on that and I think it's coming to you in the fall -- not fall, the spring coming up, so I think that's when.

>> Morrison: Okay. Thank you. we have a presentation from the applicant. You have five minutes.

>> Members of the council, my name is richard settle. On here of white lodging, the applicant in this case. White lodging has this property under contract and what they would like to do is build another downtown hotel of approximately 310 rooms, along with a rooftop covered outdoor how long area that would be actually open to the public. The plan, if you are interested in going

through them, would show an elevator would actually access that without having to go into the hotel. You could actually be walking down San Jacinto and decide to go up and have a drink or whatever and go upstairs and end don't I the rooftop lounge, in order to fit the hotel on this lot and this lot is kind of an undeveloped surface parking lot right now, my client has determined that they need 8 floor to area ratio. We filed for 13 because that's easier in the zoning category but it is actually 12.8 is what we need. In addition to that, we would like relief on a certain number of parking spaces that Jerry described, the ability to use the alley for the service operation and then we have a friendly disagreement on the number of loading docks that are required and just to clarify that, we submitted a letter today asking for one instead of the two, which I think with what has happened in .. All of these items are appropriate for cure zoning and that's the process we are in today. We, as part of the cure zoning process, we voluntarily went to downtown commission and design commission as well as we of course went through the staff review, secured a positive staff recommendation and then a unanimous planning commission recommendation for the cure zoning as proposed. While there is no regulatory plan approved as part of the downtown neighborhood plan that is still in the process, we have asked when that has come along. It's going to be several months before that is available to us and so we are -- we tried to meet the downtown plan and we are meeting the gatekeeper requirements to go from the 8 to the 12 and hopefully 8 floor to area ratio and those gatekeeper requirements are we are in the downtown area, we are doing great streets, we are a two star green building which is one of the amendments to the downtown plan and we are meeting the design standards. I guess the question is how can we be so bold to come through cure process for a hotel than using any other process that is available to us? The first thing is the things we are asking for are all appropriate for the cure process process. In addition to that, hotels are a unique use in our downtown fabric. They provide activity and vibrancy downtown and the visitors go downtown and provide patrons to downtown businesses, especially businesses and they are different from office buildings and other uses they might have in that they generate sales tax, bed tax, and that's in addition to the property tax, and the bed tax of course as you know funds our cultural resources and also they are very unique in the revenue that they generate. So tonight we are here asking for approval, first reading only because we don't have the restricted covenant requiring the great street executed yet. There is many, many owners of this piece of property that we have contract with. We are asking first reading tonight of approval limited to, if the council so chose, limited to the unique use of 8 is it 8 is really all we need. That's what we are asking for tonight. I will be happy to answer any questions that you might have. And close.

>> Mayor Leffingwell: Questions?

>> We have not had anybody speak at any of our hearings. no speakers.

>> No speakers tonight, too, so we are lucky again.

>> Mayor Leffingwell: okay. Council member Tovo.

>> Tovo: settle, as you know, we have had some pretty involved discussions about cure and its use on the council. You all had those discussions before I got here and I certainly have been involved with them since I took office. So it's of concern to me that you are using cure but not going through all of the downtown plan mechanisms and I understand that we don't have a

regulating plan yet. I think it's great that you are complying with the gate keeper requirements. Will you be complying with the next level of downtown plans/guidelines?

>> Well, if the regulating plan was in place, then we would have to make the decision, do we pay the extra for the extra zone. What that means in this project is 24 more rooms. Without a regulatory plan, there is no place -- if you wanted to, there is no place, under the code to go pay your money. Right now, the way the process works, if you wanted to pay for your zoning, you have to find another entity to go pay, make sure that entity says, yes, you have been paid and come back here and we say we have met the downtown plan. Until the regulatory plan is in place, there is really no clean and crisp way to do it. So --

>> Tovo: Well, I think probably city legal would want me to point out that we don't pay for zoning around here.

>> I would think they would say that and say please don't do that.

>> Tovo: Yes, I mean -- for anybody who is listening, there are gate keeper requirements spelled out for density, bonuses in the downtown plan and there is the next level of community benefit and you do have the benefit of the option of contributing towards affordable housing. Is that what you were referring to?

>> Correct. There is the affordable housing or other community benefits to which some people have alluded to in zoning cases and they usually end up being a payment for zoning to another entity or something. However, the last two hotels that the council has approved, they -- I don't know the process behind the legislature process but at least the last hotel you approved, I don't think there was neighborhood groups community benefit or affordable housing paid.

>> Tovo: I believe the hotel cure -- the cure zoning for the hotels, at least, a couple of them were briar to the adoption of the downtown plan. That's my memory of the downtown cure, cases that have come through as hotels. So --

>> I am not certain of the last one, but maybe so. I will look into it.

>> Tovo: Yes, maybe. Okay. Well, thank you. any other comments, questions? Council member morrison.

>> Morrison: Yes. I just want to concur with my colleague, council member tovo, because I think that, you know, it has been a long haul talking about how to make appropriate -- put appropriate standards in place and then we are left a year and a half later, after we have adopted something, and we still don't have them, it gets to be very frustrating, obviously, but in terms discretion, our december -- our discretionary powers -- for myself, I feel like we -- i am very comfortable with the tradeoffs that were made in the downtown plan and what we came to in that and the concepts. And so I use that as a guide and I know that you are very close to meeting those and as you reflected, you are meeting the gatekeeper requirements and that's a good thing. But I am going to be a lot more comfortable if -- if it -- if the plan and the zoning application eventually somehow matches and meets the downtown plan standards because those are the ones

that I have to be going by now. And I do think that it's important to realize, -- i understand your point about hotels and the shift that you went to of saying, you know, -- reminding us all that hotels are -- bring us hotel bed tax and things like that, above and beyond what offices and residential bring, and, in fact, when we first did our interim bonus plan, we had waived any requirement for hotels, but now that we have done the data plan and we did the economic analysis with that, we have some good foundation to understand that, for hotels to participate in the bonus of that makes sense, also. So I guess I will say that i know we need to move this along and I know you are working on it, so I just like -- so I will support this for first reading, because it's still in works, but I really do feel like, for me, it's important to be using those standards and obviously they are not in the regulations yet, so there is still some room to move around, and I do believe there is another applicant that's trying to basically mimic with the hotel the downtown plan and so we can certainly get them in touch with you if you need some help with some mechanisms. They might have some ideas.

>> That would be great.

>> Morrison: Thanks. any other comments? Is there a motion on this item?

>> Spelman: Approval first reading.

>> Mayor leffingwell: Council member spelman moves to close public hearing and approve first reading. Second by mayor pro tem cole. Any further comments?

>> Spelman: Only one mayor.

>> Mayor leffingwell: Council member spelman.

>> Spelman: I would like to add the comments to council member tovo and morrison is direction to staff to determine what, if anything, what would be necessary to have the group -- the applicant to comply fully with the changes in the cure requirement that we made during the downtown plan.

>> Tovo: Mayor.

>> Mayor leffingwell: Council member tovo. I am not sure I understood that direction. You are saying that they are to provide information or to include that in -- in the ordinance for second reading?

>> Spelman: It was my understanding, mayor, that primary concern the applicant had is that our requirements are not clean and crisp enough. So I guess my suggestion is that our staff find a way of making this clean and crisp and very specific as to what would be necessary for them to comply. Informational.

>> Mayor leffingwell: Council member tovo.

>> Tovo: Thank you, council member spelman, for providing that information. I won't be able to support this today, but I look forward to the possibility of supporting it in the future if it complies with our downtown plan. so motion is from first reading only, with direction from council member spelman. I will just say that from my perspective, the -- we have never addressed the density bonus on the air basis or anything else for hotels for the reasons we've talked about. Hotels are a little bit different. If it were an office building or even condominiums, it would be a bit different. There would be some kind of density bonus or yearly benefit derived from extra far, et cetera, but in the case of the hotels, they generate other sources of income as well, and then there is the additional sort of obscure point that I have tried to raise in the past, admittedly without much success, that it seems we're here in the business of penalizing people, requiring additional concessions of people for doing what we really want them to do, which is to increase density in the downtown area in the central business district. So I have a little bit hard time reconciling that dichotomy, so I will be interested to see what comes back on second reading, but I am not well disposed as -- as I view it, imposing a penalty for increased density in the central district for them.

>> Tovo: Mayor.

>> Mayor leffingwell: Council member tovo.

>> Tovo: Well, it's -- this is all sounding very familiar, I think we had this --

>> mayor leffingwell: yes.

>> Tovo: A very similar discussion. this is repetitious.

[Laughter]

>> Tovo: During consideration of the downtown plan and I just want to point out that we are, by no means, penalizing density in the downtown but what we do have in our downtown plan are in density bonus, density bonuses built in as incentives, and i think it's appropriate if we are looking at rezonings where a property is increasing its entitlement, that there be a consideration of city benefits that accrue to the city, so I think -- again, i know we have had this conversation and I think we clearly disagree but I -- around I also want to just be clear that our downtown plan does, does include commercial property within the density bonus program. That is the difference -- i don't want to belabor the point but I will say this. If someone wants to build something in the downtown area, before they go above 12-1, they've got to make that decision. If I go above 12-1, then i am going to -- it's -- there are going to be different cost factors introduced. And you can easily see how someone, can say, well, i really would like to go 13-1 or 14-1 or 20-1, but I am just not going to do it because of the additional cost of doing that and additional cost of going through that 12 -- above that 12-1 is too great. It's not worth it. So -- council member morrison.

>> Morrison: I wish that the downtown density bonus plan was stronger but I know that we came to something that we could all live -- that we are going to live with and so I just want to make sure that that's reflected here, that, you know, there is varying degrees of support one way or another for -- or wishes of how it could change, but I do -- I do think that I may have heard

something that I want to get clarified one way or another. Hotels in our downtown plan, how do they compare to, say, other commercial properties in terms of participating in bonus -- in the density bonus? Because I believe they were exempted from the first -- from the interim, but they are included, like other commercial properties, in the downtown plan because we did the economic study and it shows that that was reasonable.

>> Gary russell. Yes, hotels rib colluded in the proposed density plan.

>> Morrison: Like commercial.

>> Yes.

>> Morrison: Thank you. i know they are, council member. I just don't think they should be.

>> Morrison: Oh, okay. I misunderstood because it sounded like you were saying they were not. no, i just said I didn't think they should be. All those in favor, say " aye. Opposed say no. Passes on a vote of -- on first reading only on a vote of 6-1 with council member tovo voting no. Number 72.

>> Guernsey: Thank you, 72 is consideration of second reading for zoning case c14-2012-0063. This is a property located at 4700 west gate boulevard and 4701 sunset trail. This is the citizen life -- christian life austin church devon wood is to ask for a second chance to a second driveway to wind swept cove. This is a cul-de-sac that is located along if northern boundary. In your backup, I think there is some additional photographs and I know that wood would like to ask your indulgence on that and would like to speak directly about this for your consideration one more time. It was originally on first reading. The access was prohibited at wind swept cove and that, i think, I will pause. As you recall, this case was approved for first reading for goco. There is already access limitations from the existing sfs2co, you see on the trail, but the sf2 track immediately to the north would have driveway access. There are two existing access driveways off of west gate boulevard to the existing church, which is also part of the rezoning and as you can see on the aerial photo, it is the larger building that fronts right on west gate. There is a one way in and a one way drive out. And as he spoke to you last time, he was willing to condition access to wind swept only to those hours when the church was holding their -- their services, or a special event. I will pause if you have any questions. Mr. devon wood is here. the public hearing is closed.

>> Guernsey: The public hearing is closed. but i wood if he would like to explain to us the justification for reconsidering that particular restriction. In three minutes or less.

>> Mayor and council members, I appreciate your time considering this, i think I gave all of you some brochures on this. We have had several accidents in front of the church trying to get in and leave, and we are -- and we have several officers every week helping to control the traffic. If we had a quicker exit, like out at wind swept cove and sunset trail and west gate, we would not hinder the traffic or the neighbors as much. We will be glad to put up gates when we are not having services to keep, you know, traffic from coming through there all the time because we have neighborhood children that always plays on our property.

>> Spelman: Mayor.

>> Mayor leffingwell: Council member spelman.

>> Spelman: Sir, the -- guernsey had a picture up a moment ago of an aerial shot of your church. I wondered if you could point out for me -- let's kind of back up again -- where your current entrance and exit points are.

>> Beside the church, on the north side, we go in. On the south side, we come out.

>> Spelman: So you've already got a separate entrance and exit. They are on opposite sides of the church right now.

>> Yes, sir.

>> Spelman: What is the benefit of having another entrance in a different location? What is the difference?

>> Like we have them -- sometimes, the pictures i did take last week was, you know, I went out at the wrong time. We've had them as far as the china buffet stacked up, trying to turn right. We've had them past the west gate cinema road lined up in the turning lane to come across. We've had traffic down to sunset trail trying to get in -- taking a left into the church.

>> Spelman: How would that be improved if you had --

>> several entrances and several exits.

>> Spelman: You are talking about more than just one, one more entrance?

>> Yes, sir, it would help us out and keep the neighborhood safer.

>> Spelman: Do you have any room to widen the entrances and exits you've got, so you have double lane entrances and exits?

>> Sir?

>> Spelman: Do you have enough room on the north and south side of the church so you can have two lanes of entrance and two lanes of exit? It is only a one-lane entrance and exit right now. Is that correct?

>> No, we don't have room to do two way on each side.

>> Spelman: So you only have one lane in and one lane out?

>> Yes, sir.

>> Spelman: And what you are really talking about is more lanes to accommodate the cars you've got.

>> Yes, sir.

>> Spelman: How many people do you have on an average sunday?

>> 1800 To 2,000.

>> Spelman: One lane, that could be -- I could see where there could be a backup.

>> We have quite a few -- we have two services now. We have had to go to three services now.

>> Spelman: Thank you. any other comments? Is there a motion? Council member spelman.

>> Spelman: I feel a need to help you with this, and I am not sure I can do this. I put forward a motion I put forward a few weeks ago to give you entrance on wind swept cove that would meet the same result we did last time which would be turned down flat. Is there anyplace on wind wind cove to take people in and out. Would sunset trail be help offul?

>> We have them coming at fort hood. We have a lot coming down 360 to accept and a lot coming from marble falls, that area, so we want to use this sunset trail and we -- and use -- and then we have several austin people that come down western trails to access the church entrance. We need it -- that's all i can say.

>> Spelman: All right. If sunset trail were open, you could have some people come in and out on sunset trail?

>> Yes, sir, but we would -- we are scared -- we are working with the school that is next to us. They are buying property. They are giving us -- we are trading property with each other. We don't want to take a chance of putting them down sunset -- I mean, sunset trail to jones road.

[One moment, please, for change in captioners]

>> we appreciate you listening to us. as I announced my belief that that would probably do you some good and would probably be a good public policy decision but i went down last time so I'll wait for somebody else to take it back up again if they feel it would be a valuable thing to do. Thank you, sir.

>> Council member morrison? I'll make a motion but first I want to thank the gentleman for being so kind and pleasant in the face of where it looks like you're not going to have your request satisfied, so I really appreciate your sitting so patiently and being so kind about it, but I do feel like opening it up to wind swept cove is just too invasive for folks who live there so I want to make a motion we approve the item -- are we on second?

>> Mayor leffingwell: second. to second and third -- just second, the motion that we approve -- same motion as we approved on first reading that excludes any access on to wind swept. motion by council member morrison to approve on second reading, without any relief on the extra entrance. Is there a second to that motion? Motion dies for lack of a second. Council member tovo seconds it. You were supposed to second it before it dies but that's okay. All right. Any further discussion? I guess it'd like to propose a friendly amendment that you modify your motion to comply a separate entrance you don't have to consider that friendly. All right. Why don't you make it a formal amendment and I'll second it --

>> not only do I get a second for it, worth the trouble to make it. I would offer the amendment that wind swept cove be offered that the church has the authority to use wind swept cove and an entrance and exit. I'll second that. Further discussion before we vote? Council member morrison? I want to mention we heard you have 1800 folks coming to your services. If 500, 1,000 cars driving down that cul-de-sac, I feel like we need to get respectful of the people that live there and that's really problematic. So I won't be able to support that. any other discussion? All in favor -- council member riley? once again I'm going to be voting against item but I need to state for the record why. There is quite a bit of surface parking already in the immediate area. In fact, much of it is closer to the furniture front door of this church than the new surface parking will be. In particular they're just -- catty-corner to the church there is the regal westgate theater 11 movie complex with a tremendous surface lot, which of which is empty for much of the time, and that has multiple access points on both west gate boulevard and western trails boulevard. I understand that people feel -- feel some hesitation about walking across the street to get to the church, but I think the right solution for that would be to improve the pedestrian the pedestrian environment. There's various ways you can do that. You can put in pedestrian signals, trees to make it more pleasant. We can double the size of the parking lot which is used a few hours of the week and as part of the plan we heard last time the front door of the church which is currently on westgate will be moved and put over to the back of the parking lot. We are abandoning the pedestrian environment giving up on the idea that anyone would walk on this street. I think that's unfortunate. I wish we could focus on improving the pedestrian environment and that would allow us to avoid these issues associated with creating humongous -- more humongous parking lots that put pressures on everyone in the area and create environments that are really very uninviting for almost the entire week and isn't even used for almost the entire week. I think this is a -- I wish we could find a better solution to this problem. we're voting on the amendment now with regard to wind swept cove. All in favor of that say aye.

>> Aye.

>> Mayor leffingwell: aye. Opposed say no.

>> No. sounds like that fails on a vote of 5-2 with council members riley, martinez, tovo, morrison and mayor pro tem cole voting no. So that takes us back to the motion without the amendment. All in favor of that say aye.

>> Aye.

>> Mayor leffingwell: aye. Opposed say no. That passes on second reading on a vote of 6-1 with council member riley voting no. I believe that takes us to items -- we're going to consider items 92 through 97 plus item 7 all in one group for the purposes of -- purpose of public hearing. So we'll get a presentation on this. Council member morrison? if I could just question, the item 7 is actually quite a different item than the eroc -- I'll be glad to consider it separately after I only -- i only said that because at the outset you said you wanted to consider item 7. I thought you said with 92 through 97.

>> Morrison: I apologize. I meant I wanted them to be collocated in time, that i 7 first because I think we have one gentleman here who's interested only in no. 7. Colloc collocated on the space/time continuum maybe.

>> Morrison: exactly. we'll take presentation on items 92 through 97 together. Is your request we do item 7 first? yes, because i think we have a person interested just in item 7 so they would be able to leave after 7 and not have to sit through the -- without objection we'll consider item 7 first, and the presentation from staff.

>> Mayor, council, steve elkins, cio, ctm. So we don't actually have a presentation for item 7. We have an update based on a community meeting that took place tuesday afternoon. This item came up several commission ago from a straight name meeting from arena drive to shore drive, several council meetings ago, and at that time we did our research following our normal process on -- this there were -- was there any historical information based on the existing street name. We could not find any at that time and we were asked to go back and speak to the neighborhood stakeholders and find out if there were any issues with changing the street name from arena drive to shore drive, and that meeting took place, and we sent the memo to mayor and council yesterday -- or this morning, and some of the findings we just -- we identified was that the word "arena" is spanish for sand. We identified who the original owner of the property -- the property was before it was sold for commercial use. We did not really find anything historical. There was some -- the neighborhood stakeholders folks were strongly opposed to the name change, but again, we didn't find anything historical on why the street name would or would not be changed.

>> Mayor leffingwell: okay. Thank you. We'll hear from our speakers. First is john jenisi.

>> Thank you, mayor and council. I'm john denisi with winstead pc. I'm here this evening on behalf of graco partners. We are the party that initially asked for the name change in april, and it has wound its way through the process. You, I believe, received a aletter from john britain on behalf of graco in support of the staff position. The staff is recommending the name change, and the staff has documentation from 100% of the property owners along the street in support. Again, we're in support of the staff proposal. It was not our first choice. We submitted a number of names and a number of them were rejected, but we believe that the name which is shore district drive that is being proposed meets the intent that we had of utilizing a name that establishes a direct connection between the area -- the area to be redeveloped and the lake. We did meet with eroc leaders on tuesday, which was a helpful meeting to understand their desire to maintain the existing -- the existing street name, and we've heard and considered the thought that the origin of arena is spanish for sand, although I looked it up in the dictionary and it also means quicksand, which is not so inviting. And there's some logic to the fact that it may be named sand for

something that would be close to the river. But I think the vast majority of folks when they drive by arena are likely somewhat befuddled that there's no arena on arena. As I know council discussed this previously, and that sand was probably an appropriate name when this parcel was subject to the whims of an untamed river and it's deposits. It's not anymore. Due to the addition of longhorn dam in the early '60s it's now a lake and i think austinites generally think that damming the river was a good thing and it connected to what we now refer to as lady bird lake. We feel that the proposed name better provides direct linkage between the area and the lake, and we ask for your support. Let me close with this because this was my takeaway from the meeting on tuesday. The issue has exposed what may be some flaws in the street-naming process. If there needs to be some changes to that process, we're happy to work with you on that, but we've been in this process since april and we come to you with staff support. We hope that you would hold us to the standards in place today and make adjustments going forward if necessary. Thanks. mayor, very quick question. council member spelman.

>> First, if arena is an appropriate name for something, sand, close to a river, quicksand is an appropriate name for development in texas.

[Laughter] you said a few moments ago that 100% of the property owners on arena drive support the name change.

>> Yes, sir, and in that situation typically there's not a public hearing, under the current code, there's no public hearing. how many property owners is that in addition to your client?

>> Two -- well, I'm sorry -- my client and one other.

>> Spelman: and one other. So you're in favor of it and the other guy is in favor of it too?

>> Yes, sir.

>> Spelman: good enough. Thank you. I have one question. What were the other names that you really wanted?

>> I can't remember. There were -- I just want to know if we have a choice here.

[Laughter]

>> mayor, I'm ross clark with communications and technology management. I know one of the other options at least initially was south shore drive, which our staff rejected due to the directional part of it which is confusing to 911 call takers. They don't know if it's south doth shore drive or south one word. That's the only one I'm familiar with but I know there were several different discussions going on. council member morrison? nissi, thank you for participating in the discussion and your long wait today. Could you -- you said that you could see that there might need to be some improvements in the process, in the way we do things. Anything off the top of your head you can share with us?

>> It's a kind of an awkward process. What you have to do, and staff may better speak to this, but you have to submit names to 911 addressing to begin, and we did that in april, and it took us until august till we got word back from staff that the names that we had suggested, well, they weren't appropriate, but there compromise name that they proposed. So then you file the application. It's a bit awkward. In hindsight we should have met with the neighbors first. We should have talked to them about it. That didn't happen. So regardless of what the code -- if we changed the code, we should have done that, and I apologize for that. that's interesting. That's the third item tonight where notification and early discussion has been an issue. Thank you for that.

>> Yes, ma'am. next speaker is tony house. Carl brown here? Okay. Kim flores? Not here. Linda land? All right. So you have up to nine minutes.

>> But thank you. Thank you very much for the opportunity to speak tonight to this issue. My name is toni house. I'm a member of the eroc contact team and I live just a short walk from arena drive. I've lived in riverside for over 25 years and for as long as I've lived here arena has been arena. Actually for as long as I've lived in austin, over 40 years, this street has been known as arena. It contributes to my neighborhood's sense of place. It's one of the best ways to get to and from central east austin or to just go north, and most important, to me anyway, it helps me get home from work much faster when i-35 is stacked up. It's like an old friend. I don't know how arena got its name. What I do know is that arena has been part of the nomenclature of our part of town for 53 years and that it's located in an historically significant area. Early maps of what was to become southeast austin are pretty sparse. Probably because so much of it was farmland. A city of austin 1959 key map reflecting corrections to the city's 1935 map show arena running from riverside to town creek drive. Arena is located on the former tennen plan tition established in 1850. A chapter on the plantation on women in early texas discusses how important the nearby crossing at tennen ford was to the chrism trail. It was the only ford that could be used without getting into quick sands. Longhorns that wouldn't make it across were often nursed back to health and sold back to the cattle drivers on the next drive north. Graco is adding two or three new streets so why not name one of them shore district? Graco claims that changing arena to shore district drive is to enhance the neighborhood and has nothing to do with its marketing efforts, but the project name is south shore district. In its two-page brochure to attract additional investors south shore district, or south shore, was referred to approximately 15 times. That sounds like branding to me. Adding yet another shore street to the mix is going to make this area incredibly confusing. Just a few blocks away cypress is adding several new streets also, including the shores drive and rio shores, and we already have south lakeshore boulevard. The same city codes applicant is using to support the name change work just as well in reverse, to support keeping the street name, arena means sand in spanish. It's close to the shore, and there are historical references to quicksand along the river. With so many changes taking place in riverside, shouldn't we strive to maintain the continuity and sense of place through something as simple as street names, especially one that has been in place for over 50 years. We shouldn't have to defend a street name, but what we have failed to hear is any good reason to change it. Thank you.

[Applause] council member morrison? house, can you -- where did you get that information about -- well, first of all, quicksand, but also the ford and tennen ford that you were talking about.

>> From the state historical commission published a book called women in early texas, and they did a whole chapter on the pue tennen family and the plantation, and also through an interview with hugh tennen's granddaughter in 1973 when she was in her '90s. And then there were some other -- it's another discussion, among family members on one of their genealogical web sites where they talked about some of the items -- the chapter in the women in early texas was based on a box of documents, old letters that the tennen family had retained throughout the years. and so you're saying that was in a book called women in early texas, but it's about the tennen family. Was there something about the women of the tennen family that got them into the book?

>> I think -- I think it was more the fact that much of the information came from a living person.

>> Morrison: I see.

>> And that that was, you know, -- and was backed up by the early -- by the documents and the letters and so forth.

>> Morrison: thank you.

>> Thank you. could I ask you one question? Does anybody live on arena?

>> I don't believe so, no. are there any businesses on there?

>> Well, it's been closed for some time now for the graco development, so right now that was in the area where a lot of low-income housing was displaced. so that's all the speakers that I have signed up that one to speak on this item. Council member morrison. well, I have a feeling that people are going to just fall one way or another on this issue, and for me the idea that it does define the sense of place for east riverside now, but even more the fact that I had no idea about the history of that place till we started talking about the name arena drive, and to be able to hold in our minds and in our community the concepts and the visions of what used to be there and what is there now and what's going to be there, I think that's really an important piece of having a strong fabric in our society. And so for that reason i fall on the side of keeping it named arena drive. So I will make a motion to that effect. council member morrison moves to deny the request, deny the item. Is there a second?

>> Yes. second from council member tovo.

>> Tovo: I'll say I agree. house has really beautifully articulated the -- articulated the value of a street name that's been in there, in the neighborhood, you know, for half a century, and I agree with many of the assertions from the people who have written to us in the last week. We're talking about an area of town that is undergoing great change, and, you know, as our city changes in really dramatic ways we need to hold on to some of those pieces of the historical and cultural fabric because that is -- you know, that is really what defines us as a community. So

thank you for all the time you've spent doing research, I think that's really interested and who knows what we might know in six months or a year as more information comes available. So I'm going to support the motion to retain the name. I haven't heard a very good reason for changing it, and I think that's -- that would also need to be present for me to make a change after 53 years. council member spelman?

>> Spelman: very briefly. I just -- my spanish is not so comprehensive that I -- i knew that arena actually meant quicksand so I went to babylon to check it out and it turns out the most accurate translation from quicksand is la arena movadisa. Unless the makers of the motion are willing to change the name of the street to arena movadisa avenida, it would be appropriate to equate it with quicksand all by itself and if you want to make it quicksand you got to do something to it. I like the metaphor of sand, I understand, but I'm supposed to talk about it and I'm going to just for another moment. It seems to me that unless we're going to change it to quicksand, then the story, compelling though it may be, is probably not the reason it was called arena drive in the first place. And --

>> [inaudible] well, i understand, but it's probably not the quicksand it was referring to. I don't know what it was referring to and therefore I'm not too worried about it so I won't be supporting the motion and it seems to me that the primary -- the people who have the -- if you owned the street, both the property owners on the street would like a change in the street name, it seems to me that they have primacy since I can't think of a pretty good reason to keep it. any other comments? Council member riley. I'd just like to ask a question for denisi or a representative of the applicant. denisi, first let me say, I understand and even applaud that -- your interest in bringing the concept of the shore up into the neighborhood, because as you've pointed out, there's much -- there was much discussion in the corridor planning of the area -- well, not the east riverside corridor but the town lake corridor about the need to emphasize a connection to the waterfront, and so i think to the extent we can promote that concept of connection to the waterfront, that's a good thing, and I think that was -- from a designer standpoint that was really what was motivating the change. But I also hear the neighborhood's interest in holding on to the ties to the past, and so I just wanted to ask, what -- what would be the down side, and what would -- how would it -- how would it negatively impact the area if we kept the name arena? I understand when she said there might be some confusion about having an arena there, but I'll be honest with you, I never -- I've been in the area many times and I didn't find myself looking for an arena. I didn't really give it much thought. And if I lived in the area i would come to know it as arena and if I thought about it much I'd probably come to understand that it has a connection to sand. So -- and that doesn't -- that seems like a very benign thing, and if you're into the history of the neighborhood, even a positive thi especially if we could think about what the connection to sand was, but help me understand, what's the real down side to that in terms of impact in the future on this project hang on just a second. Your mic is not quite on yet. Can we get that --

>> hello. the motivation on behalf of the applicant was to try to provide a benefit. I mean, we looked at the town lake corridor study, and talked about exactly what you're saying, about providing a linkage between the area and the kind of -- we talked -- you went through this morning a pretty big exercise with way making and place making, and I think this is an opportunity, and we saw that as an opportunity. It wasn't advertising. It wasn't marketing. Frankly the word that we were located within the south lakeshore subdistrict of the waterfront

overlay, of course the waterfront overlay terminology came directly out of the town lake study, and five of the waterfront overlay subdistricts use the word " it's the most popular term used in the naming of the subdistrict. So again, I think it was more about providing that direct linkage, and -- you've also mentioned something about the role of this street in the area in the future, that it actually will figure pretty prominently in the neighborhood that will exist here once the redevelopment is complete?

>> All of the development fronts on this street. The design of the pud, as you remember through the process, was to provide view corridors for the north-south streets to the lake. This is, in essence, an east-west thoroughfare, and we punch it through from tennen ford and lake creek, so we're actually ending the roadway, which I know was something that was important to council to try to provide better connectivity of pedestrians and bicycle and all of that. So hopefully this is going to be kind of the signature avenue of the -- of the of redevelopment. and you might have mentioned this before but what do you expect the names of those new streets will be?

>> I don't know. I -- I don't know at all. I mean -- I don't know. the streets that will be going in have not been named yet?

>> Yes, sir. Well, they don't exist today. The streets don't exist today. I think they're just private roadways that connect, but they will be public -- i mean, they will be -- be --

>> yeah, of course. Yes. Yes.

>> Cole: mayor? mayor pro tem cole coal denisi, can you explain the district term? Is that based on the district?

>> The subdistricts of the waterfront overlay, yes, ma'am. so was that real crucial to the name?

>> It -- I kind of need to defer to staff because they were actually the people who picked the name, so -- i would say that district -- what we were trying to avoid was the use of a directional or the use of overused words in the street name, district be being a part of the waterfront overlay. It was a suggestion of a compromise position. how did you come up with the exact name?

>> I'm afraid one of our staff members came up with it, but I don't know the exact circumstances of that. well -- let mayor pro tem finish and then I'll recognize you. the reason I'm asking the question is right here on the dais I'm thinking that why couldn't we preserve arena and not use district and just say arena shore drive? that's not an option. that's not an option. we're not posted for that according to the city attorney.

>> Cole: oh. council member martinez? yeah, I just wanted to provide a little bit of information for mayor pro tem. denisi mentioned or I'm soc --

>> I'm ross clark, sir.

>> Ross mentioned the original request was for south shore district drive. And it was really the fire department and our emergency staff at c tech that opposed using directional terms if it's not a

true north-south describing a direction. So that was rejected, and the compromise was thrown out there, how about shore -- just shore district. And that's where that came from. It was nothing else other than, you know, our public safety staff was not going to agree to a directional name. And so ross and his staff said, we can't recommend that. How about we just go with this. And that's where it got to our dais today. well, what are your thoughts on -- we can't -- i know we can't do this tonight, but if we postponed and consider -- postpone the item and considered a name that preserved arena in it along with the work that you've already done -- mayor pro tem, if you want to make that motion, please do, but -- well -- hang on, mayor. well, I did ask a question. there's a couple of things here. In a regular naming process we would require a citizen that wanted to rename a street to go down the street and get, you know, 100% of the property owners to agree to it. In a case, even though it's only two, it's 100% of the property owners, and so, you know, arena is just a spanish name for sand. I've never even heard that it was quicksand. I just always knew that it was sand. And I actually brought this up when we got into a conversation with my staff a week or so ago, and I said, well, you know, that it means sand in spanish, and there's -- you know, I don't know the significance. I don't know that there's historical significance. It's just a name, I think, that was picked based on the territory. So I don't have a problem with renaming it shore district drive. You know, I think it will enhance what is happening in this area of austin. It's redevelopment that a lot of the neighbors were in favor of, not all of them but a lot of them were, and so I think it will just prove to be a better product. let me just say that I'm going to support the motion to deny simply because I have not heard a compelling reason to change the name, and I think that there should be a exeg reason to change the name of a street that's been named that for 50 years or whatever it is. And I heard a real good story about the origin of the street, I don't know if they're true but it's a good story, and I like the name arena better than I do so I'm going to --

[laughter] mayor, I'll maition make a motion. yeah, if you want to make a substitute motion. yeah, I'd like to make a substitute motion that we postpone this item and have it brought back on december 6 with a direct to try to maintain the arena and the name change. motion to postpone and bring it back, seconded by council member martin, and I'll just say I'm not going to support that because I think this is way too much ado over what is a very small -- small item in the big picture here. So -- but all in favor of the motion to postpone say aye.

>> Aye. opposed say no.

>> No.

>> Mayor leffingwell: no. That was a no by council member spelman, myself and by council member tovo and by -- so the motion to postpone passes on a vote of -- a vote of 4-3. So we will get to revisit this thing in a month or s .all right. So that brings us to items 92 through 97.

>> Good evening, mayor and council members. My name is erica leak. I'm with the planning and development review department. And I'm just going to give you a very short reminder of what we're asking for in terms of action this evening. I gave a briefing on of the east riverside corridor master plan and regulating plan last week. Get the slides going. So this evening we'll be asking council to take action on first reading to approve the east riverside corridor regulating plan as a new zoning district for the east riverside corridor area. We'll be asking for neighborhood plan

amendments to create a new future land use designation for the properties within the corridor boundaries and that designation is called specific regulating district and that would point people to the east riverside corridor regulating plan. And then asking council to rezone the properties within the corridor to etc. So those are the three things we'll be asking for this evening. Your backup includes a motion sheet. The first page of which is the six cases. The second page is actually a number of contested seasoning -- a number of properties for which the zoning is contested. And so you'll need to -- excuse me, you'll need to take action on those -- on the second page items before finalizing any action on the first page items. In addition, there is a list of planning commission and staff recommended amendments to the draft regulating plan, and I'd certainly be happy to answer any questions about those. This is a list of the contested properties, and as I mentioned, those are on the second page of your motion sheet, and then this is a map showing where those contested properties are located, and I assume that many of the property owners related to these properties are here and will probably tell you more about those. So I'm happy to answer any questions. Otherwise we can open the public hearing. well, I've got a question for you.

>> Uh-huh. disng plan prohibit drive-in commercial -- does this plan prohibit drive-in commercial establishments?

>> As it is written at present, future new drive-throughs would be prohibited, yes. and what is the foundation or rationale for that?

>> The concept for the area is to create a more pedestrian-friendly area, and having new drive-throughs I think takes away from the pedestrian environment because you have to have cars going across the sidewalk in multiple locations, generally, to make that possible. but you think that or is that --

>> that's best practices for transit oriented pedestrian friendly environments is to not allow drive throughs. However, there are -- one of the proposals that's in the staff recommended amendment is to ensure that existing establishments can remodel their buildings and make c that are allowed under a site plan exemption without having to comply with the new design standards. So there is -- there is flexibility for existing businesses to stay in their locations a updates to their billions as needed. and i apologize for asking some of these questions because i wasn't here for the briefing last week and you may have addressed this. But throughout the corridor, is there any reduction in travel lanes on riverside drive contemplated?

>> The regulating plan doesn't address the cross section of riverside drive, though the transportation department recently completed a study for east riverside drive looking at the potential number of lanes that might be necessary for the traffic now and in the future, and that study did potentially contemplate having two lanes of traffic in each direction in addition to potential future urban rail. and how many does it have now?

>> Three in each direction. so it does contemplate reduction in the number of lanes?

>> Well, that's actually the atd study, not the regulate plan. does the study contemplate reduction of traffic on riverside drive?

>> I believe the study took into account the potential shift from people from cars to rail. I imagine that that was part of how they calculated the number of vehicles. is that anywhere in these items that we're addressing tonight?

>> No. and when will we have an opportunity to address that? Will any of these items be in conflict with that? Because I'll just say right now, there's no way that I'm going to support that initiative to reduce the number of lanes on riverside drive.

>> We, I -- in general i don't think that that change is contemplated until and unless rail is built. The -- with the bond proposition that just passed there is about a million dollars allocated to short-term improvements along east riverside drive, and those are generally thought to be safety improvements for pedestrians and bicyclists, but they don't have anything to do with the number of traffic lanes in any direction. And again, that's not related to the regulating plan. and that aspect of it doesn't affect any of these motions? I'm repeating that question.

>> Does not.

>> Mayor leffingwell: okay. All right. We have a number of speakers signed up. Are there more questions for staff before we go to our speakers? And this is -- we're speaking on all items, 92 through 97. Cis myers.

>> Mayor and council, thank you for hanging in there till this late hour. I'm going to make it short. I signed up as neutral because if we don't put the amendment on, then we don't support the plan. 12 does go on, then we can support the plan and are happy to work to improve the area, and I'd be happy to answer any questions. thank you.

>> Thank you. kareem adjar. I probably mispronounced that so feel free to correct me.

>> Good evening, my name is kareem hajar. before you start, is here walji here? So you have six minutes.

>> Hopefully we'll need far fewer. We've signed up in opposition, but in reality we support the greater purpose of this plan. This is -- our presence here tonight is very narrow in scope. My client owns the northeast corner of east riverside drive and east ben white boulevard. He's in negotiations with a large restaurant to lease this property, and not particular negotiation -- that particular negotiation is contingent upon a drive-through. While I respect the plan and its purpose, what I would like to urge the council to see is that while i personally like pedestrian oriented transportation, had this is going up against an eight lane highway and there is no pedestrian transportation on a highway. So as a result there is no reason why we couldn't have a drive-through here, and if you look at it from a bird's eye view, the topography drops off about 20 feet. So the drive-through that would exist wouldn't be visible to those pedestrians who happen to be walking along riverside or who were driving by. So there doesn't seem to be a compelling reason to prohibit a drive-through in this location, and we'd like it excluded. We consulted with wool sneer, who is gracious enough to let us name drop, and with commercial design standards it is possible on 8-acre tract to provide a drive-through in a very aesthetic way. He's currently working with cvs and in and out to provide these types, and you can see the new

model at any of the -- areas around the city. To do it you basically push the building to the front of the road and you can only have a drive lane between the building and the front, and you can't have anything else there. So it can be done, and we hope that you support that through a motion tonight. Other types of businesses that would be affected by this prohibition -- by this prohibition would be banking and postal services and coffee shops so it's not just related to fast food. So we hope that you can make an exception and provide a motion for us this evening. Thank you. dry cleaners, a lot of other businesses would require drive-through, I believe. I think I'm just going to have to figure out from staff how to make that motion to delete the restriction because, frankly, that's what I'm going to be supporting, not just for your property but for all of these properties. Ron thrower?

>> Mayor, mayor pro tem, council members, ron thrower representing vargas properties limited. Their property are located at east riverside drive and vargas lane. Vargas lane is one of the two roads that travel between east riverside drive and 183, and there should be some exhibits being passed around, which should help you with this. But the front part of the property, approximately four and a half acres, is designated as corridor mixed use, which we are fully appreciate of and fully supportive of. Recently you had designated the adjoining property with a thousand-foot separation for a collector roadway, which would join into my client's property, which we tremendously appreciate that location. But one thing I think that was abundantly clear is that these collector roadways are only going to be built with appropriately sized and appropriately intensity of commercial development, and therefore we're asking instead of urban residential on the back half of my client's property, we're asking for neighborhood mixed use, and we think that with that it not only provides the opportunity to build that collector roadway, but it will also help bring back into the area the density that has been stripped out through the various projects that have been approved since the inception of the corridor plan. And with that I'm available if you have any questions. thank you. Amelia lopez. Frank dell castillo. All right. So you have up to six minutes.

>> Mayor and council members, thank you for your time tonight. We just wanted to show the site plan that relates to our site. You all probably remember this one when we came before you, I believe it was october 1 for zoning approval for 52 unit affordable housing project and received your full support with some conditions in the form of a restrictive covenant and conditional overlay. And just very briefly because I know this is probably very fresh in your mind, we did start this project back in march of 2012, and at that point we were told by staff that there was no scheduled time for the regulating plan to come back before you, so we proceeded based on that information. So after all of the public hearings, neighborhood meetings we could get our zoning approved. So what we're asking is respectfully is that you exclude our property at 1700 1/2 frontier, consisting of 199 acres from the corridor plan, regulating plan, to allow us to build this under the mf-3 regulations and at the same time complying with the restrictive covenant conditions that we had agreed to, which incidentally we had offered up voluntarily, given the fact that we didn't know when the regulating plan was going to come in and we did that to try to meet the spirit of the -- some of the main items that we recognized in the regulating plan, and I think that, you know, we have quite a bit of discussion on this during the zoning hearing, and we had a lot of support in the neighborhood too. So we would appreciate your consideration on this to not include this in a plan so that we are able to build that term 52 unit project under mf-3 conditions.

>> Mayor pro tem? council member martin. now that the mayor is gone I was just waking up.

>> Cole: thank you.

>> Riley: thanks. council member riley? lopez, at the time that we considered your zoning case, there was some time pressure related to the financing of your project. Has there been any change with respect to financing the project that would affect the timing considerations is this.

>> Well, the process is still going through -- they're going to develop the project. We have a little bit of almost -- almost a little bit of delay because we had to wait for the ten-day waiting period for the zoning ordinance to be released after council approved it. That was one of many steps we have to go through. So the developer is going through all of the financing and the architecture working on the site plan design. We can't really submit the site plan -- we could but until this regulating plan is adopted or we know we're not going to be included in it we won't know until we submit and go through the review process, if it's going to get approved according to the way we have it designed. Kind of a mixed up answer, i realize that. I guess to be more direct about it, is there anything about the additional delays for this project that would put financing for your prong in jeopardy? Because that was the situation we were dealing with at the time of the rezoning.

>> I'm not really sure how to answer that question. I know -- I know that we have to submit an approved site plan and an approved building permit to the state by a certain date, which i don't have that date at hand for any of the financing to be approved by the state as far as that portion of the funding goes. I don't have that date, but I know it seems like because of the way their cycle works, the project -- before the city always hated this time right before the holidays and then we have to scramble to get the site plan approved and deliver that permit, including the building permit, to the state that shows the city's signature and seal on it. So any delay -- let me try to answer a different way. If we don't find out -- if we're not going to be part of this plan right now, the client is basically taking a chance when he submits his site plan under the mf-3 because we're not grandfathered, and we won't be grandfathered from the regulating plan unless we're just not included in the plan, and that's the reason we're asking you just not to include us in this plan, or whatever mechanism you need so that we are able to build under the mf-3 regulations. So time is of the essence because it puts my client at larger risk if we don't know for certain we're not going to have to comply with the rest of the plan.

>> Riley: thanks. council member morrison. this might be for staff, I'm not sure, but I'm trying to understand what impact it's going to have on the plan that we saw -- I know we did zoning and not a plan, that would impact the plan, the regulating plan will have on whether or not that can be built. And erica, do you know -- did you see the plans that they had? So would they be able to build what they were sort of proposing to us if they're in the plan?

>> There would be additional design standards and site standards that would be required as part of the regulating plan that they are probably not meeting with at least their initial designs shown to council, you know, previously. is it hard -- would it be hard for us to tell us which those are? I mean, does it really significantly change some of the elements that we talked about?

>> Well, the largest one, it probably relates to streets and how they'd have to break up their site. It does get back to the question of if they were actually submitting under the new regulating plan, whether they would be required to build a collector street, and i unfortunately can't answer that question because i don't know whether they would meet the threshold of the nexus requirement for how much -- how much right-of-way they'd be required to dedicate based on the amount of units that they're building. I don't know if anyone could speak to that. Probably not. It's -- it's sort of an impact analysis. And so they might be required to actually build the collector street, which would obviously be expensive. so that's an expense, but you all were planning the design so the collector street could be eventually built, so it's not like it's going to --

>> correct, and a couple of things that might help is that when we offered up to try to meet some of the requirements we thought we could modify our design on, orange originally from the time we first started, we added and it's in the restrictive covenant, excuse me, from the city, is providing the pedestrian friendly sidewalk, that was one of the intents that's in your regulating plan. It was not required at the time of our zoning application. We've also remodified having the buildings oriented toward frontier valley drive, putting the surface parking on interior as opposed to the way we had it originally, and we had also offered to reserve the 70-foot of right-of-way for the dedication of that street at a thousand feet thrower's owner/client preferred because of their property. So those were things that weren't required at the time when we submitted our zoning, and technically speaking, but we -- when we saw some of the information when it was reed on the regulating plan, we tried to find some things that we felt like we could work with and modify plans, so that's why we did and that's why we offered that voluntarily. I keep saying that because i know legal was saying the city can't make them do that. So we voluntarily did that. We've looked -- we had our architects in houston, not living in austin, he's looked at the plan. He says it's very confusing. We were able to pull some of the things for that question that you're asking me, and there's probably some more in there, but the things we wouldn't be able to comply with is the fence is not -- not being allowed to be fencing and gating. There's a public grid system as far as the project circulation internally, providing public access, that would break up the project quite a bit. The maximum block size is an issue, mid-block pathway, there's an active edge issue. Those are just some of the things we were able to find immediately that we wouldn't be able to comply with, but we don't know about the rest of the plan what else we couldn't do. and so what happens from a practical standpoint, in your view, if you are included in the u have to go back and rework and have a feasible project?

>> We wouldn't be able to do it. Yeah, that's why we fought so hard to try to explain all of that during the zoning hearing. We've already been told we have to do all these other things, just once we spot it, or that we knew from the time we volunteered those other items we wouldn't be able to build a project. lopez, hold on a second. I want to see if I can get a motion to extend the meeting past 10:00. We have a motion by council member spelman to extend the 00 and seconded by council member morrison. All those in favor say aye.

>> Aye.

>> Cole: aye. That motion passes unanimously with mayor leffingwell and council member martinez off the dais. You can continue till you complete. Please stay there. I have a couple of questions of staff and you, amelia.

[One moment, please, for] ecl)

>> well, the recommendation is actually what is included in the regulating plan and so --

>> Cole: That would just be part of the process, not something actually that you are recommending?

>> Right. It's just -- basically the regulating plan is staff -- staff's recommendation unless it's on the list of staff's recommended amendments.

>> Cole: Okay. Thank you. jan long and is linda land here? Lungda is here. long, you have 6 minutes.

>> Good evening. My name is jan long and I am a member of the e-rock member planning neighborhood contact team. I was involved in the first erock meeting in 2003 and followed it to through council adoption in november of 2006. At that november meeting, i came to the dyas with a red wagstaff filled with 22 three ring binders representing stakeholder participation. The plan's number one good is to observe and enhance the character of existing residential neighborhoods. Notation on our plan flum states are desired to maintain a hard edge between the traditional single family neighborhoods and all adjacent properties with we still believe in these objectives and I have two issues to address. Number one the evoc plans states our desire of differing effects of differing intensens of uses by complying with strict adherence to disability standards. The erc plan relaxes these standards, this relaxed standard along with density was accepted in order to meet the urban rail. As a whole I support the necessary compromise but am concerned regarding alternative equivlength compliance requests. As proposed, the review decision goes with the land director or appropriate land use commission without outside input. We feel it is unsenble. I am not asking for a significant delay in the process or public hearing but I respectfully request that notice be given to the erock contact team for an opportunity for written response. That is the very least we should expect given the compromises already granted in support of urban rail. It is necessary that we have a voice in any proposed additional erosion. Number two, throughout the neighborhood planning process the city emphasized spot rezoning on the 3400-acres under discussion. Only one transportation meeting was scheduled, the main outcome being the placement of additional sidewalks. Early on, plan participants recognized and commented upon the lack of focus concerning east riverside and adjacent properties as an entity in and of itself. We were so discouraged that at one point we created an presented an alternative flum. The completed erock plan envisions it as a boulevard with meandering sidewalk and minimum of 20 feet of green scape adjacent to the roadway and building might limited to three stories or 40 feet within 100 feet on both sides of corridor. I have participated in the erc master planning process since inception in 2008 and after plan adoption by council in 2010 and at the request of a council member, I have been a member of the working group that has developed the regulating plan. Over 4 years, stakeholders have worked hard to create a plan that allows greater density in an already dense area. The completed erc documents are a far cry from the original erock planned visionch we don't know if urban rail will be funded, yet we have created intense up zoning to up it. I respectfully request that if urban rail does not survive a public vote, the erc and master plan, review provisions of the carrying capacity and current roadway structure can be evaluated and zoning readjusted if noise. Gridlock may result if this is not permitted. We have

compromised much since 2003. Yet still believe in erock's plans first goal, to preserve and enhance the character of existing residential neighborhoods, both the above two requests, create an opportunity for contact team response in matters regarding alternative equivalent compliance requests and mandate a review of the erc master and regulating plans if urban rail is not funded will help to ensure neighborhood protection. Thank you.

>> Mayor leffingwell: Council member morrison.

>> Morrison: Thank you, ms. long. I wanted to ask staff if they can help us address the issues you brought up in terms of how practical that could be for getting -- i heard two things. One, to allow notification about an alternative compliance to the neighborhood planning contact team and a mechanism for you to provide a response --

>> a written response.

>> Morrison: A written response and then to the issue of, what if we get a strong signal five years from now that we are not going to be doing rail there? So I don't know if that guernsey or ms. leek. Because they both sound pretty reasonable and i would like to be able to see if we can make those happen.

>> Guernsey: Greg guernsey, planning and development review. I can take the first one and erica take the second one. On the first one, I think providing a notice to allow input by the contact team, i don't think that is probably that big of an issue. We do have a concern that the way our site plan process works is that in order for someone to be an interested party, they need to register their interests for that first set of comments -- before that first set of comments comes out. If, during the course of the review, it's determined that the alternative compliance comes about, let's say, with the second round of comments, if the contact team did not register as interested party at that time, they would not have the interested party status, which would entitle them when the updates come in and be able to provide input on that. We would have to create, i guess a new notification process, maybe establish another fee to charge for indication of the developer. If we were to notify midstream the alternative compliance, if it was identified right up front, it would be easier for us to notify because when the applicant files the application, they could say, we know we aren't going to be able to comply with everything 100%, and up front we might be able to make that notice, but the contact team would be notified, could immediately, then, engage in that conversation. The concern by staff is that if that happens later in the process, where we determine there wasn't the request up front, that goes through its review, get back the comments and then the contact team and staff basically goes to the applicant say, well, you need alternative compliance and then what do you do, because that's beyond that first initial point where you can register as an interested party and have standing.

>> Morrison: Just to be clear, we are only asking about notice to one party, right, the contact team?

>> Guernsey: Right and then if you notify the contact team, staff would probably also suggest that you want to contact neighborhood organizations, because we do have sometimes individuals that may not necessarily agree with the contact team, under certain circumstances.

>> Morrison: No, i understand.

>> Guernsey: And so we think it to be balanced that you may want to do more than that, but I think the alternative -- alternative compliance -- main concern is that if it happens late in the process, there would be an additional notice that would need to go out to notify the contact team beyond what we would normally do.

>> Morrison: So it's the concern of how would you put something in the system so you don't forget to do it? What is the concern.

>> Guernsey: It would be putting a contact team on an interested party status, which would occur after the deadline for --

>> Morrison: You are thinking about it one way. I am just saying, what if we just had a line in here that said in the case of alternative compliance, the contact team will be notified and -- with the name of the case manager for the site plan. That means you don't even have to think about them being interested parties. That's the system you have in place now, but it would allow them to --

>> Guernsey: I think we could do that. I think we would have to work with the law department in looking at the ordinance. I still think staff would suggest that you might want to do just more than the contact team only because i think there is some issues sometimes with contact teams that individuals register as neighborhood organizations because they may not feel all their interests are served by the contact team.

>> Morrison: Yes, I have heard about that, when not everybody in the neighborhood agrees on something. So I -- I would be happy to take your advice on that but I do think it's a fair point that these folks have spent, I don't know how many years on this, in their neighborhood plan and sometimes, most of the time alternative compliance like for commercial design standards, I don't think it's ever -- it's a big deal, but there are some administrative waivers that get to be items of large interest. So I would like to be able to see some language that could allow us to do that and if on your advice, you think we need to -- I want to oly minimize the cost and all and maybe we could even just put something in that says it would be via email as opposed to -- if we ar doing something special, as opposed to something to mail.

>> Guernsey: I don't think staff's concern is necessarily notifying the process and seeing there is equal standing of interested parties versus those coming after --

>> Morrison: Right. But I want to shake sure we don't get the applicant in a situation where they have another fee for notification.

>> Guernsey: Right. We will work with the law department if you make that part of your motion.

>> Morrison: Okay. That sounds terrific. The second part of it is -- what about the concept we are planning for a rail corridor? Is there ever going to be a review -- the reality -- hopefully it will play out but the reality maybe it won't be a rail corridor.

>> Sure, it is a great question and I think there are often multiple ways to think about planning and transit and one of the ways to think about it is if you have great dense neighborhoods, then there will be transit to support it. It wouldn't necessarily have to be rail. It could be a really good bus service, you know, another approach is -- is to say, well, you shouldn't have density unless the transit is already there. And we know that there is already some density in east riverside. It is quite well served by buses right now. I think the question would be, you know, is there too much development, that it is overloading the system, and I think the city always has an opportunity to look at the zoning and see if it is appropriate.

>> Morrison: Is there anything -- I know in our neighborhood plans, they all say review them every five years, which, of course -- every five years which of course we ignore but is there anything in here that says there is a statement to make review this in five years?

>> We do talk about looking at the density bonus program and making sure that it's calibrated correctly related to market demand. There is nothing within the regulating plan that says it should be looked at in any particular time periods, but --

>> Morrison: How often does the density bonus program have to be looked at in the program?

>> It says every five years or as often as needed and that's actually one of the recommended changes, to clarify that it should be looked at whenever market conditions change.

>> Morrison: Thanks.

>> Mayor leffingwell: Before we go to the next speaker, council, we have approximately one hour, a little bit less than an hour of public hearing. That's in addition to that time for council deliberation on this whole series of motions. I believe there are 13 of them, so our options are to recess the meeting until tomorrow or to extend the meeting past 10:00 o'clock. Did he do it? I was out when he did that. We decided to extend the meeting?

>> [Indiscernible]

>> mayor leffingwell: yeah. Okay. Well. I am just basing it on the work session discussion that we had to ask that question. Hearing nothing, I guess we will go ahead. Dirk dosier.

>> Thank you, coun mayor, being second generation restaurant owner and this city, for now 45 years, the eastside corridor does bring corn to me and i do have one specific restaurant that has been on there for 32 years -- east riverside -- and if we don't see some change in this east riverside corridor, every ten years or so, we like to remodel, upgrade, refresh our facilities, and if we don't see some help on the amendment here, then we would lose our facility that has been here for about 32 years. So, yes, we do look forward to seeing some amendments, some changes there. Yes, it does have a drive through. It is a drive-in facility, so that is of critical importance to us. Basically about 75% of our business comes from a drive through facility, and, again, it has been there for some 32 years now. So we appreciate that. Thank you.

>> Tovo: Mayor.

>> Mayor leffingwell: Council member tovo.

>> Tovo: Sir, I wonder if you could explain -- I heard meyers' testimony earlier but I am having trouble understanding why the amendment is critical. My understanding you would be able to continue to have your drive through because it would be grandfathered. Is that right?

>> There is some language in there that we were just made aware of -- or I was, just last week, that if there is -- 50 percent of the area, if it's changed, then it would kick in to this article 5 which would then keep us from being able to keep our drive through and there is not a clear definition of what does 50% of the area mean.

>> Tovo: You said 50%, 5-0?

>> Yes, right. And so what we had worked with in our -- in restaurants in the past is with the commercial design standard, is that we had allocations for remodels and upgrades that was acceptable language and so we would like to see the same language that would be put into this agreement. As opposed to something that isn't very clear on what 50% of an area was for a remodel.

>> Can you give me some sense of what the language -- what the language is that you would find acceptable?

>> That it was in the commercial design standard language, that all would be acceptable.

>> Tovo: Okay. I see ms. meyers coming in. Maybe she can jump in here.

>> Let me help you out a little bit. If if interior remodel in the proposed regulations is exempt, if you were to, say, put a patio in the front and put more glass in the front so you could see what's going on, you have then broken the exterior skin of the building, so then you break into that 50% rule and then it was unclear as to whether that covered the interior and how much of the exterior. The proposed amendment deals with, as long as you don't change your footprint, change the purpose, you don't extend more than 1,000 feet, then you are able to refresh and to manage to do that without getting into an unclear area. Does that help?

>> Tovo: Yes. Is the concern that 50% -- I heard a couple of concerns -- the 50%, it sounds like it's -- you are suggesting that it's unclear whether it also applies to interior as well as exterior?

>> Once you break that skin, then we are not sure how it got calculate and actually the proposed amendment was drafted by the staff to clarify.

>> Tovo: 50 Percent of the exterior seems a whole lot of the exterior.

>> Well, it would be half of the exterior, but it still is a -- it would be caused by a change in the interior. And so when we met with the staff, erica and chris johnson, I think met after we met with them and came up with the proposed language in the amendment.

>> Tovo: Okay, thanks.

>> Thank you, kathie. allen benton.

>> Good evening, council and mayor, I am allen benton. My family owns and operates mcdonald's' in this town and my sister and I and my parents have been in this operation for about 40 years. We operate the business at 2426 east riverside drive and like dirk was saying, the drive through is a big concern. It is about 2/3 of our business. Addressing the 50%, personally I would never remodel only half of my outside of the building. I would do the whole thing. But we don't want to be running old looking facilities. We do like to upgrade them occasionally, every 7-10 years to keep them modern and relevant to our consumers. We would like to continue doing business in our current model. It's very successful. It serves a lot of folks in that area, that restaurant in particular, in the last 12 months, over 630,000 transactions in that neighborhood. That's a lot of folks that eat with us. That location is also growing. We employ over 50 people from that area and as sales grow, we hire more people. So do we have -- we have good impact there. That restaurant has been part of that neighborhood for 24 years. It's a long time, and obviously there is some demand for it there. So what we ask for is that you support the item 12 of the amendment of the east riverside corridor. Thank you. john patton. Council member morrison.

>> Morrison: I wondered -- excuse me, sir, just a second. I have a question to ask staff. I have just -- I just heard a reference to item 12, but the motion is tal about --

>> it is on the yellow.

>> Morrison: Oh, on the yellow sheet, item 12.

>> Mayor leffingwell: yes.

>> Morrison: Thank you. did that answer your question? Can we go ahead with the speaker? Go ahead.

>> Council members, mayor, i am john patton, the director of development for austin sonics, we are a locally owned business, have the sonic franchises in central texas and in austin we have 26 stores. One in particular on this case on montopolis boulevard near the intersection near riverside drive but not on riverside district, but nevertheless, we are pulled into the new district. At first we were quite taken aback by the addition of some language that prohibited drive through -- drive-ins, just blanket prohibition. And I can think of a couple of cases where drive-throughs are very beneficial, besides just the absolute convenience of them, but, for elderly trying to drive through and get medicine pharmacy, or handicap people in special cars, vehicles that they would have difficulty getting what they need from a pharmacy or other businesses that have drive-throughs, not necessarily fast food restaurants, but in any case, if we can't take out the language that just planket prohibits drive-throughs, then I think we set a bad precedent for the rest of the city in doing business in the future and businesses like ours that have been on montopolis boulevard for 25 years operating, at least the language that was worked out for the exemption and the grandfathering would be acceptable in a fallback position, where my understanding is that if we

don't change the footprint when we want to refresh and remodel every few years, as long as we don't change the footprint more than 1,000 square feet, we are grandfathered. So we have been doing business a long time. We would like to continue to do business and we would like to employ a lot of people and pay a lot of taxes and it works for both sides. Thank you. i just -- I have outspoken earlier on the same subject. You talked about how important it is to your business and several other people have talked about how important the drive-through portion of their business is to success. And you have all stated you would be happy with amendment number 12, that that would fulfill your needs, but what I am thinking is a little bit beyond that. There is a lot of open space on riverside drive throughout this corridor and the whole idea is to spur economic development along this corridor, dense economic development, and so I would just ask you the would you open another -- another restaurant under those conditions when you couldn't offer drive-through service?

>> No, as the -- as the plan is proposed now, even with the language that would grandfather our existing business, we would be precluded from looking at or building another location. but with that restriction, you wouldn't go out and buy an open piece of land and develop that, and what you said, I think, is very likely, the same would be true for a dry-cleaning establishment or a drugstore.

>> You wouldn't have a walgreens. or a bank, I don't think a bank would go out for a drive through.

>> It would be a big inconvenience for communities to not have drive throughs. I think people think if you restrict the use of drive-throughs that you will inhibit the use of cars which is really what some people are after, but --

>> mayor leffingwell: That's right. But the point is it's really an economic development killer, to put this kind of restriction in this corridor.

>> No question about it. We wouldn't be able to operate or try to do business in that environment.

>> Mayor leffingwell: Council member tovo.

>> Tovo: Mayor, I have a feeling we are going to need to have a longer discussion about this. I wonder if I should ask the staff. It seems like neighborhood plans have come through where drive-through use has been prohibited. I want to make sure I am correct on that. I am thinking maybe the saint john's combined neighborhood plan had such a restriction, and if you need to get back to me, we can certainly take it up again at another hearing.

>> I certainly know that we prohibit drive-throughs in some of the transit development that have been adopted previously. And as far as neighborhood plans, we -- we will get back to you.

>> Tovo: I guess my general question is, as you said before, it is a best practice and planning, especially planning pedestrian-friendly environments. I will just say, you know, I -- until -- I mean, I have two children who ride in car seats and it is a real pain to get them in and out and

drive throughs are a convenience, but there are very good reasons why we are moving away from that model of planning our neighborhoods with drive-throughs and not the least of which is for the environmental benefits of not having a lot of cars stacked up waiting in a drive-through line pumping their exhaust into the air, so I think that we should continue the dialogue about this, but there are very good reasons, it would seem to me, to have in our vision for east riverside. Can you tell me whether it was in the master plan as well, as a goal?

>> I don't think the master plan specifically discussed drive-throughs, but it certainly discussed having more pedestrian-friendly environments. And so creating a pedestrian-friendly environment does generally -- is better supported by having walk-in businesses.

>> Tovo: Okay. Thanks. What we are contemplating in the regulating plan, by no means prohibits the drive-throughs that are currently along east riverside from continuing to operate?

>> That is correct.

>> Tovo: But it certainly is true, what the mayor said, it would discourage the creation of new -- in fact, prohibit the creation of new drive-throughs but allow the ones who have been there to continue their operations.

>> Correct.

>> Tovo: Thank you. it wouldn't discourage the use of new drive-throughs. It prohibits.

>> Tovo: That's why i corrected my language, mayor. i think one likely scenario, if this goes through right now, is the commercial interests will just choose to go somewhere else, where they don't have that prohibition and I think the density that we are trying to achieve in this corridor is not going to happen or it will happen much, much later than what we'd like -- than it would otherwise. Do you feel a need to weigh in on my comments, mr. guernsey?

>> Guernsey: Thank you, mayor. One thing that you may want to consider if the council desires basically to allow them -- you could also consider them as a conditional use and not prohibit them entirely. When you are dealing with drive-through uses, the very land intensive and they, a lot of times will actually promote development. Only one story development, so you won't achieve some of the density you might like to see along the corridor that would eventually support the mixture of transit -- supporting the rail, so it's something to consider. It's not to say that in -- there would be cases where you might have a multi-story building with mixed use. It might have a drive-through, but at least if it went through that process, there would be some more context for the design of that so it would not be designed where the drive-through would be the predominant feature on that property. It would be a lesser feature on the property and I just offer that to something to consider if that is desired of council.

>> Tovo: Mayor.

>> Mayor leffingwell: Council member tovo.

>> Tovo: guernsey, I am sorry. I want to be sure i understood what you said. Are you suggesting that in some cases the one-story format of drive-throughs actually discourages -- may, indeed, discourage density that goes beyond one story?

>> Guernsey: It maybe because you are talking about happened uses that -- you are talking about land uses one store write a drive-through takes up more land area than a development without a drive-through and it may be if you allow drive-throughs without limits, you may have many more lanes that may take up land than rather than only one or two that may actually address the convenient issue, if there is someone that is disabled or aged or doesn't have the convenience aspect. So it's just something to consider if that's what council desires.

>> Tovo: Thanks. Have you noticed in areas they are transit oriented developments where drive-throughs are prohibited, would you say that drive-throughs have impacted development, that they are -- they are actually working to discourage development?

>> Guernsey: The more recent development that I can think of actually I don't think has a drive-through.

>> Tovo: The reason I am asking is because I thought leeks said that is one use discouraged or prohibited in our transit oriented development and i was just wondering if those have born out the suggestion that the mayor made, that if we proceed with prohibiting drive-throughs, that we counties couraging development along the corridor.

>> I just don't know if we actually have that -- that issue has come up in these that we are already approved.

>> Tovo: Okay, thank you. i don't think any of them are that far along in the development stage, actually, to test that idea. But I would ask the question, if you are -- are you trying to make the argument against what I am saying or -- I just want to know what the thrust of your comments is. Are you entering the policy discussion or what?

>> Guernsey: Mayor, I was just offering an option. If the council actually did decide to allow drive-throughs, that one way you might want to do this without prohibiting them but still allowing them to be reviewed in a context that encourages some of the goals of the east riverside corridor is to allow them with a conditional use permit, that way there being -- i heard that comment, guernsey, but I think you went a little beyond that.

>> Guernsey: Okay, thank you.

>> Mayor leffingwell: Alternative suggestion. John patton. John joseph.

>> Mayor, mayor pro tem, council, my name is john joseph. Thank you for your patience. I will be brief. I have visited with all of you or your aides this week, and I represent ghi investments. They are the owners of a 4-acre tract located at 1600 south pleasant valley. It is currently zoned gr and has a 60-foot height limitation. The staff presentation indicated that we were asking for exclusion from the neighborhood plan and, indeed, we are not. We have objected to the down

zoning and we, in fact, asked for a change in designation within the plan. Here we go. On the map that's in front of you. Our tract is the tract outlined in yellow. The tract outlined in green is the brand new h-e-b super store that's just recently been built, I think, within the last year. I am urging you to consider changing the sub district designation for 1600 south pleasant valley from neighborhood mixed use to corridor mixed use and to amend the east riverside corridor development bonus height map to allow 1600 south pleasant valley a maximum height with development bonuses of 20 feet residents and 25 feet and the reason that h-e-b has virtual taken approximately 14-acres of potential higher density development out of the mix around I think it is unlikely that tract will redevelop in the short haul or even in the mid range future, and so we are asking that we be allowed to go to a little higher intensity. We aren't asking we be granted that intensity at this time, but simply asking that we be allowed to use the density bonus if we get to that higher level in the future. If you have any questions -- i didn't quite catch your comment on the petition.

>> We have objected to the down zoning of the property. We haven't asked to be excluded from the corridor plan. That's what the staff indicated to you in their chart. We objected to the down zoning and we made a specific request in may of this year for the very request that I have made, reiterates here tonight. i believe that's motion number 7 on our motion sheet and --

>> I haven't seen the motion sheet. well, it is 1600 south pleasant valley road, and it says valley petition, no. Valid petition, no.

>> Valid petition, I can read to you, we object to down zoning of the property. there is valid petition.

>> We filed objection and the staff indicated to us in email that they did not consider it a valid petition. We were objecting to the down zoning.

>> Mayor. i guess we need to explore that issue, then. Council member spelman.

>> Spelman: Actually I am not going to explore the valid petition just a moment, I want to be sure i understand the nature of motion number 7, which i understand you can't see, but what this suggests you are proposing zoning of erc rather than -- a proposed zoning here itays erc from current zoning of gr and proposed land use of srrd -- I can't parse this. Could you explain to me what the instrument to support your recommendation would be?

>> It would be to amend the plan, to designation the sub district for this particular tract and corridor mixed use instead of neighborhood mixed use.

>> Spelman: Corridor mixed use, not neighborhood mixed use.

>> Correct and to amend the east riverside corridor bonus height map to allow 1600 south pleasant valley maximum height with development bonuses of 120 feet as opposed to 65 feet. Those two -- those two things would achieve the requests that we made in sat our objection later we filed this week.

>> Spelman: Thank you, and I have a question, if I could.

>> Thank you very much.

>> Spelman: I see, am I right in believing that if we succeeded -- if we had a majority in favor of motion number 7 on our motion sheet, that would accomplish what Joseph just laid out?

>> No. I don't believe so.

>> Spelman: All right.

>> I think what you would want to do to achieve what he desires is under applicant owner requests, you would want to mark out not rezoned and you would put in there corridor mixed use sub districts and then you would add a note that would say density bonus maximum height of 120 feet.

>> Spelman: Okay. One more time. I am having to write this down. Add a note which would then say --

>> okay. So the owner request would be corridor mixed use sub district and a maximum height with a density bonus of 120 feet.

>> Spelman: Okay, so that would be through adding a note and failing to rezone corridor mixed use, failing to rezone -- maybe I need to write it all down. It is late at night and I see, I am not particularly efficient right now.

>> I understand.

>> Spelman: >> so you cross out the part not rezoned.

>> Not rezoned, cross out.

>> And replace that with corridor, mixed use.

>> Spelman: Okay.

>> And then you would add a note that says --

>> Spelman: Maximum height with a bonus from 65 to 120?

>> Yes.

>> Spelman: Got it. Thank you. So while you are up here, I am going to try to clarify this. If that were not a motion and, instead, it said the planning commission -- the planning commission didn't even have a recommendation on this.

>> Well, I -- perhaps I can explain the confusion, which is that before planning commission, we received a letter from the applicant saying that they did want the corridor mixed use sub district. The planning commission did not take action on that.

>> Mayor leffingwell: okay. So let's say the motion were to approve the staff recommendation, the mmu, would that not require six votes instead of four, to do that?

>> I don't -- I don't believe so.

>> Tad shaw law department, I think you are asking about the valid petition here. In this case and all cases, the relevant area when you are calculating a valid petition and I am just looking at state statute and city code, is the area of the lot of land covered by the proposed change, so it's a larger area than just each individual property. So in this case, we have a single landowner requesting of a single property so we are making calculations from the larger, excuse me, area. so he can be rezoned four-vote majority?

>> Yes.

>> Mayor leffingwell: That's what I was trying to find out. Normally that would not be the case. Within normal zoning case, that would --

>> I will just say, mayor, typically our areas are much smaller. We are looking at single properties, so if you are describing by the normal case, you are absolutely right.

>> Mayor leffingwell: this is because it's part of the entire regulating plan, which is a way of basically getting around the requirement to have a super majority. One way of getting around it. Just do it in a large parcel.

>> Well, it's still complying with state law. I just want to emphasize. well, yeah. I understand that.

>> Okay.

>> Mayor leffingwell: Council member riley.

>> Riley: 120 Feet seems pretty tall for pleasant valley. I see some nodding heads out there. But I understand that there would be some advantage to being able to use density bonus system to achieve some community benefits, and I -- it occurs to me that there might be some lower maximum height that would allow us to do that, theoretically, but when you look at the options that are there, it seems like there is really nothing between 60 and 120. Have you -- has anyone considered any -- any kind of -- any mid range height, say, getting up to 90 feet density bonus system that would allow you to get up to 75 or 90 feet so that we could get some of those -- some of the benefits of that system without allowing the height that would be kind of jarring for the area?

>> We didn't parse it back finally, just because it would probably add more complexity to the program, but that's not saying it couldn't be done.

>> Riley: It doesn't seem like it would be that much more complex to have some range that allows for heights up to 90 feet as opposed to 120.

>> I think the issue would be, then, which parcels would get which height. We actually went through a fairly intense community input process to determine the maximum height per hub, and it was determined that, you know, it was more reasonable to have the higher height near pleasant valley and the highway because there is really not much single family near those areas. Whereas near montopolis, there is, and so just to throw an additional height in there would just -- it would just complicate.

>> Riley: Now, this tract is not right at the hub. It's --

>> well, it is within the hub.

>> Riley: Well, it's not right at the intersection.

>> Correct. So generally we -- the properties that are eligible for the highest height are closest to riverside and other major intersections.

>> Riley: Are there other properties along pleasant valley that could go up to 120 feet?

>> On the -- I guess it would be the northeast corner of pleasant valley and riverside, there are -- there are both the properties actually facing riverside and -- sorry, you asked about 120 feet?

>> Riley: Right.

>> So, yes. In terms of 120 feet, the h-e-b property could have gone to 120 feet with the density bonus.

>> Riley: Of course that's right at the intersection of pleasant valley and riverside.

>> Right.

>> Riley: Are there any properties off of riverside that could go up to 120 feet?

>> There are a few near highway 71.

>> Riley: On pleasant valley?

>> On pleasant valley, there is a small parcel to the east of pleasant valley on the north side.

>> Riley: I have not -- frankly, I have not parsed through the density bonus program enough to get a sense of how difficult it would be to get up to height like that. Is the program set up in such

a way that we wouldn't really -- that it would be so difficult to get there, that we would expect someone to -- a good project to get up somewhere between 60 and 120? Is that the idea?

>> In the near future, we actually don't expect that there will be much deplanned for buildings over approximately 6 -- much demand for buildings over 65 feet, largely because the cost of building the taller building is more than could be recouped with the rent that could be charged right now.

>> Riley: And so if you look 10 or 20 years down the road, can you give us some idea of what sort of benefits would have to be provided in order to get to that kind of height? Or -- and I don't want to get into a whole lot of detail because the hour is late but can you just give us a general sense. Is the expectation of a range of community benefits and then you move in increments up to 60 but probably wouldn't get to the upper ranges, is that what you are thinking?

>> Yes, we provide the community benefits with the proportion amount of the entitlements requested, so 50% of the community benefits would have to be earned through the provision of affordable housing or an in lieu fee and 25% would have to come through the provision of on site publically accessible open space and the other 25% could come from a few other potential community benefits. So you -- you have to continue that proportion regardless of how much density desired.

>> Riley: Does the density bonus program have anything that would encourage homeownership as opposed to rentals?

>> That's something that -- that we -- that we don't have a good mechanism for the legality of control of ownership versus rental and I don't know if you want greg guernsey.

>> Riley: I think we need to hear from folks in the public but eventually the staff but in the neighborhood planning process we had a tool for residents to look at homeownership versus the rental and some time I would like to know more about that tool and if it could potentially have any application in this context.

>> Okay.

>> Mayor leffingwell: Council member tovo.

>> Tovo: leek, I don't want to belabor this because I know we have a lot of speakers to go but I think i heard you say that there was significant community input about the heights and so i want to verify that's what you said.

>> Yes.

>> And we have a careful balance and set of compromises between what some particular set of property owners might have want and what the community members who were part of that were able to agree on?

>> I think so.

>> Tovo: Is -- do you know at what point this can entered the process? Is this something the community stakeholders would have had an opportunity to weigh in on?

>> This particular property?

>> Tovo: Yes.

>> Well the request just came in before planning commission, so --

>> Tovo: Okay.

>> So I suppose there was an opportunity at the planning commission for public input, but otherwise, no.

>> Tovo: Okay. Thanks. And just to clarify, the planning commission, I think it was said, didn't take action but it did come up for a vote and four members voted against it, four members voted for it. I mean, they did have a vote and it didn't get substantial -- it didn't get a majority of votes so they didn't -- that's why they aren't recommending it to us. The motion failed in essence.

>> Right.

>> Tovo: Okay. Thanks. tony house. And kyle brown in the chamber? Kim flores? Kim flores? No. Henry flores. You have up to 9 minutes.

>> Thank you, again, for allowing me to speak tonight. I appreciate it my name is tony house, member of the erock contact team and like jan long, I have been an active participant throughout the various planning processes, arrived and pleasant valley mpas have been subjected to since 2003. Throughout the past nine years, erock stakeholders have significantly stressed the importance of preserving the family neighborhood and our need for homeownership opportunities and our desire to offer a choice of housing options even though erock was already one of most densely populated planning areas in the city, as part of the neighborhood plan, well over 300 properties including single family properties were zoned in order to allow for additional density, now, in order to implement the corridor master plan, many of these same properties are, again, being up zoned to encourage even greater density and don't forget the extension of arrived's designation as a core transit corridor to include that portion of arrived between pleasant valley road and highway 71, and that is part of the neighborhood plan adoption, city staff designated not only pleasant valley road but also oltorf east of i-35 as future core transit corridors. I ask that you adopt the recommendations approved by the planning commission on the 23rd and that you approve the hub boundaries as reflected in the september 14th regulating plan draft, to expand hub boundaries beyond the corridor boundary is to ignore not only the public input but that of the consultants and staff. All single family properties outside the corridor boundary should remain triggering properties, losing the 240 seat of height limit setback was tough enough compromise to make, but to lose all safeguards would be devastating. Please do not further reduce the protections afforded our few remaining single family neighborhoods and

commit to supporting our future land use map in the future and please don't be swayed by complaints that the density within the corridor is too low to support public transit. Much of eroc's density lies outside the corridor densities, the arrived mpa is approximately 80% single family with fourplexes, triplexes, outnumbering single family homes and pleasant valley mpa is over 80% multi-family. Cap metro readership figure also confirm that eroc residents have relied on public transit for years, even though many of them live outside of the corridor plans proposed public transit hub. I ask that you take advantage of the large tracts of aging, multi-family properties reflected on the eroc flum outside of the corridor boundaries which currently have no designated land use. This presents an opportunity that could be used to address retaining affordable housing in our area and can't the city utilize the state public nuisance law to address falling down apartments on riverside? I mean, I know it has been used for crack houses, but i recall -- recollect that sometime -- I think it was in houston, they actually used it to address substandard housing, so i think we not only concerned went the density on the corridor, but also look outside and see what is on the ground, too. Due to existing density, high level of transit use and proximity to downtown, eroc is not like other planning areas and we should not be fit in the same mold that works for downtown and tods. Developers are going to build in eroc because of our location and I really, truly believe that developers who stand to gain the most need to start paying more for growth. They need to support this growth. Please adopt the planning commission recommendations, adopt the hub boundaries as reflected in the september 14th regulating plan draft, require neighborhood contact team notification of any alternative equivalent compliance applications and allow sufficient time for contact team written input, increased development impact fees so developers pay for growth and require a review of the corridor and master regulating plans if urban rail is not funded. I would also like to thank erica leek and staff so much for their commitment to these efforts and for the time they have spent working with us. Thank you.

>> Mayor leffingwell: Council member morrison.

>> Morrison: A couple of things. One, I wanted to -- I don't think -- I don't recall the specifics of the change in compatibility from what's standard in the code to what you all have agreed to. Could you just briefly give it --

>> it's the height limit setback, that if you are on the boundary -- if you have single family homes budding the corridor boundary, then you have -- we don't have a full 500 feet of setback. We have -- they are able to start after 200 -- after 300 feet, they are able to start raising the heights to higher limits in a graduated basis.

>> Morrison: I see. Okay. It's the -- the compatibility is still there, but it accelerates or decelerates, I guess we should say.

>> Yes, it is.

>> Morrison: Halfway through as opposed to what is standard. Okay. I wanted to mention a couple of things. I was interested in your comment about the need to address the substandard housing that does exist in your neighborhood and I want to just mention that I think that that's on everybody's mind, especially with some of the situations we have had recently in our code

compliance director, smart, is working on a program to go after that, so we ought to get you guys connected because that's one of the most important things we can do, in terms of preserving affordable housing. Right. So I appreciate you bringing that up.

>> Andrew clements. Not here. Becky russell.

>> Mayor, council, my name is becky russell. My brother spoke earlier. My family and I operate several mcdonald's restaurants here in the austin area. We -- we run about 70% of our business at the drive-through, the inability to operate a drive-through at location of riverside, 24, 24, east riverside would be detrimental to our organization. We are active in the community, sponsor several activities in the neighborhood, enjoy doing that and look forward to that in the future. I would like to share a few numbers with you, as far as community impact, economic impact. In the 3 restaurants that have been represented tonight, sonic, taco bell and mcdonald's', the economic impact numbers from property tax, sales tax, austin energy, waste and wastewater, charitable donations, travis county taxes and central health district taxes for 2011 total approximate dollar amount of \$26 million. That's a significant number to the city of austin. We enjoy doing business here and would look to continue to be able to continue to sustain that. Another note, the make-up of our employees is highly skewed towards minority, and I believe we all enjoy developing people and educating folks in how to manage businesses. I am requesting two things. I am asking for your support on item 12 of the amendment of the erc. This would allow us to continue to operate the drive-through and keep our building up to date and relevant to our customers. We would also be in support of the deletion of the drive-through ban in addition to the amendment. Thank you for consideration. If you have any questions, i will be glad to answer them. you forget acc. Pay taxes to them, too. I want to add that in.

>> You are correct. Don't want to forget that. Very important for education. thank you. Gayle goth.

[One moment, please, for change in captioners] 1.

>> As presented with the current boundaries, with the planning commission recommendations, it protects our single family neighborhoods. But here and now, we're stating that this acceptance is conditioned on maintaining that hard edge between the traditional single family neighborhoods and more intense uses by the use of the compatibility standards that exist. The corridor must live within its boundaries. No more increasing entitlements unless approved by the contact team and as stated earlier, if urban rail fails, this plan must be reexamined and restored to the levels that the corridor and the infrastructure can support. Thank you.

>> Mayor Leffingwell: Karen gronquist. Karen? How about luke doddson? You have up to six minutes.

>> Mayor pro tem and council, I'm here to speak on behalf of the penneck place neighborhood association who has unanimously petitioned the tract between penneck drive and grove. I don't know if you had a plans to review the petition. I would like to first state that I'm for the proposed rezoning along the corridor generally, but this tract should retain its current zoning. In the '90s I earned a master's in urban planning from texas state, so i understand and appreciate the need for

increased density and urban mixed use development along major corridors but also understand the need to protect existing neighborhoods and the character and citizens who represent the neighborhoods. I support rezoning about 98 percent of the land slated from rezoning. The pennick place neighborhood should be exempted rezoning because it's unique in a number of ways. First of all, it's 100% owner occupied. It's also 100 percent unanimous in its opposition to this zoning. It's harvey pennick's rolled neighborhood. His house still is in the middle of the block, his old house. You might know harvey pennick, he wrote the little red book, the greatest selling sports book in history. The neighborhood has been intact for almost 60 years, retains it's original character with the 100% owner occupancy. By allowing this tract to be rezoned it would change the character of the historic neighborhood and rich piece of austin history. I want to briefly speak to the more recent history of this neighborhood. In 2005, the number of people, including my late father, wayne gronquist, who worked for and on behalf of the pennick place neighborhood association and with the property and the landowner, they came to an agreement that allowed for the lots facing riverside to be light commercial and the lots along pennick to retain sf 1 zoning. If the rezoning plan is not amended to exclude the land between pennick and grove, it will allow for the destruction of the character of the neighborhood against the wishes of the 100 percent unified, 100% owner occupied neighborhood effectively railroading the citizens of the neighborhood and rolling back an agreement that was negotiated and agreed upon in good faith. I humbly ask that the rezoning plan be amended to exclude the land between pennick and grove to protect the character of this unique and uniquely austin neighborhood. Retaining the character of this small part of austin is consistent with the goal of diversity and diversity along the corridor. And given the unique nature of this small neighborhood, its wonderful and rich part of austin's history and the unanimous opposition to the proposed zoning change, i ask that you approve the petition to exclude it from the rezoning plan.

>> Mayor Leffingwell: So we know exactly what you're talking about, are talking about 5617, 5701, 5709, 5717 pennick drive? Is that the item that you are talking about or more than that.

>> Correct.

>> Mayor Leffingwell: That's motion number 10 on our sheet just for -- so everybody knows we're on the same page here.

>> It's also actually motion number 9. 5600 East riverside, 9 and 10, yes.

>> Mayor Leffingwell: Okay. In here, in both of these cases, no action by the planning commission. And the neighborhood request on both of those not to rezone. Thank you.

>> Mayor?

>> Mayor Leffingwell: Councilmember tovo.

>> Tovo: Very quickly, mr. Gronquist. I think that you said you had 100% opposition, do you have a valid petition or the boundaries so wide that you were not able to assemble one.

>> I believe it's a valid petition. It's 100% occupied and everybody on the street signed it. Does that make it valid?

>> Mayor Leffingwell: That's contrary to the motion sheet again. It's probably because you are part of this larger area, you've lost that ability to -- to use the neighborhood petition process.

>> So it's not a valid petition?

>> Mayor Leffingwell: That's according to staff, it is not.

>> Tovo: guernsey, is that correct? Yes? Okay.

>> Sorry.

>> Mayor Leffingwell: Thanks.

[Indiscernible] jack connor.

>> Thank you for staying late. Representatives of the

[indiscernible] have lobbied you to release this 25-acre parcel or 17-acres or whatever they have under contract. Before you agree to that, i would like you to recall that in order to facilitate the proposed creation, of 252 new low income housing tax credit units, within a half a mile of 712 existing units, 192 of which are directly across the street from this parcel and

[indiscernible] tract with a 37% poverty rate, you, council, just two weeks ago allowed them to rezone their way out of complying with commercial design standards, with the understanding that the project would be subject to the erc master plan. In addition to shirking commercial design standards, now they're saying that the affordable housing project is compromised by the ercmp and they cannot comply without adding costs to the site and going back to review their plans at the state. I would suggest that all of the requirements in the east riverside corridor master plan were there a month ago, two months ago, a theory i can't go theoretically. The real problem with the state is that more than two weeks ago, tdhca notified them that their tax credit application had been terminated for material non-compliance. Let me repeat that. The week you rezoned this property for them, they had been notified that their funding application had been terminated. Did you know that when you rezoned the property? The neighborhood surely did not. In addition, the current fiscal and administrative compliance infractions, tdhca staff documented past material non-compliance on cesar chavez foundation tax credit projects so is not recommending to the tdhca that it reinstate the riverside application on NOVEMBER 13th. I say was not recommending because monday, november 6th, SCOTT MARKS, CESAR Chavez foundation representative at coats road, notified tdhca they had withdrawn their application for riverside gardens. Erc-mp is not the threat to cesar chavez foundation plans, these folks have no plan to [indiscernible] with the state because they withdrew their application. They are supposed to mean something otherwise the public gets the idea that participation is pointless. If the e eroc is not worth depending against the interest in the planning process has only put down a measly amount of earnest 5 million parcel, an ban doned the funding application and did not tell them

they were -- against what will you defend the eroc? In short, cesar chavez has all kinds of compliance issues. Please do not allow them to add the eroc to the list of guidelines they can't --

>> Mayor Leffingwell: Thank you, ma'am, your time is -- the address is that 1700 and a half frontier valley.

>> Yes.

>> Mayor Leffingwell: Okay. Just wanted to make sure.

>> Questions?

>> Mayor Leffingwell: Thank you Thank you Lucy sheffield? Trey sheffield? Okay. So you have up to six minutes, too.

>> I will warn you, I get wordy, I'm lucy sheffield, thank you for being here so late mayor and council. I want to appreciate what you have to do because it's a big task the corridor. I'm in real estate and i can't imagine the decisions that you have to make, so i appreciate your time. I've been in austin 30 years, three-quarters of my life and I both a home in pennick place that my neighbor aaron just talked to you guys about. We fell in love with it. There's a unique history there. I've been here 30 years. I never knew about the wonderful things going on around east riverside, roy , the history behind the golf course and in particular where we chose to settle. On pennick place. I'm excited and appreciative, again, to be here. I want to point out to me the specific zoning I'm not sure exactly how this works, it might have been an oversight about our neighborhood. I don't know if we can pull up the little map with the five stars on it or if you have it. We're the one in the middle on the little section. Our little piece probably isn't big in the whole scheme of things. But there's four reasons i think that I want to touch on to preserving our neighborhood. You can do it however you want. We want to keep the zoning as is. Knock it out of the eroc if you want or just keep the zoning as it is. The proposed plan has it as nr. Which allows it to be the streets -- the streets in front of us allow it to be i think row houses, duplexes, town homes, attached, could be a small apartment complex, I believe. That does not fit with the single family homes that we have now. Pennick place is a subdivision. As I best understand what that is. And it goes to east riverside. The purple -- where my lots are on the other side of that big black line. There's seven of us that live there. 100% Owner occupied. I moved there. I'm the second newest. Lived there 15, 25 years, generations have lived there. Harvey pennick's house, of course is there. And then x house. The lots across the street were all part of pennick place, one owner owns that through an agreement. Aaron mentioned we allowed him to do micked use in the front part and then those lots around it, including the with unthat touches riverside was agreed to stay single family residence. As it's zoned right now, those again could be small apartments, something like that. That doesn't even -- what was agreed by the current owner I guess is what I'm saying. So my four points the reason to consider preserving our neighborhood. One that it's historic. My home was built in 1957 i believe. We were talking about a street on sam street that's 50 something years old. This subdivision is from the late '40s, I believe that he developed. The houses, late '40s, mine in 1957. So it's kind of in an odd spot. I agree. Right there on east riverside. But it's a piece of history. I think it would be the oldest subdivision in the whole area right there. I think that's important to point out. Number two would be the prior

agreement between us showing that there is a goodwill to, yes, go into high density. Let new development come. But the agreement was on pennick street, that that would stay single family residence and that's not the way it's set up. Third would be there's a vision -- in the vision statement, it says there's a commitment to socially and economically diverse, as well as maintaining the mix of housing options in the area. Including options for low and [indiscernible] income populations. There's just not any single family residents really hardly in this whole riverside area. I'm in real estate, it's called area nine. There's very new. So to even bring what last is less of a large single family resident neighborhood, not only one with historic implications, but then to make that low density doesn't make sense to me when there's a lot more other space. Then fourth simplicity -- simplistically speaking, the line runs right through our street. There's no neighborhood where the east riverside corridor literally cuts through the subdivision or neighborhood and that's what it's doing here in this case. So we talked last night, all of the neighbors, we will welcome to have you all come over and check out the neighborhood and how it would look and feel if, you know, the I think 40-foot buildings that could literally go real close to our homes would be. Thank you.

>> Mayor Leffingwell: Question for you. Councilmember morrison.

>> Morrison: I'm a little bit confused because i missed the part about what is not zoned single family here or what was agreed at this point because the motion sheet that we have describing your situation i think that I only see sf 3 and sf 1.

>> Okay. Well, is --

>> Morrison: Is there something that's not zoned single family?

>> I'm talking in normal terms. So all that I say was zoned nr, which could be sf 1 all the way up to multi-family.

>> Morrison: I'm talking about currently. Was there some agreement for multi-use somewhere?

>> One of the lots was switched to -- to neighborhood mixed use.

>> Morrison: Okay. So I will ask staff about that because I'm not seeing that.

>> It's purple. It's purple instead of being blue. And then the blue is vague because it could be multi-family I believe --

>> Morrison: Do you have a picture that you can help me with here? The blues and the purpose pells are -- so it's all current -- purples --

>> the properties that they're requesting to be -- to be extracted, so it's actually -- it's the middle part in this map and I think she's talking about in terms of the commercial or mixed use, that's actually the property that's on riverside and that's not one that they are requesting a change on. I think they are just requesting a change on the ones that are light blue and they are kind of under that middle star.

>> Morrison: Okay. So we do have 5600 riverside on the list.

>> Right. And so it's the light blue one that's touching riverside.

>> Morrison: I really sort of need a pointer. I'm sorry. It's too late for me to --

>> can I show you this map that I brought? Or can you get it up? It is kind of squished, though.

>> Mayor Leffingwell: What's the property address.

>> Ones on the inside aren't developed, I know them as lots nine, 10, 11, 12, 13.

>> Morrison: One thing that I'm concerned about is I'm looking at the development bonus

[indiscernible] map which is in our draft on page 18 and the way I read that, that space on riverside is actually is in there as going to 65.

>> Yes.

>> Could potentially though, compatibility standards would I think limit that --

>> Morrison: To do anything?

>> I would have to measure the distance. And I think -- so if the triggering properties are the existing single family houses, then the compatibility tent obviously starts at that property line and steps up. So you would be able to build something, but obviously once you get parking and - and storm water treatment and things like that, it would limit the site. Quite a bit.

>> Morrison: Okay. And so the -- what's in the plan right now actually would have on one side of pennick the existing houses, and then on the other side could have townhouses, apartment buildings and things like that?

>> Correct.

>> Did you consider, was it considered at all to make it a little more transitional? Since there will be some pretty intense, that's a pretty abrupt change.

>> Well, the -- I mean the light blue neighborhood residential subdistrict is our lowest intensity subdistrict and the maximum height is 35 feet, which is, also, I think the maximum height allowed in single family zoning, is that correct? Yes. So the height limit is the same, but obviously you could potentially put townhouses that type of thing.

>> Morrison: And just one last question. So what's -- do you have an estimate of number of units per acre so that we could compare that to number of units per acre for sf?

[Indiscernible]

>> the maximum fa -- the limitations are by far and the maximum floor to area ratio would be .5 to 1.

>> I want to come over here and point real quick.

[No microphone]

>> Mayor Leffingwell: We can't do it that way, sorry. Loud doesn't matter. That doesn't get you on tv.

>> [No audio]

>> these are blue. This one wasn't included at all. This one was changed to blue. There's actually a house on it. I don't see why that even needs to be the zoning change. This was left out, coincidentally, this whole section. This is supposed to be part of the single family residence, it's currently zoned sf 1. And it's been changed to purple. Which is mixed -- I'm sorry, neighborhood mixed use development. So we just want all of this to stay the same, however it's done. You know, this is mixed use. But not mixed use into, you know, anything larger than like office-type building or -- and then the rest would be sf 1 or sf 3 like the rest of 'em.

>> Thank you, ma'am.

>> I think the nr expand it past that.

>> Spelman: But if I could just clarify, if we zoned it the way you were recommending, the maximum height across the street from I'm sorry, ma'am, i have forgotten your name.

>> Lucy.

>> Lucy's house would be 35 feet.

>> Correct.

>> Spelman: It could have a higher floor to area ratio than single family, it could be townhouses, for example, but it wouldn't be any higher than 35 feet.

>> Correct.

>> Mayor Leffingwell: Larry sunderland?

>> Hello, mayor, councilmembers, my name is larry sunderland, east riverside resident, member of the working group and right off the bat, I want to say something about the people involved in this process. Erica leak and her steady, calm leadership, toni house, jan long and ron thrower have been there from the beginning and they define what a citizen is. They are there for their community and they have worked very hard on this plan. We don't always agree, but i think we've made a lot of progress because they've let me wear this tonight and I'm a density advocate

and i will continue to work with them and on them about those issues because I think density is really an important aspect of -- of getting workforce housing and better transportation. And I am personally not afraid of density and i believe that our neighborhood is best served in we have workforce housing and have people living in that housing, hopefully some of them owning those homes. Currently, a lot of what we see doesn't meet the requirements or the vision of what my neighbors think is worthy. But -- but there are really a lot of options out there that we do not utilize in this town. Never have. And until we understand what those options are, we can't really advocate for good housing on our corridors. I believe that I am best served and my home is best served by having everybody living in good conditions, a lot of the housing we have in the corridor now is substandard and I know that we want to save it but it is beyond saving. When you have collapsed cast iron pipes in the slabs, you know, it costs millions of dollars to repair those. And that's just prohibitive for property owners and they have -- they know that and that's why they're not doing it. They can't get a loan to do it. Those projects are going to come down and we need to replace it with something appropriate for this time, the 21st century. We made mistakes 50 years ago, we don't need to make those mistakes again. So my role in my neighborhood is to help my neighbors understand the value of density and the ways that we can go about providing housing. So that's what I'm going to do going forward. No matter what happens tonight. I spent a lot of time walking the corridor, handing out fliers to every business on the corridor. I did not hand out fliers to any one of the -- of the people that were here because in my lack of wisdom I did not realize that they were locally owned. They are good business or they wouldn't be in business and of course we have to accommodate them. In time I think as conditions change, they will change with it because they're good business people. But currently I think we need to pay attention to --

>> Mayor Leffingwell: Thank you. Malcolm yates.

>> My name is malcolm yates, I'm a member of the eroc contact team. I'm here tonight to talk about some of the other aspects of the regulating plan. One of the primary design goals of the east riverside corridor plan is to create a more bike and pedestrian friendly situation. We are not going to have pedestrians and bike riders on riverside drive unless we also have routes that feed pedestrians and bikes into the corridor. So please remember this point when the eroc neighborhoods come back later to ask for funding to complete the country club creek trail. Thank you.

>> Mayor Leffingwell: Thank you. Susana almanza.

>> Jean mathers also donated her time to me.

>> Mayor Leffingwell: Who?

>> Jean mathers.

>> Mayor Leffingwell: I don't have her signed up. Are you here? Would you sign up with the clerk to donate time.

>> He says that you need to sign up.

>> Mayor Leffingwell: You have to sign up to -- in order to donate time. Okay. So you have three minutes.

>> Good afternoon, good evening, mayor. Mayor pro tem and city council members. My name is susana almanza, I'm president of montopolis neighborhood plan contact team and also the director of poder. And at this time I'd like to state that the montopolis neighborhood plan contact team supports removing the property at 1700 and a half frontier valley from the eroc plan. We are well aware that the cesar chavez foundation a couple of days did remove, withdraw its permit for the state financing, but we also understood that the karneer brook would be now financing that project. We think at this juncture it's very important to keep that affordable housing project. Just because their affordable housing bond did fail so we are at a deep crisis of making sure that we keep affordable housing where we need it. I also want to say that the montopolis neighborhood plan contact team feels that we should have a presentation on this particular case of rezoning, because it is an amendment to the neighborhood planning, montopolis neighborhood plan, it also is bringing in new zoning, it's also bringing in new land use districts and we think that it should be treated just like any other zoning case. When there's a change that -- that hits any of these recommendations, it comes before the contact team and the contact team gets to hear about it and express its opinion and this has not happened. We have not had the opportunity to review, you can imagine yourselves the complications, how complicated this project is. Just imagine the montopolis neighborhood who has not had a briefing of this particular issue at all. And I would like to state that no there hasn't been significant community input when it comes to height. There are very few privileged people who have that be opportunity to take off and attend these meetings. But the montopolis community is a working and a poor working class community and we don't have the same privileges that a lot of people have to be going to all of these particular meetings and to understand the complexities of all of this issues. So I have to state for the record, no, there hasn't been significant input from the montopolis community and how this plan is going to impact them. And what we would also like to have that state into this plan as urban rail does not happen, that the eroc -- the erc plan reverts back to the original montopolis neighborhood plan zoning. So I would like to take it a little bit further to put in there that if it doesn't happen, we go back and we begin and we stay with the year that we put into our montopolis neighborhood plan and what we felt should be there because we had to -- they blanket zoned us with mixed use but we kept our bases only. So I would like to make sure that that take place. And that this is an abrupt change to all of the montopolis community and i don't know that, I know it hasn't been mentioned here, but it will also add to the gentrification of montopolis.

>> Mayor Leffingwell: Thank you. Those are all of the speakers that I have signed up that wish to speak in this public hearing. Council, I'm going to offer this up for a suggestion, it will be your decision. But one option that we have we're looking at a motion sheet that contains 13 motions. A lot of them about -- about half of those considered to be controversial. We do have the option of closing the public hearing and postponing action until our next meeting. It's now 11:30. It's going to be quite late if we proceed and I think some of this stuff is pretty complicated.

>> Cole: So move.

>> Mayor Leffingwell: Mayor pro tem moves to close the public hearing and postpone until the next meeting, which I believe is DECEMBER 6th. Is there a second?

>> Seconded by councilmember morrison.

>> Mayor Leffingwell: All in favor say aye.

>> Aye.

>> Mayor Leffingwell: Opposed say no. Passes on 6-1, councilmember spelman voting no. So council, that's all that we have on our agenda, we'll look forward to addressing these items at our next meeting. Without objection, we stand adjourned at 11:33.