

City Council Meeting Transcripts - 3/7/2013

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>> Mayor Leffingwell: Good morning. I'm mayor leffingwell. We begin with the prayer from rev. Peder sandager, the pastor of st. Maarten's evangelical lutheran church. Please rise.

[04:01:35]

>> Thank you, mr. Mayor and council members. Let us pray. Almighty god, we give you thanks for this beautiful creation that you have entrusted to our care. We praise you for the many blessings you've bestowed upon us, even as we know nothing we have is ours but is yours alone. We give you thanks that you've called us to labor in your vineyard, in this great city, knowing that without you we can do nothing. We pray that you would open our eyes to the needs of our city. Grant your presence at this meeting that the decisions made here will build up the city of austin and it's citizens. Guide us and direct us by your spirit that we will see that in helping the least of those among us we will strengthen our entire community. May these city leaders who you have called forth to serve among us conduct this meeting in accordance with your will and deliberate and consult peacefully be one another. Direct them to act in accordance with justice for all and may that all is said and done be pleasing in your sight. Amen.

>> Mayor Leffingwell: Amen. Please be seated. A quorum is present, so I'll call this meeting to the austin city council to order on thursday, march 7, 2013. We're meeting in the council chambers, austin city hall, 301 west 2nd street, austin, texas. The time is 10:03 a.M. We'll begin with the changes and corrections to today's agenda. Item number 1, delete the words "and press conference" after regular meeting. Item number 11 is withdrawn. Item number 14 is postponed till march 28, 2013. Item 18 is withdrawn. Item 26, add the phrase "not recommended by the electric utility commission." Item 38, delete the date sunday march 24, 2013, and insert saturday march 23, 2013. On items 42 through 47, council members morrison and tovo are requesting these items to be set for a 6:00 p.M. Or after time certain. Noting that item no.68 should have been posted for 2:00 p.M. Or after time certain, so we will hear item no.68 after 2:00 p.M. Briefings for today, we have a briefing on the air quality program recommendations and a briefing on the comprehensive land development code revision. At 12:00 p.M., We'll have our general citizens communication. At 2:00 p.M., We'll take up our zoning matters. At 4:00 p.M., Our public hearings. At 5:30, live music and proclamations. The musician for today is kerry elkin. The consent agenda for today is items 1 through 40, plus item 67, noting that council member tovo will be recused on item. No 37. There will be several items pulled off the consent agenda which I'll go over in a moment. Item 30 will remain on the consent agenda. Those are the appointments to the boards and commissions, and I'll read those into the record. To the commission on vrans affairs, linda yoder is council member tovo's nominee. To the downtown commission, hugh simonithc is council member morrison's nominee. He's a representative of the downtown austin community court advisory committee. We'll approve a waiver of the residency requirement in the city code for linda yoder's appointment to the commission on veterans affairs.

The following items are pulled off the consent agenda, items 24 and 26, pulled by council member tovo. Item no.27 pulled by council member morrison. Item no.40 is pulled off the consent agenda by myself. That item was on the consent agenda. Five people signed up to speak. After the deadline of 9:45, so it could remain on the consent agenda but I'll pull it because of all the speakers signed up. Item 67 is pulled by council member tovo. Item no.5 is pulled for speakers. So that is the consent agenda, unless there are additional items to be pulled. We have several speakers signed up to speak on the consent agenda. First is david king. Is david king here? It's the consent agenda. I don't know which item you're signed up on. 34, but you can speak on any it consent agenda. Okay. Thank you.

[04:07:26]

>> Thank you mayor and council members. I'm speaking on item 34 regarding legislative priority for animal shelters, and I'm here to thank you for being proactive and making this a priority with the texas legislature and thank you for helping to make austin a no-kill city and for promoting animal shelters and animal welfare legislation in the texas legislature. Thank you very much.

>> Mayor Leffingwell: I believe that's all the speakers that we have signed up on the consent agenda. Oh, is scott johnson

-- scott johnson. Okay.

>> Good morning, mayor, council, city manager. On item 38, I'm in favor of that item, but I wanted to find an item that relates to fee waivers. I attended an I vent last year, was an award recipient for purveyor's event. I'm concerned any group that comes before council and ask for fee waivers, that any office granting fee waivers should be using the recycling form available from your office that says if folks have an event on city land, they@ can get a rebate of \$750 to have an event coordinator that can create waste diversion and recycling and hopefully other matters that reduce impacts to our community, such as water conservation, reducing fuel use and truck idling and things of that nature. So I would just love for you, when you get these, such as the kite festival, back in 2008 and 2009, when a group of citizens, staff and council aids worked together for several months and put together the green events ordinance, there was pushback by that. The organizers said, we had difficulty doing this. Well, certainly, but there are resources from arr that can help. South by southwest has an oversight impact on the city of austin in terms of air quality, water conservation issues, traffic and other matters related to waste that we could say, okay, you're going to ask us each year for a fee waiver and apparently waiving overtime or fees that relate to aped@ apd protection, if I'm not mistaken. They do some, but some do virtually nothing and we have the power of persuasion to say look at this, it's a volunteer program, let's hire someone. Please look at this when the fee waivers come before you. There are opportunities to make it better. Thank you very much.

[04:10:20]

>> Mayor Leffingwell: Those are all the speakers on the consent agenda. I attend a motion. Council member martinez moves approval, seconded by mayor pro tem cole.

[Voting] passes on a vote of 7-0. Item. No 5 is pulled for speakers. First speaker is gus pena.

>> Good morning mayor, council members. Gus pena, united states marine corps veteran.

Having to do with performance base of solar energy on royal crest drive. The reason I'm here is we're working with a lot of students from travis heights and travis high school and they're all involving solar energy. What better way to educate our young people who are our future to be

the leaders, the future leaders of solar energy? So I commend you all for this agreement and the execution of the agreement, you know, whatever amount of money it is, it is fruitful and helpful. I know you as an educator, dr. Spelman, would be proud to do this. We might invite you to speak to the k. It's very important. Mayor, one minute on a personal privilege. I want to thank everybody that helped out with my mom's funeral. Mayor, austin police association, bob nix of the firefighters association and tony of the e.M.S. And wayne is a good friend of mine from the apa and city manager mark, thanks, very much. They made a pleasant hero's sendoff to my mom. Thanks very much angel funeral HOME, brian DeLeon, all the kind words and cards that I got. She is at peace. Thank you very much.

[04:12:39]

>> Mayor Leffingwell: Thank you. Please accept my deepest sympathy for your loss. So now we'll take up item 24 pulled by council member tovo. We had a vote on this item. We had one more speaker. Tony leos. He's not here. I entertain a motion on item 5. Council member spelman moves approval. Second bid mayor pro tem cole.

[Voting] passes on a vote of 7-0. Now take up item 24 pulled by council member tovo. There is no speakers.

>> Tovo: I have a couple of quick questions for the austin energy staff if we've got somebody here who can speak to this.

>> Alan staples for austin energy.

>> Tovo: It's my understanding the commission had some discussion about the issue and discussion to the which austin energy can verify and speak to that issue. It's my understanding that

--

[technical difficulty]

-- still requires an annual reading.

[04:14:42]

>> I don't have the exact information on that. I will get some staff coming, but there are certain situations where we have meters. We have a lot of meters out there. Over 400,000 and some meters, so we have a lot of situations where we still have to do manual, and I'm talking electric meters.

>> Tovo: I guess the reason I'm asking is, as probably all offices do, we get questions and concerns from constituents about their bills. So one of my staff members has been in stuff with austin energy staff about whether, in cases where a resident feels like they've got a meter reading that is quite high compared to their previous usage, we've gotten different information about what the process can be for verifying that and whether staff can go out there and actually, you know, manually read the meter to verify the charge. So I think the answer was

-- it sounded like some of the answers coming from customer care is the staff will not go out and manually read them, but at the eec meeting, the discussion was some of the meters require manual reading. I wanted to get clear on the process when you have a resident who has an issue with their meter.

>> Carey overton, deputy manager at austin energy. There is an item coming up to council not on this agenda but in the next subsequent weeks that will specifically deal with the meter reading contract. But to address your question broadly, primarily, austin energy, for electric meters, we don't have to have a manual read on those meters. We do it through a mesh network, through

automatic meter reading, but we also provide the services for the combined meter reading for the city and, so, we do still go out and read manually water meters. And for electric, we do have some services where there is a case where we have to go back and reread and maybe check the meter. We will also use that contract for that purpose as well.

[04:16:53]

>> Tovo: So there is an option for customers who would like that kind of verification, they can request that and the contract that covers the manual reading for water.

>> Yes, within that service, if the customer requests a re-read, that's also part of that contract.

>> Tovo: So there is no way

-- maybe this is a more appropriate discussion in a couple of weeks when we talk about the meter reading contract

-- but it would be good to know why the water has to be handled differently, the water reads.

>> Well, because to have the of the meter style types they have. Austin energy moved to, within the last four or five years, had already started migrating over to an amr metering which is different than an electrostatic meter which allows us capabilities. And I think water has done some pilots on some of the meters, but I'm not sure all of the results have been in in terms of what they would think the investment for increasing their infrastructure at this time.

>> Tovo: Okay. Thank you. I do have other questions, but we'll take them up in the next couple of weeks as we prepare to read that other or consider that other item. I move approval.

>> Mayor Leffingwell: Council member tovo moves approval item 24. Seconded council member spelman. Discussion?

[Vote] passes on a vote of 7-0. Item. No 26, I believe we have speakers on that, yes, we do. Council member tovo pulled it. Do you want to hear from the speakers first? Michael waylon. Donating time to michael is rand hobbs. All right, so mr. Waylon, you have up to 6 minutes.

>> Thank you. Michael waylon on behalf of tes to request the contract for management and disposal of austin energy industrial waste and disposal be rebid, we're at a minimum that the three year contract extensions be deleted if the two year contract is awarded to bfi. As you know, several questions have been raised by the bid that was accepted by staff which is at least 16% higher than the current cost of services and has no recycling component. There was a no-bid on recycling comboant by bfi. In fact, the electric utility commission voted against recommending the award of the contract allied. Tds sent a letter to the city of austin purchase contracting person saying what and why it occurred and the tds recommendations. This letter should have been forwarded to you. The purchasing department is here and with their permission, I'd like to hand the letter to the clerk. Mr. Johnson's permission. Can I hand the letter to the clerk, mr. Johnson? Or you already circulated it? Is that a yes? Okay. He said go ahead. Okay. The letter is for the public record and I believe it was circulated to purchasing yesterday. Specifically, tds inadvertently failed to submit pages 2 and 3 of a three page price listing within the delayed response. Tds signed the bill itself ten times but one signature was not included because it was on one of two missing pages. The clerical error was solely the fault of tds. Instead of alerting tds to the clerical mistake which i recognize is not the staff's responsibility, the staff decided to go with a more expensive option at greater taxpayer expense. In baffles me. Today council can provide the guidance staff needs to allow the rebid to occur so austin energy rate and taxpayers get the service at a 16% lower cost than what is currently proposed by staff and secure the pricing for a full five years. Moreover, if staff's proposal to accept the allied or bfi bid were adopted with the three one-year extensions, the waste loads could potentially going to a land fill that, by rule 11

agreement, is supposed to be closed on or before november 1, 2015. I'll be glad to hand out a copy of that as well. It is clear that is the policy and intent over council. If council decides to not direct staff to rebid the contract, we would ask a minimum that council not accept the contract as proposed with the three one-year extensions that would extend or give staff direction to extend the contract beyond november 1, 2015, when the landfill is supposed to be closed. A third option is for the council to extend the existing contract with tds and provide three one-year extension options under the tds2009 contract. Tds is prepared to accept the same terms and to continue operation under the 2009 prices for the extended period. Because of an inadvertent tds clerical error, please do not allow a bid to be accepted that costs 16% more than the current contract and provides that both allied and bfi and the staff, a council authorization to extend the contract beyond the agreed closure date to have the bfi landfill. The council retains the ability to rectify the situation in a fair and open bid process that would yield a savings with recycling -- with the recycling component to the city of often. We ask a 60-day extension of the contract be initiated so there can be a rebid process or that the three one-year contract extensions on bfi contract that's being recommended bid staff be removed from the contract award. Thank you for your time. If you have questions, I'm happy to answer them.

[04:23:10]

>> Mayor Leffingwell: Thank you. Council member tovo has a question.

>> Tovo: You said this at the beginning but I wanted to be sure I heard it, did you say that the application was missing two of the three pages?

>> Yeah. The price sheets. You look at the letter circulated on the very back of that letter, there are three pages, and the first pages in there, the second two pages were not.

>> Tovo: I see. So that was also within of the reasons we asked the question of what that bid was and I guess the staff said they weren't able to compile it and that information they were missing was on that sheet.

>> Correct. The bid, turns out, when you look at the overall pricing, actually comes in low than the 2009 prices. And we would be prepared to honor that as well.

>> Tovo: Thank you very much.

>> Mayor Leffingwell: Any others? Thank you. Adam gregory. He doesn't need my more time, i don't think, do you, mr. Waylon? All right. Phillip gibbs. Phillip gibbs. Are you declining? Is phillip gibbs here? Okay. John ainsley. And you have three minutes.

>> Good morning, john ansley, allied waste. I want you to know I'm available for any questions you miff regarding this contract.

>> Mayor Leffingwell: Any questions? Council member tovo.

>> Tovo: Sir, is it accurate your contract does not include a recycle component?

>> There is a small component we no-bid, 200 yards estimated annually for wood recycling. It is something we can provide, but at the time the bid was due, we did not have a sufficient outlet for that material.

>> Okay. And that would be an additional cost, then, in addition to the costs you've already provided as part of your bid?

[04:25:14]

>> Correct.

>> Okay. Thank you.

>> Those are all the speakers that we have. If there are no more questions

-- council member tovo?

>> Tovo: I had some questions for staff on this item.

>> Yolanda miller, deputy purchasing officer.

>> Tovo: Thank you. I appreciate the answers you gave in the q&a process. Just a few follow-up questions. Is there an additional cost to city of austin for transferring the services from its current contract to allied waste? Did we expect there to be startup or other costs associated with that.

>> No, shouldn't be.

>> Tovo: Do you have a sense of how the city would handle the recycling component that the current bidder or proposed contractee has not

-- is not able to provide?

>> That amount was estimated at 200 cubic yards that they would need and it's a very small dollar amount for that amount. So we don't anticipate that being a problem. We'll just handle it separately.

>> Tovo: But it would be an additional cost. Do you have any estimate of what that additional cost might be?

>> Approximately \$200 is what we thought the cost would be for that particular item. In terms of not staff costs, but in terms of the line item. That was the estimated amount.

>> Tovo: I guess I do want to throw in, though, on the fact that the contract does extend

-- the proposed contract before us today extends beyond the time the allied waste was proposed to close. I know in the q&a, the answer back was that was what was originally in the rfp, but once it was good with the staff that we'll recommend this particular provider and you were made aware of the service of the settlement agreement, why wasn't the recommendation shifted in accordance with the proposed closure time?

[04:27:21]

>> At the time, we had no knowledge that allied could not get either a waiver or could provide other means to finish out the contract. So because we did not have any knowledge of that

-- direct knowledge of that, we decided to keep the contract as is.

>> Okay. So the increase that's contemplated here is 16% from the 2009 and the current contract. What would be an expected rate of increase? That's quite high as an increase.

>> That information is

-- we had, even for one of the largest line items, some of the increase from texas disposal for the largest line item amounted to 25%, so even though allied is at an overall 16% from their bid in 2009, they actually came down almost 50% in their bid amount. So we expected there to be some increase over the four years, which we determined through looking at producers' price indexes and the index that we use that that was an acceptable level of increase.

>> Tovo: So in other words you anticipated there would be some kind of increase from the 2009 contract and 16%, you think, is in the ballpark of what is reasonable?

>> Yes, we did.

>> Tovo: I didn't follow you in terms of the major line items from texas disposal systems. Are you talking about the bid package they submitted that was not complete or are you talking about

--

>> correct.

>> Tovo:

-- The 2009?

>> Just to try to compare the two.

>> Tovo: And in comparing the two, you're saying the line item was 25% greater than in 2009

--

>> it was the largest line item.

>> Tovo: 25% more than allied waste?

>> No, 25% more than what their 2009 bill was.

[04:29:21]

>> Tovo: I see. Do you think it's accurate what mr. Waylon said that the overall price may have ended up being lower than 2009, if all the other pages had been included?

>> We looked at some of the line items and tried to compare it from the 2009 and going forward, and all of them had

-- some of the line items were higher, some lower. Overall, there may have been a small increase, but we looked at the fact that it was a responsive bid and that the items and the prices they bid were in line with what we thought they should be.

>> Tovo: I see. And I know council member spelman asked a follow-up question about really what are our options here today? Is one of them to reopen the process so that we can be sure, as a council, that we're embarking on the very, you know, most fiscally responsible options? Is that an option for us?

>> As directed by council

-- of course, council can vote up or down on any recommendation we make. In terms of us and following local government code, we do have a responsive bid. It was a fair and open process. The bidder that we deemed non-responsive did not submit all the requirements of the bid. So

--

>> Tovo: Right. And you addressed some of the concerns. I'm really interested in what would be some of the other implications if we did choose to reopen that process?

>> Well, the responsive bidders' prices are exposed, and one of the consequences could be that they decide not to bid because their has been exposed. And they were responsive. They submitted all the paperwork, did everything as we requested them to do, so that would be a consequence, or other people may see that this might be where responsive bids aren't accepted and, so, they may decide not to bid either.

[04:31:28]

>> Mayor Leffingwell: Question.

>> Tovo: I think other council members have questions.

>> Mayor Leffingwell: Council member martinez.

>> Martinez: I'll up on council member tovo's question to the law department. What's pending before us today is either acceptance or rejection of the item. Council member tovo asked the question of can we direct staffo rebid it, and I think my question is, if we simply reject the item, doesn't that automatically put staff in the position of having to go out and rebid because we need this service to take place? We wouldn't necessarily need to get bert direction?

>> Correct, under the bidding statute, you accept or reject what's been brought forward and if we continue to need the service, we'll go out for another bid. So there is not necessarily a need to direct that specific action take place.

>> Mayor Leffingwell: Council member morrison.

>> Morrison: Thank you. I want to go back to the issue about the closure of the landfill in 2015. I'm a little befuddled about

-- you said you weren't aware, the staff as they were evaluating the proposal, you weren't aware that was actually a constraint on the landfill?

>> In the initial beginning, yes, that is correct.

>> And, so, what kind of

-- and the recommendation is for a contract beyond that date. So what, in your view, is going to be done with the hazardous waste, if the landfill is closed?

>> Well, we've received some confirmation since then, in fact yesterday, that they've already created a subcontract with another provider to handle any additional landfill requirements past their date when they're going to close.

>> Morrison: That's not a problem where the contract allows subcontracting?

[04:33:30]

>> It does.

>> Morrison: And who is that subcontractor and where is their landfill facility?

>> I need to look for that information.

>> Morrison: Okay. And then I guess one last question involves

-- this went to the eoc, and I understand why it went there. Did you all contemplate taking it to the zero waste advisory committee?

>> Not at this time.

>> Morrison: Okay. And did you coordinate it all with our resource recovery department?

>> We have been in touch with the resource recovery department, but, no, it was not specifically coordinated from purchasing.

>> Morrison: Okay. I wonder if mr. Goddard (phonetic) is here.

>> Mayor Leffingwell: There he is.

>> Morrison: Okay. Great.

>> Bob getter, austin recovery director.

>> Morrison: I'm mainly concerned about tissue of the landfill closing and where will it go. You know, landfills are something of grave concern that we've worked a lot on here. Do you have any insights into what other landfills there are? Are you familiar with the subcontract that they're talking about?

>> I have not been involved in this process. This is an austin energy project and I have not been involved. However, there are other landfills available the public could contract with. It would require a contractual requirement because it's a city contract.

>> Morrison: Then last question, do you have any comments on this proposal and this approach and how it may or may not integrate with our zero waste plan?

[04:35:35]

>> Yes, a couple ofints and observations, I note this is austin energy's project, not mine. But the coordination of waste contracts has not been through my department. Each department manages their own contracts, and it was an issue of whether this has gone through zwac review which has not been the practice but we had the zwac conversation and it is theirs and our opinion that waste contracts go through review.

>> Morrison: It strikes me as making a lot of expense because the global waste perspective on these kinds of projects would be helpful, I think. Thank you.

>> Mayor Leffingwell: Mayor pro tem cole.

>> Cole: I have a co of questions along the same line. Because we have not had the practice of

austin energy hazardous waste contracts going through zwac, I assume

-- do you have any idea what type of volume we're talking about there?

>> I do not know the particulars of this contract. I have not been involved, so it would be hard to answer.

>> Cole: You definitely agree there is an impact on the zero waste policy?

>> Yes.

>> Cole: And zwac agrees with that also?

>> Yes.

>> Cole: And the fact you have extensive knowledge on the impact it would have on other landfills in the city?

>> Other landfill resources, I'm unfamiliar with the material type being contracted here, and there is a hazardous materials aspect to this contract, and I simply have not reviewed the contract or the bid proposal to really answer any questions on where the material could be delivered.

[04:37:37]

>> Cole: Let me ask the attorney. If we have this item before us today but we would like to have it before we make the consideration, is that an option under the current posting?

>> I think you can always pass on an item and give direction on that item and Mr. Geddered probably knows the jurisdiction better than I do.

>> We reviewed the bylaws of the zwac commission and this would be a considered item under their bylaws.

>> Cole: I will make the motion that we postpone this item and send it to zwac on their next available meeting date.

>> Mayor Leffingwell: Motion by Mayor pro tem Cole to postpone item 26 to March 21, our next meeting? Seconded by Council member Tovo. Discussion? Council member Spelman.

>> Spelman: The question is on the table. We may as well answer it. Who is the subcontractor that will take your landfill waste?

>> We've executed a contract with the Austin community landfill waste management through October 31, 2020.

>> Spelman: And where.

>> Northeast Austin, 9900 Giles Road is the physical address.

>> Spelman: Used to be the W.M.I. Landfill?

>> Correct.

>> Spelman: So they will take the waste.

>> Type 1, can take the same exact materials as we can.

>> Spelman: Thank you. I have a question for purchasing. I'm sorry, I forgot your name.

>> Yolanda Miller.

>> Sman: Yolanda. Walk through the process by which we verify that a bid is responsive or not. How does that work?

[04:39:44]

>> When the bid is published

-- it's publicly opened.

>> Spelman: Okay.

>> First of all, the bids come in and are held by a clerk in the purchasing office until such time that the bid has closed.

>> Spelman: So the bids come in sometimes over days.
>> Yes.
>> Put in a box someplace figuratively speaking.
>> A locked place.
>> Spelman: Why in a locked place?
>> Because, per government code, the bids must be untampered and sealed and opened in a public fashion after close.
>> Spelman: Okay. When was closing for this particular bid. Do you remember?
>> Several weeks ago.
>> Spelman: Do you remember what time of day it was?
>> Usually 2
>> Spelman: Okay, say it's 2:00. What happens next?
>> After then the bids are then delivered to a buyer that
-- different buyers
-- okay. I'm just told it was 2:00 p.M. ON DECEMBER 19th.
>> Spelman: Okay, so december 19, 2:00 p.M., Somebody opens all the envelopes?
>> Opens the bid and it is a public reading of the bid. You can stream in and see it on the web site.
>> Spelman: Somebody actually reads what the bid says?
>> Correct.
>> Spelman: Okay.
>> So all the prices are read publicly, and then the bids are all then given to a clerk who records all t amounts that are part of each person's bid, each respondent's bids.
>> Spelman: Okay.
>> At that time, the buyer will verify all the numbers and also go through the bids to make sure that they are complete.
>> Spelman: Okay.
>> Then the department will use a review and the recommendation made by the buyer, and then if there is any discussion on if there is any exceptions taken to the bid.
[04:41:54]

>> Spelman: Tell me about exceptions.
>> Sometimes exceptions are in terms and conditions. This particular bid is an invitation for bid, and we cannot take any exceptions to any of our terms in an ifb. In an ifb, it must be where all your materials are submitted, all your pricing is there, and all the terms that the city has provided for are taken.
>> Spelman: I see the word "mandatory items" and "voluntary items" on this particular ifb.
>> Correct.
>> Spelman: Am I right?
>> Correct.
>> Spelman: All the mandatory items need to be addressed. You have to have a bid for all of the issues, all of the items in the mandatory section.
>> Correct, and they're listed in our terms.
>> Spelman: Okay. And we're looking for a per-unit price for each of those things, right? .
>> Spelman: I interrupted you. Go ahead.
>> At the time, we make a recommendation and the recommendation is then taken to the

department for their approval. After that, then we create a request -- well, we go to any boards and commissions and we submit our recommendation along with any justifications to the boards and commissions. At that point the rca is created and then it's submitted for council consideration. Spelman: At what point in this particular ifb will it become clear that there was only one responsive bid? You had two envelopes.

>> When it was opened.

>> Spelman: So two envelopes, you open them both and it's clear you've got per-unit prices for all the mandatory items and all the other stuff that is a responsive bid for allied.

>> Correct.

>> Spelman: But you don't have all that stuff for tds?

>> Correct.

>> Spelman: All right. What happened then?

>> At that point, it's my understanding that a buyer then contacted tds just to, I guess, confirm that they did not find all the pieces to the bid.

[04:44:05]

>> Spelman: Is that standard procedure? We always do that?

>> Sometimes. It's not always, but sometimes they're out of place.

>> Spelman: Okay.

>> I think, in this particular case, the buyer just wanted to make sure they did their due diligence and ensuring they didn't miss something.

>> Spelman: It was someplace, I just didn't find it.

>> Mm-hmm.

>> Spelman: Go ahead. It was confirmed that

--

>> they left it out.

>> Spelman: Okay.

>> And having pricing left out is a reason to make the bid non-responsive.

>> Spelman: I imagine so. Criteria for an ifb is the lowest price.

>> Mm-hmm.

>> Spelman: What point did the buyer call tds and inform them some stuff was missing?

>> I think early on but I don't know the date.

>> Spelman: Not on the same date these were opened?

>> I don't think so. To be honest, I don't know. I would have to find out for you.

>> Spelman: Has any of this happened before?

>> Oh, yes.

>> Spelman: Yeah? The bid gets submitted and somebody leaves a page out or doesn't sign something or something like that happens?

>> Unfortunately, it does happen.

>> Spelman: What's your usual procedure when it happened.

>> What I described.

>> Spelman: Sometimes you call to make sure that it's really not there. If it's not there, it's not a responsive bid, it's thrown out.

>> Correct.

>> Spelman: And I asked the question from you or byron or somebody else answered it. If we were to, say, set aside this entire ifb and presumably go back and do it again, then you're

concerned that the issue was that allied or other bidders in a similar position may be less likely to respond to our request in the future because we know we may just throw it out if we don't like the result?

[04:46:06]

>> That is our feeling. Yes, that's correct.

>> Spelman: Have we any good reason for believing that's actually going to be true? They say, I'm not going to bid on your stuff because you don't play fair?

>> I don't recall, since I have at the city of austin about that happening, but i recall there being issues where other people decide they're not going to bid our work.

>> Spelman: Okay.

>> But I've experienced, certainly, a responsive bid being thrown out, a consequence could be they decide not to bid again because their numbers are already exposed.

>> Spelman: Yeah, certainly on this particular solicitation, they're compromised.

>> Mm-hmm.

>> Spelman: I did the math. It seems to me the difference between the 2009, this set of items for 2009 and this set of items in the allied bid is at 16%, 16% increase over the 2009 price. Is that right?

>> From tds to, what, allied?

>> Spelman: The price established in 2009 by tds who is the current contractor for the items

--

>> correct.

>> Spelman:

-- If we accepted the allied bid, the price would go up 16% over the 2009 tds.

>> That is correct.

>> Spelman: And my estimate of that is the per-year cost allied is proposing is \$260,000, about.

>> Correct.

>> Spelman: And that 16%, then, would be about a \$40,000 increase. Is that about right?

>> Mm-hmm.

>> Spelman: So we're talking about a \$40,000 per year difference over the current price we're paying?

>> Approximately, yes.

>> Spelman: Thank you, ma'am. I appreciate your help.

[04:48:07]

>> You're welcome spell spill i would love to save \$40,000 by the integrity of the bid process is worth more, so I vote no on this motion.

>> Mayor Leffingwell: I had a question for austin energy. Did you talk to us a little bit about the potential impact of postponement or denial?

>> I think the deputy manager of austin energy, I don't think there is an issue of postponing to march 21. We need to understand that a postponement to get further information in details and to have knowledge of what we would be providing in that interim period.

>> Mayor Leffingwell: So i have another question, and i think this is an attorney question.

Council member spelman just mentioned maintaining the integrity of the process. What does this do to the closed bid process now that we already have this discussion and how does sending it to zwac affect that?

>> Good morning, jacqueline kellum, assistant city attorney. I'm not sure I can speak to sending it to the commission, but I would like to high light, again, I concur with the purchasing department. There are some issues regarding the factors, the integrity of the process and all. With that said, your city attorney correctly stated the law. The council always has the descretion to reject any and all bids. That's the legal and general rule.

>> Mayor Leffingwell: But is there also no contract process in effect? How does that work?

>> We have to defer to byron on that.

>> Byron johnson, purchasing officer. It's correct, if you reject the bids and solicit again, the law would be ordinance carries through fo@r that subsequent bid and maintains in effect during that time periodll council then takes the action on the subsequent rebid of the item.

[04:50:10]

>> Mayor Leffingwell: So there is no adverse affect on the no-contact process from a legal perspective by sending it to zwac?

>> No, but there is an exception that you can discuss any of those items in a public meeting and that would be a public meeting.

>> Mayor Leffingwell: Okay. Council member riley.

>> Riley: The next meeting of the zero waste advisory commission will be on APRIL 10th. They usually meet on the second wednesday but this month is different for reasons we all know. So the next meeting after that would be

-- the next council meeting after that would be april 11. So I assume that mayor pro tem would -- might be interested in finding a motion to postpone till april 11. April 11.

>> Cole: I would be information and I would like to clarify the motion would be to go to swac and get their input on the hazardous waste and we're not trying to violate the rules or run into ethical violations but I definitely want to modify THE MOTION TO APRIL 11th.

>> Mayor Leffingwell: Amendment by council member riley to postpone the date to april 11, with additional direction from the motionmaker that it go to the zwac commission prior to coming back to us on april 11. Is that accepted?

>> Riley: I just want to make sure that additional delay doesn't post problems in the expiration of the current contract.

>> We've already worked with austin energy. What we will do is there is dollars still available on the current contract. We would have to extend the time period. We've already talked with tds and, as mr. Waylon has just said, th@y're willing to go forward with it at the same rate for that time period. So we can do an administrative amendment just to add more time, but no dollars to that one. So if it gets further than that, we would then have to look whether they have enough money and whether they would have to do an emergency contract at that point. But we should be able to have enough to do for these next 30 days.

[04:52:32]

>> Riley: Thanks. Council member tvo.

>> Tovo: I have a quick couple of follow-up questions. Mr. Johnson, can you tell us when the current contract expires?

>> Tomorrow.

>> Tovo: Tomorrow. Okay. So got to it at the very last minute. But you don't have the ability to extend it, as you said, for a while and then if there was a need to have an emergency contract for additional extensions, that's all an administrative process that's doable?

>> That's correct. And we've already reviewed that just in case it needs to happen.

>> Tovo: And just so that I'm clear, in looking at the eec materials, I mean, they had access to the bid tabulation and the dollars, so none of that information is

-- and I thought I was hearing some concerns that the information we have been talking about here has now exposed the

-- exposed the figures to the public, but those were all made public information at the eec meeting, is that correct in the bid tabulation numbers and actual contract?

>> The bid tabulation numbers are actually

-- we posted those for open government. We have them available. Anybody online has those available to access. And the bids from allied waste would have been an item at the e, c that they had

-- eec that they had available to them or anyone could request it.

>> Tovo: One that goes to the zero waste commission, I would like for them to dig into some of the amounts and really look over some of the financial information ms. Miller was talking about looking at the 2009 figures and the incremental costs and increases and bringing seem recommendations to us with regard to the recycling component and whether they feel that proposal is manageable. I do have one more question. I know that we discussed our options here. One is to accept it, one would be to reject it. Would another alternative be to modify the renewal and say, you know, this is a one-year contract, no renewals, so that we don't get into a position of extending a contract

-- of having a contract that would extend beyond the allied waste proposed closure time?

[04:54:41]

>> The answer is you have four options. Let me help you by laying them out again. First, obviously, you can decide to postpone or table the item to a future date as one of the motions is. Second, you can have the option, as always, to approve it as is. Third, you could approve it with the base contract and eliminate the options because, again, they are options, we hire that when somebody bids on a contract that they bid for the base period and the options are exactly that. Don't base your prices on the fact that you're getting any options. And as the city attorney said, the governing body has the option to reject bids on every situation.

>> Tovo: Thank you.

>> Mayor Leffingwell: Just to have it straight, the postponement, the only motion on the table for april 11, does not reopen the process.

>> It does not.

>> Mayor Leffingwell: The bids remain as they are today and it just comes back, when it's CONSIDERED ON APRIL 11th, Those other options that you outlined that were available to council, those could be considered at that time?

>> Yes.

>> Mayor Leffingwell: Council member morrison.

>> Morrison: I'm going to support this motion. I wanted to add one more request to staff, and that is that you all

-- that austin energy chat with the resource recovery department and maybe provide

-- I realize it's austin energy's project, but I think it would be great to have any comments or input, also, from mr. Geddered and his department especially with regard to how it integrates with our future vision.

>> And there is some coordination that happened with my staff in the environmental area as well

as the awe tin

-- austin resource recovery department looking at that. We just need to look at the text of waste and how many of those fall into the purview of the solid waste advisory committee. We need to be careful not to mix what their normal oversight is with some of the things here. We'll work together with bob and make sure that we understand the things that normally are in their purview and see where the opportunity to get feedback exists.

[04:56:59]

>> Yes. And I understand this takes it to the commission but I'd be interested in input and observations from the department itself. Thank you.

>> Mayor Leffingwell: All in favor of the motion to postpone till april 11 say aye. Opposed say no. Pass on a vote 6-1. Council member spelman voting no. So now we go to the morning briefings and, of course, the staff will take up item 49, a briefing on the comprehensive land development code revision. You want to outline the process you will go through?

>> Good morning, mayor and counsel. Assistant director for the contract management department. We're here today to present information for the city's comprehensive land development code revision project. I would like to provide you brief background on the steps we've taken to get here today. Joyce adams and myself will be doing the presentation. I'll be talking about the procurement process and joyce will be talking. A staff presentation from pdr to high light the comprehensive plan in big steps. This is one of the first large steps, in addition to the appointment of council by the advisory group. So before we begin the presentation and the staff presentations, I would like to turn it over to george adams to provide information on what we are looking for from the firms and also what things we'll be doing on this project.

[04:59:04]

>> Good morning, mayor and council, george adams assistant director with the planning development and review department. I'm here to provide background on the land development code revision project and kind of set the stage for the consultant presentations this morning. So, as you know, in june of 2012, the council unanimously adopted the "imagine austin" comprehensive plan. And one of the key concepts of the plan is the creation of complete communities, mixed use centers and corridors across the city, and the goal of this is to create areas where our citizens can meet most or all of their daily needs in a compact area. One of the most important tools that we have to implement the concept of complete communities and the vision of imagine austin is our development code. So we are

-- you know, we're embarking on this challenging project to revise the code. In addition, there are a number of other reasons to take these steps. First, it's a national best practice to align development regulations with the comprehensive plan after adoption of a new comprehensive plan. The city charter requires that those two be aligned and then, finally, priority program 8 in the comprehens plan recommends revising austis regulations and processes to promote a compact and connected city. Just as a reminder, in the presentation that we made to council in november of 2012, we outlined the process for this project, and it consists of four major steps. Step one is listening to the community education and issue identification. This is where we'll go to the public to major stakeholder groups across the spectrum and identify what works and what doesn't work about our current code and process. Through this step, we raise awareness and understanding of how the current code is structured, how it functions and what best practices are across the country for revising development codes. Step 2 is the code diagnosis and draft code

outline. In the diagnosis, we'll identify recommendations for what should change in the code, what should stay the same and that needs additional discussion. The outline will actually start to illustrate the framework for the code, how the code would be structured, where different sections of the code would be located. Step 3 is the creation of the draft code and step 4 is code adoption by the council. It's important to note the way we've structured the process is iterative, so each step will be reviewed by stakeholders groups, tub lick, and the council. We want to come to the council with each of the steps and confirm we're on to the right path before we move on to the next step. Some of the key attributes for the consultant team that we identified in the rfq include having american institute certified planner, a licensed architect, landscape architect or civil engineer on the team. We want the team to have deep knowledge and extensive experience in revising complex codes. Want them to have the ability to gather and interpret input from a diverse public and numerous stakeholder groups. Want them to be dynamic communicators and be able to explain complex subjects in an understandable way. We want them to have the ability to listen and interpret input and still remain

-- maintain their professional neutrality and, finally, we want them to be well-versed with the imagine austin comprehensive plan. So with that background, I'll turn it back over to rolando and I'll be available for any questions.

[05:03:35]

>> Next I want to show y'all information on our procurement schedule. So staff issued the rfp, the request for qualifications on november 12 and the responses were due on the 13th of december. We saint notice to over 2400 firms and only 103 firms collected the rfq. We received three statements of qualifications and those derived from optical design from bickerly, california, clarion associates from denver, colorado, and camile unlimited from chicago, illinois. Feeling that process, we began the evaluations on december 20th and they were concluded on the 11th of january. Phase 2 was commenced after the review of the qualifications, included interviews and presentations from the short list of firms which were all three firms. And that occurred on february 5th of 2013. That brings us to where we're at to is presentations from the two short lists of firms. Following the presentations today, we'll be back with council on the 21 of march, with staff's recommendation, and that should be posted tomorrow on the preliminary agenda for the march 21st council meeting. So what you're going to hear today from the two short list of firms is the following. They're going to talk about their organization, their work plan to get the project done. They're going to talk about how they're going to promote affordability and limitations within the new development code. They're going to discuss how they will integrate the current process of revisions within the new revised code. For example, the effort boulevard form based code project, the versailles initiative. Following that, the team's approach to public involvement and then they're going to focus on providing information of their experiences dealing with similar project codes. Important to know these presentations provided today are not part of the staff's process. That's been completed and consisted of the review of is submittals, qualifications and interviews and presentations to staff. Selected a random order of presentation to the top two firms. Clarion & associates go first and optics. We also have sessions set up later this afternoon for some public input process. The first is we're going to allow the firms to conduct a question and answering session with the advisory group that council and staff appointed for the two firms and we'll also have the two firms provide information at the atrium where citizens can, you know, deview that information and ask any questions they have from the information and from what they hear today in their presentations. I want to repeat the staff they identified earlier which

is request for council action consideration will be on march 21. Following that, will begin, after council approves the firm, begin the negotiation and execution and hope to have that completed by may 2013. So if I may, if council has any questions they want to ask of either george or i, we can take those right now and if not we can have the presentations from the first firm which is clarion. Thank you.

[05:07:33]

>> Tovo: Mayor pro tem.

>> Cole: .

>> Tovo: The staff knows which one to recommend?

>> The staf recommendation has been completed.

>> Tovo: So the discussions today with the land code development advisory group and public don't factor into the staff's evaluation in any way?

>> No, they don't. And the second component of that feedback process we have this afternoon, following the presentations, we'll have comment cards where the citizens can, you know, write down their feedb and thoughts about the firms or presentations and then, you know, questions and answers that they shared with each other. Then we'll provide that information back to council. Same process for the advisory group. Following the sessions with each firm this afternoon, the advisory group will have a chance to document that feedback and then provide that back to the council for their consideration.

>> Tovo: I think it's curious the firms don't have an opportunity to hear from the public and the folks serving on the land development advisory group, but I'm wondering why the process is designed so that those comments and feedback from the public don't actually factor into the recommendation.

>> That's a good question. That's something we talked about when we first had a conversation with pdr about this solicitation. That's pretty clear. 2254 is pretty clear in regards to the selection of a firm that's to do engineering, occupational services and other services. The selection must be made by staff in regards to the most qualified firm based o the selected criteria the staff will be using to select that firm. Based on that, that is how we device our recommendatn from our scoring matrix andhen the information that the firm provided followed by the interview and presentation that the firms conducted with staff.

>> Tovo: I thought the criteria included something along the lines of community engagement to lesson and respond to community feedback so I think that would be a relevant point.

[05:09:42]

>> And that was something taken into consideration as we develop the scope, as we reviewed the submittals and also take into consideration when they provided the presentations to staff.

>> Tovo: Thank you.

>> Cole: Council member spelman.

>> Spelman: So your recommendation

-- I think i understand why you felt the need to issue or write down your recommendation even though you're not making it public, in advance of all this there was. I want to make sure our hands are not tied by this. You make a recommendation, we can choose either of the two firms. Is that accurate?

>> That's correct. Council has the authority to accept staff's recommendation, go with any of the other firms listed on the request for council action or ask us to go back to the drawing board and

ask us to start anew.

>> Spelman: We'll probably have the same four options as a few minutes ago, so nothing's changed.

[Laughter] would it be accurate at this point without giving the game away to say, from your point of view, these two firms are both highly qualified for doing this work?

>> Absolutely. One to have the things we did at the beginning with pdr to identify our outreach efforts to ensure that we're giving notice to qualified firms that are considered experts in this type of work and we think that pdr did provide names of some firms and we communicated to them directly to make sure they were aware of our rfq for this project and we feel like we did a good job of reaching out in the community and the nation to get folks aware of this project.

>> Spelman: Thanks very much. Appreciate it.

>> Sure. Ready for the presentation?

>> Cole: We are ready.

>> Bring out clarion. So the first firm is clarion. Again, we're allowing for 15 minutes for each firm. We set the clock at the front center. Once they begin their presentation, we'll do that.

[05:12:50]

>> Good morning, mayor and council members. Thank you very much for the opportunity to be here. I'm matt gonial with clarion based in denver, colorado. Good to be back in the chambers with you. The slide before you has our goals for the project and we are very excited about this effort because we think you have the most elusive thing that big cities strive for, momentum. We think the adoption of imagine austin was really a powerful statement about the direction austin was to move in and we really want to structure our presentation today on the need to build on the success of the imagine austin effort. Also, we think the process is going to be just as important as the final result. We know the history of strong participation in austin and we respect that. We also respect the past efforts and decisions that have been made. This is not an opportunity to introduce a new cookie cutter approach from outside. Off lot of strong compromises and thoughtful discussions and issues that have been addressed in the neighborhood plans and throughout the history of planning in austin and we want to respect those, as we build the stronger foundation for you moving forward. We want to focus on solutions that work for austin. We want to make sure, bottom line, that the code is clear and easier to administer and use for everyone, the stakeholders, the public, everyone. So with that, briefly, this is what we'll cover today. The team organization. We'll remind you about why we think the foundation is so important, imagine austin. We'll cover the project approach and then my colleague, also a director with clarion and don elliott, will talk about opportunities and challenges unique to this project. So first of all, just a little bit about the team organization. Clarion & associates, as I said, we're based in denver. We're a small firm. We have about ten folks in denver, about ten folks in chapel hill. We have a few in fort collins, we woround the country on plans and plan implementation. We have a deep bench of experience across the country as you can see from the dots on the map and a deep bench of austin knowledge and experience. I'm from austin. My parents live here and i learned about being a planner back when I was in school.

[05:14:54]

[One moment please for change in captioners] the team overall is summarized on this slide. There's generally three overall groups. It looks like maybe you didn't have your fonts and the formatting got a little corrupted there. There's three overall groups, cooperation and drafting,

public involvement and testing. Some of the firms will be on each of the teams. Because of time constraints I won't walk through each one of these, but we're pleased that we have both strong national talent and a strong local talent. National league we have jeff ferrell, one of the leading form based code thinkers in the country. Locally we've got john king with chan partners. We've karen mcgraw who you will hear from, donna carter, very strong people who understand how to administer this code and use it both from a drafting perspective and a users perspective. So with that one of our key partners is wrt. Wallace, roberts and todd was your consultant for the project and they are our old friend and we immediately put that partnership together because we wanted to build on the strengths that they had created. As you know, revising the ldc is one of the top 10 goals of imagine austin. Re processes to create a compact and connected city. You have seen this language many times, but it's important to reiterate the importance of the ldc to implementing imagine austin. Part of that is the growth concept map and revitalizing corridors and ensuring protections of neighborhoods densifying corridors and new density centers. So the corridors on the map need to be addressed and implemented through a new code. A lot of it is not in the code itself. It will be coordinating with the other important work that the city is doing, hethy austin, all the green infrastructure work that you're doing. So we think that having a good handle on all those other efforts is just as important as what goes into the code itself. So that's an overview of why we my manual in austin is important

-- imagine austin is important. Wrt is a strong part of our team. We have access not just to the plan, but the voluminous public feedback that went into the creation of that plan that we can draw on as we draft the new code. This is a big effort. How do we draft the new code? George mentioned the key points of the project points so I won't go into those in details. But first of all we can't just sit down and start drafting. There's more listening to do, more talking to the community. So that's why we're very close pleased that the public part of our scope will be led by rebina jackson.

[05:18:32]

>> Good morning. I'm rebina jackson and we be impacted by the plan and communicating effectively with them about the issues is one of the most important things that your ldc consultant will do. The clarion team brings a strong public involvement group of professionals to shepherd this process, including group solutions, my firm, donna carter from design associates, (indiscernible), karen mcgraw who you will hear from shortly as well as clarion. Because we worked on imagine austin we recognize that it reiterate some day very important lessons that if selected we promise to take forward into the second process. Among those, it's not the work, it's the public's acceptance of that work, and as a result of that we have to involve the public and make sure that at the end they see it as their product as opposed to ours. We know that austin -- in austin, austinites want to be involved and it's the consultant's responsibility to engage and involve those individuals in a way that leverages their talent, but tips to move the process ahead. In imagine austin that steering committee was an invaluable resource and we're delighted that council has appointed an advisory committee. We look forward to working with them. And finally, we want to use all the tools available to us to make sure that we engage that broad group of stakeholders that have an interest in this process. So some of the things -- we already know that there are some hot button issues out there, among them being how the code will affect neighborhoods. The neighborhood standards. A second being the misused corridors. So we want to listen, but what's important is getting out there and finding out what people's concerns are, explaining to them what the code is or what the code will do and what it

isn't. So we want to make sure that ped in that there are no changes to the neighborhood plans. That there will not be rezoning as a part of this process. That imagine austin insists that we respect those past decisions. We also want them to understand the why. That this entire process will make it easier to use and clearer to administer. So with that we expect that if we get those issues answered up front, the process will be a lot clearer and will begin to build the buy-in that we want.

[05:21:14]

>> Thank you. The second piece of our approach that I wanted to highlight for you is this need to create what we're calling a balanced code structure. There's a lot of content on this slide and indeed there's a whole series of thinking. There's a whole body of tradition around each of these different zoning philosophies. Traditional use base codes have long list of uses that are allow and disallowed in different districts and to an extent you still have a large part of that tradition in your current austin code. There are a lot of zoning traditions that are out there. Don't have time to get into them today, but we want to emphasize to you that we're very family with each of those traditions and from our perspective in the big cities we work in there is no one right magic formula. There is typically a mixed, a balanced code structure that each city comes up with and they create their own hybrid code from different philosophies. When I talk about a balanced code structure, really what I'm talking about i matching the code, organization and content with a series of complexdynamics. Staff resources and capability, the community's desire for change, resources available, the time in which you have to draft the code. There's all those different competing factors that we'll need to hear more about from the community, especially in the listening session before we can talk specifically about the exact code structure for a new austin code. One thing I think we can bring to the table is real practical lessons from other cities. We've worked in a lot of big cities and we have a good understanding of not just what's within the document and what those new codes look like in places like raleigh and philadelphia, but also what was the process involved in developing those? Did they come in on time and on budget? What was the staff responsibility in having to actually administer those codes and how did the consultants help? We have a lot of practical lessons that we can bring to the table that we think will be helpful. One of the important things that other cities do is try to prevent unintended consequences. So a big part of our focus in our proposal is testing the draft code. Before we ever have regulations that are ready to be adopted, we walk a series of hypothetical development sites through the regulations to make sure they're working. From an environmental perspective, from a design perspective, economic, we have a strong team there that's listed on the slide. And finally in terms of project approach, this is austin. Y'all always have a lot of balls in the air. We recognize that and is one of the things that we like about working here. We need to look at riverside. We need to look at airport boulevard. Those are strong directions -- strong form-based efforts. We need to understand the extent to which you want those to be a model for a new code. But you have other things going on that are not design based. We know this is not just a design exercise. You have a new subdivision ordinance. You have a new watershed protection ordinance. There's a lot of moving parts beyond just urban design and we need to understand how all those pieces fit into the puzzle. So with that I'll turn it over to my partner, don elliott. I've talked about the process. He will talk about the issues.

[05:24:17]

>> Mayor Leffingwell: For your information you have three minutes remaining.

>> How are we going to do this? How are we going to get specific and make a compact, connected austin? We'll focus on three major tools. Number one, new tools

-- excuse me. Number one, reinforcing centers and corridors, new districts, good ways to transition so they're good neighbors to their neighbors. Two, making sure that what in when you encourage our infill development fits what's around it. Number three, taking austin's already amazing environmental standards forward, refining them, integrating so it becomes easier to do the right thing. Let's move on to one of the key topics here, household affordability. This is something the firm has done a lot of work in. You've already acknowledged that in imagine austin in a variety of ways and there are a lot of ways to go about it. We have lots of experience around the country, not only in complex places like philadelphia and washington, d.C. Advising on household affordability, but also in the west, boise and denver, where denver asked us to go through their process when they were getting a new code, identify the barriers and make sure that they weren't in the new code that it adopted. I like this as my last slide to say that left is low income households, the right is higher income households. Red is what the market can do. Blue is what you asked us to address, limitations. There are always parts of the market that need to have subsidies or cross subsidies. Our job is to take that left end of the red arrow and push it as far to the left as possible. But this will only work if the people of austin think it this is going to protect their neighborhood w that i would like to introduce karen mcgraw, somebody who has worked on over a dozen neighborhood issues on over a decade or so.

>> Thank you. I'm karen mcgraw. As you all know, neighborhood protection is essential to the success of austin's land development code revision. And quoting imagine austin's commitment to neighborhood planning, any suggested rewrite of the city code must recognize, respect these carefully balanced compromises and the the assumes upon which the existing neighborhoods and area plans were placed in depend. Austin has 15 years experience creating dozens of neighborhood plans. The central austin plan shown here is a great example of a large neighborhood plan based on a simple concept that allows for both high density and neighborhood protection and incorporates a number of transitions to make that plan work. Understanding neighborhood issues will be paramount to our issues. We will communicate with neighborhoods during the listening sessions throughout the process. We will review the neighborhood and small area plans, identify ways to add to the neighborhood tools. Obviously we will respect the compatibility standards that are so important and we will work to simplify and illustrate the code. My planning experience as both the planning team chairman and a consultant to numerous neighborhoods will help our team to carry out the land development code revision for austin while respecting austin's past efforts and anticipating its future. Thank you.

[05:27:32]

>> Matt?

>> Thanks, karen. Final slide. We think this project is all about balance, finding the right mix of tools to move forward to protect neighborhoods and also let what progress be made. We're happy to be here, think the stars are aligned and would love to work with you on this exciting project.

>> Mayor Leffingwell: Thank you. Very good planning. You had two seconds left. [Laughter]

>> before the question and answer question we'll let opticos provide their presentation.

>> Good morning, mayor, good morning, council. It's a great pleasure to be here with you today and a great opportunity for us to compete for your land development code. My name is daniel, the founding principal of opticos design, also the author of the first book on form-based coding.

I'm going to talk very briefly as I start to give you an overview of who our team is. And first of all, we feel that our teams has great bones of national expertise as well as sort of local know-how. And more importantly or just as importantly, we've actually picked a team that we feel is really good at what we call urban acupuncture. And this is determining where in the city to focus our time and energy so we number one can understand the community and their needs and desires. Number on two, we can create a code that is highly effective. And third of all, we just create a process that ultimately can enable austin to continue to be a great city. So opticos design is the overall project lead as well as the lead of the coding efforts. We'll be working very closely with lawise consulting, peter park and mcguire words. Or public engagement process is beingedly cultural strategies, who will be working very strongly with mark as well as rebina. We have a strong local team led by mccann adams studio and the team is rounded by a team that will be working closely with echo northwest and lcr code dealing with affordability and economic issues and kimberly horn working on transportation. So the framework of our entation today is to show you how our team and our process can help you reinforce and implement the six goals that you've defined in your priority program number eight in imagine austin. The first of those is compact and cneted neighborhoods with diverse housing. And as a starting point we very much understand that every neighborhood is different and needs different solutions. So as part of our process we've actually introduced into the early phase of the process an analysis and documentation analysis phase that ensures that our code as it's moving forward is very much based on place. Most recently we used this process and this methodology in cincinnati, ohio where we worked with them on their comprehensive plan to define 42 priority neighborhoods and those 42 priority neighborhoods will be regulated with form-based coding. Those are the colored dots on the map. And the areas outside those priority neighborhoods will be with more use base conventional zoning code. In this process we went through a rigorous process of analysis and documentation that started with mapping, led with the assessment of the neighborhood business districts. Photo documentation that enabled us to extract the dna of the communities and the the character of that community and ultimately this led to a code in cincinnati that was built upon and reinforced the unique characteristics of each one of those neighborhoods. And you have a really great opportunity here with the great work that you've done on imagine austin. This is the growth concept map that we feel is a really great springboard for the same methodology or very similar methodology as it might apply to helping implement the strategies in your imagine austin growth concept map. Also in terms of diversity of housing, all of our codes focus on what we call missing middle housing and these are duplexes, four-plex like you see in the bottom, housing in between the single-family homes and the mid rise housing types that really are necessary and very important for a city like austin to achieve their goal of diverse housing choices throughout your different neighborhoods. We also can't forget about the growing demand for multi generational housing and we address that in all the codes that we write. The next goal is preserving neighborhood character. In this neighborhood in california, the story of this neighborhood was they did not want change. And we know that this is a story in a lot of the neighborhoods that we work in as is here in austin. But we simply work with those communities and begin to simply illustrate not only what the code allows, but actually what preexisting code encourages in our neighborhood, then that brings them to the table with us to actually want to start a conversation about what an appropriate scale and character is. I mean, each individual neighborhood and what the challenge is for us how to do this in a way that does not take away development potential. We know that the corridors in particular in austin are a really great opportunity as well as challenge. This is south lamar boulevard which we understand

has thousands of entitled residential units on it, ball of these corridors back on to a lot of the single-family neighborhoods. So understanding how we can promote infill, but in a way that appropriately transitions into these neighborhoods will be a really important part of this process. So very carefully as we do in all of our processes looking at the corridors, understand an appropriate design solution and work with the communities that come to the design solution and actually write a specific set of standards that address that transition. And we've actually integrated into our process a series of workshops so we can actually work with neighborhoods and actually come to those conclusions and give really clear direction to the coding efforts. Next is environmental protection. Just wanted to simply say that all of our recent coding efforts have integrated sustainability in you are ranking a. We look at those both in terms of not just a one size fits all approach, but how each different context needs a different solution in terms of sustainability and urban agriculture. Household affordability, obviously one of the big hot button topics that need to be carefully addressed. Many different ways that zoning code can integrate and effectively address affordable housing and also going to ideas of affordability by design, encouraging building types like this while working on the right that can encourage that type of affordability. One specific example of how we've integrated affordability into our coding efforts is this series of bungalow courts that our code enrichment in California encouraged that households with an annual income of \$23,000 could actually afford to buy one of those bungalows and build equity and actually be able to afford to stay in that particular neighborhood. We're thrilled to have Fred

[05:35:12]

(indiscernible) associates envision tomorrow software working closely with Echo Northwest to actually enable our team to very carefully model at a city-wide scale with the impacts of the code will be as we work our way through the coding process. Last of all in terms of the the goals I'll be talking about is creating a clear user friendly code. We've created a model of hybrid code that many people across the country are looking to as a really good model. This article in planning magazine highlighted our flagstaff, Arizona code, which dismantled the really impossible use performance based zoning code into a really easy to use code that performed form-based elements, youth based elements into a really highly easy to use code. You can see a similar process happening approach here. Usability permeates its way throughout the process in our codes and our codes are looked at as benchmarks for usability and we would be thrilled to have Austin be our next code that other communities are looking at to emulate.

>> Good morning. My name is [saying name]. And I wanted to introduce our public engagement process. I'm with cultural strategies and for us we're a communications engagement and marketing team. And we really try to focus on the growing demand for the population changes in multicultural America. And so for it has to go beyond outreach. Engagement is including people in that process. And so how do we do that? We've done it through the airport boulevard initiative, working with AISD or even working in Dove Springs with Central Health. And we have a -- I believe we have a very strong and experienced team that includes Diane Miller,

[05:37:14]

(indiscernible), Rebina Jackson and myself that really have an extensive experience not only doing public engagement, community engagement, but three of the four team members worked on Imagine Austin as well. So engagement, when you think about it, it's more than outreach. It's more than hey, come to this meeting. Hey, can you show up, fill out the survey. You have to

have a framework, a way that you work within communities besides come to this public meeting. And for us that's at the core. We have a framework that is a three-prong framework that we use to connect, evacuate equip and mobilize. We have to connect and build relationships with the communities that we serve, with the communities that we're interacting with and our peers, our networks, the different neighborhoods, whether they're formal leaders or informal leaders. We have to equip them with the tools they need to move ahead and understand the message and what that meanings means for them. So it's the knowledge, skills and abilities for them to do something once those connections are made and once they receive that information. And then finally mobilize them. How do we give them something that they can take action on and they can have ownership over and they feel it? Feel that they can be part of that process. And then for us we have to have a strong value system. We have to really

-- when i think about engagement, i think about is it on my sometime? Is it on

-- is it eight to five or is it on community's time. And I always revert to the community's time pause we have to be flexible. We have to be relevant, we have to be engaging and we have to be committed. By relevance it's really understanding the history, the culture and the traditions of people, of neighborhoods, of families. The engagement process, it's how do you develop culturally relevant messages and meaningful messages and those connections that will allow people to open their doors? And then finally, how do we show that commitment? How do we what once we come to the public meeting or they fill out that survey or they provide that input that it doesn't end there. So we have to show that. There has to be that follow-up. It's not just another report that gets shelved. So they have to understand and we have to show that to them and that's how you build trust in communities. So our approach really around this community engagement process is to really reposition land development code into a quality of life issue. And really at the end of the day we don't

-- we all want better neighborhoods. We all want better quality of life for ourselves, for our families, for our neighborhoods. So that's what we have to do. We have to translate that in a sense. And then what we're doing at the core is we're building community at the same time. Definitely we want to implement those tactics that were included in the rfq and I think we need to do more of that. We definitely need those listening sessions, we need those education sessions as well as the small group conversations, but it's how we do that. How do we take it to the people? Instead of them coming to some place that maybe they've never been before. How do we do it in a way that they feel comfortable attending to or whether it's an informal space, a church, a community center, someone's home, and part of that process is bringing a light a couple of different new strategies. Developing an ambassador program whether it goes beyond just reaching out to them, but it's really building that ambassadorship. And so with that I'm going to turn it over

-- a couple of cases that I mentioned, airport boulevard and our ambassador program through our houston project.

[05:41:03]

>> Thank you. Our team has brought experience in preparing codes in a variety of context, urban, suburban, transit, automobile. And myself, having served as a planning director of two large american cities, having overseen the consolidation of planning and permitting functions, overseeing the videophoning of both these

-- the rezoning of both those cities I appreciate and understand the importance of results. And this team has. Delivered many: For us early on we think that assisting the capacity of austin is

extremely important, both the staff and the community. And thoroughly understanding the organizational structure and permitting and planning process. Every city is different. We understand that. So we believe that it's really important for us to engage your city agencies. Everyone who is involved in the development process. And especially focus on the folks who deal with the code on a daily basis, at the permit counter and in the field. This is essential for successful implementation of your code. You've done a number of great plans and we want to make sure that it's understood that this is not a planning exercise, this is an exercise in creating the means to implement the plans that you've already established. Our team is particularly skilled in understanding that place where the rubber hits the road, the mapping process. And having a really critical piece of clear mapping strategies is important. And it's important to have an easy to understand code in order to make that process work. We're especially good hats reconciling existing land uses, the existing zoning and the land cruise in your code and these maps, for example, show the importance of gis analysis in that. We believe that you have a significant opportunity and the change of your city council to district representation. We think this is advantageous in the mapping process for you. You will have a much localized engagement with the city interest and property concerns. And as always, we all know people care about property. We understand also that our ge is to provide a better land development code, but we also understand that the primary purpose of our collective efforts is a better city. Is a better austin. And making your city even better in the future.

[05:43:23]

[Buzzer sounds]

>> Mayor Leffingwell: Questions on either side from council?

>> Mayor, I would like to walk you through the order again. We will do is have clarion come up, the main speaker and they can pass the questions to anybody in their team that they would like to. We will allow three minutes for respond and then we will switch out.

>> Mayor Leffingwell: Just for your planning, we have about 15 minutes until we go into citizens communication.

>> We don't want to go into this in a vacuum. We want to appreciate the long rich history that's there. That said there's not a reason why you can't tell new stories in austin. This city is poised for a major transition in how you think about and plan for and regulate land use. For a long time the whole neighborhood planning system was the way to do planning in austin because the city hadn't developed the political will or the capacity to do a city-wide comprehensive plan, but you surmounted that challenge and were able to do something impressive that a lot of the cities have looked at for a model. We think the same thing can be done for a code. We have people like karen mcgraw on the team in the trenches with a lot of those stories being told. We want to understand what those stories are. So we can kind of understand are there better tools for moving forward. And we are going to have to go line by line, but we don't think every word has to stay.

[05:45:40]

>> Our team has a lot of experience in taking very complex codes and really understanding the back story behind those. And working with community to understand what were the reasons behind the decisions that were made and finding ways of creatively either maintaining it standards or finding ways of working within the code to move forward with a more streamlined code. One of the things that we work with usually with communities very closely is really graphically representing the concerns the community has, representing what the existing zoning

allows and representing what the future of the proposed code could allow. I'd like to ask lisa to come up to speak about our experience in flagstaff where it was a very similar experience where the community had come forward, had created a form-based code that we were able to work with them to find the reasons behind it and move forward with the new code.

>> Thanks. My name is lisa wise. In frank staff we had about 400 people come through over five days and extremely successful process understanding the issues, understanding the neighborhoods. Really on a neighborhood by neighborhood and block by block basis. That is how you learn the stories. Flagstaff won an award for outreach. In the end hundreds of people showing up for the code early on and when it went to city council nobody showed up because it was a complete success. We listened, we made the changes, we listened to the comp plan and we moved the project forward and that's what we would do here also working with the community and listening to the folks.

>> If I can add that part of this process is honoring kind of that historical participation that's been going on in this community. But as well as including people

-- new people into this process. You know, it's about yes, definitely engaging and reconnecting to people that have been involved and using a lot of that wisdom that has been part of this process, but also how do you introduce it to new folks and how do you mix

-- bring in that mix as well. Finally I would say that we would imagine austin as the basis for working with the community to understand really where in the community are changes needed. Looking at the activity centers and talk with them about do they anticipate that activity center remaining in the form that it is today. Or perhaps looking at areas where it might evolve slowly over time or in some cases like the hillside mall where it might be a place where transformation is really envisioned in the long-term and working with community to create a code that can allow that.

[05:48:32]

>> Mayor Leffingwell: I'd like to follow up on that same understand a little bit and tell you a quick story. A couple of weeks ago british deputy ambassador was in down and we're talking about growth issues and trade issues and so forth with a number of other people. But during the course of his discussion he mentioned that they had a new rule in the british parliament now and that

-- I have no idea whether this is true or not, but he told a story, he said, we have this new rule that says whenever you propose a new regulation, you have to at the same time propose to eliminate two regulations. And I think that's kind of what I'm looking for as we go through this process. [Laughter] frankly, what we have land is a land development code that's like a house that's been added on to about 50 times. And the whole thing really needs to be taken down and reconstructed. We have a land development code that thick and a lot of our peer cities have one that thick. I don't know if we can get to that point, but I think that's what we need to be working towards in this discussion. I don't know if you want to respond to that. You certainly don't have to use a full three minutes. It's just mainly a comment on my part.

>> Mayor, I'd like to ask dan to come up to respond. I think this ultimately ties back to usability. And just using flagstaff and cincinnati as a couple of examples of part of the process definitely needs to be spelled out very clearly in our submittal package about how getting to the bottom of the stories, actually what is the list of

-- like what are the objectives of those stories as opposed to just hanging on to the story and trying to get the communities to agree on the objectives that are behind those stories and actually

enabling us to clean up the code in a way that can actually get them to an end result that achieves those objectives and to get to that code that achieves those objectives we are often and typically flushing out the code and actually making it quite a bit shorter, making it more graphic. As peter just said an image is worth a thousand words, but for example, we're often reducing the number of base zones just as one simple example and one thing that does need to be done with your code both with the base zones and the overlay zones to add that level of culturety and predictability and sort of getting to this good ending of the story as opposed to one that's still unpredictable for both the community and the developers.

[05:51:08]

>> Early on in the process we talked about having conversation of learning those stories. And I think that for us the

-- we see those as having a lot to mind. If you've worked out a lot of these things, if you've negotiated things in past?

>> A few years ago I wrote a book called a better way to zone which is premised on fact that we really overdue zoning. We really try to anticipate every possible complication that could happen or context and address I specifically. That's not the way to write a great code. We just finished three years of work in philadelphia and a very politically difficult and very neighborhood, density where people care about what happens next door. And managed over a three-year process to reduce the number of their base districts from about 56 to 33 to reduce the number of overlays from 33 to 11. It's not just an outreach, but an excellent zoning process. We'll get the award next month in chicago. The code, by the way, is about two-thirds or a little bit less as long as the code it replaces.

[05:53:36]

>> Just very briefly to follow on based on the austin experience, one of the reasons we're have excited about this work is that the stars do seem to be aligned for a more fundamental step forward than we were able to tackle back in 2006. When we worked on subchapter e we recognized that there was not a big interest in rethinking the entire code at that time. Wednesdayed up doing some really good things and we got a new ordinance passed. And I think it's improved the quality of the streetscape and a lot of austin neighborhoods, but in a lot of ways from a code structure point of view it was a band-aid and it was tacked on at the end and it didn't go back and rethink that fundamental structure of the code and it did exactly what you're saying. It created another conflicting set of regulations that made the process harder. We want to carry it forward as part of the framework.

>> Mayor Leffingwell: Anyone else? Councilmember riley. [Laughter]

>> Riley: One of the things that makes austin different from many cities is that we've been experiencing very rapid growth for a long time and we expect that growth to continue for awhile. When we look at our code and we see all these things that

-- all these lines with stories that have accumulated over the years, many of them have been added in response to particular growth pressures. As we look ahead to the next 50 or 60 years we expect the growth to be guided in part by our comprehensive plan, which envisions, for instance, a more compact and connected city. But ultimately the code will need to be responsive to market pressures in addition to the visions set out in the plan. So I just wanted to ask both teams based on your experience and what you've seen in other cities, do you see any trends in terms of market pressures coming today and in the future that might be different from what we have seen in the

past and how would you expect to craft a code that would be positioned to adapt and respond to the market pressures we'll be seeing in the future?

[05:55:48]

>> I think definitely we're seeing different market pressures. I was just looking at the growth trends from austin from 2000 to 2010 and as much growth as the city is kind of known for over the past decade, most of it was green fill center city development. I was surprised by that. I think the code has a real opportunity to change that by incentivizing and encouraging more high density, pedestrian friendly development patterns that are emphasized in imagine austin. That's consistent with the market pressures that we're seeing around the country and even around texas. I was just in a meeting with a lot of developers up in denton several weeks ago and they're really chomping at the bit to redevelop in that downtown. They have a wonderful courthouse square. They've got obviously great university populations. They want to do the type of development that you're encouraging in austin. That's where the market is going. They've got a lot of barriers in place. There are a lot of barriers to infill and redevelopment, just the way they've defined infill makes it a challenge to qualify for certain incentive programs. The fact that they have a one size fits all approach with many of their development standards applying the same type of parking and landscaping standards in a green fill area versus in a downtown. All of those areas are really inhibiting them responding to those market pressures. So in response to your question about market pressures, yes, we're seeing that around the country. We think that the plan is very responsive to those pressures by encouraging corridor redevelopment, corridor densification, mixed use centers. And I think we've got the tools and the teams to make that happen in the new code.

>> Cole: Mayor? I'm sorry, go ahead.

>> Mayor Leffingwell: We have a minute over here and an answer from here and then we'll have to come back if there are any additional questions.

>> Very quickly, in addition to what matt mentioned, i guess there are two or three minutes points. One is some of the trends have already been mentioned today, urban agriculture, intergenerational housing, we see great demand for that. Today's, we're getting much smarter with transit oriented development. We're getting that much, much better. Two other things. I'm going to go back to household affordability and I really admire fact you've put a focus on it. It's not a problem of austin being a nice place to live. That's nationwide. And it is going to get worse and worse just because housing costs everywhere are outstripping wages everywhere. That's going to continue to be a continued theme that requires continued effort. And finally, just I think the big market pressure is globalization. Cities that are slow and cumbersome in figuring out a clear message to the industry, to the development industry and can't get -- can't come up with an efficient way to respond are going to be at a severe disadvantage just in general. I think we'll have to continue to put more effort on efficiency of service delivery and the clarity of the message that is being given.

[05:58:39]

>> Mayor Leffingwell: Thank you. Go ahead.

>> The optics team has really been looking at code for the city of austin. It's creating a framework. A framework that will at the time of adoption create a snapshot of what the city envisions happening and of the market situation that exists at that time. We see that framework as being clear and transit ready so as transit moves forward in the city of austin the zones that are

created are encouraging walk ability and allow transit to thrive in the future. We're thrilled to have on the team people who can help it as it exists in the city of Austin today and what can happen in different scenarios looking forward at the code. Above and beyond that is the system that they have envisioned tomorrow is something that the city is currently working with. And the models -- the model can be updated to match the existing code so that in the future as the market changes, as applicants come in asking for zoning changes, all of these issues can be looked at both from an economic standpoint, from a density standpoint, have a housing affordability standpoint. I would like to ask Peter Park to come up to speak a little more about this.

>> In the case of Denver and transit, we had neighborhoods where we did station area plans or corridor plans. With a better code neighborhoods and developers understood the new code much better than the way they understood the way the old system worked. As we went to rezone these areas in a proactive way, rather than reacting and negotiating through long processes, we had interesting results, we had cases where neighborhoods advocated for more density. I don't know if it happens in Austin, but it doesn't often happen in Denver. Because they understood the code, number one, and they understood how the code worked that would protect the concerns that they had with regard to their neighborhoods, but they also understood how the code would promote the best possible transit oriented development. And in this way a good code can help you not only get developers and neighborhoods to work together, but in fact improve the kind of planning that you do in the future as well in responding to changing markets.

[06:01:10]

>> Mayor Leffingwell: Thank you. Are there going to be additional questions from councilmembers? Okay. So what we'd like to do, we're going to go through citizens communication for about 30 or 40 minutes, we'll then go into executive session. When we come out we'd like for you to come back to answer additional questions.

>> Yes, sir. We'll stand by.

>> Mayor Leffingwell: We'll do that now. First speaker is Librado Almanza. Maybe give a couple of minutes to clear out the boards. Librado Almanza's topic is the annual Cesar Chavez si se puede march on Saturday.

>> I'll be right there.

>> Mayor Leffingwell: Would you like for us to go to another speaker?

>> No. I was just asking a technical question. You can start the powerpoint, please. Thank you, my name is Librado Almanza. Thank you for having me, city council and mayor. We invite everyone to celebrate the life of Cesar Chavez by attending the si se puede social justice march. The march will take place SATURDAY, MARCH 23rd, 2013. We will assemble at 10:30 at Terrazas library at 1105 East Cesar Chavez Street and will end at City Hall Plaza, 301, State Street. Cesar Chavez was born March 21st, 1927 in ARIZONA. He was a Latino farm worker, labor leader, civil rights activist, crusader for social change. He advocated for safer working conditions on the American farmlands. Chavez is more than a symbol and role model for farm workers in the Chicano and Mexican community. Cesar demonstrated the need for all working people for those who are oppressed, exploited, working for dignity on the job and in the community, increasing democratic rights for working people, challenging the powerful in defense of the powerless. MARCH 23rd, 2013, MARKS The 12th annual Cesar Chavez march in Austin, Texas. Austin residents have celebrated the life of Cesar Chavez and his selfless determination for farm workers rights, economic justice, civil rights, environmental justice, peace, non-violence and empowerment of the poor and disenfranchised. As he once said, we have the power to come

-- we have a power that comes from the justice of our cause. So long as we are willing to sacrifice for that cause, so long as we persist in non-violence and work to spread the message of our struggle, then millions of people around the world will respond from their hearts. And in the end we will overcome.

[06:05:32]

[Speaking spanish] thank you.

>> Mayor Leffingwell: Thank you. Margarita ash? Margarita ash? Don't see her. Scott johnson. Topic is air quality.

>> Good afternoon, mayor, council. Air quality is a challenge for our community and it's time that we address it so the presentation you get later talks about air request quality recommendations that went through a very public process. Some of the recommendations are ones for sources that are continual. Some would be and should be for sources that are short-term. First slide, please, sir. Regarding the first recommendation that you're going to hear later, I was hoping that already would have been discussed, there's some education and outreach component. Education by itself without a strong effort to message creatively and designing the message so it has long-term focus is not necessarily worthwhile. And that's a lot of what's gone on in the last 20 years with the city's efforts, with the clean air force's efforts. You need to provide some incentive and some experience for them to enjoy buying green products or making habit changes, make it easy for them. The second is enforcement and administration. I'm highly supportive of the recommendation where there would be a requirement to have larger companies with 100 employees or more develop a commute solutions program. I believe that this number could be lower than 100 based on their many small small businesses that have less than 100 employees. The third, I'm highly supportive of, which would be putting together a plan for each of the events that happened in austin so that they would mitigate their air quality, their air pollution in that. What needs to happen is the office of special events, transportation department, the office of sustainability, need to fully engage on this opportunity so it goes w beyond the idea of trying to offset carbon emissions. Number four, I'm highly supportive of the austin city council should immediately after the briefing this afternoon give budget direction to the city manager so funding could be defined for the budgeting process. Any new programs could be reviewed annually so that they can look at efficiencies and help determine if additional resources are needed and also any sites that create air pollution for the neighborhoods such as some in east austin, we should decide what our home rule authority is and try to utilize that because the tceq won't necessarily be working in that way to help us. Modify or shut down some of these sites or ask them to put pollution control equipment. Before this is launched we should reach out to the tceq regional office to collaborate with them. Planning and analysis, number five, I'm highly supportive that the city of austin should develop a funding formula that supports capcog's air quality program. They're the main group that supports the clean air coalition and that is proportional to the county population. The funding formula put in place for the clean air force back in 1997, that funding has been static so the city of austin disproportionately funds that group whereas williamson county and hays county have had more explosive growth than we've had proportionally don't put in more funding over the years since 1997. I'm very supportive of the idea also that the environmental board shouldn't renew their effort to focus some on air quality. I've been down talking to them since 1994. However, the council should add or the board should add themselves a criteria that air quality is a desirable quality to have when you're appointed to environmental board. The last reporting data collection and monitoring, I'm highly supportive with the funding

formula as well to be proportionate. The last one you can read on your own. Questions?
[06:09:35]

>> Mayor Leffingwell: Thank you. Thank you, scott. Curt blaschke. Topic is barton springs ground improvement project. You have three minutes.

>> Good afternoon, mayor, council. I've been following this issue for quite some time, the grounds improvement project at barton springs pool. And I'm coming here today to speak out against some of the things that are proposed, the expansion of the parking lot, expansion of impervious cover at the springs themselves and the request to amend s.O.S. To expand impervious cover at the place that s.O.S. Was designed to protect. So I'm coming today to speak out against that. I do want to point out that the

-- there's

-- the demand for parking on the southside of barton springs is so high, no amount of parking will ever be enough there. In the peak times in the summer

-- in the peak times in the summer there are more than 100 cars that are parked illegally there. And to go along with mr. Johnson's previous talk, encouraging more driving to barton springs has a negative impact on air quality. I was at the planning commission meeting where they denied the request for these improvements, and a lot of work

-- they've showed that a lot of work still needs to be done. So I hope that you will consider these things. And ultimately vote against the current plan because it's bad for the environment. Thank you.

>> Mayor Leffingwell: Next speaker is karen kreps. Topic is the barton springs pool ground improvement plans.

[06:11:36]

>> Mayor, council people, thank you for your time. My name is karen kreps. I swim everyday at barton springs year-round. When it's open. I'm here because I would like to point out some problems that have taken place over the years with the public input process for the master plan. And to take a look at some of the modifications that have been made despite a concerted effort to encourage council to rush

-- to ask the plan to be rushed and to push it through as soon as possible. I found many of the stakeholder meetings were very difficult to attend and be heard at from the very first one that was held in the sweltering tent while the public parking lot was closed. Many of the public meetings have been poorly publicized. They've never been posted at the pool. Most of the swimmers knew what was going on. There's been no public service announcements on the air about it. There was a public service survey at the pool where an intern asked questions that I felt were heavily biased towards having development at the pool. Then the master plan was hard to read. It's almost 500 pages long. Right now it's on the city's website in 16 parts. So it's hard to look something up. It has many good improvements. Certainly the pool needs a lot of attention, but it doesn't go very much into maintenance and how all of the plans, 100 plans that are going to be in the plan, are going to be cared for. Despite the public process, I and other people managed to get the council and the joint committee to modify the plan in many ways. I would like to recap them

because they give you an idea of where the plan goes wrong. We kept them from cutting down 30 heritage trees. It forces patrons to enter from the northside by going through the building's retune da, leaving the outdoors and there by separating men and women. Putting large obstructive public art on the south lawn. Placing the south ticket booth so the staff would not be able to gaze out over the lawn. Changing the now low key entrance to the back swimming hole with the addition of huge stone towers which may still be in the plan and an unmanageable 12-foot wide ornate fence. The master plan on page 154 says clearly that the south lawn is a bucolic green tree area that should not be developed and they specify particularly not for a.D.A. However there is a plan in effect for impervious cover going from robert e lee down to the pool. [06:14:43]

[Buzzer sounds] thank you very much for your time.

>> Mayor Leffingwell: Next speaker is david king. Same topic. All remaining speakers are on the same topic. E I'm here to talk about the barton springs general improvement plan. There are many good components of the plan, but a few that need additional consideration. First several of the improvements in the plan that are necessary because of chronic underfunding for maintenance at barton springs pool. Erosion on the south lawn has created the large gully. Erosion of the grass on the south lawn, deterioration of the riparian areas and damage to the heritage trees on the north end of the southside. Since these problems have been around for years the trees have been harmed and the water quality reduce and it will cost more to fix these problems now than if addressed when they first began. Your support for the medicaid health insurance for poor families is wise because it's cheaper and healthier for people to maintain their health than to go to the manager for treatment. The one owe to the emergency room for treatment. The same is true for barton springs. Ongoing maintenance is cheaper for the city and better for barton springs. You should promote pedestrian friendly access and bicycles on the southside. You live in the zilker neighborhood and I walk down to the pool, but it's dangerous to cross over robert e. Lee street there. We need a way for there to be more pedestrian access and bicycle access to the southside. And just as you're rightfully encouraging bicycles in downtown, you should definitely do it for barton springs pool. Third is the parking lot should not be increased in size. It would encourage more low occupancy vehicles and traffic congestion. Robert e. Lee is already congested and the south parking lot should be for smaller vehicles. Number four, the plan should promote the use of shuttles on the north where large vehicle parking already exists. That will help minimize the increase in low occupancy and the need for new parking spaces. The city has targeted the zilker neighborhood for density increases and that's working. It's among the most dense neighborhood in the city. The increased density in the neighborhood is going to be 25 new condos and apartments on south lamar, barton springs code zone and when you add that with the density increases in the zilker neighborhood itself there will be thousands of new families within three or four miles of barton springs pool within the next year or two. That increased density will bring more traffic and more impervious cover. As we know with more density increases there's more impervious cover right next to barton springs pool. In closing, I would like to suggest that the council fund ongoing maintenance for barton springs pool, consider adding a park maintenance fee to each austin utility customer bill, commercial and residential, to help fund the maintenance, or add a fee on to the entrance of barton springs pool entrance to help with maintenance. Provide pedestrian neighborhood friendly

access to the southside. Promote small vehicles on the southside. Promote shuttles on the northside and high occupancy vehicles. Thank you.

[06:18:00]

>> Dan crow? You have three minutes.

>>

>> I've got some heart felt things, niceings to say about this council, and I'd prefer to do it without my notes, but I tend to ramble so I'm going to read it. Councilmembers, I'm having a premature wave of nostalgia about this council. In the advent of 101 has made me acutely aware of how dear each and every one of you are to me and how much i appreciate this council. I don't doubt that things will continue to be wonderful as austin moves forward. With its new system of representation, but it will never be the same. It will never be as intimate or have the same hometown feeling as it does now. I was an attorney in san antonio practicing before the city council regularly for years before it went into single member districts. And for years after. Both forms of representation have their particular values. And I'm not judging which does the best job of representation, but I know that I will personally miss the magnificent seven of austin and what you mean to me. And while I'm up here i would like to mention about item 40 on the thing. Why schedule a migraine headache on your docket that you don't need to? Staff hasn't finished with this thing yet. The planning commission understood that this thing wasn't jelled and they denied it and sent to the planning commission

-- sent back to staff a whole list of things that they wanted to see developed. And mayor, I'm going to visit your committee tomorrow and apparently you're not totally satisfied with the a.D.A. Part of this thing because you have a special meeting tomorrow to go into that. So it just doesn't look like it's finished to me, and i think that was what y'all were here to docket that thing for march. I would suggest that

-- just hold off if you can. Thank you. Mayors mayor thanks for the

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[06:20:26]

>> Mayor Leffingwell: Thanks for the kind words, dan. We need 'em. [Laughter] katherine magor. Or if I mispronounced that, feel free to correct me. Same topic.

>> Okay. Mayor, city council, my name is kathleen magor. I'm a relative newcomer to austin. I've been here only 23 years. And during that time I've been a regular swimmer at barton springs pool: And barton springs pool was a big part of the reason i moved to austin. I feel the process of the barton springs master plan needs to come to a screeching halt. I support the recommendations of the planning commission. We need a lot more research into alternative ways of completing the plan. It's fine to go ahead with the plans for the northside. I don't think anyone is in strong disagreement now with the plans for the northside, but for the south hill and the back gate we need to slow down, stop and reconsider. City staff, architects and members of a group called barton springs

-- I'm sorry, friends of barton springs pool, will come before you and tell you that the plan needs to move ahead. That they don't want it to lose momentum. They're going to say that the plat be separated, that changes to the northside cannot go ahead without also changing the southside. But they don't really have any convincing reasons for that position. They've been working on this plan for a few years now and they're personally and emotionally invested in it. But just bec a group of people has spent a lot of time and money on something is not a reason to proceed with

it. You, the city council and the mayor, are fiscally responsible to the citizens of austin. Every penny spent on an ornate pillar or a fancy wrought iron gate takes money away from something else, possibly keeping a neighborhood pool open, some of which were not open at all last summer. So I urge you to hit pause to the plans for the southside and to instruct staff to research the items in the planning commission recommendations. You are in charge of the money. Please don't throw about good money after bad. Thank you.

[06:22:57]

>> Mayor Leffingwell: Thank you. Bill bunch?

>> Thank you, mayor leffingwell, mayor pro tem cole, councilmembers. Thank you for your service to our community. I'm bill bunch, executive director of save our springs alliance. I'm also a regular swimmer at the springs since 1986. And zilker neighborhood resident and homeowner since about 1990. I passed out to you earlier today a letter that was addressed to sarah hensley, head of park, addressing some of the cultural preservation issues that have largely been ignored in developing the barton springs master plan. I won't go into that in detail, but I respectfully submit that it's a whole other realm of issues that warrant stepping back, slowing down and looking at different options. Time and time again the staff and consultants keep pushing one single vision upon us. And that keeps getting either rejected outright or approved with a long list of conditions. And if you look at each one of your board and commission resolutions, you see that. But most recently the planning commission voted just straight up solid, deny the recommendation from staff for an s.O.S. Site specific amendment, and for variances to accommodate the plan. And they specifically listed several things, not just one or two, but quite a few things that need to be thought out better. And just to highlight a few things, they asked to bring back proposals, alternative proposals, plural. Let's be imaginative. Let's have choices. Let's not be told do this or

-- it's a yes or no question. We need alternatives to look at. And some of those should be substantially reducing impervious cover. We cannot in good faith be asking developers to comply with s.O.S. Impervious cover limits, to reduce impervious cover, to save the springs during redevelopment when we're proposing to do the opposite, increase impervious cover right on top of the springs. We can't be asking for creative traffic solutions. Reducing parking when we're expanding parking in a park! These things just do not add up. I was out at the springs during kite festival this last weekend. One of the busiest days. All of the whole southside parking was completely blocked off. Not a single person parked there. They weren't trying to accommodate. And it's recognizing that we've gotten to a tipping point in austin. We're densifying. There's so much demand it is impossible to meet the parking demand. And it's much better to tell people you have to come by public transit or by bicycle or by foot.

[06:26:15]

[Buzzer sounds]

>> Mayor Leffingwell: Thank you.

>> We need more open space and less pavement in the park.

>> Mayor Leffingwell: Thank you. [Applause]

>> Mayor Leffingwell: So council will now go into closed session to take up two items pursuant to session 551.071 of the government code. The council will consult with legal counsel regarding the following items: Item 52, legal issues related to zoning. And item 53, legal issues related to

cause number the city of austin. Noting that items 50 and 51 are withdrawn. Without objection, the council will now go into executive session on these

>> Mayor Leffingwell: We are out of closed session. In closed executive session we discussed items 52 and 53. Now we're going to take up a few consent agenda items. For the non-consent morning agenda and also zoning and public hearings. Consent items only. I thought even though it's not zoning, greg, I thought you could cover 41, which is a staff postponement.
[01:27:48]

>> Item 41 is to approve an ordinance pertaining to off street parking and loading. Staff would request a postponement of this item to your next agenda of march 21st.

>> Do we want to handle that separately? I'll take a motion to approve postponement of item 41 TO MARCH 21st. Councilmember spelman so moves, councilmember riley seconds. All those in favor, signify by saying aye? Opposed say no, it passes on a vote of seven to zero.

>> Thank you,. Item number 54 is case c-14-20120023 for the property at 301 and 311 colorado street and 114 west third street. The applicant as requested postponement of this item to your march 21st agenda. Item five is case c-14-2012-0125 for the property on north u.S. Highway 183. This is to zone the property to general commercial services. Item 56 is case c 814-2012-0055 for the property at 6714 covered bridge drive to rezone the property to planned unit development combining district zoning. And this is ready for consent approval on second and third readings. In addition, on the addendum, item 68 is the related case to that
-- excuse me, no, pardon me. I withdrew that. I think that is
--

>> Mayor Leffingwell: Item 68.

>> It's not related to that item. Item 68 is for the property locate thed at 401 guadalupe street to zone the property central business district central urban redevelopment combining district zoning and it's ready for consent approval on third reading.

[01:30:12]

>> Morrison: I had requested that item 68 be pulled.

>> Mayor Leffingwell: Item 68 is off the consent agenda.

>> Do you want me to continue with the remaining? Very good. Item number 57 is case c-14-2008-0159 rca for the property at 301 and 311 colorado street and 114 west third street. The applicant has requested postponement of this item to your march 21st agenda. Item number 58 is case c-14-84-056 rct for the property located at 605 west 15th street and item number 59, c-14-five-085 rct for the property at 605 west 15th street. Staff is requesting a postponement of both those items to your march 21st agenda. Item number 60, c-14-2012-0145. I understand there may be speakers?

>> Mayor Leffingwell: I don't have anybody signed up.

>> Then staff would offer that case for the property at 4511 fort view road, to grant neighborhood office mixed use conditional overlay combining district zoning with conditions for consent approval on first reading only. For item number 60. Item number 61 is case c-14---

>> excuse me, mayor. I'd like to pull 60, please.

>> Mayor Leffingwell: You have to sign up to speak and you are not signed up right now. So I would advise you to get signed up pretty quickly.

>> Item number 61 is case c-14-2012-0146. Sh for the property located at 1044 norwood park

boulevard. This is to rezone the property to commercial highway neighborhood plan combining district zoning. Planning commission's recommendation was to grant commercial highway services conditional overlay neighborhood plan combining district zoning. This is ready for kept approval on first reading only. Item number 62 is case c-14-2012-0147 for the property at 2025 east seventh street to zone the property to general commercial services, mixed use vertical, mixed use vertical planning. The planning commission was to grant the combining district zoning. This is ready for consent approval on all three readings. Item number 63 for the property at 23009 south lamar boulevard. The planning commission representation was to grant the cs-1-v combining district zoning. This is ready for consent approval on all three readings. Item number 64 is case c-14-85-288.45 rca-2 for the property located at 6714 covered bridge drive. This is to amend a restrictive covenant for this property. The planning commission was to grant the amendment for the portion of the restrictive covenant to remove 32.025 acres of the 194.74 restrictive covenant. This is just for consent approval since it's just a restrictive covenant amendment.

[01:34:02]

>> Mayor Leffingwell: Was that item 63 that you said you had citizens signed up? Now that we do have someone signed up.

>> I believe that was item number 60.

>> Mayor Leffingwell: Yeah. 63 has somebody else.

>> Mayor good. Very good, mayor. We'll discuss 63 and 60.

>> Mayor Leffingwell: So that is all the items that we have on the consent agenda until 4:00.

And those are to postpone ITEM 44 UNTIL MARCH 21st, To approve item 55 on second and third readings. To approve items 56 on second and third readings. To postpone item 57, 58 and 59 UNTIL MARCH 21st. And 60 is now off consent.

>> That's correct.

>> Mayor Leffingwell: So that brings us to item 61 to close the public hearing and approve on first reading only. To close the public hearing and approve item 62 on all three readings. And to close the public hearing and approve item 64. Councilmember spelman moves approval. Seconded by mayor pro tem cole. Any discussion? All those in favor, signify by saying aye? Opposed say no. It passes on a vote of seven to zero.

>> Thank you, mayor and council.

>> Mayor Leffingwell: So now we'll go back to our morning briefing with the point now for questions from council for the two presenting teams, I should say. And who is next? Mayor pro tem cole. Remember our format, you ask the question and each side gets three minutes to answer it.

[01:36:10]

>> Cole: Thank you very much. I appreciate both presentations. They were excellently done and I appreciate the groups for all your work. We in austin as we discussed a little bit before as a growing city we have a lot of challenges, but in particular we have a challenge with affordability and transportation. So I would like for you to address those two issues specifically in how you would handle that in the rewrite of the land development code.

>> All right. Housing affordability as i said earlier is one of the challenges not just facing austin, but many cities. The major way to go about it is to offer more options and make sure that those options are context sensitive. We're finding more and more market in all major cities that need to

go into more creative types of housing units, smaller housing units to be honest, just because that's the affordability issue. And basically it's going after more creative units in existing and acceptable building types. So you've got to figure out some way

-- we're seeing this in both urban and suburban areas, that you can build a structure which looks and feels to the neighborhood as if it belongs there, while allowing the units inside it to be smaller or more creative

-- owe.

>> Cole: Could you describe that more. Like a town home you're saying we need more?

>> There are different models out there. There are duplexes, townhomes, cottage developments that have been popular. There are just

-- there are four-plexes that look like single-family homes. Those are the kinds of things that you need to be very careful that the neighbors where you provide the tools that allow these to be built, that the neighborhoods are satisfied that they fit into the community, but basically you need to allow people to create more creative units within known and predictable building forms.

>> Just as a fast footnote on that, you already have experience with some of those creative structures in things like mueller like the mueller homes that some of our competitors worked on with the six units in one building that are designed to look like a single house that's very large, has a center corridor. So one of the things that needs to be done now is to evaluate the effectiveness and how successful those models have been and maybe applying them elsewhere in the city.

[01:38:37]

>> I'll start off by start of addressing affordability. And I'm going to kind of jump directly into talking specifically about these missing middle housing types that I showed in the presentation, which is similar to what was brought up, but it's the bungalow courts, the duplexes, four-plexes, and I think what's important about that is in our citywide coding process, whether it be flagstaff or cincinnati, mesa, arizona, livermore, california, an actual specific component of every one of our citywide codes is the building types component where we specifically define based on thorough documentation and analysis of community character. What of those building types we feel are appropriate for the city of austin and we work with the neighborhoods to actually regulate and decide which of those building types are the appropriate scale and character for their neighborhoods. And that's reinforced in the building type standards that's a specific component to our code. And so because of our experience, we're a 10-person firm, we're architects, urban designers, code writers, we understand that scale extremely well. We often work with developers as well as public agencies. So we understand sort of the complexities of the types, the construction techniques, sort of what it takes to actually enable them to function. And plug that information directly back into writing a code that reinforces that group of building types that can achieve affordability by design. And I'll have peter park address

--

>> hi. Peter park again. In denver we had

-- and in milwaukee we had the situation of minimum lot sizes for single-family residential, for example, which as we did our mapping we realized that many of the most desirable parts of the city had lot sizes that were nonconforming. So basically the old zoning made it difficult for existing housing to promote affordability. And so in the new code by looking and doing significant inventory of the found conditions throughout the city, we created new conformances that basically legalized the city. One of the components in a zoning code, while this is a major

project, a big part of the work in fixing a zoning code is simply scrubbing out the things in the old codes that you don't need anymore. Sort of a hippocratic oath as physicians say, first do no harm, and we think that's a really significant priority and both in denver and milwaukee our codes did that.

[01:41:31]

>> Cole: Let me ask another question. I asked it in two parts. I wanted to hear you talk about how you would deal with austin and its transportation challenges, especially in connection with our major destroys, i-35 and mopac and the fact that we don't have east west freeways. And what -- did you give

-- have you given any thought to that yet? We don't have

-- our transportation system is challenged, as you know.

>> And the city is physically constrained and that's what's leading to those challenges. As I mentioned in the initial presentation, it's a challenge that many cities are facing, both in highways and in rail and in bus transit. In order to make those work you have challenges, you have intensity, it's going to be there. I think one of the real secrets here is to figure out the transitions, the things that allow you to have not only density, but the density in places where it doesn't exacerbate the existing transportation system, but where you can serve it in alternative ways, building on the concept plan in imagine austin and to be very candid, I think the thing that will make this challenging and worth doing is those transitions that allow to you do that and then create

-- make it a good neighbor to what's around it without exacerbating the transportation congestion that you've got now. Now, we are not going to rethink the concept plan in imagine austin. You've done the hard policy lifting to do that. Our job is which of the tools can we put in there that will lead to predictable messages to the market, messages that acknowledge where you have transportation congestion and avoid making it worse. But things that are also just predictable to the market and predictable to the neighborhoods.

>> I think transportation is a really great question. I think that's why we're very excited to have kirk shulte and kimberly on our team who worked on our transportation plan because we feel it will have a big impact on the future form of the different neighborhoods. I would also like to say that a couple of our city codes in flagstaff and livermore, california, we actually integrated thoroughfare standards into the citywide code documents. And this was quite precedent setting because they usually exist in an engineering manual somewhere. And what this necessitated is I think we all understand that to create great places we need to create great streets as a starting point. And by putting the thoroughfare standards directly into the code document it actually creates a dialogue and a communication between planning and the city engineers and public works in a way that gets everybody on the same page in terms of the decisions that need to be made related to transportation and ultimately to place making within each one of these neighborhoods that the coding process will impact and benefit in the future.

[01:44:34]

>> Cole: Thank you. Thank you, mayor.

>> Mayor Leffingwell: Councilmember morrison?

>> Morrison: Thank you. One of the there will challenges of writing a code for who knows it might need to be around for the next 30 years or something, is that if there is a time of climate adaptation. I wonder if you can comment on how you see that playing into code. Do you have

experience, specific experience with trying to address issues like it being hotter and drier here lately. I appreciate your comments on that.

>> One of the really great things about being in California is we actually have state legislation addressing emissions. So all our work in California has a reduction of greenhouse gas emissions which I think is really the starting point in the conversation of sustainability is getting people out of their cars and improving walkability and ultimately transitioning to transit oriented development as that gets implemented. As I mentioned in my presentation, a large percentage of our recent and current coding projects integrate sustainability. Everything from storm water management is a really big one and I know that's something on the table here. We've dealt with alternative energy, solar power, wind power. We deal with -- it's not directly sustainable, but we feel urban agriculture needs to be part of that concept. In Flagstaff, Arizona we actually did a lot of mapping and assessment of which of those strategies should be integrated into the code and a lot of those where -- actually integrated into the code in a way that they become supplemental to the general development standards for all those different elements. And we feel you could very easily do a very similar approach here if that's so the direction we get as we move into this process. I think what's different about the way that we approach sustainability is in one of the diagrams we think about it in a context basis and even in storm water, for example, there's not a one size fits all solution. There's like -- depending on whether you're in a more rural or even suburban context you need a different solution than you need as you move into more urban and sort of downtown core context, you need to think very differently about those elements. So we think about sustainability on a context basis and we've integrated into a lot of our codes and feel that it could be a really great supplement to the citywide code here in Austin as well.

[01:47:34]

>> We're glad you asked that question. It gives us a chance to talk about something we didn't have a chance to talk about during our presentation. We have made sustainability a core part of our practice I'd say for the past 15 years. It's something that excites us. We've really tried to pioneer this idea of a sustainable development code and we've worked around the country in places trying to think methodically about how to first of all define what sustainability means for a community and then how can we kind of translate that into enforceable regulations. A lot of times that just means getting the code out of the way. We're very focused on making sure that the code is not creating barriers or inhibiting the type of sustainable practices that you want to encourage. Maybe that could play out in a lot of different ways. That might just be a height limit in a residential district that's preventing a wind turbine in that district or it could be an historic district standard that prohibits a front facing solar panel. Just getting the code out of the way sometimes is important. Creating incentives that be very important as well we know that you all don't have right now good incentives to encourage land development, creating incentives can be an important tool. Sometimes do you have to supplement the code with new regular layings to get what you want and we have experience with that as well. Drafting for solar farms, drafting standards for other different types of infrastructure. I agree with Dan, I think it's very context specific. I think this is an important way that you need to think about different parts of the community and where different tailored approaches might be available. Don has some follow-up.

>> Just two quick points. We have been working with the national fire protection association over the last two years to try to come up with strategies because as we get hotter and drier the risks of wildfire in and around cities in what's called the wild land urban interface gets higher.

We're trying to bring land planners together through the design and development phase. I point out matt and i co-authored this book on the rules that shape urban form this last year, and it contains sections in it that evaluate when do form-based tools help sustainability, when do they not? When do they help affordability, when do they not? And so we've tried to take this sexy idea, form-based controls, and say where do they work best and when do you actually get a synergy betw ideas and when do you get those pulled together from different directions. We'd like to pull that together in austin for that process.

[01:50:13]

>> Morrison: Thank you. This was going to be my second before even before you made that comment. And that is I noticed a bit of a difference between the two presentations. In this one with these folks with opticos it was a lot of focus on form-based code and a lot of reference to form-based code and i understand one of you wrote the first form-based books. And whereas over here we heard about form-based code, but also a hybrid code. And I wonder if each of you could just speak a little bit to what I'm perceiving is a difference in approaches?

>> Yeah. A couple of different things. All of the citywide codes we've worked on, we consider hybrid codes. Cincinnati is the most recent one. I showed the slide of flagstaff, livermore, and we understand that we don't apply form-based codes across cities. We actually as part of our process, we very carefully assess the existing conditions. I think this is something very different than a lot of other code writers do where we do an extremely different documentation and analysis phase where we actually look at the macro scale. A lot of what you did in the growth concept maps, but also a micro scale looking at lot sizes, different characteristics of neighborhoods, and that helps us decide, as it did in cincinnati when I showed the map with all the different circles of 42 neighborhoods, that's where the form-based coding made the most sense because of the goals they wanted and the existing character and form of those neighborhoods that wanted to be protected. And so the form-based code applies to the predetermined

-- as we go through this process we [ork with the city and the community is to decide who wants that tool. And there's other areas that are more use base or conventional coding process may be something that a large area of suburban kind of subdivision housing and there's not going to be a lot of change and there's not a lot of desire to make a lot of change, but we may fix and make some minor tweaks to make the existing code better, but it still resides as a use-based traditional coding system. And there's also

-- I know charge mentioned this in the staff briefing several months ago is there's the performance based coding. And the flagstaff, arizona code was very heavily weighted towards performance based as overall structure and we shifted it such that it had form-based elements sort of use based elements and performance basedments and we find that the most effective strategy is just working with the community to determine what the best approach is for each different area. It's not coming in with a one size fits all solution. So our team has the expertise in all three different types of coding and it just needs to be very, very carefully determined where you would apply each approach.

[01:53:21]

>> I think a couple of general principles that apply to all the work we do, one, make it easy to do the types of things that you want to encourage and make it harder for the types of things you want to discourage. And we've kind of approach all those zoning traditions and we try to look at

them and find the best tools for the particular opportunity. What are the best ways that you can encourage, that you can implement imagine austin and get the kind of development that you want to see? The form-based coding tradition has come up over the past 15, 20 years and it's really contributed remarkably to that dialogue and it's done some great things in terms of making codes more illustrated, more graphically rich. Demonstrating to people this is the type of development that we in austin want to see, rather than just having the old school list of this is the 45 uses that are not allowed in this district. We think there's a lot to learn there. We think the idea of integrating the public realm and the private realm has been

-- the dialogue there is just much richer thanks to the form-based code work that's been done. So we've really tried to study that in this report and what we did was we identified a sample spectrum of communities from kind of targeted injections of some form-based ideas all the way up to the full monty, which was miami, which did something similar to denver where they did a full city based zoning, but it's based on the smart code. And we tried to identify each of the traditional form-based and where were these helpful and where were they not? Austin is included here. We included this as our first example of kind of a very limited introduction to form-based tools through subchapter e. It's got its pros and cons, but one of the things it did was start to introduce a form-based focus with the vmu buildings on your corridors. We learn from this all the time. We've done hybrid codes all across the country. So I think the new code that we just finished up in arlington right now is actually a hybrid code. Got a substantial form-based element. Due ruth, hamilton county, ohio, dublin, a lot of other examples. But I think we just -- we like to think about what works and how we can find that magic formula for you. And it's going to be different every place that we work and every code that we do.

[01:55:45]

>> Mayor Leffingwell: Councilmember riley.

>> Riley: One more question. We've had some issues with our permitting office over the past year or so. And particularly on the residential side, but also on the commercial side. We've got a significant backlog. In lamar part that's due to the very

-- in large part that's due to the rapid growth austin experiencing. We've also had turnover issues with our staff. But the argument has also been made that it's attributable to the complexity of our current land development code. So one issue that has come up is could we expect that as a result of this revision of the land development code that we might streamline that permitting process so that we don't run into similar problems in the future? Could y'all offer any thoughts as to whether we could real property exception list tickly expect

-- realistically expect fewer problems in the future as a result of the overhaul of the land development code? I want to emphasize in asking that that we've got some immediate issues to work through. We've got back logs that we really want to get cleared out just in a matter of months rather than years. I know this project that we're talking about now is more a matter of years. So recognizing that we need to make some immediate short-term improvements, still the question remains over the long-term can we expect to have an easier task on our hands as a result of the revisions that we can anticipate coming from this process?

>> Very generally speaking, the code needs to become more predictable. And that's going to benefit everyone. That's going to benefit the staff in terms of getting applications through faster. That will benefit the development community so that they know exactly what's cap expecting of them and how they can get to yes faster. When you think about the subchapter s standards there could very well be pieces there that need to be carried forward, that are doing their job, they're

actually providing great benefits to core neighborhoods in terms of predictability and neighborhood compatibility. But the way it's structured, the way it's related to the rest of the code is a problem. It's a band-aid. It's another band-aid just like subchapter e and i think part of the relationship between those kind of add ons and the base code is kind of where we're here. It's why we had the complexity of the review. So I think definitely what you can look forward to as part of the new code is a more predictable process where the relationship between all those moving parts is much more apparent and the pieces of the existing projects that you've done, be it e or f or impervious cover or whatever that are working well, they need to get carried forward and the other pieces need to get massaged or replaced. So that will be a key part of our goal. We can highlight other

-- the clarity of the standards definitely has a relationship to your procedures. But the procedures are an important thing that we can shine on light on through this process. I know that your encoach. Permits, the licensing for all that stuff is a bit of a challenge and I think that's made it also hard to create pedestrian friendly environments. Sidewalks and things like that go through a cumbersome process and we can suggest ways to clean up those procedures as well. We can help clarify the standards at a minimum.

[01:59:15]

>> If I could add one thing. It's a great question. I think you should not only can expect it, you should expect it. Every city we work for says every year our budget gets cut. We have to do more with less. We have to do it better and faster. So you should expect that we can. In philadelphia they gave us a clear message at the very start, it's the process, stupid. It is more about how we run the city and the fact that no one can tell how we run it. So we put that up at the beginning rather than at the end and said all right, if that's what people are concerned about, let's talk about that early on and then conduct the rest of the work, understanding how we want to fix the process by which things are approved, and that worked very well.

>> I'm a planning director in milwaukee and also planning director in denver. Streamlining the process was a concern, I think similar to what you're dealing with. The charge I had as a planning director was streamlining the process and getting better design and development to happen in our city. So what's really important and I think the takeaway from those two experiences, was what I mentioned earlier in my presentation. It's really important to understand your organizational structure, the staff across many departments that are involved in the permitting process. And to assess what kind of capacities do you have? These are all hard working folks. And in many ways the standards and the regulations that they're struggling with, they've inherited over time. Denver was a city that had hired a lot of consultants to put a whole bunch of band aids and create new zoning and new ideas in zoning. So much to the point where it was actually contributing to even worse conditions. And so certainly your commitment to look at the big picture and the structure is important. You know, I had over 200 staff in denver and planning, quite frankly, was the key. The problem was the planners were involved in zoning negotiations and so there wasn't time for planning. And not enough planning was happening in the city. And so it ended up being a system of rezonings and negotiations. And it put the city on its heels. It's a difference between having a code and being armed with a code and being able to be proactive and to broadcast what you want in different part of your city versus reacting and negotiating all the time. And often times living with what you all can negotiate. So we do think that this front end assessments with the staff and understanding your organization is really

important.
[02:02:08]

>> Mayor Leffingwell: If i could I would like to make a comment. It's not a question. I would just say that i basically disagree with you, that the process comes first. I think our problem is a complexity of our code. And if we can simplify the code the process is automatically going to run a lot smoother. One of the problems that we've had, councilmember riley talked about the backlog of permit approvals that we have and the reasons for it, growth, etcetera, but the real reason, i believe, is us here on this dais and our predecessors who have over the years developed a code of such complexity that really it's very hard to work your way through the approval process. Just to cite one quick EXAMPLE, the McMansion ordinance which was passed while I was on council. Good concept, I supported it at the time, but it started off as a fairly simple thing. There was a limitation on impervious cover, a limitation on far. By the time we finished, it started as a row boat and it came out as a battle ship. And in fact, it was too complicated that you -- we had to have a special committee of folks establish a special commission to review people who might have problems with it. That's the kind of thing i would like to see addressed in this code revision. Councilmember tovo.

>> Tovo: I do have a couple of questions. You know, I think this will be the challenge for either of the teams that get selected. You know, there are a variety of opinions on some of these code changes and i would say that the McMANSION PROVISIONS DID Require a lot of careful compromises, but I think they've had tremendous impact, positive impact, in terms of preserving the quality of our neighborhoods and really protecting the character. So I don't welcome you the challenge of going out there in the community and trying to negotiate through these things. As you can see up here i think as a council I think we have different relationships to pieces of that code and some of us will cling quite hard to some of the things that may be complex, but have really made a tremendous positive difference. So I'd like to talk

-- I do have a somewhat specific question that arose out of the one arose out of your presentation, but I'm going to try to put it in more general terms. There's a bullet point that talks about rethinking open space requirements and walkable urban areas in terms of integrating affordable housing into a code. So I wonder if you could both address maybe some specific -- some specific code strategies that we might consider or that you've used in previous cities with regard to public and open space, and then specifically when it's your opportunity I wonder if you could explain that context in terms of affordability. Thank you. I'm sorry I've lost track of who's next.

[02:05:04]

>> We did too, but I think we're back on track. That particular bullet, I'll admit it wasn't that clearly stated on the slide itself, but the intent was once again in terms of open spaces, thinking about it on a context basis, I think it was open space related to the typical requirements for multi-family units that typically have x hundred square feet required per each unit. And what we have found is that especially as you get in the context that's closer to your downtown core and in a walkable urban context that a lot of times it's these open space requirements by unit that can often be a obstacle for really high quality sort of urban housing types such as these complexes and four-plexes. This is typical of an obstacle where parking may be one of those obstacles as well. So it's not about open space on a neighborhood scale, but simply thinking about removing obstacles kind of in particular in a small and medium lot infill scenario where stymied Cincinnati,

flagstaff and in mesa, arizona code, we actually in a lot of instances will reduce the private open space requirements for individual units, but transition that into shared open space so that you can actually create a courtyard, especially in a context like this when /have you/you have warmer climates and court yards are a good type of public and semi public space and will create regulations that reshift that thinking in terms of creating high quality infill, housing types but doing it in a way that removes obstacles for these high quality infills, particularly at the small and medium lot scale. We still need to think of open space in terms of the larger neighborhood framework, in terms of parks, play areas, sports complexes and that's really important as well. But that particular bullet was meant specifically for thinking about removing obstacles for high quality, medium density, appropriately scaled infill within neighborhoods or along the corridors. [02:07:28]

>> We're addressing this issue on a number of our current projects, notably independent appear police and in oregon. In independent appear police they discovered -- independent annapolis, they discovered you needed all these different faces and they found that over the years with the best of intentions this layering had just forced things further and further apart. Although they wanted to reinforce their transit system, their code forced them almost into suburban models of drama even though the market said we want urban models. One of the first things we did was have that conversation and simplify the number of ratios and the types of things you're measuring and trying to get at. I think there's a more important reason why it's a great question. It is exactly what cities ought to be doing because a lot of codes say here's our open space number. Here's how you do landscaping and by the way, when you're done figure out the storm drainage. And more cities are saying no, no, no. Those are the same -- you need a good designer thinking through the issues of open space and the landscaping and buffering and the storm water infiltration, you need the same bunch doing the site plan on the same consistent rules on those rather than doing them sequentially or acting like they're different things. The e.P.A. Is making everybody think hard we are it, but the best cities are getting ahead of that curve and saying we are going to write the code that way to encourage that kind of synergistic multithinking about what open space does and why we need it.

>> Mayor Leffingwell: Councilmember tovo.

>> Tovo: Thank you for your responses. There's been a lot of discussion about the imperative of simplifying the code. I know the suggestion about ways

-- about really getting at the root of what the objective is behind some of the provisions and trying to meet the objective, but doing so in a way that provides some uniformity and allows there to be fewer code provisions or fewer categories, whatnot. So I wondered if you could talk a little bit and maybe offer a specific example from a previous city that you've worked with and also talk in particular about the response from the community and how you worked with the community to at at those core goals and dealt with any kind of feedback that you received.

[02:10:00]

>> Will lets me revisit a conversation we had this morning about the story about the different code provisions and why those things were there. And I was thinking about the compatibility standards you have in your ordinance eight now. And I think that's a really good example because there's a lot of history and trust and emotion that's been put into those compatibility standards over time, but they're also seen as one size fits all. They're seen as inflexible. They're seen as not context specific. And so that's a place where I think the story can be told in a new way. I think

we said in karen's presentation we talked about respecting the compatibility standards. We didn't say preserve them exactly as they are. I think that's a good place where the code could be simplified and made much more clear by providing much more context specific standards for those transition areas. If you've got a redeveloping corridor how does it relate to the surrounding neighborhoods. I think replacing that rigid one size fits all or exploring the replacement of that with a new set of more context specific compatibility standards could be a great way to simplify the code. That doesn't mean it's necessarily going to be a shorter code because providing a more context specific set of solutions could actually mean a few more words on the paper because you have to look at different core transit corridors versus arterials versus other types of roads. There might be a little bit more detail in there, but that detail ultimately provides more predictability, which is simplifying the code. So I wanted to talk about the compatibility standards, I know, but I think that kind of gets at this issue of

-- okay.

>> Let me just add, i mentioned earlier that we were able to dramatically simplify the cincinnati code. I would like to shift from the substance of the code and yours is very complex and convoluted. Simplifying the process in my mind is just as easy. We're working in oregon now where they've got a code about as thick as yours for 40,000 people. And they found when they herded the cats that they had nine different types of processes to adjust or vary or alter the standard. So the citizens felt like for every rule there's a way out of the rule and they got very confused and frustrated by the whole thing. So anyway, we got them into saying look, there aren't nine. Even chicago deals with just three. So we need to get not only the substance of how you develop, but the process. And one of the key questions to always does is have we made this simple enough that a person with a high school education can understand what the options are or what is going to happen in terms of th affecting their property?

[02:12:42]

>> Lisa wise again. This is a good question, another good question. I think the diagnostic component of a process would be very helpful as we come into this staff. In flagstaff we went from 39 zones down to 27 and went to a very complex system of looking at all the zones, all the

-- all the uses, figuring out what made sense, what doesn't make sense and carry it forward. In livermore there was 100 and we went through a comprehensive analysis of those plan developments, whether they were working, not working, whether there was overlap and how to simplify the systems. It's not really just to get to less zones necessarily. It's figuring out what the issues are and where we want to be. It's simplifying the code, developing a framework, having certainty for developers that makes sense in the end. I think that's the process that we'll go through in terms of setting up the framework that's appropriate for conventional zones where they make sense and form-based zones where they make sense also. If we can, some of the processes that are already ongoing with form-based zones we should look at and incorporate that into the code too so inadvertently we aren't creating additional layers as we go along.

>> What's interesting is when the new code in denver was adopted, the county knew it was a bit down, but by provisions in the new code to allow a wider range of smaller housing types, sometimes dwelling units and make them b right, not a complicated process as they were before or impossible to do without a rezoning, we saw a lot of early infill housing coming in and the market coming back more quickly because the process was much more streamlined. And more affordable housing products being delivered more quickly. In the case of milwaukee in the

reorganization of our whole permitting process and the rezoning code this added predictability of the new code and the permitting system working really changed the perspective of the developers and developers talked about how it was so much easier to do development in the city than in the suburbs. And this was a very important thing from an economic

-- recovery and economic development perspective.

[02:15:15]

>> Mayor Leffingwell: Councilmember Riley.

>> Martinez: I just have one question. You talked about this issue when you talked about affordability, but I'm going to ask more specifically the issue that many large urban cities are struggling with and that is as it relates to is there anything that can be contemplated or tools that you can give us to help us with the issue of gentrification in some of our older minority historic neighborhoods that

-- while growth is exploding in Austin as you all know, it's also pushing people farther and farther out and gentrifying what was once established minority communities and neighborhoods. I was wondering if you had any experience with that and if you could share some specifics?

>> Yeah. I'll start by saying this was a really big issue that we address it quite a bit in a large majority of our projects. Most recently Richmond, California, which is San Francisco, Bay Area. And it's at the point where it actually has a really strong history, great African-American community that kind of moved there to build ships in World War II. And people who are in the neighborhoods want to stay in the neighborhoods, are going to

-- have moved off to college and want to move back and some of them are already priced out of it. So the bungalow court that I showed you was one of those really specific strategies of thinking about, you know, if somebody moves back to this neighborhood in Richmond that they have this long family history with, how can we provide them with the opportunity to afford to buy into that neighborhood, not just rent, but to buy into that neighborhood and actually build equity in that neighborhood and be part of kind of continuing to be part of the evolution of that neighborhood. I think all neighborhoods will continue to evolve. So I think we think very specifically about it and it will be

-- we'd be working very carefully with Franken AZIA and Northwest with the vision tomorrow software to be able to assess the impacts really on a neighborhood basis, but even citywide in terms of affordability. In terms of gentrification specifically, one of the things that I feel really strongly about is one of the first steps in this process needs to be taking your growth concept map, going to every designated town center, every designated regional center, every designated neighborhood center and overlaying and deciding what the degree of change that is desired. Is it primary intention for it to be maintained or is the primary intentioning it to evolve with smaller scale infill or is it an area that really desires major transformation? And I think working with the communities to get to this degree of change and making that classification on the already designated activity corridors and centers is a really important part of this process that term where that neighborhood wants to go. In terms of is it pretty happy where it's at or does it want to be something completely different? And I think that directly ties back to who is living there and who wants to live there and enabling them to stay in those neighborhoods.

[02:18:39]

>> We have a few seconds left and I'll take advantage of there are two things I think with affordable housing. There's affordable by design which we've cell phone about a lot, but there's

also subsidized housing and making sure we have the right incentives in place for subsidized housing and removing barriers. So we've done that a lot. We've done that in marin county, santa barbara county, flagstaff, livermore, over a dozen jurisdictions, mainly in california. But when it comes to gentrification too another important part of that is the commercial aspect and supporting the businesses along the corridors that support families. Making sure they're in place, making sure they're protected when we want to protect them. We have the framework in place to do that through the code and regulations. Thinking about how all that fits together. We did that too in the richmond corridors. Thinking about the residential neighborhoods behind the commercial corridor, but protecting the neighborhoods behind the corridors where we thought it was appropriate.

>> I'm responding to the affordability question. I'm going to focus on the gentrification question. It's important when you think about a code to remember this is a largely redevelopment code in every major american city. 98% of the housing we have every year was there the year before. So when you get a nice drawing of a neat model that's cool, but that's going to be a one or a two percent contribution to the housing stock. 98% of the people who live in your community live in housing that's already built. And it will be there for some sometime. So I think there's an answer about the transportation corridors, the density. How do you capture transit oriented development and not let it all be high income? How do you work in in there? In my mind that's new housing. That's allowing folks a new place that may be affordable, but that's tough. Building brand new housing that's affordable to the lower end is almost an impossible strategy. Most of the successful strategies have to deal with taking a very close look at the existing neighborhoods, not assuming one size fits all, but looking carefully at what kind of investment will reinforce the character and frankly the style of that neighborhood and what kinds of overinvestment are not appropriate there because they will gentrify. If you allow certain types of development in the existing neighborhoods, they will gentrify. They will drive prices up. So I would urge you to think of it as two different questions. And it gets back to this issue of neighborhood by neighborhood

-- owe I'm not talking about the sexy corridors now, but the neighborhood and helping to define the character and aspirations and writing a code that frankly discourages or prevents the overinvestment that is going to be gentrification if you let it happen.

[02:21:30]

>> Mayor Leffingwell: Okay. Thank y'all very much.

>> Mayor Leffingwell: So we're going to postpone and reschedule for a later date our

-- I guess more preferably withdraw and reschedule the briefing on air quality. Without objection I will go through this and try to get the ones that we can dispose of as quickly as possible before break time. We'll start with item 27, which has one speaker, culled by councilmember morrison. Will mccleod.

>> Morrison: This is a contract award for some janitorial services for austin energy facilities and some other facilities, and the ifb was actually written out in

-- could you pass this down? It was actually written out in three separate packages. And what I'd like to do is actually make an alternate proposal, an alternate motion that I'm passing out here that would

-- rather than what staff had recommended, which is all three packages go to one particular entity, I'd like to make a motion that has one of the packages going to one entity and the other two packages go to the second one. So I'm going to read the alternate motion that i have. It says

authorize award of the contract an execution after 24 month agreement with goodwill staffing to provide janitorial services, package a, in an estimated amount not to exceed 657,024. With two 12-month extension options in an estimated amount not to exceed 328,512 per extension option for a total estimated contract amount not to exceed \$1,314,048. And with iss facility maintenance to provide janitorial services for packages b and c. Acknowledged the details for that are in an estimated amount not to exceed 653,856 with two 12 month extension options in an estimated amount not to exceed 326,928 per extension option. For a total estimated contract amount not to exceed 1,307,712. For a total estimated contract award not to exceed \$2,621,760 based upon the best value criteria in the bid. So that's my motion and basically rather than awarding all of the packages to iss facility maintenance, it instead awards package eight, goodwill staffing and the other to iss facility maintenance.

[02:24:43]

>> Mayor Leffingwell: Motion by councilmember morrison. Is there a second? Councilmember spelman seconds for purposes of discussion. And you have the floor.

>> Spelman: Why?

>> Mayor Leffingwell: Who are you asking? Okay. Councilmember morrison.

>> Morrison: I believe this is within our purview. My judgment for best value criteria is that the experience for goodwill staffing was office buildings, would be of benefit to the city. And by the way, if you're interested, the difference in the price between

-- that they've offered on package a between that and iss is just four percent.

>> Spelman: 24,000.

>> Morrison: 24 or 14, something like that.

>> Spelman: I worked out the total difference between your one goodwill for a and iss for b and c, and iss for all three, and I got a difference of \$24,000.

>> Morrison: Maybe byron could talk about it, but i was talking about iss for 314 and (indiscernible).

>> It's about \$13,900 annually is the difference between the two packages.

>> Spelman: Okay. My math was wrong. Okay. What's your

-- the basis for your judgment that goodwill staffing will do a better job than iss for package a?

>> Morrison: Fundamentally basically based on their experience and

-- I don't know if you have comments on that. They have experience in the office world, janitorial services office world.

>> We've looked at those companies and they both are very qualified companies. Goodwill does have a lot of experience with state contracting also. They are acceptable.

[02:26:50]

>> Spelman: Certainly. By ron, I notice that on

-- just looking at the matrix for scoring and the cost of course is a little bit lower for goodwill because they're a little bit more expensive. The local presence is the same in qualifications and experience as you've scored them were identical. I can see how reasonable people may disagree on that. But I see that your sustainability numbers for iss are several points higher than goodwill staffing. I wonder if you could speak to that? What's the difference in sustainability here?

>> The difference is iss presented a policy show on the sustainability items that they have in there. Goodwill didn't provide any information. Subsequent to that we have talked to them and they are willing to consider our sustainable items within their package and so

-- they should about actual out and they'll have products that will be acceptable to austin energy.
>> Spelman: Is there a benefit or cost associated with splitting these three packages among two bidders office.

>> I don't think there's additional cost. We've talked to austin energy. It's acceptable to austin energy. Actually, it's interesting that we got a very competitive bid environment and so the bids came in under the budget estimate. So even with this award it still leaves money in the budget estimate above and beyond what it should cost us to do this. Austin energy sees no difference in the way that the contract in this administration would be because as we set it up different when we bid it this time, all offices are in package a, all power plants are in package b and then the c tech facility is in package c. We did tell all the companies that we reserve the right to award one or more of them to any of them. So there's no impact to the city's cost to do this one internally for administration.

>> Spelman: Okay. [One moment, please, for change in captioners]
[02:29:36]

>> I was a little unclear how they matched up.

>> I guess primarily I'm looking at health insurance. With iss full-time employees have access to this insurance but it wasn't clear to me whether the company actually paid for their of their premium and with regard to goodwill staffing it talks about health insurance through united healthcare but is that just access or are they actually providing that to their employees?

>> Ass the law department has said, we have a limited amount of ability to take in consideration, so we asked them the question, what would you provide as information? And they don't like to discuss their dollars because once that information gets out, it would help a competitor to bid. So they wouldn't tell us how much they pay, but they did provide us information in regards to their benefits. As you said, goodwill has united health, and they have

-- iss has through blue cross-blue shield. Additionally iss indicated that they spend more than \$8.5 million annually in health insurance benefits pension premiums.

>> Tovo: So I think

-- so your question has to be pretty general, what information would you like us to provide, so the answers to my question really are not in the information we have, in other words, about what -- to what extent the companies actually pay some of the premium. They didn't choose to provide that with us

--

>> that's correct.

>> So the employees in both cases may just have access to that insurance but may actually not receive a subsidy toward it or

-- okay. All right.

>> Mayor leffingwell: Other questions? Could I just

-- is building services a part of this contract process?

>> Building services did an analysis for their internal costs.

[02:31:40]

>> Mayor leffingwell: May i just ask him

-- no offense, but got to get his chance of five minutes of fame.

>> Eric stock, building services. We

-- I've been in discussions with myron about this process. We did not participate in the evaluation

of the bids but we did internal analysis to maintain the same analysis we've done previously on internal cost.

>> Mayor leffingwell: No problems as far as you're concerned?

>> No, I'm glad to see some of the sustainability elements added to the contract requirements.

>> Mayor leffingwell: Is security an issue when you go through analyzing the RFPs? I'm just thinking of the emergency communication center, for example.

>> It could be, but I would have to let byron address how that was covered in the ifb. But my expectation is that there would be background checks required, which is a fundamental requirement that austin energy has had in their contracts in the past.

>> Mayor leffingwell: Okay, byron, do you want to answer that or

--

>> yes, sir, I'd be glad to. Provide the assistance. One reason why we separated package c as a separate package is it does require background checks. Iss has performed at the water utilities location that has a ctm location there that also does require background checks. So they're familiar with the process and see no impediment to contracting with them.

>> Mayor leffingwell: So the organization that's getting the award for that particular package is covered by this requirement?

>> That is correct, sir.

>> Mayor leffingwell: Okay. All right. Any further comments? All in favor of the motion by council member morrison say aye.

>> Aye.

>> Mayor leffingwell: Aye. Opposed say no. Passes on a vote of 7-0. Let's go to item 60, which only has one speaker. So we're going to get a presentation from staff.

[02:34:07]

>> Agreeing guernsey planning development and review department. This is case c14-2012-0145 for the property at 211 forth view. This is a road that's just north of ben white boulevard and between lamar boulevard and manchaca road. The property being rezoned is approximately 17,260 square feet, and the zoning request is from the existing family residence or sf-3 district zoning to the limited office or lo zoning on the southern portion of the property, and the no office in the northern portion of the property. The northern portion of the property is the portion of the property that abuts fort view road. The planning commission recommendation adopted the staff recommendation for no-mu-co, neighborhood office, mixed use conditional overlay zoning. There were several conditions that were attached to that with a trip limitation not more than 2,000 trips per day. There's hours of limitation that would be limited to monday through saturday, 8:00 a.M. To 5:00 p.M. And sunday from noon to 5:00. To prohibit vehicular access to and from the subject tract and fort view boulevard for specific uses and commercial uses with exceptions made for emergency vldges and bicycle and pedestrian traffic. And then prior to council adoption of the rezoning ordinance require that the recordation of a shared access easement between the subject tract and the property at 2110 west ben white boulevard be executed. That was recommended to you by your commission on a vote of 8-0. The property itself would split an existing residential dwelling unit that would be used for future offices. The building itself is about 2,500 square feet and was built in 1954. The properties on that same street for the most part are already zoned sf-3. The owner. Property does own the property directly to the south, which is lo zoning on ben white boulevard and also the office building that's further to the west that's gr. Most of the properties alonu fort view boulevard, if you take a look at the

zoning map itself for this area, are all sf-3 on both sides, and so you get closer to the corner of manchaca boulevard, down when you get close to that there's existing cs-1 zoning on the corner. Actually that

-- most of those properties on the north side front on manchaca and those that are on the south either front on ben white boulevard or manchaca. And I think you've got the exhibit now that you can see that a little better. I think I'll let the applicant

-- or the owner go into a little bit more detail about the uses of the building. Staff does have difficulty working with, having structures that are split where there's no defined wall for

-- there is no defined wall for like a suite you may have. You have cases in shopping centers where you have walls that would not allow access to adjacent portions of the building, and they're distinctly used for a single use where you might have a liquor store by chance in a shopping center, the entire area would be zoned as cs-1. There would be no shared space as what might be proposed in

-- what the applicant is proposing to you this evening. If any portion of the subject tracts or the tracts of the split zoning are granted and it's used for civic or for commercial purposes, vehicular access to or from the subject tract from view boulevard should be permitted except for emergency services and bicycle and pedestrian traffic. If that's

-- you're so inclined to grant that zoning. It's only ready on first reading for your consideration today, and I'll pause if you have any questions at this time.

[02:38:23]

>> Mayor leffingwell: Mr. Gu mr. Gu ge mr. Ge rns, the guernsey, the original request was lo for the whole thing, is that correct?

>> That's correct.

>> Mayor leffingwell: And planning commission and staff recommended no for the whole thing.

>> That's correct.

>> Mayor leffingwell: So this is an after the fact request to go back

-- to re

-- just accept half as lo and the other half

--

>> I think after the commission act, I think the applicant is trying to make some accommodations towards the recommendation by staff and the commission and made the request for no zoning given that was a recommendation on fort view boulevard.

>> Mayor leffingwell: I think that's what I said. So we'll hear from the applicant now and you're the only speaker signed up. You have five minutes.

>> Thank you, mayor. My name is howard kells. I'm the property manager for evan investments. It's owned by william franklin, who has been the owner of victory meadow clinic for 23 years now serving the community needs of south austin. When the handout comes around it shows the three properties that are owned by eveann and one thing that wasn't made clear by the staff is that the property on fort view is a duplex, and so what we're asking is to use the rear half of the duplex for two medical exam rooms. Dr. Franklin wants to do aesthetic type treatments, like laser

-- vein removal and those types of things and those require lo, so it's very important for him to have those two roomed in that duplex closest to ben white for the lo zoning. Notify we're willing to again limit all access to fort view. We have the adjoining neighbor speak in favor at the planning commission, of THE LOUs. The other thing that I want to point out is that, you know,

dr. Frank [inaudible] has done a really wonderful job landscaping and those of you familiar with that area I think will realize that. The other thing he's done, he on his own accord has -- this picture is in your handout, basically. It shows what he's done to the dead end at fort view to allow pedestrian connectivity to victory drive, to target, to ben white, and I think that that's just a really great thing for the neighborhood and it's well-used. The other thing that was said at planning commission, that it was really after the public hearing was closed and I didn't have an opportunity to talk, but they talked

-- there was some concern of the planning commission about creep parking, where some people would park on fort view going to those offices, and I wanted to point out in the last page in the exhibit is showing that the relationship we have with target, and we rent parking spaces from them to allow for any overflow parking and mainly staff parking so we have adequate parking at our facility, and again, in the site plan they show we're going to have parking spaces there on-site that the patients will enter the main reception area on victory drive. They walk across the driveway, as shown on the site plan, to the one office

-- to the reception area and to exam rooms shown there. And that's it. So we really

-- you know, we

-- the city council and mayor

-- we hope the city council and mayor would accommodate us on getting two exam rooms in the northern duplex. Is there any questions? Quti questi ons for the applicant? Council member spelman.

[02:42:36]

>> Spelman: Mr. Kells, did you or your client discuss any

-- discuss with the city staff any other means of accommodating this need no exam rooms short of splitting the house in half?

>> Well, what he's trying to accomplish there is that he wants a home setting to do these aesthetic type treatments and that's what he's looking to do. That's our first preference.

>> Spelman: I understand. Well, your first preference, then, because that

-- current code requires limited office. Your first preference was to zone the whole thing lo. Is that right? That's what you asked for?

>> Right. That was our first preference, and then we tried to meet the planning commission and the staff's concerns about the concern of no so that's why we split the lot, basically, split the duplex.

>> Spelman: I have a question for city staff, if I could. Help us with this, jerry. If I wanted to let this guy do his exam rooms but not split the house in half, on the other hand I understand the concern about no versus lo requirements

-- was it something I said?

>> That was mine, sorry.

>> Mayor leffingwell: Fire alarm

--

>> it is

-- it's an amber alert for somewhere far from here. I don't think they're coming this way. If I wanted to let this fellow have his exam rooms on the other hand provide the neighborhood with the assurance that they weren't going to be lo, some redevelopment which would cause a much larger office to be there, how could I do that?

>> We could

-- you'd have to rezone the whole property to lo, maybe restrict it to the existing square footage that's already on the ground today. In discussions that we had with the applicant, he owns the larger medical building, the victory medical building we can see off ben white, several story building, as well as the house that fronts on ben white as well as the house that fronts on fort view. The idea was that the medical office use could be in the existing
-- you know, victory medical [inaudible] as well as the house that fronts on
-- on the ben white frontage road. Our suggestion was that this house could be used for back office type operations, such as accounting, scheduling, you know, record keeping, that kind of thing, because our concern was that it is
-- residential street, fort view, we understood how they already owned it but the back [inaudible] was connected to the house that fronts on to the frontage road. We just felt that a medical office would have too high of a traffic for fort view drive.
[02:45:17]

>> Spelman: Certainly you'd have a parking issue, but you weren't persuaded by his argument the parking would take place on victory drive and people would walk to the parking lot?
>> I think they would walk to the parking lot. Part of our recommendation was that even if it was used for [inaudible] residential, that all the access would be restricted off of fort view and that the traffic would be forced to go either to victory drive or to ben white. Our real concern is if you were heading northbound on manchaca, the best way to get there would actually be, if this were connected to the main medical building, the best way to go would be to sneak through both of these properties being get to fort view because there's a light at manchaca you could use. There was a concern we'd be pulling traffic off neighboring property, the main medical center. So, you know, again we felt maybe it was appropriate for office use. We were just a little concerned about the medical aspect of it.
>> Spelman: I see your concern. But if we want
-- okay, i see your concern.
>> Can I make a comment?
>> Mayor leffingwell: Wait for him to ask you.
>> Spelman: Let me ask you a question. I think this is where you were going to go. Why is it valuable for your client to have the exam room be in this house rather than the house that is already zoned for it?
>> It's a larger structure and that
-- we wouldn't have to do anything. That's existing. We could basically do
-- you know, paint, carpet and it would be existing, could be used for that. One other point I think is real important is that our
-- we're going to limit
-- we're going to put a gate or build a curb so there's not going to be any traffic on fort view at all, coming or going. So we see that that's being overlooked. That's what this
-- reciprocal easement is between 2111 fort view, 2110 ben white and 4303 victory, is that we're going to limit
-- nobody is going to be able to drive. Essentially we're taking that piece of property and making it ben white or victory drive.
[02:47:26]

>> Spelman: It now becomes the back half of ben white or victory.
>> Exactly. So nobody can drive through to, you know
-- nobody can gain access to fort view from any of those three lots.
>> Spelman: Thank you, sir.
>> Thank you.
>> Mayor leffingwell: Council member tovo.
>> Tovo: I have a few questions for mr. Rusthoven. I want to be sure i understand the history of the zoning request. The request was for lo. It went to planning commission. Planning commission unanimously, as I understand it, supported the staff recommendation for no. Is that right?
>> Yes.
>> Mayor leffingwell: It was 8-0. I assume
-- I'm not sure if they were missing anybody. And it says in our staff report that you stand by the recommendation for no because it's believed continued residential uses
-- whoops, I keep losing that page
-- continued residential uses at this location are appropriate and possible.
>> That is why we recommended the
-- mu to be put on there as well so if someone did want to convert that property back to a house or duplex in the future that that would be a possibility.
>> Tovo: So despite the discussion we've had from the applicant the staff continue to recommend no-mu.
>> I'll be honest with you. First we were sticking with the sf-3 existing, but we did
-- but we did agree to go with the no, but we felt adding the mu would include the possibility of becoming residential in the future and no was a lot more compatible with the residential nature of the street
-- lo was more compatible.
>> So the staff recommendation was to keep it sf-3.
>> We considered that. Had several meetings with the applicant. We felt that since essentially you had one committees office building, one house that's a medical office he owns. This kind of rounds out his property. He already owns it. So we agreed to allow it to become an office. Again, our preference would be it would be a lower traffic generating kind of office for administrative operations rather than the actual exam facilities. Even with regard to the traffic and the closing off of the street, we thought it was more appropriate. In the future it could be something else.
[02:49:39]

>> Tovo: Right, and there are residences on fort view?
>> Yes, there's plenty of residences on fort view between here and manchaca.
>> We did hear from one of those residential property owners who emailed us yesterday and said he's unable to be here this evening. He lives at fort view and ask we read his concerns into the record. I'll sort of summarize them. But let me ask you this question first, jerry
-- mr. Rusthoven. He referred to some rezonings of properties on ben white from sf-3 to lo-mu and said that at the time of those rehearings, you know, there were concerns from neighbors and they were assured by the planning commission that this wasn't kind of the beginning of turning fort view into a more commercial area. Are you familiar with the rezonings that happened at ben white?
>> Yes, if you could put up the aerial property again. We have two properties on the ben white

frontage road recently zoned lo-mu. Put that one up. And you can see those
-- sorry, right behind the frontage road. So that was an issue that was brought up, was concern
about folks on fort view. We felt that, again, because this was at end of the street and kind of the
last third of three parts of property, that this entity opens we'd be okay with lo but we share that
concern about commercial creep in the neighborhood.

>> Tovo: Thanks. I appreciate that con tech. Tech

-- context. Okay.

>> Mayor leffingwell: Council member tovo.

>> Tovo: If there aren't any other questions I'm gog to move staff recommendation.

>> Mayor leffingwell: Council member tovo

-- this is only ready for first reading?

>> That's correct.

>> Mayor leffingwell: To close the public hearing and approve on first reading. Is there a second
to that? Council member morrison seconds. Council member morrison?

>> Morrison: Thank you. Did the planning commission add some recommendations on top of
your recommendation?

[02:51:41]

>> I believe they're the same.

>> Morrison: They're the same. Okay. And I guess I'd just like to comment that I have a real
problem with this zoning case at all. Certainly I can't support lo. I think that that's much too
intense, and basically if you look at the map you'll see that basically it moves the interface
between the commercial and the residential down one toward

-- you know, into the fort view residential neighborhood. And so I just

-- I just have a

-- if we're wanting to protect fort view and really have a vision of it as remaining a residential
street with the quality of life, you know, I can sort of see just because of the strange
configuration here that we have no, but certainly not moving to lo. So I appreciate staff's careful
consideration of that.

>> Spelman: Mayor?

>> Mayor leffingwell: Council member spelman.

>> Spelman: I understand your concern about not approving

-- not letting fort view turn into a medical office street, but it seems to me that either it ought to
be sf, if you wanted to keep it as a single-family neighborhood, or else we should

-- whether it be lo and let the applicant do what he wants. Seems to me no doesn't let the
applicant do what he wants but still looks like office creep. How is it not office creep to do no?

>> Morrison: It is office creep to do no, but with a much less intense

-- much less intense uses. As staff mentioned, you know, the idea of using it as a back office,
that's much different than having patients in and out all day. And so this allows them to look at
doing something that maybe they don't want, but at least they would be able to reconfigure some
of their space and have some opportunity to use the space for their

-- for their business.

>> Spelman: And you're not persuaded, again, by the traffic issue, by having to park elsewhere?

[02:53:43]

>> Morrison: I'm not because, frankly, having people walk in and out of a structure all day is a significantly different impact on the area than just having a few people go in and work there and then leave.

>> Spelman: Effectively it moves the boundary of the office area out to the eastern edge of these two lots.

>> Morrison: Right. Right, but my main

-- for me the difference is having patients come in and out all day really changes the sense of the residential property next door much more than just

--

>> mayor leffingwell: It would be a lot better if you guys just took a recess and discussed this or something?

>> Morrison: Well, I guess we

-- maybe I'm not making myself clear.

>> Spelman: No, you are. I'm understanding you. I just want to be sure i understand what your argument is.

>> Morrison: All right.

>> Spelman: Thank you, mayor.

>> Mayor leffingwell: I would like to

-- is there

-- did you examine the possibility of having lo with restricted uses in that category, no uses plus whatever uses would address the needs of this particular case?

>> To be honest

-- [inaud [inaud ible] asking for

-- that would exclude everything else.

>> To be honest, the only difference, aside from site development regulations, the only between lo and no, is lo allows medical office.

>> Mayor leffingwell: That's the only difference?

>> That and additional height, but

--

>> mayor leffingwell: So you did consider it.

>> We did, yes.

>> Mayor leffingwell: Council member tovo?

>> Tovo: I just wanted to point out to council member spelman, I certainly if you think it's appropriate support a motion to keep it sf-3. I think there's a argument to be made for that as well.

>> If I may add one more thing. Another concern of ours was even if the access were restricted, you'd probably have a lot of people parking on the street and walking to the medical office. That was an additional concern.

[02:55:44]

>> Mayor leffingwell: Okay. So this is first reading only. All in favor of the motion say aye.

>> Aye.

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

>> Thank you.

>> Mayor leffingwell: We'll go to item 63, and item 63, do we need a presentation on that and the

--

>> thank you, mayor and council

--

>> the applicant will

-- the applicant is evidently not here to speak, or is he? Go ahead, greg.

>> Thank you, mayor and council, item no.63 is another rezoning request. Case c14-2012-0165 for the property at 3109 south lamar boulevard. This is to rezone a portion of the property, approximately 3,500 square feet to cs-1-v, or commercial sales vertical mixed use building. This property is part of a larger property that's being redeveloped around the broken spoke and actually lies immediately north of the existing broken spoke building. Proposed use for the property is a cocktail lounge that would be a portion of that mixed use project. It was recommended to you by the planning commission on a split vote of 5-3. The property as I said before is next to broken spoke, which is on the eastern side of south lamar boulevard. The western side of south lamar boulevard, [inaudible] service station, bakery, auto repair, auto parts, apartments, zoned gr. On the east side of north

-- of south lamar boulevard, north to south, you have some restaurants, some mixed use and construction, restaurants, more mixed use, apartments a little bit further to the south and restaurants. Then along manchaca road you've got some gr and lo for office and condominium type uses. At this point I think I'll pause, if you have questions about this, this is part of our larger mixed use project. There weren't a lot of comments made by the commission regarding their vote. I have spoken to the case manager a little bit more about this, so I can't really give you a lot of insight on the nay votes as much on this one as I could on perhaps another case. Questions? Council member morrison?

[02:58:35]

>> Morrison: Thanks. Mr. Guernsey, this very property that's actually under construction has another section of it that's cs-1 that's sort of one little isolated cs-1. Is that correct?

>> I believe that's further to the south.

>> Morrison: Is it perhaps the same development?

-- Part of the same development?

>> Yes, it is.

>> Morrison: Okay, and we're going to hear from the applicant, right, so I can ask them about that. All right. Thank you.

>> Thank you.

>> Mayor leffingwell: Is somebody here representing the applicant? Okay. So you have five minutes.

>> Thank you. Good afternoon, council member, mayor, melissa neslund with perianth partners on behalf of the applicant. Staff did a great representation, we're requesting cs-1 on 3500 square feet, that goes in the vmu building that's under construction. To speak to council member morrison's question, the portion that is already cs-1 is actually being developed with primarily private

-- I'm sorry, public open space, leasing office and units. The site plan is approved, under construction for that I believe predated probably the auto oriented uses there and at one time was probably a bar, but it's not planned to be as part of this project. I'm available for further questions. Questions for the applicant? Council member morrison.

>> One of the concerns that I've had about south lamar and I think might have been some of the

concern that was expressed at the planning commission, I'm not sure, is the proliferation of bars, when do we have too many bars and too much cs-1 zoning. And so since this cs-1 zone that's to the south is not really being used as cs-1, did you guys have any consideration of, like, swapping and, you know, removing the cs-1 there?

>> We actually did discuss it, or it was

-- it came up in our initial meeting with city staff, and we said we'd be more than willing to do it, but it was not adjacent so it was going to be a separate zoning case. We would have had to do metes and bounds, field notes. So the answer was we have an approved site plan, we're constructing over it. It kind of fixes itself. So we did have a discussion but we didn't end up going that route.

[03:01:01]

>> Morrison: Thank you.

>> Mayor leffingwell: Okay. There are no speakers signed up in favor, no additional speakers. So we'll go to those against. David king? You have three minutes. You have three minutes.

>> Oka.

>> Good afternoon, thank you, mayor, mayor pro tem and council members. My name is david king and i live in the zilker neighborhood, and I use south lamar boulevard pretty frequently. A january 2013 new york times article stated that the broken spoke is arguably the best honkytonk of all times, all right. And as many of you probably know firsthand, it's the best live country music venue and has the best chicken fried steak in texas. Now, the world of beer is the one that's asking for the permit for the 3500 square feet live venue at this development, which is just a few yards away from the broken spoke, so I'm just wondering if you can restrict them from having live country music and serving chicken fried steaks. It's a little bit of a joke, but also, you know, really to honor and help support the broken spoke and keep it successful here in austin. And there's a development across the street that just got started of a pit stop auto repair, and as i understand they're anticipating a live music bar at that location as well. There's some concern about the utility infrastructure being placed, you know, in front of broken spoke for this development, so it's

-- I'm just wondering how come they have to put the utility infrastructure around the broken spoke instead of somewhere else on the development. And there's concern about protecting the oak trees that are surrounding the broken spoke there. And also concern about so many bars opening up on south lamar. I've seen them firsthand in just the last couple years, many bars are opening up all along south lamar. And I have concerns about the effect on the neighborhood surrounding this particular development. So I hope you will do what you can to support the broken spoke and, you know, it is the greatest honkytonk of all time and that ain't no exaggeration. Thank you.

[03:03:12]

>> Mayor leffingll: Mr. Ki mr. Ki ng, I have a question for you. I have a question for you. Have you talked with james white about this.

>> Yes, sir, I have.

>> Mayor leffingwell: Is he opposed to this zoning request?

>> He's not opposed to it but he has these concerns I'm sharing with you this afternoon.

>> Mayor leffingwell: Maybe the applicant can address this. It's my understanding that he was in court. You'll get a chance on your rebuttal to address that.

>> Thank you.

>> Mayor leffingwell: Clay defoe.

>> Good afternoon, council, my name is clay defoe. I'm a native texan, proud graduate of the university of texas, and I sell underwriting for a local nonprofit radio station. I'm a little offended today, living in austin, over a ten-year period, that this would even be a consideration. The broken spoke is not a little old cocktail lounge or whatever you bureaucrats call it, mr. Guernsey called it. It's not a cocktail lounge. It's a honkytonk. The broken spoke is a honkytonk that people come to to visit austin from all over the world. I've met people there from the netherlands, australia, new york, los angeles. I know you guys like to model yourself off those cities, chicago, mexico, germany, africa, everywhere you can think of, people come from all over the world to dance one dance, one partner's dance at the broken spoke. I'm offended that this would even be a consideration. On a business that's been around for 48 years owned by james wright. I hope you all know who he is. He's a real legend in this town, a real character. And, you know, when I see it referred to as just any old cocktail lounge I don't think you're giving it much due consideration, at least the bureaucrats at the city of austin don't. I've been very concerned about this project for a while now. That's been coming over the broken spoke. I'm afraid this is a plot to eventually shut it down altogether, and if we lose our texas heritage here in austin, what's there left? That's what I want to know. As james white said, many famous musicians play here. He gets on stage once a night and, you know, does rolling in my sweet baby's arms, and at that point i know that I love austin and want to be here to experience what makes it real. Musicians have graced the stage including willie nelson, patsy cline, loretta lynn, george strait, ernest tub and many other famous austin, texas country musicians. When heart of texas was demolished recently on south lamar, you didn't know it but I interviewed the owner, mr. Ray hennic, and you know what he told me? He told me that stevie ray vaughan lived in that building, that he slept there. It was a historic building, but, you know, did it matter to the developers? It didn't matter to you guys. It gets torn down. I'm afraid broken spoke might not make it to 50 years because of this fraud development at the spoke. Any zoning requests should take into mind what is already existing in our city. I'm not a big fan of zoning, but in this case if you're about local business, you will protect broken spoke. Save the broken spoke. Save the broken spoke. Save the broken spoke. Thank you.

[03:06:54]

[Applause]

>> mayor leffingwell: I will just say I think james white can take care of himself, but we'll he rebuttal. Three minutes. You have up to three minutes.

>> Thank you. I'll start with, first of all, that article he cited was an article in the new york times touting the fact that the developers that are developing this piece of property have gone above and beyond in working with maintaining the broken spoke, making sure they have parking, trying to work as well as they can through construction. So I would say maybe reread that article, but furthermore, I also have the alcohol sales for 2011 versus 2012. He's up 10% since construction has been under way. They are providing parking. He will have more parking once this project is complete, dedicated in a garage and surface for his use, and I would also remind folks that we're here for a zoning change for a portion of a vmu building that is already permitted and under construction. We are not looking to get rid of the broken spoke. I think if anything this will accentuate it. There will be residents living there, people who can walk and not have to drive to the spoke, as well as maybe go to this world of beer, maybe have a beer on the patio and go to

the spoke. I don't think it's such a bad thing to have a little competition. The world of beer is not known as a music venue. They on occasion will have somebody picking and playing on their patio. They're not looking to take Mr. White's his music or his legacy away. So I would just offer that and leave it at that.

>> Mayor Leffingwell: Thank you.

>> [Inaudible]

>> Mayor Leffingwell: You may not, unless somebody asks you a question. So this item is ready for all three readings? Mr. Guernsey? Is it ready for all three?

>> Yes.

>> Cole: I move approval, mayor.

[03:08:55]

>> Mayor Leffingwell: So Mayor pro tem moves to close the public hearing and approve on all three readings, second by council member Spelman. Further discussion? All in favor say aye.

>> Aye.

>> Mayor Leffingwell: Aye. Opposed say no.

>> No.

>> Mayor Leffingwell: Passes on a vote of 6-1 with council member Morrison voting no. Okay. We only have 20 minutes here. We're going to try to get through item 65. All the other items have more speakers than that. Jerry?

>> We also have item 68 on the a deny bum, which was
-- addendum which was pulled.

>> Mayor Leffingwell: We can try to get that. We'll go to item 68. Yeah, 68.

>> And council, on your addendum, item no. 68 is case c14-2012-0130, for the property located at 401 Guadalupe and 304 West 4th Street and 400 Lavaca Street, and this is a zoning change to central business district central urban renewal district as CBD-CURE district zoning. It was recommended to you by the commission and staff. I'll pause if you have any questions.

>> Mayor Leffingwell: Okay. So this is for third reading on item no. 68.

>> Second and third reading

-- excuse me, third reading.

>> Mayor Leffingwell: Third reading.

>> That's correct.

>> Mayor Leffingwell: All right. Entertain a motion?

>> Cole: Move approval.

>> Mayor Leffingwell: Mayor pro tem moves approval on third reading. And second by council member Riley. Discussion? Council member Spelman.

>> Spelman: Is there somebody that could speak for the applicant, come forward?

[03:11:00]

>> Council, my name is Richard Suttle. I'm here on behalf of the applicant.

>> Good afternoon, Mr. Sults. How are you doing?

>> I'm pretty good.

>> You and your applicant had an opportunity to discuss the proposal made by mr. Robertson for a total amount that would be

-- of community benefits that would be consistent with the amendment to the downtown plan we passed a few months ago.

>> We have had several meetings with mr. Robertson about this issue. The bottom line of those discussions is there's not a mechanism outside of what we call ut turkish bizarre system of doing such a program because there's no program in place.

>> Spelman: Well, there may be a program in place, but is it

-- is it clear what the policy was that we enacted a few months ago?

>> You have, I believe in your downtown plan, a concept, as we discussed it with him and others, there are things that need to be flushed out in that concept plan. For instance, one of the bottom-line concepts is on a residential project, which are the only ones that get taxed, I call it a tax because that's kind of what it is, they're the only ones that get the density tax, and that was based on your economic studies that show that because

-- when a multi-family or residential gets more density, then they have more value and they should share. In this case we're not asking for any more residential density. We're asking for the same density that we have. We're adding a hotel. If we were doing a 12-1 far hotel, there would be no density tax. There would be no tax because it's a hotel. But because we're adding a hotel to an existing 8-1 entitled project it would. So the bottom line was that the concept is there, i think it will be flushed out in terms of a program, and I'm not really comfortable talking about this. I'd rather jim talk about it. But there's not a program there, and so what we've done is the community benefits that this is adding, including saving the facade of the ginger man, which comes at great expense, moving a tree that's not a protected tree, not a heritage tree, doing the great streets, all of those, and then not increasing the residential density, that's how we came to this.

[03:13:32]

>> Spelman: From your point of view, when you say there's not a program there, what exactly do you mean by program?

>> Meaning that if you asked me today to abide by the concept, and I would then reverse the question and say, okay, if we wanted to do that who would we pay for our zoning? I think you would then bring up jim, and I'll let him answer that, but he's told me we don' mechanism.

>> Spelman: I think it would be a good idea for me to bring him up here and see if I can get an answer to that question.

>> Perfect. I'd feel more comfortable there.

>> Spelman: Mayor, if I can talk to mr. Robertson for a moment. Mr. Robertson, mr. Suttles says we haven't got a program. I'm not sure exactly what program is, but is it clear to you what the requirements are of the policy that we passed as part of the downtown plan a few months ago?

>> Yes, in the latter

-- the latter portion of your question, yes, it is clear that under the

-- under the policy that council adopted as part of the downtown austin plan making the calculations is straightforward. Mr. Suttle is correct that, you know, those

-- those recommendations have now

-- have not yet been brought to you and adopted as code. When we do that one of the things we

will be doing is making sure they either exist or will create a fund into which fee in lieu that commend via that program go. For example, the interim downtown density bonus which is on the books, which is codified today, specifies two funds which exist that if a project chose to participate in those, the money would go to one of which is administered by the neighborhood housing and community development department. It's an affordable house
-- I think it's called the affordable housing trust fund. So if somebody participated in that program, that's where that money would go. Since the program recommended by the downtown plan doesn't yet
-- you know, has not yet been codified, we don't
-- we haven't identified a fund into which payments yet would go. But obviously that would be part of what we would bring to you.
[03:15:52]

>> Spelman: Although our policy was very specific in some respects, one of the places where it was not specific is where the money would go. It didn't specify it would go to housing trust fund or any other particular place.
>> That's correct, but when we bring it to you for codification of course we will identify for your consideration a fund into which proceeds that come in through that program would go.
>> Spelman: Sure. Has
-- in addition to 4th and guadalupe, have there been any other proposals for zoning changes that would fit in the policy that we enacted as part of the downtown plan? The one we're talking about here.
>> I believe there have been
-- there have been, i believe
-- well, you mean since adoption of the downtown plan?
>> Spelman: Since adoption of the plan, yeah. Has anyone come to you and said, I want more far. What have I got to do?
>> I can't remember off the top of my head since adoption of the downtown plan, which was in december of 2011, whether any of the cases that have come to me and before you, the cure cases, would have been required to make a payment for affordable housing. That depends upon the magnitude of the increase they requested. I know there were cases prior to adoption of the downtown plan where cure was granted to a project to allow it as much as 30 to 1 far. Certainly a project like that would have under the interim program or the downtown program been required to make a payment into one of
-- you know, into a fund like that.
>> Spelman: Certainly there have been cases like this in the st.
>> Yes.
>> What I was getting at, i guess, is have there been any other applicants for cure or some other zoning change which would increase their entitlements that would have fallen into
-- would be covered by this had it been codified, who you're aware of?
[03:17:56]

>> I don't know right now. I'm happy to get back to you with that. One of the things I've been doing this response to an item that came up last week, I've been creating, and I'll happily share it with you

-- I'm creating a spreadsheet that tracks all of the cure cases that have occurred, the starting date I picked was 2000. All of the cure cases since 2000 that analyzes the site area, what their base entitlement was, what the cure zoning case entitled them to, and then evaluating what was the gap between those two and so forth. That's a fairly labor intensive process that involves going back into the actual ordinances and zoning cases and I'm only partway through that right now. But I'm happy to get back to you with exactly the answer to your question.

>> Spelman: Okay. Mr. Guernsey seems to have something to say on the subject.

>> I think you asked for some recent cure cases, and there have been two cases since adoption of the downtown plan that have come before you that were approved. One of the properties is down at cesar chavez, river, the hotel, fairmont, and the other being at san jacinto and the east fifth street. Both of those cases have been approved since that time and increased the floor to air ratio. One that was limited basically for the hotel for the fairmont to 16 to 1 and that had that provision for a thousand room hotel. The other one I don't know exactly what the building use was indicated for a 13

-- looks like 13-1 far.

>> Spelman: I believe that was [inaudible] as well.

>> Yeah, with regard to the

-- I can

-- I think i can accurately follow up on mr. Guernsey's comment. For example, the project at cesar chavez and red river, what we now know as the fairmont hotel, it sounds like it got a 16-1 far being a hotel. The way it would be handled under the downtown program is it would be entitled, once it met the gatekeeper requirements, to go from 8-1 to 12-1 of right without additional limitations but to go from 12-1 to 46-1 far

-- 16-1 far it would have had to contribute via

-- a fee in lieu, a minimum of 50% of that additional footage beyond 12 would have had to have been paid to fee in lieu to affordable housing.

[03:20:45]

>> Spelman: Did we consider this policy in the context of the fairmont hotel?

>> I don't know the answer to that standing here right now. I'd have to go back and look at the record for that one.

>> Spelman: Again, I think mr. Guernsey has something to say here.

>> , You know, I just spoke with jerry as well. I think when the case came in we looked at the context of what the case was before you. I don't think we looked at heavily at the prior cases that were located elsewhere in the downtown area. And we felt it was appropriate to rezone it to the cure with the far limitation, or far bonus under cure.

>> Spelman: My primary concern here is that we are consistent in our usage. We have passed a policy which tells us that as part of passing the downtown plan, which was extremely controversial, which had a lot of moving parts and a lot of people were against pieces of this. And I think one of the critical things that allowed us to get a unanimous vote in favor of the downtown plan is we were finally able to get closure on what kind of requirements there would

be for a cure zone. Somebody wanted to go from 8 to 1 to 12 to 1 to 16 to 1, then what kind of affordable housing benefits could we expect to get from that. And by defining those affordable housing benefits, what they could be, then a lot of people who were very leery of cure zoning generally and were leery of the downtown plan came on board and said, okay, I can support that. This makes sense to me. I think I can see how we're going to get benefits from bigger buildings. My primary

-- now, the reason why this is at issue is because we have not yet codified any of the downtown plan, and we have not yet codified this particular policy. I would like

-- because this particular policy was, i think, very important in our getting closure on the downtown plan, I would like us to be very consistent in applying that policy, which we've all voted in favor of and which mr. Robertson at least knows well enough to explain to anybody else, i keep trying to explain it to myself and I keep calling jim and saying, okay, remind me again, what are the details of this. But he's written it down, we have nice little cheat sheets we handed out to remind ourselves of how it works, and it seems to me we ought to be applying our policy which we passed on a unanimous vote. And what I'm trying to determine is whether or not we have actually done that.

[03:23:34]

-- On all cases to which this policy would have applied, have we applied that policy in the past.
>> And I think you're exactly right. It's more difficult when we're in transition, but between the time of adoption and the actual incidence of the implementation of the ordinance, to arrive at a point where I can definitely say yes, we have followed the downtown plan without having a legal instrument really to enforce it. So as the cases that come before you, you know, we looked to those cases in the past, we look to the adjacent land uses, we look to perhaps a downtown plan, certainly the zoning and the intensity is appropriate. But it would be difficult for, I think, my staff and i to come back and give you a negative recommendation if it didn't hit all the points of the downtown plan, because I don't have that regulatory tool in place at this time.

>> Spelman: Well, let me offer you an instrument for enforcement, is I have the discretion to vote in favor or against any cure zoning case. If somebody comes before this council and says, i want 12 or 16 or anything over 8 to 1 as cure

-- as a means of doing so, then i have the discretion and all of us as council members have the discretion to say yes or no based on how well we think this is going to fit our vision for the city and whether it's going to be provide benefits to the city as a result. Our collective decision on that subject I believe was made when we passed that policy, whether it's codified or not, and I can't speak for anybody else on this council, although i suspect there are some others who will speak for themselves in a minute, but I for one will vote in all cases in favor of that policy because it is within my discretion to do so and because I believe that was a good policy which we passed on unanimous vote and we ought to uphold it, whether it's codified or not, we have the discretion to uphold it and I intend to do so, which means in a case that I'm going to have to vote against this particular case.

[03:25:35]

>> Cole: Mayor, I have a question.
>> Mayor leffingwell: Mayor pro tem.
>> Cole: You described two other cases that we have considered since we passed the downtown plan. Did we apply the density bonus to those cases?
>> No, we have not applied the density bonus to those cases.
>> Cole: Okay. Thank you.
>> Mayor leffingwell: Council member riley.
>> Riley: One more question for either staff or mr. Suttle. I just wanted to make clear on the record the differences between the current entitlements and the entitlements that are
-- that we would have under the proposed zoning including the agreement that is incorporated within this zoning. So I understand, if we look at the property that is there along guadalupe, the first 60 feet are within the downtown parks overlay, since this property faces on to republic square. And within that 60 feet, you said the terms of the downtown parks overlay, the current
-- the height limit would be 120 feet. Is that right?
>> That's correct. So currently, under current entitlements, a property owner with this site could build up to 120 feet right up to the street
-- right up to the right-of-way on guadalupe.
>> That's correct.
>> Riley: And doing so would block all of those windows for much of the plaza lofts residence?
>> Correct.
>> Now, under the terms of the agreement, as i understand it, if
-- if the property is developed with a floor to area ratio greater than the current entitlements, greater than 8 to 1, then that would change, the rules would change. The maximum structure height would be 89 feet within that 60-foot
-- 60 feet from republic square. The maximum height structure would be 89 feet with the sound mitigation devices, or 75 feet, not including the sound mitigation devices. Is that
--
>> that's correct. That's correct.
>> And so that would be
-- so that would be part of the zoning that's on the table
-- that's before us right now?
[03:27:41]

>> That's correct. That was an amendment, i believe, on your motion last time, and that's incorporated into the zoning ordinance.
>> Riley: Okay so in other words, approving this zoning would bring to the residents of the plaza lofts the public benefit of actually scooting the project back in the event that they take advantage
-- that the property owner takes advantage of the additional entitlements, we would actually scoot the property back significantly from
-- as compared with current entitlements? It would be moved back from guadalupe?
>> That's correct.
>> And in so doing would significantly
-- it would be significantly better than what could otherwise be possible under current entitlements in terms of the conditions at the neighboring property?

>> That's correct, from two standpoints. One, from the neighbor's standpoint, also from the park' standpoint, because now it's a lower
-- a lower building within a closer distance to the park.
>> Riley: Got it. Okay. Thanks.
>> Mayor leffingwell: All in favor of the motion say aye.
>> Tovo: I have a comment, please.
>> Mayor leffingwell: Council member spelman.
>> Spelman: Mayor, I have
-- I'm not sure whether other council members have received this or not, but i received a letter from greg casar, a document concerned with gables existing project and austin relative to worker safety and I wonder if he could take a couple minutes to describe for us what those concerns are.
>> Mayor leffingwell: Well, we're at our recess time right now.
>> Spelman: I understand that.
>> Mayor leffingwell: If you ask him a specific question. Council member spelman has a question of you, if you want to come answer i.
[03:29:49]

>> You have a question?
>> Spelman: Well, I actually was
-- the question was of you, but if the best way to answer the question is to ask this fellow to explain why he's here, that would be fine with me. Briefly, if you could, though.
>> [Speaking in spanish]
>> this is virgil, I'm translating for him. He's giving testimony about a company where he work.
[Speaking in spanish]
>> so I worked for gables and I worked for them on their project on 5th street. [Speaking in spanish]
>> so I had problems working there. I worked there for six weeks without pay, and so that's why I came to
-- he said to us, to the workers defense project to advocate so that I could get my money back. It was difficult working there. They wouldn't give us any rest breaks, just lunchtime.
>> [Speaking in spanish]
>> and he's just apologized for being sick and having trouble speaking.
>> Spelman: No apologies necessary.
>> Mayor leffingwell: Could I ask the applicant to comment on that statement? Do you have any
-- is that correct?
>> Well, starting from where? The gentleman doesn't work for gables. I don't know where else to go with that. It has nothing to do with the zoning case. It has nothing to do with the issue we're talking about, and frankly, I'm not comfortable talking about it because I know that these people entered into a settlement agreement a long time ago with workers defense. My opinion is we ought to not be talking about it up here. Greg doesn't share that opinion and that's all I'm going to say. But that gentleman does not work for gables.
[03:32:15]

>> Spelman: Let me ask you, who entered into a settlement agreement with workers defense?

>> Gables years ago.

>> Gables years ago.

>> Mr. Casar?

>> He worked on the gables on 5th project where there is no settlement agreement. There have been issues on four separate gables projects, every single one of the last developments gables pressler, gables on 5th, gables on park plaza 1 and park plaza 2 currently active. Philip has details about the [inaudible] cdc under active projects with andres construction, (inaudible) on the project at 21 rio.

>> I'm going to ask the council member, what is the relevance to this zoning case or this line of questioning?

>> Gables is asking for a boon from the city council. I am concerned in part that the boon is inappropriately

-- would be inappropriately granted because we have a policy not to do so, given the benefits that the applicant is suggesting can be provided to the city. That's for the rest of the city council to decide. I'm going to decide that on my own based on our stated policy. Others can decide that differently, but I think there is a definite cost to the city based on the track record gables has established in the past with respect to construction, and this is something which is something which we ought to consider when we're talking about benefits. They're asking for additional floor to area ratio. They're asking for something from the city which we do not need to grant, and i would like to be assured that gables will do better in the future than apparently they have been in the past.

>> I can tell you, council, that gables has done exactly what they're supposed to do in the past. If you can imagine a very complicated construction job, in fact, there are subs and subs of subs, and gables goes and it would be just like if you took your car to get fixed somewhere and the guy repairing your car backed it over somebody and now we say it was bill spelman that was the problem here. I was the exact same thing. These people don't work for gables. Gables hires the contractor who hires a subwho hires a sub.

[03:34:26]

>> Why would it be

-- this is a hypothetical question, I'm afraid, and I hate to ask hypotheticals five minutes after we're supposed to have started live music, but this is important enough, mayor, that I think we ought to talk about it for a minute. How is workers defense comes to us and there's four projects and four problems with wage thefts and rest breaks. Is there a pattern which is a political pattern? Is here a pattern here we see gables keeps hiring the wrong contractor.

>> I don't know the answer because I don't know if it's the same contractor or not. I'm not sure of anything greg says. I can't speak to that. But I can tell you we're in owe we're in two awkward spots here on this zoning case. One, we're talking about a policy that

-- back to your consistency argue, has not been applied to any cure zoning cases.

>> I understand that.

>> So consistent would be inconsistent to try to apply to this applicant.

>> Spelman: I understand.

>> And no.2, we're talking about a nonprofit that's engaging in political action and we don't

know

-- he's not sworn in. We don't know the veracity of these claims, but really, does it have anything to do with a corporate citizen that has built many multi-family apartments here, is offering you up an apartment with a hotel with \$3 million worth of added benefit to you with the hotel, and so I'm going to say

-- I know you're going to vote no, and I understand. I don't know why you're bringing all the rest of this stuff up when we don't even know what it is.

>> Spelman: Thank you, Mr. Suttle. Mr. Casar, you may have heard this from my office. My office has been contacted by the [inaudible] compliance people and asked about the proactive enforcement of breaks and theft. Whoever gets hired as a contractor, and subcontractor, they'll be watching, and we'll be watching a lot more carefully than we have in the past. Thank you so much.

>> Thank you. [Applause]

[03:36:26]

>> Mayor Leffingwell: Council member Tovo?

>> Tovo: I understand.

>> Mayor Leffingwell: One question.

>> Tovo: No, I don't have a question. I have a comment. Going back to the question before, it's my understanding that in at least one of those cure zoning there was an outside agreement, a voluntary outside agreement that resulted in an affordable housing contribution, just for the record. I'm not certain about whether there was a similar situation with the other zoning case. So, you know, I think we've discussed this every time there's been a cure zoning case since the time of the adoption of the downtown plan. As Mr. Robertson has demonstrated, we may not have codified it, but it's really clear what the steps are, and you proved that by being able to calculate what the affordable housing

-- what the community benefit contribution would be and what the affordable housing piece of that would be, and not just remind everybody

-- I would remind everybody that would be \$8,200 in community benefits half of which would be required to be affordable housing. Were he values on the books an interim density program which I certainly have mentioned before that would have yielded a \$1.4 million public housing, contribution, half to the assistance and half to the benefit fund. So there are options out there for a developer who is seeking to do a project in our downtown and looking for increased entitlements, and I'm also going to vote no on this, which is in my discretionary ability to do so, and I'll go back to the zoning category we're considering here today, the central urban redevelopment combining purpose. B 2 is clearly inappropriate as one of the key

-- one of the key purposes of cure is listed as to accommodate high priority projects that enhance the stability of urban neighborhoods, including the development of affordable housing and small businesses along principal transportation routes that serve a neighborhood. And clearly a hotel is of benefit to our community, but again, I think

-- I think we've got an ordinance that recognizes some other purposes for cure zoning, and I fully support them. I think they're in the best interest of our city.

[03:38:45]

>> Mayor leffingwell: Council member morrison, and we're going to have to recess unless this is real quick.

>> Morrison: It will be very quick. I want to echo my colleague's comments and i want I've stated before the guidelines I use in my discretion in looking at cure zoning are the guidelines that we've adopted in the policy, and i just want to add that in terms of, you know, are we being consistent or not, you know, there has been a conversation that I've been part of since at least 2005 about cure really stepping up to the plate and offering benefits and real affordable housing, and I'm glad we're being able to move in that direction, and we need to take some action to get that cure code codified as quickly as possible, and i think I will be working with some of my colleagues to try and make that happen. Thank you.

>> Mayor leffingwell: I'll just say, I intend to support the motion. I believe that we're -- what we're dealing with here at its very best is a gray area of the law, and it's -- at its worst, is a clear violation of the law, in requiring a payment or compensation in return for approval of a zoning case. So I will support the motion to approve on third reading. All in favor say aye.

>> Aye.

>> Mayor leffingwell: Aye. Opposed say no.

>> No.

>> Mayor leffingwell: Passes on a vote of 4-3 with council members tovo, morrison and spelman voting no. We're in recess until approximately 7:00.

[03:44:38]

>> Hey there, are you all ready for some music in I'm council member chris riley and it's my great pleasure to introduce carrie elkin, HER ALBUM, call McIt my gashed, she's an emuenching voice celebrated by texas music magazine as one of their artists of the year. The austin chronicle calls her voice an earthy combination of strength and compassion, reminiscent of win some music by nancy grif eye. The bbc makes comparisons to patty griffin. The voice, the stories she tells, images, and infectious enthusiasm it's a complete package but it's the power of her live perormances that vab creating a buzz around this young artist. Elkin has the ability to turn a delicate trickle of a note into a tidal wave of emotions. Please help me welcome carrie elkin. [Cheers and applause]

>> thank you. Gr to be here.

[♪♪ Music playing ♪♪]

[♪♪ music playing ♪♪]

[03:49:49]

[applause]

>> thank you. Thank you. [Applause]

>> all right. All right. That was awesome. Thanks so much. Carrie. Carrie, do you want to introduce your backup vocalist here?

>> I would love to. My backup vocalists are amazing singer songwriters that in their own right. This is mr. Danny schmidt, and this is reyna rose. And this is

--

>> all right. All right. [Applause]

>> and carrie, tell us about your web site.

>> My web site is carrie elkin.Com. I want just carrieelkin.Com and it has all kinds of information about me.

>> All right. All right. And where can we get your music?

>> You can get it from the web site. You can get it at waterloo records, actually. Itunes, directly at a show if you come out to one, which is the best way to buy music from musicians. [Laughter]

>> riley: Yeah, and are you going to be playing at sxsw?

>> I'm playing a lot. My official showcase is thursday night at the hilton garden inn and then I have a lot of unofficial stuff, free stuff that you don't need to budget throughout the whole week. Starting wednesday, wtd wednesday throughed is, so it will be great

-- throughed is, so it will be great to see you.

>> On behalf of the mayor and city council I want to present you with the official proclamation. It reads as follows. Be it known that 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 artists support good music situations, local favorites and newcomers alike and we're pleased to showcase and support our local artists. Now therefore, i, lee leffingwell, mayor of the live music capital, do hereby proclaim march 7, 2013 as carrie elkin day.
[03:52:00]

[Cheers and applause]

>> thank you.

>> Mayor leffingwell: Our first proclamation tonight is in honor of the red cross of central texas. It's red cross month. We want to honor and recognize the services that the red cross provides to all of our citizens in time of strife and stress, in time of all kinds of tragic events. I got to know marty mckellips up here who is the director of the local chapter of the red cross, a lot better during the fires we experienced over a year ago in bastrop and surrounding -- all around austin. The red cross was out there. They were providing all kinds of services in bastrop to people who had just lost their homes, who had just lost everything, didn't know where they were, basically, and needed a place to live, something to eat, help with getting their medications, everything that you need in times of tragedies like this. And the red cross is to be commended for their efforts on behalf of our citizens. We appreciate and value what they do, and it's been our pleasure to work with them on a number of different projects before and since that time. So I have a proclamation in honor of this occasion that
[03:54:03]

reads as follows: Be it known that whereas for more than 97 years the american red cross of central texas has brought the community together to assist and support others in situations from home fires and wind storms to flooding and man made disasters, and whereas the red cross is dedicated to empowering our community with the lifesaving skills of disaster preparedness, first aid and cpr, and whereas the red cross mobilizes the power of volunteers and relies on the generosity of the american people. Now, therefore, i, lee leffingwell, mayor of the city of austin, texas, do urge all residents to continue to volunteer their time and give generously to the american red cross and its local officers and do hereby proclaim march 2013 as american red cross month in austin, texas. Congratulations to you, marty. [Applause] do you want to say a

couple words?

>> I want to say thank you to mayor leffingwell and the city council. They've been wonderful friends of ours for a long time. But I also want to give a special shout out to the austin fire department. When they come to your home fire or apartment fire, they don't just put it out. They make sure the family standing there in their pajamas is not left alone by calling the american red cross and handing them into our care. And it's one of those things that makes austin such a wonderful place to live in, and so we want to thank them so much for all they do. [Applause]
[03:56:55]

>> mayor leffingwell: Behind me we have a number of folks who are vietnam war veterans who were so much unappreciated the time they served and immediately thereafter. Now we have come to recognize the great contribution they made to their country. They were those who didn't ask the question, tried to answer political questions. They just did their duty to their country, and we appreciate that, and i appreciate it. I'm very proud to be one of you.

>> So just over 45 years ago, on january 30, 1968, in the early hours of january 31, 1968, the national liberation front, or the viet cong and the army of north vietnam came to launch what came to be known as the tet offensive and it coincided with the lunar new year in the military and the allies. The intent of the north vietnamese and the allies were to crush the south vietnam army and the allied forces, including the united states. Enemy attacked five major cities and 36 provincial capitals and allied military installations near saigon, and finally in an attempt to deliver a decisive psychological blow the north viet that ma'am attacked the u.S. Embassy in saigon. The north vietnamese had previously agreed with the south vietnamese to a cease-fire to celebrate tet. There was hard fighting, american and south vietnamese forces quickly repelled enemy troops from the cities. The only exception was the city of wei, which was not liberated until february 25. Enemy losses of course can never be known for certain. North vietnamese and viet cong casualties are thought to be about 52,000 american, south korean, new zealand and other forces had about 6,000 killed and 29 wounded in action. South vietnamese had 11,600 during this operation of tet. So today we're taking the time out to honor brave members of our local community who are vietnam veterans, and who served not only during the tet offensive but during the vietnam campaign in general. You didn't get the property welcome then but I will say right now, welcome home.
[03:59:30]

[Applause] so I have a proclamation that I'm going to read and present to first sergeant fred hudgetts, which reads as follows: Be it known that whereas january 30 through april 6, 1975 marked the duration of the tet offensive, the bloodiest battle of america's long war in vietnam, an attack on south vietnam that was in direct violation of an agreed upon truce during the country's most sacred holiday, tet, and whereas, in three stages the viet cong attacked south vietnamese military bases, all major cities and towns and bridges in south vietnam, and finally the marine base at kason encouraging the south vietnamese to rise up against the allies. And whereas the north vietnamese were defeated the hard-earned victory was misrepresented to the american people. It is time to recognize the sacrifice of more than 4,000 americans who were killed at almost 20,000 who were wounded during this long and ultimately successful battle. Now, therefore, i, lee leffingwell, mayor of the city of austin, texas, do hereby proclaim spring 2013 as a time to honor veterans of the tet offensive in austin, texas. Congratulations, guys. [Applause]

>> thank you. Thank yo.

>> I'm going to ask mr. Burkheart, who's a long time south austin resident and a vietnam veteran to say a couple words.

>> Thank you. I have a confession to make. The mayor and I went to the same schools together, so don't hold it against him. I'm john burkhart. I served with the 9th division in may cong delta. I have a distinction to be one of the first wounded in the tet offensive, not a record I'm proud of but nonetheless, the question comes up, why are we celebrating this 45th year? Look around you. These guys here, many of us, won't make it till the 50th. The problems we're faced with primarily is cancer from agent orange, and all we're asking for is a little bit of understanding and your help because we need it. Thank you all very much.

[04:02:01]

[Applause] thank you, mayor. [Applause]

>> and now we got a short video we're going to show. Show.(Cofa9-27-12.Ecl) ♪♪♪♪

>> Mayor Leffingwell: Please stand by for the playing of taps. ♪♪♪♪

[04:04:43]

>> Mayor Leffingwell: Thank you all. We have additional copies of this proclamation for each one of you, which we will now pass out. Thank you all. [Applause] republic square was called [04:12:20]

[speaking spanish] or mexican park. This is in our exhibition, but we want this to be permanently in people's consciousness and people's awareness and history. That's why it's important that we establish the fifth street mexican-american heritage corridor so that everyone knows, the students know, the people know, and that the mexican and mexican-american community were part of the development of austin. And that means that we want to recognize this as doing hopefully a master plan in the future to plan this. We would like signage. We would like our history to be recognized in public art so that we can feel welcome that austin is a diverse city, a beautiful city and that it is made up of many cultures and that the mexican-american community contributes to the development of this. So the

-- this exa decision and hopefully the permanent naming of the mexican-american fifth street heritage corridor with signage, with public art, will be something permanent here in austin and we're working on it, the hispanic quality of life, the austin sister saltillo association, the [speaking spanish] group, the board of directors of mexicarte museum and with the councilmembers and your support we'll make this happen and be permanently for austin. Thank you so much. [Applause]

[05:00:18]

>> we're out of recess and we'll begin with item no. 65.

>> Good evening, I'm alison mcgee, the deputy historic preservation officer for the city. The existing rainey street subdistrict regulation, section 25-2-739 provide incentives for the relocation of historically significant structures within the rainey street subdistrict. The area of the subdistrict from rainey street to driscoll street was listed as a national historic register in 1965 due to historical significance and architectural integrity. Since then the area was rezoned as central business district. The central business district zoning allows for highrise density

development of the properties in the subdistrict, which we feared would lead to property owners seeking demolition of historically significance buildings. New location of those buildings and their adaptive reuse is preferred over demolition, as it allows for continued productive use of those houses and meets sustainability goals and allows the buildings to certain as compatible infill in other neighbors. For these reasons the historic landmark district passed a resolution to revise them to encourage developers to continue pursuing historically significant buildings to appropriate locations outside the district in lieu of demolishing them. The planning commission initiated the code revisions and has voted to

-- has voted to recommend approval of the draft ordinance that's being presented tonight. The proposal was also presented to the waterfront advisory board and the downtown commission. So I can answer any questions thawf. Thawf

-- that you have.

>> Mayor leffingwell: I have a number of speakers. That's questions for staff before we go to our speakers? Council member morrison?

[05:02:18]

>> Morrison: Do you know if you know the history, but when the zoning was changed to cbd do you know what the expectation was for these small buildings?

>> Certainly they could be used as

-- for commercial property, you know, different uses such as they have since then, namely as restaurants and cocktail lounges, but it certainly didn't

-- means that they could not be used

-- or could not remain, but because of the pressure for denser development

-- and we've actually been seeing an increase in applications, we have already approved six relocation permits for contributing properties.

>> Morrison: Right, okay. It's just maybe somebody else on the council can add to that.

>> Mayor?

>> Mayor leffingwell: Council member martinez.

>> Martinez: Since council member morrison asked, i wanted to see if jerry or greg could come up and talk a little bit about the history, because this all happened before any of us were on the dais. I think maybe the mayor might have been a council member, but I think it happened in 2005, and it was a long process, a lot of stakeholder impute and it was

-- input, and it was the property owners that came to us and said, we want to rezone to cbd so that we can redevelop our land and increase the value. And then the market tanked in 2007 and nothing has really happened. Now it's coming back and we're seeing a lot of development starting to come into the area, proposed development, and that's why we're faced with this case where we have these six houses that are seeking a demo permit. But can you just give us a brief history of how we got to that 2005 vote.

>> First, in the mid-'90s there were a few ballotses within rainey street and there was at the time a neighborhood group that was trying to protect the residential area. However, at the time of the first kind of internet boom, if yo there was a proposal by a company called dinyet trying to propose a campus on the edge of the neighborhood. That didn't happen because of the internet bubble popping or whatever, if you will. But that led to a new relook at what the future of rainey street was, and there's assumed to be a shift in tide from the mid-'90s to now we're talk about the

early 2000s, and there was a consensus in the neighborhood that they all agreed it was time to go ahead and seek the cbd zoning to seek denser development, of course get a greater return on their property values. Ho there were concerns about

-- some of the concerns about historic preservation, affordable housing, et cetera. So when the council rezoned its cbd the whole neighborhood cbd in 2005, there was a historical survey was taken, a study was done. There was an incentive program created similar to the downtown development interim density bonus program. The

-- it gives developers additional height and far in exchange for doing things beneficial to the neighborhood, one of those things was if you had a house on the property you would relocate it somewhere else within the district. The problem is we've gotten to the point now where the land values are so high, we have to have several highrise developments in the neighborhood, a lot of cocktail lounges as we discussed at the last council meeting. Anybody who has a vacant lot would never agree to have a house moved from another lot, let's say developer a wants to move it to property owner b's lot. Property owner b would be foolish to take that house on to their lot because chances are the property owner with a vacant lot is holding out waiting for the next highrise developer to come along and offer them a lot of money. So we have a situation where we don't really have people within the neighborhood who have vacant lots that are willing to let houses be moved on to that, to move down the block, if you will. So the incentive is kind of unavailable to be used. So when this developer came in, wanted to move these five or six houses, we immediately met with them. He filed for demolition permit. Even though we acknowledged that the neighborhood is going to redevelop over time because of the zoning, the historic preservation office would still like to see the houses preserved, there's still a history there. These houses are very old. We're talking about late 1890s VINTAGE. So when that developer came to us and said I want to tear down five houses on rainy, we said, we think we can do better. So we talked with him about the possibility of moving the house, he said, I'd love to but I can't move them within the neighborhood. No one will take them. We said we'd be fine moving them out of the neighborhood but we'd like you to pay for it and perhaps you'd like to partner with a nonprofit that does affordable housing issues maybe if they had a lot maybe we could get the house moved, refurbished and provide affordable housing. The developer said that's great, but we met with the house mover out there who explained to us it was going to cost 25 grand per house to move so he was looking for some incentive to move the house rather than seek a demolition. So we said, well, what if we adjust the bonus program to allow to you move the house but not require you to keep it within the district but instead we allow to you move it somewhere else that would still require ours and the landmark commission's approval. So it would be someplace that's contextually okay, east austin, don't take it away and move it to buda or northwest hills but someplace where it would make sense but work with a
[05:07:41]

nonprofit: Austin is meeting with mark rogers tomorrow to talk about him working on some of this. That's our intent, is to allow people to move property

-- houses outside of the district and still receive the bonus points they would under the incentive program so that they would still be

-- the city of austin would still be used as viable buildings.

>> Thanks, jerry. I appreciate that explanation. Did

-- in that conversation that led up to the 2005 rezoning, did we talk about some type of preservation program for the culture and heritage that's

-- that has been a part of that rainy street neighborhood? And if so, what came out of those conversations?

>> We did. The main thing is what I just spoke of. I remember council member alvarez at the time being very specifically concerned about that. There was even an idea expressed at one time about possibly setting aside property near the macc

-- the somewhere near there, where, you know, houses could be moved to, if there were ones that needed to be saved, they could move to it. And earlier discussions with mr. Sadowsky, the preservation officer and ms. McGee, the historic preservation

-- it's not the favorite approach. It's a museum-like approach. We kind of have a row of houses that are kind of somewhat out of context, maybe, if you will, you know, maybe right next to a very modern building, the macc, et cetera. So they would rather see them actively reused, doesn't have to be residential, could be commercial, but their desire is to see them used

-- used as they have been for the past hundred and something years but just placed in a place where it makes sense, both economically as well as contextually.

>> Morrison: Mayor?

>> Mayor leffingwell: Council member morrison.

>> Morrison: I just wanted to make one last comment and get your reaction. It can't be any surprise to anybody that given that these properties were all zoned cbd, that eventually the property was all going to turn over and I imagine it was envisioned that it would eventually all be developed.

[05:09:45]

>> Yes, I think once the city council soanld the entire

-- zoned the entire neighborhood cbd there was acknowledgment that was the case. There wasn't unanimous agreement on that at the time. There were a few people that had concerned but generally speaking there was a consensus within the

-- consensus within the neighborhood for the cbd zoning.

>> Morrison: Thank you.

>> Mayor leffingwell: We have several speakers. First is juan alyurvides. And you have three minutes.

>> Juan with the mexican-american cultural center. The american rainy street neighborhood are inextricably linked, and I just don't sense any direction for that neighborhood, and tonight's proposal is

-- is somewhat problematic because the houses are historically valuable, they're culturally valuable. The first mexican-american neighborhood in austin, and I also wanted to say that we found some language in the current land development code, 25-2-100, which is on your screen now. There's a couple of points in here that talks about selective use of the capital, but it says in the first

-- no.1, ensure that the cbd use is compatible with the commercial cultural historical and governmental significance of downtown. And rainy street is now downtown. No.4, it refers to enhancing the existing structures, historic features and the circulation patterns in the downtown area. Well, rainy street is now downtown. I found something else in the archives, and it's a request for council action april of 2005. And that's the second. And if you notice the intent of the council back then when

-- when the cbd was

-- was approved for that area, the next-to-the-last point that starts with does the design of the

project avoid creating a canyon effect along rainey street and along the edge of the macc, the appropriate setbacks when it's to building base wall height or building setbacks, so to council member morrison's point, i mean, this is a little bit of a window as to what was going on. So what I would like to suggest is some direction, an organized effort to come up with

-- with a palestinian, maybe some time

-- with a plan, maybe some time to work on on this and get the community involved. The developments that the planning review

-- that alison was talking about, all of that happened without any exposure to

-- or our community, at least, via the macc, but these are some clarifications that I'd like to get from somebody if somebody could please answer that for us.

[05:13:20]

>> Mayor leffingwell: The next speaker is paul saldano. Do if few went ace. You have six minutes.

>> Good evening, I'm paul saldano, and following up on the comments by juan, i think it's important to put in perspective that i certainly respect the rights of the property owners on rainey street, but this area has much more significance other than just to the rainey street area. It has significant impact to the mexican-american community, and even though latinos account for 51 million in the u.S., And despite the fact we have a 400 year history in north america, latino culture history, heritage, visitation, stewardship are nonexistent when it comes to historical sites. In fact, if you look at the national registry, latino historic sites only represent 3% of that total number. More importantly there is really a growing and general sentiment in our community that the discourse of american history has largely ignored the latino contributions. This privileging of some sites over others has manifested itself into the destruction of places associated with latino past in our history. And there's a growing concern with the loss of physical places. The culture and the stories are the only remnants of this

-- remnants of the history. As juan pointed out rainey street was the first mexican-american neighborhood in austin. So I don't disagree that growth is inevitable, redevelopment is going to happen, but to the point that juan makes is there's no plan, there's no specific plan. Part of the hispanic quality of life, one of the areas that we focused on, we had a forum at the mexican-american cultural center and that discussion was about cultural arts, history and enrichment and preserving our history, and so there's no plan. I know there's a technical term called a preservation plan, and maybe I'm not using the right term, but there certainly needs to be a plan to preserve some elements of the history. I think all of us agree that we pride ourselves on the diversity that makes up our community, and so there needs to be some preservation of that. I also wanted to point out that the national

-- there's a national organization called the

-- I just lost my paper here

-- the national trust historic preservation, and there's a group called the national latino preservation organization, have actually come up with almost \$3 million in funds, and we're interested in pursuing a grant opportunity so that we could help pay for the development of some type of a plan. And right now I think they've got about \$3 million. We're looking to maybe find a partner here in town that could help

-- we would help provide the grant writers, and that would be maybe one way that we could certainly help to preserve at least some of the historical perspective and the historic meaning for us. The grant's primary focus is that it has to be significant within your own cultural context. You

have to be able to demonstrate and illustrate there's important issues associated with this particular preservation and that there's a need for immediate action to stop or reverse serious threats. We believe the threat for rainy street is certainly very serious. I'd like to show a video that your austin history center is showing now, that talks about the contributions of mexican-american community and it talks about rainy street. So there's about a one-minute video I want to show you.

[05:17:21]

>> Citizens participate more fully in the life of the city of austin. Mexican-american culture is a part of the city's life, but the history of mexican-american people in austin is still not very well known, even though their story goes all the way back to the beginning of austin, and even to the beginning of texas. Mexican americans have experienced great obstacles to success, but the desire of some to see these obstacles as challenges and rise above them is why we call them trailblazers. They're the ones who went before us, making the way for others. There are others like them whose names are not mentioned here. Consider why we need to remember them, why the story of mexican-american people is an important history to remember for the future. Think about it. Would it matter to you if these stor forgotten?

>> So the last point I'll just make is we'd like for you all to consider postponing this item so that we can sit down and visit with your staff, so that we can actually develop some type of a plan to move forward to at least preserve some elements of rainy street and the important significance to the mexican-american community. We had a good conversation with jerry and alison and the staff, a and I think we're committed to work in partnership with them. There are other things that are under way. You all are working on the redevelopment of a master plan for the holly shores plan. Some of those houses could potentially be relocated there where we could have an educational historic preservation

-- I think there are a lot of examples or opportunities that we can pursue ideas that came out of the hispanic quality of life. You all are scheduled to get that back sometime in april, and so I think it would be a shame and certainly a detriment to not at least try and preserve some of the history of rainy street. Thank you. Be happy to answer any questions from you.

>> Mayor leffingwell: Council member martinez.

[05:19:22]

>> Martinez: I agree, paul, I think there's something we can do and I think we have a template for it because we just did the grand opening last week of the african-am clurt and ham

-- cultural and heritage, we took the one thing and built the structure around it. That is something I think could truly fit into the rainy street area near the the macc and be cohesive with the culture and history that are there. I think it's going to be hard to put the geni back in the bottle and down zone but I'd love to work on a vision for evaluating something like that in the area that fits well in the macc and the macc board's vision so we can have that culture and heritage facility. I want to work with you guys however we can. I'm trying to understand the benefit of postponement tonight because we are working

-- the whole reason for this item is so that we can actually preserve these homes and not just have them scraped, which is what the proposer is requesting, to demolish them. So I'm kind of caught because if we postpone it, you know, it doesn't allow the preservation of those homes until we amend the ordinance. By amending the ordinance we can start meeg meeting with guadalupe neighborhood organization and try to preserve those homes, and put them somewhere. I believe

it's tillery street, work with mark roger to put them there.

>> As I understand we only have two options. One is to demolish and theory is to relocate, but i haven't heard anything or seen language that talks about preserve I guess, and he doesn't [inaudible] talk about preserving one. That is our point of contention now. If you all to amend that and include that as an option, I'll support it but right now it doesn't have that language. And again all the things we're talking about with the hispanic quality of life, we haven't developed an action plan. So I think we waited this long. 30 days, another 60 days won't hurt. I talked to your staff. I don't think there's a great sense of urgency. I certainly appreciate the goodwill intentions of the developer to relocate that and maybe we can use that to fulfill our affordable housing needs in the community. I support that. But again at this point we only have two options: Demolish or move, and we haven't talked about preserving. Thank you.

[05:21:53]

[Applause]

>> mayor leffingwell: Will mcLeod. Council member tovo.

>> Tovo: I had a question for ms. Mcgee.

>> Hi, I wanted

-- first of all, I guess, just to hear from your perspective whether there is an urgent need to go forward tonight or whether we could postpone it.

>> There's not necessarily an urgency, but I think as has been pointed out, there might not be a reason to because it's not requiring that the properties be demolished, it's not requiring that they be relocating. It's simply providing an incentive in the future so that developers might be more willing to work with the community to find alternative locations. And I'd also like to point out that the subdistrict regulations actually do have the option, and a developer can also get the incentives for preserving on-site. So they can get the incentives that they preserve on-site or they are relocate to a location that is determined to be appropriate by the city staff. So that is

-- there are

-- there are three options.

>> Tovo: I wondered if you could speak to whether you

-- whether you believe that this area would be a good candidate for a preservation plan, and if so, whether your office could be a partner in approaching the national [inaudible] or others about getting some funding to provide that.

>> I mean, I would think with the pressures for development and the high possibility that there are going to be fewer and fewer contributing buildings that are going to remain in the district, that a preservation plan, which usually has the goal of how do you preserve the properties on-site, is maybe not as useful. But certainly a plan for how, if the story of the neighborhood told in other locations is something that could be beneficial, it would be certainly nice to have a plan for other neighborhoods that reflect the heritage of that community, you know, have a preservation plan for the east side, would be very beneficial for preservation efforts.

[05:24:08]

>> Tovo: And so would there

-- and would

-- i wonder if there could be a little bit more thought about what

-- what might be the right kind of mechanism to address rainey street and preserve what is possible to be preserved, understanding the constraints surrounding that or the fact it's been rezoned in addition to so many structures having been lost, they're going to be kind- there are going to be continued pressures in that regard. So I wondered, maybe you could talk with -- with the individuals who have expressed an interest in that and then

--

>> yeah, I really

--

>> tovo: [Inaudible] some of the options are for telling that story, with whatever materials we've got.

>> I would look forward to doing that, and I think this is really creating an opportunity so that if developers do want to take advantage of these incentives, there is a group that is ready and willing to talk about accepting the properties, if that is what an outcome

-- if that ends up being an outcome.

>> Tovo: Thanks.

>> Mayor leffingwell: Will mcLeod.

>> Good evening, mayor, council. Will mcLeod. I'm reading this and

-- this ordinance about rainey street and there's no risk

-- fiscal note attached. Just because it doesn't cost the taxpayers any money, doesn't necessarily mean that it's going to cost us money, taxpayer money. And someone pointed out it cost \$25,000 per house to move. Why don't we just put all the trees and move

-- move all the trees and put them in a tree museum. Why don't

-- ever heard that expression? Because basically that's what we're doing, or demolishing it. I have heard staff explain that we can't move it out to buda or oak hill. Why is that? Could it be that buda and oak hill have lower taxes? Could it be that those areas actually allow shoppers freedom, such as paper and plastic bags? Who knows? I would like to see my apartment moved. I'd like to see my apartment moved to williamson county, but I don't get what I want. I don't see why we got to do this. I agree on preservation, but if nonprofit people, nonprofits do the preservation, and it doesn't cost the taxpayer one red penny. I'd like to see streetlights FROM THE 1980s ON 610 AND 59 be not demolished. I didn't get that wish. I wanted that ever since i was 11 years old.

[05:27:20]

>> Mayor leffingwell: Will, stay on the subject.

>> I am on the subject. The subject is talking about demolition or moving property.

>> Mayor leffingwell: Right. Not streetlights.

>> Well, streetlights

-- they were demolished. I don't think this is a good idea. I think it should be postponed, and more importantly, I think it should be preserved by nonprofit charitable entities not on the backs of austin taxpayers. Thank you very much.

>> Mayor leffingwell: Clay defoe?

>> Good evening, city council. I really enjoyed hearing from paul saldana. He's a citizen. He cares. He has a good unit. Postpone this action tonight before you guys rush through something without doing your homework. I think this city council needs to stop cowering and looking down at their notes and start raising their eyes to the citizens that make austin what it is. I wish a

nonprofit would preserve it. Unfortunately, will mcLeod, that's not going to happen, because this city council cares more about rolling out the red carpet for developers than it does about protecting what makes austin weird. And you're losing people already to san marcos. Even to san antonio, for crying out loud. I mean, fort worth has the most

-- highest number of historic buildings currently in existence in the state of texas for a big city. Austin is closeb up. But we're losing that. 24th street, we demolished a historic school to build a huge development. Why is that? Well, greed takes over. I'm afraid this city council is becoming the primary mover of growth and corporate redevelopment in the city. This is not the free market. This is not the natural market, as it should be. This is managed growth. You're giving handouts to corporations continually.

[05:29:47]

>> Mayor leffingwell: Stay on topic, mr. Defoe.

>> This is on topic, sir, I'm showing you the bigger picture. Overall overall because you because you throw people automatic owl the time. This council is so tied to developers, because they donate to your campaign, some seem to be unaccounted for.

>> Mayor leffingwell: Your time is expired.

>> My time is not expired. You will not listen to citizens. Sir, I have a minute and six seconds left.

>> Mayor leffingwell: Step back.

>> Why?

>> Mayor leffingwell: Because your time is up because you weren't staying on topic.

>> We'll talk barton springs next.

>> Mayor leffingwell: Gilbert rivera.

>> Good evening, council, my name is gilbert rivera, and the discussion here seems to have begun in 2005. The struggle to save rainey street actually began in the late '70s, early 1980s when myself and many other people stood in front of the bulldozers while they were trying to bulldoze down what is lincoln institute. And mr. Pete martinez, who lived, I think it was around 96 rainey at that time said that he had been moved from downtown austin, west of congress avenue, and i appreciate the fact that the 5th street mexican-american heritage quarter has been -- has been designated as such. But nobody

-- no mexicans live there anymore. A few years from now you may want to decide rainey street a mexican-american heritage area, but nobody

-- no mexican americans will live there anymore. You know, you are designating areas of the city where people have been forcibly moved out, and i believe that what's happening in rainey, what has happened in rainey, is going to continue east of interstate 35. Mr. Martinez said back in 1983, I have been moved three times, and now they're trying to move me from rainey. He said, I'm old, I'm sick. What am I going to do? He was

-- he ultimately moved and he passed away not too long after that. The mendez family lived on driscoll and rainey street where one of the bars is right now. I see their grandchildren talk about they would love to go visit grandma and grandpa in their old home. It's a bar. How can they go visit a grandma and grandpa in a bar. So you all

-- the destruction of rainey street continues today, and I found it very difficult to listen to staff basically give away rainey street to the developers by ignoring all of the preservation language

that was on the items that they mentioned. I do agree with one thing that was brought up by paul and council member martinez. There's a little lot in front of the macc that now sits a trailer that is part of the waller creek development. Let's move a couple of the houses there and build that mexican-american heritage center that you were speaking about.

[05:33:02]

[Applause] that would be an excellent spot for it. The only thing that I would say to that is that it should be run by nonprofit, not the city of austin, like the macc is. When we struggled for the macc we wanted to be run by nonprofits, and my concern is also for the macc. If we continue to do what we're doing to rainy street, one day the macc may be in danger of being moved because it is sitting

-- it is not sitting on parkland. Any council in the future could come up and say, you know, the macc is in a piece of property that is worth millions and millions of dollars. Let's move it. So I believe that we should

-- we should preserve what's there and

--

>> mayor leffingwell: Thank you.

>> And I appreciate you for your time. Thank you. [Applause]

>> mayor leffingwell: Those are all the speakers that we have. I'll entertain a motion. Council member martinez.

>> Martinez: I just have a question from staff. So the permit request here, does he have the demo permit in hand? Or is it part of that process?

>> Yes, he has the relocation permits in hand from the mexican-american commission because we filed the demolition permit. There's only two things that can happen. Either he gets the demolition permit or relocation permit or the council would have to approve historic zoning, so in this case because we told the developer that we would work towards this program, he went ahead and changed his dem

-- his demolition permit to a relocation permit.

>> Those permits have been approved by the historic landmark commission but they will not be released until an appropriate location is found. So that's

-- we're working with them to find an appropriate location. We'll be meeting with guadalupe neighborhood development corporation tomorrow to talk about some of the funding issues and things.

>> Martinez: Have they filed a site plan for redocks and are they

-- redevelopment and they're going through that process? There is no pending project per se?

>> We started working with one group of folks and that property has changed hands, or is in the process of changing hands. There's still a proposed development but there's no pending site plan that I'm aware of.

[05:35:09]

>> So have we approached the folks that sought the demo permit and asked them about a time frame they're operating under? Is there a timeline?

>> The last time we discussed a timeline they were saying possibly needing to relocate the houses by october, so they do have time but we want to get things in line so that there is a receiver property and the funding is in place to make that happen.

>> Martinez: Mayor, I'm going to move that we postpone to april the 11th this item and this we

have a few more conversations with some of the folks that were here tonight, see if we can work on some language and work on relocation of these, and then actually maybe even come back with a broader vision for that rainy area and what we're going to do to create some preservation of the culture and heritage that's been there for centuries.

>> Ive.

>> Mayor leffingwell: Is that a motion to close the public hearing and postpone till april 11?

>> Martinez: I'd say leave the public hearing open.

>> Second that.

>> Mayor leffingwell: Motion to postpone to april 11 by council member martinez, second by council member tovo. Is there any discussion? All in favor say aye.

>> Aye.

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

>> Thank you. [Applause]

>> mayor leffingwell: Take up item 66. We have a nu speakers. We will hear a staff presentation

--

>> mayor and council, rodney gonzales, deputy director for the city's economic growth and redevelopment services office. Normally tonight kevin johns would be here. Unfortunately he's been out this week on a family emergency. With me are ben ramirez and natalie betz, all members of the national instruments team are here. As you may recall, mayor and council, last week in accordance with city policy staff did make a public presentation on this particular project. Today is the second council meeting on this project. The first part of the item as the mayor mentioned is a public hearing and that is required by the policy. Following that public hearing there will be council deliberation and consideration. I do want to bring to your attention, and you should have a copy of this in front of you, council member tovo pointed out, it's a yellow sheet of paper, in response to a question raised by council member tovo, national instruments is recommending to add a statement to the contract that reads the following: The company shall make commercially reasonable efforts to ensure that contractors and subcontractors constructing the research and development facility cover all their construction workers with workers' compensation insurance. So they are proposing national

-- national instruments is proposing that that be added to the contract and they are here to answer questions. Also last week there was a question raised at the dais with regard to local hiring, and we are ready at your time to answer that question as well. So, mayor, we will turn it back over to you at this time.

[05:38:14]

>> Mayor leffingwell: Well, I guess we can go to our speakers. We have a number of speakers signed up. I don't know how many are still here. Gus pena? Gus pena? David king?

>> Good evening, and thank you, mayor, mayor pro tem and council members. My name is david king and i live in the zilker neighborhood. This is called an economic agreement, but I consider it corporate subsidies, corporate welfare. Corporations are essentially bidding cities and states against each other to get the highest tax subsidies possible, and if I were they he would probably do the same thing, but I'm not, I'm a citizen. I'm a resident. So why can't residents get the same kind of deal? I promise I will move out of the city if you will lower my taxes. I'll pay my taxes. I'll create jobs by spending money here in this city, so why can't citizens

-- residents get the same kind of tax deal that corporations are getting? [Applause] corporate tax subsidies are unfair to other businesses who are paying their taxes and creating jobs in this city.

Austin has consistently been a fast growing city even without corporate tax subsidies. I've lived here for over 34 years and my taxes have increased every year except one when the texas legislation passed property tax reform. If the goal of corporate tax subsidies is to bring in new taxpayers and help minimize tax increases, when will current taxpayers see any tax benefits? What we see is higher density, more traffic congestion, more concrete, higher taxes, more commercialization of parks and neighborhoods. A 2010 study done by plotter and associates found in austin the infrastructure cost, schools, parks, roads and water, for a typical new housing unit was \$25,683. Of that amount \$23,388 is paid by taxpayers and ratepayers that are already here, not by the new development itself. Taxpayers and ratepayers already pay 91% of the development cost. We cannot afford to give corporations more tax subsidies for economic development. You can help our schools, our parks, our utility infrastructure most by making development pay for itself instead of giving more tax -- more corporate tax subsidies. Thank you.

[05:40:44]

[Applause]

>> mayor leffingwell: Scott johnson. Scott johnson. Will mcLeod?

>> Well, well, well, national instruments wants a handout. I want a handout too. Where do I sign up? My father is a small business owner, and small business owners drive the community of austin. National instruments is a big corporation, and i believe they also

-- what do they do? Don't they make cable

-- cable descrambler boxes or something? If you're going to give them corporate welfare, why not let us have a break? Let us be able to buy our own cable boxes. I believe national instruments does make cable tv descramblers and they also make

-- descramblers but they make a lot of electronics. But to give away these incentives is ridiculous. Can you all please stop hurting us, the taxpayers? We don't want to

-- we don't want to go somewhere else to do our shopping and do our

-- and work

-- we're going to end up that way because our rents are too high. 850 a month rent is not good enough for us, huh? Maybe we need to have \$1,000 a month. This is

-- this is ludicrous. This is silly. So many things the city could spend that money on, street widening, sidewalks, pothole repair, bus service, competitive bus service. There are so many things we could be spending our money on instead of tax give-aways and loopholes. The hammer is coming down. I was reading in the austin bulldog about an article, and it's not nice. It doesn't look pretty. And I want to know how much more the city

-- the city is going to be planning more on these corporate give-aways to these big corporations and if there's any campaign contributions involved, campaign contributions that have not been disclosed. That's the question. Hopefully we can get an answer. Thank you.

[05:43:38]

[Applause]

>> mayor leffingwell: Bob batlynn? Be.

>> Thank you for hearing me. I'm bob boutlin from austin interfaith and [inaudible] temple. I have to say based on this afternoon's session I am one of those people that represents a nonprofit that has an agenda. Thank you to the special committee on economic incentives for making clear that the city of austin is committed to bringing good jobs to our city. The special committee

focused on a number of factors for applicants for incentives. Among them were prevailing wage, safety training, workmen's compensation and workforce development. We thank national instruments for agreeing to voluntarily comply with the wage floor and prevailing wage recommendations and others. It is noteworthy the enclosed agreement includes both provisions. It was originally not clear if workmen's compensation was to be included. It didn't seem reasonable that the city and national instruments would consciously omit those important provisions. Evidently national instruments is willing to consider workmen's compensation provisions. It's a little bit troubling that I don't, as a nonlawyer, know what that -- what the words really mean, but anyway, it is a positive step. In the -- an ordinance based on the recommendations of the special committee would eliminate the need for these kind of 11th hour negotiations, making the process clear, defined, repeatable, transparent and fair to all. Thank you.

>> Mayor Leffingwell: Aaron Chappelle?

[05:45:46]

>> Good evening council, Aaron Chappelle with the laborers union, I second his sentiments that we think it's great this company is acting in good faith here to endorse living wage and prevailing wage. I do think we need to as quickly as possible expedite this policy process, though. We're happy to see workers' comp. included, safety provisions. I still think there's room to gain on training opportunities and to make sure we have good enforcement language. Again, they seem to be acting in good faith so I hope that this living wage and prevailing wage are, you know, you know, taken seriously on this project, but we'd really like to see that policy moved along and be here to welcome the next company that's complying with all the terms of the policy. So we thank you.

>> Mayor Leffingwell: Lana Stone.

>> Good evening council members and Mayor Leffingwell. I'm Lana Stone, I'm a teacher at Govalle elementary at the Springdale and Airport area, as you probably know. I wanted to speak about my school and my community's involvement with the First League competition which is part of the larger program that first sponsors and stands for inspiration and recognition of science and technology. This was our first year to be involved with the first organization through the first Lego League competition. I was privileged to be coaching some fifth graders, ten of them, to the competition. This was our first year

-- my first year as a coach, and as such I was fortunate enough to be offered a mentor through national instruments, and without this mentor we would not have been nearly as successful. My team was able to not only attend the first round of the tournament, but we did well enough to be invited to the invitational, which was a championship event for the central Texas region. And the students, we had a lot of fun, which is one of the tenets of the first organization, but more importantly these students have learned a whole lot about energy and math. Excuse me. They say that science and math are their favorite subjects now and they plan to continue doing robotics in middle school and high school. So I know that without national instruments' involvement, that we just wouldn't have

-- I, as a rookie coach, I wouldn't have known what to do. So I appreciate them for providing me a mentor. I also know that they're involved with Skill Point Alliance and Skill Point Alliance puts on the tournament. They offer all kinds of support to this organization, the first organization. National Instruments also gives scholarships to teens that want to attend the tournaments. They gave my team \$500, which to be part of these competitions is expensive. The materials are

expensive, the tournament fees are expensive. So not only do I have the support of my principal, i have support from national instruments with monetary and personnel. So my students grew a lot through this process. One of my students, I never heard her speak before. I was her music teacher for two years before I took on this role of [inaudible] specialist, and I never heard the student speak but then she got on the robotics team and she, by the time the tournament came she was in front of the judges speaking her lines of the skit with confidence and pride. So this experience changed her life and changed the life of ten students in my life

-- and my life too. So thank you to national instruments.

[05:49:50]

>> Mayor leffingwell: Thank you. [Applause]

>> mayor leffingwell: Dave porter?

>> Good evening, mayor, council members, dave porter with the greater austin chamber. I'll be very brief. 80% of all the jobs created here in the austin area are created by local companies, and it's quite an honor that a local homegrown success story like national instruments is considering -- considering growing, expanding here, adding a thousand new jobs. Having a policy in place that's flexible to allow local companies to take advantage of these

-- of incentives is really a sign of a good policy. Again, being flexible enough to include local companies to take advantage of these incentives is a good thing. So thank you for your consideration, and this is a great project for austin. Thank you.

>> Mayor leffingwell: Thank you. Kavon sebulion.

>> Good evening, council, i realize after I spoke the last time it might have seemed as if we had something personal against national instruments because of my opposition to have the deal as written, and I just wanted to make sure that they understood that we didn't, and as a gesture of goodwill I brought some cookies, as you can see. For the record, they were made by tif treats. But in any case, when national instruments moves to austin, now they will be able to buy all the cookies they want, also they'll be able to enjoy the great services that the people who work for the city of austin provide. They won't have to pay the same that other businesses do. And we've had a long discussion like many other cities before us, about what makes sure that that deal is a benefit for austin. I commend the mayor for beating the drum about the importance of jobs. I commend council member tovo and morrison for making sure that the taxpayers don't get a double-dip because of

-- you know, by including living wage. I commend council member martinez for bringing up prevailing wage so construction jobs or construction projects are done in a good way. I commend council member cole for thinking about hard to employ, council members spelman for making sure that our city gets a deal that's as good or better than other cities. But the system is broken that we have right now. We saw that with home depot. We saw that with the marriott. Sometimes cities just get too big, that the old system isn't good enough to deal with the same problems or potential problems that might have occurred before. Right now this deal says that if there's a wage problem cmd staff are supposed to deal with it. That's 1.05 c. There's now almost 10,000 jobs that cmd staff is supposed to monitor and regulate on top of their normal responsibilities. Let's join other cities like pittsburgh, chicago

-- I'm sorry, philadelphia, that have past ordinances. We've talked about this longer than other cities had to come to an ordinance. There's been a small committee that has

-- it's now been a couple months, has recommended the passage of an ordinance, the terms. City staff has written a memorandum. I've met with city staff who would rather have the details laid

out on paper rather than, here, cmd staff, just deal with it, if there's a wage problem. Cmd staff is already changing the way they deal with wage complaints and state prevailing wages. It could be a very easy thing to include this in that. Again, as an attorney who has to deal with the actual enforcement of when there are disputes, rather than the only option being, okay, there's a dispute between the developer and the city about whether the developer did their job, and the only option is what I call the nuclear bomb option, which is we're going to go see you on the

-- sue you on the

-- sue you on the contract if you don't comply with making sure this one guy got paid. Let's just have a middle ground here where there's a way to deal with that, with those issues.

[05:54:14]

>> Mayor leffingwell: Thank you. Tamara hudgetts.

>> Council, mrs. Hudgetts had to leave early but she wanted to send her testimony to the clerk for you all.

>> Mayor leffingwell: Thank you. You can have it passed down. Monique johnson jones. Not so fast. [Laughter]

>> she had to leave also. I'm with houston-tillotson so I submitted her testimony also.

>> Mayor leffingwell: Both tamara hudgetts and monique johnson jones are for. Greg kazer?

>> Good evening, again, council members, I

--

>> mayor leffingwell: Excuse me, greg. Is amulfo manrick es here?

>> I don't think so. Most of the points I wanted to make have already been made but I want to do bring up one point I thought was very well highlighted in the austin chronicle, which is that these deals look like they're getting better and we've been talking about them for a long time and have been pushing to be in a better negotiating position for a long time, and it looks like the city has been negotiating these deals harder and we've been getting a lot of the values we wanted to get out of it. Regardless which side of the economic incentives argument people are on, whether we should be giving or not, regardless it looks like the deals that are coming forward are bringing better community benefits, are paying the wages that we were expecting and are embodying more of our community values. So I appreciate national instruments for having come to the table a but also want to recognize the hard work that the community has done and also the special community, chaired by council member martinez. I think it has really made shifts in the way we're talking about incentive deals. So whether you guys vote them up or down, I hope that at least what you're looking at looks like it's looking better and I think that a policy will eventually sort of seal our negotiating stance, so it's a little bit tougher and we're getting more out of these deals and also make sure we don't have holes, accidentally, like the workers' comp. Holes. Cindy menendez will speak on that point right after me. Thank you so much for work hard on this. We really appreciate it and have noticed it. So thank you again.

[05:56:46]

>> Mayor leffingwell: Cindy jimenez.

>> Good evening, council, I'm cindy he min es, and I'm a student I graduated in 2011. And I wanted to share a story of what happened in my family a couple years ago. I'm a daughter of a construction worker here in austin. He was working on a work site, and he fell off a two-story roof on a rainy day. He's

-- his workers

-- his partners or people that were working on the site
-- I'm sorry, notified his employer. His employer didn't call the ambulance or anything. What he did is he decided to go drop him off at his apartment. Later on he told his employees to drop my dad at a hospital room. My dad was diagnosed with three ruptured disks and he was told that he needed surgery in order to walk again. Later on the doctors decided that the surgery wasn't going to be necessary, but he had to wear a demobilizer six months in order to help his back. Even though he needed that time to recover, he was the one who needed to go work in order to pay the bills for us. At the moment he went to work after six months
-- three months of being in a bad accident, also my mom had to work double in order to provide help for the family. I believe that it's
-- it's real important to have workers' comp. For our workers here in austin, and we really want to thank national instruments for coming out and paying a good wage, but it's also important that they cover all their workers here with workers' comp. And I just want to say this because it's really important for families so they don't have to go through this lyke I did. Thank you.
[05:58:56]

[One moment, please, for change in captioners.] (cofa9-27-12.Ecl)

>> you know, the texas local government code was created in 1997 by the state of texas, and I guess you're in good company because the people who helped create it were george w. Bush and rick perry. So I hear all this stuff about we're democrats and all that, but you work for the same team, which are the developers and corporate interests. I'd like to see a politician or someone stand up for austin that cares about local business because local business is what makes the city thrive and I think what makes this unique compared to other cities in texas. And we don't want to lose that, sir. Now,ic you need to look at their claims here. The supposed investment being \$80 million and a thousand jobs. Sounds great, doesn't it? But I don't see you scrutinizing any of these claims. You take what they claim to be truth. And the first act of any good journalist or any good attorney or any good lawman or law woman is to scrutinize the claims and hold them to muster. This is based on a firm-based incentive matrix which remains undefined? N what you're giving out there. I found the draft resolution extremely disturbing. It reminds me a lot of when you gave \$1.8 million to visa a few months ago like they need the money. Eight million dollars to apple. 8.5 million in 2012. 250 million to formula 1, bernie echo northwest he will stone, and u.S. They're fain you did the same actions under chapter 380 of the local government code. This is an abuse of power. It's wrong. It's going to impoverish our city. Look out on the streets, we have homeless, people starving. Why don't we spend the money on helping the homeless? You care so much about preserving? Why don't you create an historical preservation program? It's not going to happen because y'all are in the pockets of the developers and the corporate interests like most big city councils across the nation. Now, the maximum amount they can receive is \$1,667,175. It's wrong and I want to thank you for that wonderful gift you gave me on last item. Now I have another potential lawsuit against all of you. Thank you.
[06:02:29]

>> Mayor Leffingwell: Jim o'quinn.

>> Good evening, jim o'quinn with your lady of guadalupe catholic church. I'm a member of austin interfaith. It represents about 30 institutions in the city and about 50,000 citizens in the

city of austin. I just wanted to thank the management of national instruments s the work done by the austin chamber and city council of bringing good jobs to austin. We realize the vast majority of the economic incentive bills are a net benefit to the taxpayer. I think we're seeing the economic incentive that was put together by councilmember martinez, i sense that the deals are a lot less stressful and full of extension as they were in the past. I think it's a good example of when the city's values merge with the

-- they are of net benefit to the city and the citizens and they create good jobs. Thank you.

>> Mayor Leffingwell: Those are all the speakers that we have. Councilmember martinez moves to close the public hearing and approve the ordinance on all three readings. Seconded by mayor pro tem cole. Is there any discussion? Councilmember spelman.

>> Spelman: After the discussion of this last week I asked the egrso staff if they could investigate a question for you which had arisen in the previous public hearing. The question was whether it makes any difference that this particular employer, national instruments, is going to hire the vast majority of its new hires outside the city limits? As you all know, as we all know and some of the speakers appear to have known, we only do chapter 380 agreements if these are net positive for the austin taxpayers, meaning that if we do the deal we will bring in more money in revenues than we have to pay out in services, which means we have more money available to spend on current residents to improve services or perhaps to reduce taxes. What's what the web loci analysis is supposed to do for us. I was concerned that may not be completely accurate in the convenient that we're dealing with an organization that is hiring most of those people from outside the city limits. And I wonder if you could explain to me how web loci deals with that?
[06:04:59]

>> I can, councilmember and you're being handed out a presentation. This will be very brief. There are only three slides to respond to that question. To your point the net benefit for this particular project is \$7.1 million. If you could bring up item 66. Thank you. What we've done is we've encapsulated that question, which is does a project that hires fewer local residents result in a larger number of new residents coming into the austin area? And the way that we can explain this and we talked about

-- I personally talked to dr. Robert lynn who developed this tool from georgia tech, all of these projects that we bring before you that create new jobs to the austin economy result in a like number of new area residents coming into austin. And that's regardless of the estimated percentage of local hiring. And those new residents, those new area residents are created through either what's called a job chain effect or through direct hiring from outside the local area. And I'm going use a term that the austin chronicle used this morning, which is new neighbors coming in to austin. And so what I've done is I've encapsulated that into this matrix so you can see the new area residents as a result of this specific project. So first you have the job chain effect and we'll look at that example column of 35% local hiring, which is being presented to you today. As a result of the job chain effect, there will be 350 new residents to austin because of this project. The presumption there is because someone who has a job locally will be hired by national instruments, there by creating a job vacancy. Following that job vacancy, ultimately there will be a new resident coming in to the austin area. In terms of the 65% as councilmember spelman has mentioned, we will get new neighbors, ie meaning that there will be new residents coming in to austin. That's 654 total of 1,000. If you looked at an example of 100% local hiring if national

instruments said we could hire the talent locally, through the job chain effect you would still end up with 1,000 new residents coming into the austin area because as i mentioned previously, hiring a local resident leaving then a vacancy for that job that they have to leave and down the road ultimately there is a new resident to fill in those job vacancies. So as you can see, whether it's 35 percent or whether it's 100%, the presumption is through the job chain effect and through new neighbors coming in that you still end up with a thousand new area residents over that time period. And national instruments is

-- will be hiring these thousand new jobs over a 10-year period so it's not like you're going to get 650 new neighbors in year one. So the next slide then is how do we then commute new residents versus non-residents of those total area residents? So of the total area residents, web loci will compute new city residents and it calculates the revenue generated and the cost to support those new residents and that's what's reflected in the major category web loci report. Based on census data that we have, 60 percent of these new area residents will reside within the city. So in this case 1,000 new area residents, as i mentioned, and it doesn't matter with regard to their percentage of local hiring, you will ultimately receive 1,000 new area residents. 600 will reside in the city, 400 will be non-residents. And what web loci focuses on primarily are the revenues generated by those 600 city residence and the cost to support those 600 city residents. This is the last slide to further illustrate that point. So when national instruments pays salaries to both city residents and non-residents, we look at the revenues from the city residents, primarily households from the new resident that will pay property taxes. Those new residents will pay user charges and fees and they will purchase local goods and services and pay sales taxes. Non-residents will also purchase local goods and services and that will pay sales taxes. So this is the web chap captured and as far as the web loci. We looked at the city residents side and what it costs to support the new are residents. So I hope that answers the question that was raised last week.

[06:10:28]

>> Spelman: It does to my satisfaction, but let me see if I can summarize it. The assumption you're making is a thousand new jobs means a thousand new people will move to town. Ultimately not today or tomorrow, but when that job comes up, even if we hire locally that leads to a vacancy that leads to hire locally that leads to a vacancy and leads to someone new being hired outside the system. Sooner or later those new jobs will lead to a thousand people moving to town.

>> Yes.

>> The explicit assumption in that is if we wanted to use chapter 380 agreements as a means of for example reducing our unemployment rate the assumption we're making here to stimulate our web loci analysis is that's not going to work because every job is eventually going to be hired from somebody who is not inside the system right now, is coming from outside, and therefore that chapter 380 agreements can't possibly reduce our unemployment rate at least in the long run. I would agree that that's probably true in the long run, but in the short run i suspect the situation may be a little bit better than that. It may take two or three years, we will see a reduction in unemployment, especially therafane who are hiring marginal workers. They are particularly now to be unemployed or severely underemployed and we may actually see some sort of a reduction or unemployment rate associated with that kind of a job. So that's better than what it is that

you're assuming here and I think that's all to the good. You're making a very conservative assumption. Given the very conservative assumptions you're making, basically no unemployment effect at all, then you're coming up with a net improvement of \$7 million over a 10 year period. 7.1 million. 7.1 million. The only thing which i think

-- I think we may need to do

-- think harder about in the future

-- I don't feel a need to think hard we are it for this particular project, but in the future i can imagine there may be an effect of different patterns of living inside the city and therefore paying taxes and receiving services and living outside the city, perhaps just outside the city in round rock or buda or someplace like that based on the location of the firm itself. And that a firm located downtown due to the usual commuting patterns is more likely to have people living inside the city. And one located right on the city limits in round rock or buda or someplace else is maybe 50/50. Living inside the city and living just outside the city. Is this something which we've considered taking into account?

[06:13:07]

>> That's something that we've looked at especially in light of the recent policy discussionings that have been held, especially in terms of how do we incentivize more central city type of employment, specifically downtown? We have an effort to encourage downtown vitality, specifically downtown residents, downtown employment to support downtown. And so we've taken a look at that, under that assumption that you've just stated, which is that when you have employment more towards the center area of downtown, it does likely lead to higher local residency within the city as opposed to as you mentioned perhaps on the fringe of the city limits. So we've taken a look at that and we certainly may consider something like that in the future with regard to the level of incentives perhaps, a bonus of some sort or something like that under the premise of encouraging downtown employment or more central city employment. But you know, the things that we're faced with of course are the cost of being downtown more central to the city as opposed to the cost of being outside of the downtown area. So there are cost factors that these companies also have to consider in that equation.

>>

>> Spelman: It seems mo total estimated me that's something we could

-- to me we could consider that if future deals. It seems perfectly reasonable and once you've explained to me what the peoples of the web loci analysis were, I was surprised to find I hadn't thought of that already. And I was surprised to find that that \$7 million is a lot sounder figure than i expected. So we can summarize this is through a payment of \$1.7 million, which will be more than matched by the state's emerging technology fund in this particular case, by paying \$1.7 million in dribs and drabs over the next 10 years we will be bringing in a net of \$7 million into the city coffers which we can use to reduce taxes or improve services to our current residents.

>> Yes, sir.

>> Thank you very much, rodney.

>> Mayor Leffingwell: I have a quick comment. And I don't want to belabor this point because we go over it seems like every time issues like this come up, but I consistently hear the comment, have even heard it tonight, that we're spending this money, giving this money to a corporation

and we could be spending it on something else, whether it be housing or any other project, public safety, parks, etcetera. But the fact is if we didn't approve this agreement, we couldn't spend that money on something else because it wouldn't be there. This money comes from that agreement. In fact, on every agreement that we've done under this type of analysis, every agreement that I've done since I've been on this council, the city makes money and at the end of the day there's a profit. So we're not spending money on these, we're making money on this agreement and all the others. It's like somebody said one time, I can explain it to you, but I can't make you understand. And it seems to me that that's the case in this situation.

[06:16:11]

>> You're absolutely correct. If national instruments does not expand here we will not have that \$7.1 million.

>> Mayor Leffingwell: Right. Councilmember morrison.

>> Morrison: Rodney, thank you for giving that other information. That's exactly the question that I was asking last time and that was can't we go back? But it's interesting because I think that there's been a misstatement, a misunderstanding because what I had understood was that the 60% figure was an assumption of how many were local hires. You're telling me that web loci is assuming that 60% of the thousand whatever number are going to be living in the city. That's the 60%. They don't have anything inside their black box that assumes that 60% will be local hires.

>> Yes. Their assumption right now is 35% in that first slide that I showed you was irregardless of the percent of local hiring. You ultimately will have 1,000 new area residents.

>> Morrison: Right. So there's no assumption inside their black box about what percent your hiring because the answer is independent of that.

>> Yes.

>> Morrison: So I think that's additional good information to add to this conversation because maybe we weren't getting it quite right before. That's very important. But I do believe that in -- if this were a different environment, if this were 2001 or 2002 and we had a lot of unemployed engineers, then that unemployment effect could well play a significant part, but that's not the issue.

>> That is not the issue at all, yes. Thank you.

>> Morrison: Thank you for doing that work. I do just want to mention that I think one thing that we all need to be thinking about if we're going to start thinking about, where these companies are located because I've been to visit a couple of the companies that have gotten 380 agreements way far north on the very edge of town and many of their employees do not live in the city of austin. Of course it will be spread out. But if what you mentioned, you know, are there incentives that we can be looking at a way to draw them to downtown, well, now that we've adopted imagine austin we really want to have job centers in various areas around town so maybe we ought to think a little more broadly about how we can actually bring jobs to those activity centers.

[06:18:41]

>> Yes, absolutely correct. That's the other point is we are focused on those activity centers as well, specifically those that intersect with public transportation.

>> Morrison: Good idea. Thank you.

>> Mayor Leffingwell: Councilmember riley.

>> Riley: Couldn't resist picking up on note. With all of our incentive deals I always want to look at the transit options that are available. And it so happens this site actually is

-- does have a fairly good location with respect to transit and other options. Right now there is a fairly nice connection under mopac over to the domain, which is currently served by the 466 rail connector over to the brick rail station and we are working on making the domain the northern terminus of the 803 bus rapid transit line that is expected to start service next year, meaning that young workers at the national instruments would have the option of accessing the site using that bus rapid transit service. There's also a very nice bicycle-pedestrian connections by way of a greenbelt immediately adjacent to the national instruments site that provides connections both to the northwest, to some apartment complexes and neighborhoods over there and then to the northeast. There's actually a passage under duval road over to balcones district park where we can soon get to work on the new northern walnut creek trail which will provide a connection ultimately all the way down through east austin. So there's actually a wealth of travel options that will be available to the workers, the new workers that we are getting there, national instruments. I understand there actually is a very active cycling community already at the national instruments and I'm looking forward to working with them and others in the area to improve the options that are there. So I think it's important that we all consider all of those things as we do a jobs in austin and then think about options and be assured that there is a future where not everyone will necessarily have to be adding to the traffic on mopac. There will be options for those who choose them. And we are currently seeing a growing number choose those every year. So I appreciate all the work that has gone into this and I appreciate the willingness of national instruments to work together on approving all the options that are available.

[06:21:08]

>> Cole: Mayor, I have a question.

>> Mayor Leffingwell: Councilmember tovo is first and then you.

>> Tovo: I don't have a question, I just wanted to very briefly add my thanks to that of the community, to national instruments for coming forward and voluntarily offering to meet some of the provisions that we talked about on our economic incentive subcommittee. It was very critical I think that you honor the wage floor and prevailing wage provision that we had been discussing as well as the workers compensation. Thank you for recognizing that an important community value and voluntarily coming forward. And I want to comment on really that I think it's of great benefit to our community and to the students who are coming up for you to sponsor the kind of work that you do with younger austinians. And in particular I'm very impressed by the work that you do to encourage youth of all ages in the science and math field, and I'm really impressed that miss stone was here today to talk about that experience as well. It was one thing to hear from national instruments about their programs, but fact that miss stone stayed here for hours all day because she found that experience so powerful and wanted to speak to it was, I found, to be very valuable. So thank you very much for the work that you do to encourage the next generation of employees.

>> Mayor Leffingwell: Mayor pro tem cole.

>> Cole: You touched on this a little bit early on, but I was at a luncheon this weekend and I

understood this is becoming an increasing problem that as we find good employers willing to pay good wages and have a good return on investment and also invest otherwise in other community, we're having a location problem. You said that you wanted to try to concentrate on activity centers. And I'm wondering if you can expand on that a little bit.

>> As was mentioned in imagine austin, what we're talking about is developing compact and connected centers that have access to jobs, access to schools

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[06:23:16]

>> Cole: You were talking about activity centers in imagine austin.

>> That's what we're talking about is driving employment towards those activity centers on so they're complete and connected centers. Downtown is of course a large activity center. You have other activity centers that have been identified in imagine austin, but when we reference drawing jobs towards those nodes, that's in keeping with imagine austin.

>> I had one question of a national instrument. Are there any here?

>> Several.

>> Cole: It doesn't matter.

>> Mayor pro tem, my name is david hughley. I wanted to ask you about your charitable contribution policy. We always want to make sure when we are giving incentives or whether it's a local company or a company coming from somewhere else that they are going to invest in our community. Can you tell us a little bit about that?

>> Yes, I can. And also I think it would be great for you. We have a very strong giving community from the employees themselves as well as the company and we're matching their contributions to all the charities of their choice. So it's a very proactive community entitlement by the choice of the employees themselves.

>> Cole: There's a wide range of areas, education?

>> Yeah. It's tremendous, mayor pro tem.

>> Good evening. Our employees (indiscernible). Our employees, a lot of our stuff is employee driven and so our employees are following their passion. We encourage them to get involved and the company tends to follow those passions demonstrated by our employees. Through our charitable giving every year our employees this last year raised over \$800,000. We have company match up to a thousand dollars a year. Employees are using that for education for their own personal passions. When you see the people throughout with the students making a difference, one on one, we view that part of giving back to the employees. Our-- because we have lots of new grads out of school, being active members of the community is very, very important for them. So we have just tremendous involvement, tremendous participation. We're very proud of the efforts that our employees are making just throughout austin. And quite frankly throughout the united states as we have employees throughout the united states as well.

[06:25:48]

>> Cole: Good to hear. Thank you, mayor.

>> Mayor Leffingwell: Everyone in favor of the motion say aye? Opposed say no.

>> Mayor, there is an amendment before you. I'm not sure if that's also been part of the motion or not.

>> Mayor Leffingwell: I think everybody assumed that it was. Maker, second. Opposed say no? It passes on a vote of seven to zero.

>> Cole: Thank you.

>> Number 67. A number of folks signed up to speak. Anybody from staff want to make a presentation on this? We'll go directly to our speakers. Edward cardbo. Is criss cole man here? And joe garcia? So you have up to six minutes. Don't feel like you have to use it all.

>> I will try not to. Good evening, mayor leffingwell, city councilmembers, city staff and everybody that's here with us this evening. My name is ed cardbo with yellow cab austin. We are happy to participate in the process to discuss ride sharing and we're thankful for the work done by aunt transportation department, legal department and elected officials who are working to ensure that people and companies following the rules and ordinance of this city are not trampled upon. No one should be allowed to participate in the stakeholder meeting if they don't follow the rules, respect the law and adhere to a cease and desist order from stint. The austin transportation department and legal department has declared side cars and other such operations as illegal by issuing a cease and desist letter. They're engaging in and promoting criminal activity that threatens public safety. The declaration comes from the director of the austin transportation department, mr. Robert spillar, and is sported by the officials of his administration in the city manager's office. Side car isn't just breaking the laws in austin enabling others to do so, they're trying to pull the wool over people's eyes across the nation from philadelphia to san francisco. The proper legal authorities in philadelphia have ordered them to stop and the same has been done in san francisco. Side car's disregard for the rule of law is unfair to drivers and companies in compliance. And puts citizens and visitors to austin in danger. Their proposed ambassador program puts drivers that are unvetted by the city of austin and uninsured or underinsured drivers on the road providing transportation to unassuming passengers who may presume they're safe because the city of austin isn't enforcing the cease and desist order to the best of its abilities. Their ambassadors are promoting illegal and criminal activity. Let's not put our citizens and visitors to this city, including those attending south by southwest, in jeopardy for the sake of any legal operations, promotional advertising and impatience. If something happened, it would be a black eye for the city of austin, both our citizens and our leadership. I'm asking you today to send a strong message in support of the rule of law. I'm asking each of you councilmembers and mayor leffingwell to support austin transportation legal department in their effort to protect the public. Visitors to austin and citizens who is have elect and entrusted you to make studied informed decision with public safety as a key consideration. If you would, please, i passed out some handouts earlier that are newspaper articles from other cities. You've got a copy of the cease and desist from the city of austin. You also have a news article from the philadelphia parking authority and I want to read a quote from that article. It's martin o'rourk. It reads this whole issue is about public safety, making sure the car is safe, making sure the car is insured, making sure the driver is trained, that the driver has a valid drivers license that there's a criminal background done on the driver. These are all safeguards for the public safety that side car does not perform. Who knows if the cars are inspected? Who knows if the driver even has a valid drivers license? The second quote I would like to lead is from the second article which is an article from a san francisco newspaper and I quote jack hagan who the commissions director of consumer protection and safety. The companies have been operating without getting the commission's approval, which would ensure that they have insurance to cover accidents and that

all employees and drivers are protected. Jack Hagan, the commissioners
[06:31:08]

(indiscernible) said in a statement. This is a matter of public safety, Hagan said. I'm asking you today to encourage and empower city management to keep all illegal operators off the road during South by Southwest and during the course of the regular operations of this city. I'm asking you to encourage and empower city management and staff to enforce the cease and desist with every tool available to them, including the ones that were initiated last week through ordinance. I'm asking will the cease and desist be enforced aggressively, even with the passing of this resolution, a resolution that calls for discussion and the gathering of relevant and appropriate information. Some people believe they can break the law and seek permission later. Can we, law-abiding companies and citizens, get a commitment that our city will use the power of the press to inform the masses that these types of operations are illegal, especially during times when South by Southwest, Formula One and others, when we have so many visitors that don't know any better. The last thing I want to share with you guys is information we were going to get today -- and it's a letter from the Texas Department of Insurance, and I'm going to read the first and last paragraph. It pacifically states, as we discussed, a personal automobile insurance policy typically excludes vehicles used for a for hire situation. It reads further most automobile policies also void coverage in an insured intentionally conceals or misrepresents any material fact or circumstances, makes false statements or fraud relating to the insurance whether before or after a loss. An insurer might consider commercial use after personal automobile to be material to the policy. The reason I bring this up as time runs out, forgive me, is that side car isn't communicating to people that are driving for them

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[06:33:33]

>> Mayor Leffingwell: Your time has expired.

>> Tovo: Mayor? Mr. Cardbo, could you finish that last point? I wanted to understand.

>> Side car isn't communicating to people who are driving for them that their personal insurance when using this commercial capacity does not cover them and potentially could void. So therefore they're encouraging people to participate in this activity without properly informing them of what's going on, so I would also hope that the city of Austin would use the power of the press and communicate to folks that would consider participating in such activity that their insurance would not be valid if they use their car in a commercial capacity.

>>

>> Tovo: I have another question for you while you're here. Can you help me understand your concerns about the resolution before us today? What do you feel that this sends a message to-- I heard your concerns about the use and the cease and desist and the enforcement, but how do you feel the resolution before us plays into that discussion?

>> As I stated to begin, we're happy to participate in the discussions. We don't want it miscommunicated that because the city is discussing the issue that illegal operators can continue to provide and promote these illegal services in the city of Austin putting the public safety at threat.

>> Tovo: Do you feel that there's a risk of that with this resolution that that might send that kind of message to the community? That that

-- that particular kind of service is a legal one?

>> No, which is why I asked for a commitment from the city to communicate to the public that yes, obviously the city of austin is open to discussion, it's part of our process and there's a process in place for all modes of businesses that come to town. So we're open to the process and having discussion, but in addition to that to use the power of the press in the media, to make sure that people are informed that we're not encouraging this type of illegal activity and that there are ordinances in place that the city transportation department has that they can utilize to make sure that folks are not providing these types of illegal services.

[06:35:51]

>> Tovo: Thank you for that clarification. I appreciate it.

>> Mayor Leffingwell: Ahave a question for you to. Reading this letter leads me to maybe the next step. If the driver's license is invalidated by using it for this purpose, the people in the car might be at risk too because they would not be eligible to be covered by insurance either. Is that right? And then if the city of austin has sanctioned this whole process, we're at least in part it would seem to me responsible in case there were an accident, people could not require or cover their hospital bills, etcetera, as a result of not being covered by insurance and being in an accident.

>> Mayor leffingwell, i believe that to be 100% correct. And it's a significant part of the reason why the transportation industry itself is regulated. So that the city can confirm that those

--

>> Mayor Leffingwell: Take it to the next step. If you were to address that problem and say okay, so we have to

-- these have to be considered commercial vehicles now in order for their insurance to be

-- to cover what they're doing, then they would in fact be cabs, wouldn't they?

>> Yes, sir. Mayor and that involves a whole

--

>> Mayor Leffingwell: And that involves a whole other process that's scary to contemplate, I think. Councilmember riley.

>> Riley: I just want to comment briefly as lead sponsor on this item. I think he is absolutely right that there is a real risk of miscommunication and misunderstanding around the kinds of services we're talking about here and we know that a lot of the misunderstanding has already occurred. The purpose of this resolution is not to take a position on one side or the other on the debate as to whether ride sharing should be allowed. It simply recognizes that it is an issue that we need to tackle because the reality is ride sharing is currently being promoted nationally through new apps and websites and it's set out in the whereases of the resolution austinites are currently sharing rides using those apps. Austin transportation code does not currently explicitly address and regulate ride sharing. It is conceivable that ride sharing could serve a niche in the spectrum of transportation services in regulated so as to the no overlap with existing transportation options. So what the resolution does and this is the the resolved part of the resolution, it says the city manager is directed to explore ride sharing regulations in other cities and make recommendations on the parameters within which ride sharing should be allowed in the city of austin. The recommendation should address, but not limited to insurance, registration and license requirements, criminal and driving background checks for drivers, the method of connecting drivers to riders and cost sharing parameters. The city manager is directed to bring the recommendations in a proposed ordinance back to council by june 1st of this year. The idea is simply to explore this issue, see what's goingn in other cities and see what we need to do about

the concerns raise and come back and take action on it. I don't think it does anybody good to look the other way and pretend these things aren't happening. They are happening. We need to step up, talk about them and figure out how the ride sharing alternatives ought to be regulated, whether they should be allowed and if so what parameters we should set on their operation and what regulations we need to put in place to make sure that central texans of austin and the users of these services are appropriately protected. So I look forward to hearing the rest of the comments, but I want everyone to be clear that we're not taking a position that yes, ride sharing is a good thing or it's a bad thing or we're not sanctioning it, we're just saying we need to look at it and figure out a path forward one way or the other with respect to ride sharing.
[06:40:10]

>> Mayor Leffingwell: Councilmember morrison.

>> Morrison: I just wanted to comment that when I saw the initial draft of this resolution, my name is on as a co-sponsor, what I didn't understand the way it was initially drafted is how we weren't talking about putting together more taxi services or something. My vision of what ride sharing is and we're not talking about taxis and other provisions not on the table in our code -- let me read this out loud. Ride sharing may be a sustainable and efficient peer to peer transportation option. Not something you're buying. Whereby individuals are enabled to share the cost of an automobile travel without compensation. So it's not about doing more -- it's about how we can put together systems where people could safely connect and share the cost of travel as opposed to going out and hiring someone to do the -- pay them for the travel. I want to make that clear. That was very important to me to get clarified that this is what we're talking about. We're talking about helping people connect and knowing that the people that they're connecting with are going to be safe to share the ride with. So that's why I think we're here and I think it's a good conversation to have.

>> Mayor Leffingwell: William carter. Next speaker after william will be paul (indiscernible).

>> I'm william carter, I'm the owner of super shuttle and executive car here in austin. I sent you guys some information last night and a copy that you hopefully have with you. I appreciate councilmember morrison, what you're saying there about something that's heading to work and is going to share a ride and let somebody ride with them. That's not what's going on here. Understand that. They're advertising that their drivers can make up to \$22 an hour by logging themselves into service and driving around town and picking people up. So your concern here is that this same tactic was employed in california when the california public utilities commission ordered them to cease and desist. They came back and said hey, we think you should talk about this and look at this because there's no regulations to regulate us. They agreed to look at it and to regulate it, and in the meantime they're letting them operate. So my concern is that that is sort of what's going on here that if we approve this resolution today and we decide well, since we're looking at this problem and we're trying to decide if there's a place for it in the city code or to define it, but in the meantime let's not enforce the regulations on these people that we know that are operating blatantly illegally, and advertising that they're blatantly operating illegally. My feeling is that there's already a place in the code for sharing the ride. We've been in the shared ride business

-- I started in 1986. Shared ride business is not a new concept. Super shuttle service started that in california at the same time. So I would appreciate you guys just being firm on the fact that the department of transportation has already decided that this is an illegal activity and just be firm on that and make sure that we protect the citizens of austin and to give them a fair opportunity to the

companies that are here in austin that abide by these rules and regulations. Some of them are very stringent and they're there for a purpose. We will continue to operate legally, we just want to play on the same playing field. Thanks.

[06:44:28]

>> Mayor Leffingwell: Yeah. And mr. Carter it's my understanding that that is the case, that the enforcement

-- that this is an illegal activity, has already been told to stop. And I want to confirm that with our staff before we get done here. I'm proceeding under the assumption that this is currently an illegal activity and has been stopped or is being stopped.

>> And just hopefully that that

-- regardless of how this resolution goes one way or the other that that is the case going forward. Thank you.

>> Mayor Leffingwell: Paul (indiscernible).

>> Morrison: Mayor?

>> Mayor Leffingwell: Excuse me, councilmember.

>> Morrison: Mr. Carter, i just wanted to make a comment, and that is to be clear that my sponsorship of this resolution in no way meant to suggest that we wanted to make legal what i was hearing going on. And I don't want to say one way or the other what was going on, but the things that I was hearing, that's not what the intent of this was. And clearly and certainly not the intonight suggest that we should somehow back away of enforcement of the laws that we have in place.

>> Thank you very much. I appreciate that.

>> Mayor Leffingwell: I guess paul, I called him twice, is not here. John harris? John harris, will mcleod?

>> All righty. We're going to

-- we're trying to stop an illegal activity in holding a debate over this, that's by state la there were 11 million illegal aliens in this country and we're not even deporting them, but however we can impede on a service such as hey ride, from what I'm understanding, or a business that offers side cars. It seems to me that this is not the answer. The answer is to go to the legislature and let's reform some of the insurance codes. From what I'm understanding, if clay takes me home and i pay him money, under this proposal that would make that illegal. We have better things to do with our time. I've got a solution. The solution is simple. We need to encourage our state lawmakers to start amending our insurance code. My mom works for an insurance company, so I know a little bit about liability. And there's the fact that we do pay uninsured motorist so the money does come from somewhere. And let's have a disclaimer on these side cars saying this is the side car. Here are the consequences and you accept the risk. As a libertarian I support such a notion because that would encourage personal responsibility instead of government tear any. Tyranny is all over this city. Permitting fees are so expensive we're worried about a formula. Do you know what? I think the formulas cause more harm than good. I think it's lining lone star cab's pockets and yellow cab's pockets more than it has

-- what was that other cab company? Austin cab. Yes, austin cab is always getting the raw end of the stick, the shortened of the stick. We need to have more competition, not monopolies, bureaucracies, dueopolies and tri opologies and i would urge you to contact your state officials and let's put some changes in the insurance code and promote competition. Thank you.

[06:48:56]

>> Clay dafoe.

>> Good evening, council and councilmember riley. Government is so short sighted, it would be really funny, folks, except the fact that it's predicated on violence. And I believe this ordinance, this initiative, this resolution, presents the same problem that we see over and over and over again with this city council. Goes back to a speech given in january 2012 when citizen john bush described the gun in the room. The gun in the room is not leaving any time soon. All government knows is force. I share a lot of affirmisms thrown out here. I like to deal in facts. I have a legal mind as you know by now. I work for a law firm. I ran against his highness for mayor. And I don't like to talk about the illegal activity and talk about drugs like they're trying to kill or murder people. I know you don't like to hear from me, probably would be happy if I was dead, but this is not an issue of public safety. I hear all this mill tarrized rhetoric in our city council about public safety. We have to protect the public safety. We have to protect our representatives from a citizen who may have a different opinion from theirs. We have to protect our police over protecting the right of our citizens in the case of antone know bueller. I hear this over and over in the guise of public safety. What we need to do is get back to being with your neighbors and start a grassroots economic development. Bottom up. Not top down. And this is a grand eyes.Ment for the taxi cab industry that gives special deals because of this formula and you think you can manage this economic growth, but you can't. That's because the power of the american people cannot be stopped. Our ingeneral newty cannot be stopped. It cannot be changed as much as you would like it. So I think you guys need to rethink this. We're looking at criminalizing car pools. I know chris riley talks about the environment. I know that was part of the feds too. We can't afford it. This kind of black market will arise. There's always going ton an inlegal market because it's keep cheaper and you are going to give it all the more power now. Have a great evening and i hope you will think about what I'm saying today.
[06:52:30]

>> Mayor Leffingwell:.

>> Move approval.

>> Seconded my councilmember morrison. Councilmember spelman.

>> Spelman: I'd like to offer a friendly amendment. I believe that there's been a mischaracterization of the intent of this resolution. I want to be sure that the resolution is complete enough that if peopled in what it does and doesn't do. All it does it is ask the staff to address

-- to look into what it would take, what kind of ordinances would be consistent with enforcing our public safety concerns. And I think this amendment might help to resolve some lingering worries that people may have. This would be to add a second be it further resolved at the end, which would read as follows: Be it further resolved the city manager is directed to issue and enforce cease and desist orders against firms that engage in ride sharing for profit and to use whatever legal and effective means are available to discourage use of ride sharing for profit until the public safety concerns have been addressed.

>> Mayor Leffingwell: Councilmember riley? And councilmember morrison?

>> Riley: Mayor, if i could, I think I'm fine accepting that as friendly, but if I could if I could ask gordon durr from the transportation staff to come up. Or staff to come up. My understanding is that the language councilmember spelman has suggested would be perfectly consistent with current law and current practice, that if somebody is doing

-- offering what they call ride sharing, but they're doing is for profit, then they are essentially

violating the current city code and we in fact are issuing cease and desist orders and doing our best to enforce them. Is that accurate?

>> That is accurate. It actually goes further than that. Not just profit for compensation as defined by code, which in some cases may not even be profit.

>> Riley: Okay. And so I have no problem adding to that language, that there should be no misunderstanding, that if someone is calling themselves a ride sharing service, but they're actually out there doing this for profit, then that violates our city code and we will take action against that and that we have been and we will continue to do that and this resolution certainly does not change that.

[06:54:46]

>> Yes, sir. It's my understanding from the way it was written that it's just to investigate ride share options.

>> Riley: I'd certainly consider that amendment friendly.

>> Spelman: I actually have a question that was implicitly raised. Is ride sharing itself a term of art that it would not for example include mr. Carter's operation or a taxi service? Would I need to add an additional adjective peer to peer ride sharing or social ride sharing or some other phrase?

>> I believe peer to peer would be sufficient.

>> Spelman: Okay. Consider that added to my friendly amendment.

>> Mayor Leffingwell: Acceptable and acceptable? Could I offer a friendly amendment in that change the word for profit to for compensation? Because it might not necessarily be profitable operation. You might be losing less money or something like that. Okay. So that's acceptable to the maker and to the second? All right. Councilmember tovo.

>> Tovo: I have some questions. I guess my first question is about the amendment. I think that the last bit of language said until the public safety concerns are addressed, is that correct?

>> Spelman: Yes.

>> Tovo: It's any understanding that it's

-- certainly public safety is a major concern with the ride sharing for compensation operations that have been described, but it's also my understanding that they're not owe they are also not going through the proper permitting process and submitting themselves to other kinds of regulations. Would you say that public safety concerns are really the only concerns we've got about the ride sharing?

>> Absolutely not, ma'am. May pardon me, you're right. They're not going through our regulations and following our rules, but a big part of our rules are to ensure the public safety, all the background checks, making sure they have insurance, making sure we have good operating cars, clean background checks. That goes to the public safety, but yes the biggest problem is that they're not going through the law as it is written to regulate for the public.

[06:56:51]

>> Tovo: Yeah. The other thing that concerns me about that language is that it suggests that after the public safety concerns are addressed that these will be legal operations. And I

-- I don't know whether that implication, that you would agree with that implication, but that's something that struck me about that language.

>> Spelman: Would you like to suggest an alter active language?

>> Tovo: I don't think i have any to suggest at the moment, but I have more questions for staff. Maybe by the time I run through my questions I will HAVE MORE LANGUAGE.>> Spelman:

Perhaps i could try. Public safety and other regulatory concerns.

>> Tovo: Yes to regulatory and legal.

>> Spelman: Yeah.

>> Mayor Leffingwell: Councilmember riley? (Indiscernible).

>> Tovo: I should offer that

-- I have concerns about the resolution generally, so I haven't decided where I'm going to stand on it and I know some people like to know that before we offer friendly amendments.

[Overlapping speakers]

>> Mayor Leffingwell: Okay, okay. I believe that councilmember spelman offered a friendly amendment to add that phrase, and other regulation. That was accepted by the maker and by the second. So that is part of the motion. Any further discussion? Councilmember tovo.

>> Tovo: I can tell you i have some questions. So we talked a little bit

-- we received a copy of the cease and desist letter. One of the questions that came up as I was listening to the testimony, has side car been cited for violations?

>> I need to give a little disclaimer here before i answer that or anything else. We were only posted to discuss this resolution, and I understand the speakers are going to speak about whatever they see fit, but we were only posted to have actual discussions about what

-- about exploring ride share options. So what we can do under the open meetings act to make sure we all stay legal is you can

-- the council may ask me and staff direct questions of fact and we can respond with direct answers of fact. If it's something that we need to deliberate about we'll need to repost. But I'll tell you if you're in trouble.

[06:59:11]

>> Tovo: My question of fact is has the city

-- we have evidence that the city has issued a cease and desist letter to a particular ride sharing service, which I just named, but I won't again, I guess. Moment the fact it says austin's transportation code does not regulate ridesharing, when I think we've heard that it does not allow ridesharing for compensation.

[07:01:44]

>> That's our understanding. Which part is your understanding. That our transportation code .

>> So would you diz agree that austin's transportation code does not clearly address or regulate ride sharing?

>> Austin's transportation code regulates ground transportation for compensation. That's what we currently regulate. I don't

-- I'm not really sure there's no part in there that defines rideshare, for instance, but our transportation code does define what ground transportation for compensation is, and therefore legal in austin.

>> I can't get into

-- I can't give you a legal opinion or a legal analysis because of the posting issue. I'm sorry. I'm not trying to be vague.

>> Okay.

>> I guess I'm just

-- struggling

--

>> I know.

>> It's a dilemma, because i mean on the one hand, maybe all we're doing is setting off a period of discussion for the staff to go back and do research and come back to us. On the other hand, we've heard kens and I think there's

-- concerns and I think there's some validity to them, that we're trying

-- we want our transportation staff to go out and enforce the code that we've got and I certainly don't want uu to adopt a resolution that suggested in any way, and i appreciate the amendment because I think it

-- adds strength to it in our intent, but I don't want there to be something in here that gives sign to any of the companies that may be doing ridesharing for compensation that what they're doing is permissible.

>> I guess part of my reresponsibility is we don't refine currently rideshare in the city code. So there's a whole

-- district attorney fine currently rideshare in the city code. So there's rideshare going to the store, to you know, a system that you pay into, like capital metro van pooling. Those could all be

-- to me in the spectrum of ridesharing. I think one of the things we've gotten from this discussion is we need to define in code what rideshare means, and that's what I'm taking from what this resolution is. So I think we need to revise the vehicle

-- currently

-- I've gone beyond? Okay.

[07:04:21]

>> Appear ridesharing as councilman

-- peer-to-peer ridesharing is not defined in our code because it doesn't need to be defined at this point. What is define said what is a ground transportation for compensation. Ground transportation for compensation is not peer-to-peer rideshare. So that's perhaps as clear as i can be on that.

>> Okay.

>> Councilor?

>> Thank you.

>> I wanted to add to this discussion, that I believe that in the resolution, we are defining ridesharing for the

-- you know, for the purpose of this discussion as peer-to-peer without compensation. So I believe that that keeps us safe from

-- unintended consequences.

>> I believe we're on safe ground.

>> Okay, great. Thank you.

>> All in favor of the motion as amended say aye.

>> Opposed say no.

>> Passes on a vote of 5-2 with councilors martinez and tovo voting no. Okay. Item number 40. And this was originally on the consent agenda. And then some people signed up to speak on it so it got off. So we'll go directly to our speakers. David king. Is brenda ryan here? No brenda ryan. You have three minutes.

>> Good evening, thank you, mayor, mayor pro tem, and council members. My name is david king. And I live in the zucker neighborhood adjacent to barnes springs pool. I urge you to postpone action to give stakeholders time to address the recommendations made by the planning

commission.

[07:06:27]

>> Mr. King, I'm going to pause you here so you're not penalized on your team time. We're not considering master plan. We're considering a public hearing to consider.

>> Right. Okay, then I'm scul

--

>> comments should be restricted to why we shouldn't have this public hearing, not on the merits of the plan.

>> Okay, thank you. I think that

--

>> start your time again.

>> I believe it's important to give the staff time to consider the input from the planning commission before you set a final date for the public hearing. And here are some of the components of their recommendation. To remove the overlook trail on the south lawn, to install pervious porous ada path down to the pool to the south entrance, to increase bicycle parking by a minimum of 50% on the south side, to reconfigure rig

-- reconfigure the pedestrian path, to evaluate a shuttle system or other multi-modal alternatives to on-site parking, to prepare cost benefit analysis of rearranging parking on the south side to minimize impervious cover in the water quality transition zone and to reduce total impervious cover. Additional recommendations would be to keep the south side

-- these are mine. To keep the south side neighborhood friendly in austin weird, to promote eye occupancy vehicles by giving a discount on the entry fee for those arriving in high occupancy vehicle or charging a surcharge for those arriving in a low-occupancy vehicle. And to follow the barns barton springs master plan, add no new park to the south side, quote, find ways to add impost office our cover and park land

-- return

-- people visit and move to austin for the green space, not for the concrete. Thank you.

>> Brian leonard? Is it brian leonard or leonard?

[07:08:29]

>> Brian leonard, yeah.

>> Okay. Good evening, council member. Thank you for your attention on this matter. The grounds improvement plan before you I believe is incomplete and should be delayed by at least 90 days while the concerned parties have time to really fully evaluate the concerns that the planning commission brought to bear when this plan came before them. Earlier today I made part of the record, I gave to the clerk two petitions that I had put out over the last few months. One asking to preserve the south hill as it is asked for in the master plan, and the other one was that the sos amendment

-- ordinance not be amended. Those signatures come to almost 1800 signatures of other concerned people. And I think that finally in this whole process, the planning commission really did hear our concerns and that's why there was some neutrality put on this while it was kind of put a pause. It was the only pause frame on the whole process that I've been involved with this entire time. I'm a dialy swimmer at barton springs and I care about the springs and the continued environmental protection that the sos ordinance provides for this city as well as the springs. I think to amend doss ordinance for this plan would set a dangerous precedent, so there's like 400

people who agree with that. As long with the other concerns that the
-- the planning commission has expressed their concern. You ought to really evaluate this plan and allow the planners to come up with some better ideas. There's some good ideas on the board that haven't been fully ingrained to the current plan and I think the reason the current plan has such trouble getting through without
-- basically stakeholder voice wasn't fully heard, so what you have here is an incomplete and kind of plan that calls for things that won't well support the overall benefit of the environment as we move forward. So I'm just asking you to postpone this
-- postpone. I know the tentative hearing is for the 28th and I don't believe it gives the current staff
-- there's a lot of things in the plan that are good. I just want to make that clear. And they've put a lot of hard work into it and I really respect and appreciate the good aspects that they've done. But there's some things about adding impervious cover and other aspects of the plan that really need to be addressed in terms of the long-term going forward with the plan in an environmental and responsible way and I think that is particularly important with an environment that
-- with the heart of Austin right there at Barton Springs that these things be given a lot more consideration, a lot more time to come up with some solutions that really do serve the public. I think why you have such a large public voice speaking out against this is because the public voice is really your litmus test on is this plan balanced or not as it's going forward. And right now it's not. And like I said there's a lot of good things in the plan, but there's some things that need some time to be worked out in their fullness. And the planning commission agreed with some of these suggestions that they have so clearly articulated and I appreciate your consideration. Thank you.

[07:11:39]

>> We're just talking about setting the public hearing. So we don't want to hear comments about what's wrong with the plan or what needs to be changed about the plan. That's what the public hearing and consideration of the ordinance is all about. So I think we heard loud and clear that some folks think we need to take more time before we even have a public hearing. This is certainly a legitimate thing to say. But talking about what was wrong with the plan or how it's insufficient or detrimental is not appropriate right now. Bill bunch? [Inaudible]
>> okay. Pat is broadneck? ARE YOU Kathleen Mc Gore? Magger? Okay. You're entitled to three minutes. And again, we're talking about reasons why the public hearing should not be held.
>> Evening, counselors, mayor. I just wanted to
-- maybe you could answer something for me. I think the reason people are talking about the points that YOU SAY WE SHOULDN'T BEñr Addressing is that if the public hearing was scheduled on the MARCH 28th, ISN'T IT TRUE THAT You all could also vote on it that day?
>> That's true, we could vote on it. We could choose to postpone it. We could choose to modify it. There are a lot of options available.
>> Okay. Well, I spoke to you all earlier today. So I'm not going to go over everything I already said. At noon. But I do hope that you will postpone the public hearing. I think the points that were brought up in the planning commission recommendation need more time to be explored and investigated. More research needs to be done before this public hearing is scheduled. So I hope that you will postpone the public hearing. I
-- postpone the public hearing. I just want to say you're the ones who hold the purse strings. So I think it's your responsibility to make sure that city staff has enough time to explore all the

options so in a something precipitous is not done. Thank you.

[07:14:07]

[Applause]

>> sara

-- sara lanfear?

>> Hello. Yeah, I just want to reiterate what the past two speakers said about postponing the public hearing until there's time to consider what the planning commission has suggested and also I have here with me a petition that we collected over the summer of concerns of swimmers at the south side

-- southgate of the pool. And really most of those concerns haven't been addressed, even though we've had a lot of public passion since then. So I think those things

-- meetings since then. So I think those things need to be considered on the variances that are supposed. And that's all.

>> Thank you.

>> Robin cravy? [Applause]

>> and donated by mike conati. Is mike here? John beal I see is here. Ian davis? Is here. So robin, you have up

-- robin, you have to nine minutes if you need it.

>> Thank you, mayor. I was hoping this was going to go on consent this morning, although I will say there have been many enjoyable moments during the day observing the proceedings. And I

--

>> I think so, too.

>> I thank the council for that. Mayor and council, friends and members of the public, I'm robin cravy, a former president of the friends of barton springs pool. And I have a slide show, but I'm not

-- I'm not going to show that. And I'm going to try and keep my remarks very short. But the subject of my remarks is pussy footing. And I hope that

-- I mean this in good humor. I'm baffled by the idea that some people who have cried out over and over for public process now don't want to go forward with public process. Some people like public process as a way to get input preparatory to decision and some people want public process as a process add in if I may say that never reaches the decision. That's pussyfooting. Working with swimmers, staff, boards and commissions and consultants, fbsp has helped shape a project that answers numerous problems at the pool and I'm not going to go into them. But the opponents of this project have declared that they favor many or most of the elements of the project. They speak against the code amendments that are required to implement the elements. This too subtle. It's pussyfooting. And let me just skip over my substantive comments. I really didn't want to have to speak at all, but I feel that I wouldn't be giving its due if I don't say a few things. The opponents of this project have argued for years that the barton springs pool has ter plan was a terrible thing and now they found a few paragraph that is they like and they quote it like sacred scripture. That's pussyfooting. So this is the culmination

-- so why should you set the public hearing? That's what we're hear to talk about. Why should you set the public hearing? This is the culmination of three or four years of public process. We went through a year of plan process in 2010. And this was after some development before that. So we went through a year of plan process in 2010. This was subsequent to 2011 when the council a --2007 when the council allotted funding for the project as a short-term project. We

went through this year plan. Planning in 2010. The project was scheduled for construction in the fall of 2011. Postponed to allow more public process. Project was scheduled for construction in the fall of 2012. Postponed to allow more public process. The council and -- so now the opponents want it delayed to study more ideas. THAT'S MOREÑi PUSSYFOOTING, THE Friends of barton springs pool urge you to set this public hearing tonight tonight so we can get to the merits of this on schedule. Thank you.
[07:18:34]

>> Thank you, robert.
-- Waily not here. Gary buyer.
>> Mayor, council, thank you for hearing me today. I'm gary buyer, the president of friends of barton springs pool. We're here to support setting the agenda for march -- the hearing for march 28. It's been -- as has been said earlier, it's been four long years, 45 meetings, long meetings, into the night, going over and over things. They've developed many, many, many options. And I think one of the -- the confusing things about this last push to get it through all the boards and commissions is the city presented, you know, and for rightful reasons, the part -- a certain original plan that was approved by the joint committee. And then as it went along it kind of evolved and there were different options. The architects have already -- and designers have already worked out a lot of those options and they have those there. But they just haven't been presented. And so they're going to put together all these options, talk -- incorporate all the seven comments in the memo from the planning commission, and put all those together in a package and they're ready to go. They could go tomorrow, if they wanted to, because a lot of these things have already been decided -- or have options for those. And they can go for a smaller parking space, all kinds of things. So we urge moving forward and not delaying any longer, because if it does, then they have to get another -- either another extension to proceed on because it will be over the 180-day limit. So we don't want to have to continue dragging this out. Thank you very much.
[07:20:44]

>> Thank you. Dave madden? Is kurt blush here? Okay. He'll be next.
>> Mayor, mayor pro tem, council members. I've been a part of this process, and this is an important moment. This plan is about to get really good, but it's not good yet. My name is dave madden. I'm a musician here in austin. In fact the last time I stood here I had a day named after me, so thank you for that. I swim at barton springs every day. First a heartfelt thank you for your passion, your attention, and your service to this great city. I speak glowingly to my friends and my peers about our local government. I really do. Whether it's in the context of this ordinance or just the other day when I heard council member mike martinez speak at the austin music people, state of the austin music event. And I'm thankful to know that you are listening to the people of austin and we are lucky to have you, mike. Thanks for all you do in the austin music community.

Regarding item 40 tonight, would I like to say while there are a few good ideas in this plan, the good is vastly outweighed by the bad and the ugly.

>> Dave, we're not talking about the plan tonight. We're talking about setting the public hearing to consider the plan.

>> Okay. Anyway, please do not schedule this public hearing right now. Please instead take a step back. Look at the many issues raised by the planning commission. Regarding pussyfooting, there have been many changes to this plan by various committees. But the architects of this plan continue to put forward the same drawings and plans over and over, saying that they will incorporate recommendations after approval. If the plan is approved as is, there will be no way to enforce the will of the planning commission, the environmental board, or the codes and ordinances committee. No one is moving to austin here for more pavement. I assume that's why they moved to houston, I'm not sure.

[07:22:53]

>> Is that why we shouldn't set the public hearing?

>> Well

--

>> still asking you to talk about the agenda item.

>> We shouldn't set the public hearing because the plan can be improved.

>> Okay.

>> So I'm asking to delay the scheduling for the public HEARING OF MARCH 20th. Thank you.

>> Thanks. Kurt blast can i?

-- Blastski?

>> Good evening. Mayor, mayor pro tem, and council. My name is kurt blastski. I'm just speak tonight, ask you to not set the public hearing because the plan is not ready yet. There are very complicated and important suggestions made by the planning commission. I'm sure you've seen the memo. Part of

-- part of those recommendations include offsite parking and a shuttle. Reducing impervious cover, checking new technologies as far as

-- if an ada passes, it's developed on the south side, that it be made out of

-- out of porous product. So these

-- the time since the planning commission denied the request hasn't been enough for the

-- all of these options to be investigated by staff. So I can

-- I come before you tonight to request that you delay the public hearing for 90 days so that staff will have time to investigate all these issues. Thank you. [Applause]

>> will Mc Cloud?

>> I would like to donate my time to mr. Clay

--

[07:24:56]

>> okay, next speaker is steve barnic. [Inaudible]

>> thomas webber? All right. Ralph webster mr.

-- Webster? Clay defoe with three minutes DONATED BY will Mc Cloud, so you have six minutes. And again, we're talking about settingcçó the public hearing.

>> Sir, I know what we're talking about. Thank you, mr. Mayor for the introduction. You're so find kind as always. To fellow citizens. You should be. Save barton springs. Save barton springs. Save barton springs, folks. Who's on board? You know, I read the recommendation for action, and this is

-- I'm allowed to talk about the recommendation, sir s because it's what you're putting out there. Now, I find it funny that there's no backup item to this. There's no details expounding on what you're talking about. You're talking about renovating the swimming pool itself? Its buildings, its ground, gary, please put up the slides. This is barton springs pool. I hope you guys are familiar with that. I don't know if you are. But this is a picture, a scene, a postcard from I believe the 1930s. And it's been pretty famous. And you've lived here for over 70 years, I hope you would know and care about it. This deals with the master plan, this whole recommendation. Which I'm allowed to talk about, sir. That's barton springs in the 1920s, I BELIEVE. It's been around for a long time. It's been a natural springs. I hope you know about it. This is

-- it's supposed to protect the critical water quality zone in transition. Those are your claims. And you know, frankly

--

>> again, we're talking about setting

--

>> this is in your recommendation. This is what it says in your recommendation, that you're considering the vote on it now, sir. So I have a right to speak. You talk about there being 80 public meetings but you don't let people speak about the issue at hand, so I find it on ironic, in august I was allowed to speak but the mayor refused to allow me. This has been a two-year process of shutting down citizens. This is supposed to be about water quality t sal mander habitat.

[07:27:13]

>> Your time has expired.

>> I'm talking about the recommendation. You're violating my rights.

>> You're going to leave the chamber and you're not going coming back

--

>> sir, you're asking for a lawsuit. Ii have a right to speak. I'm talking about

--

>> without delay

--

>> right now, this is.

>> Wut delay

--

>> I have a right to speak on it. I'm talking about the renovations of the swimming pool which are included in the recommendation. Sir, I ever three minutes and 50 seconds left. Could you give me the legal authority that says I'm not allowed to speak about this.

>> You're to leave the chamber right now. Right now, without delay.
>> You're asking for a federal lawsuit
--
>> can we get some assistance.
>> This is the second time my rights have been violated today. [No audio]
>> those are all the speakers that we have.
>> No, that's not true.
>> You're signed up. You're karen krups? You're signed up not wishing to speak.
>> No, I signed up wishing to speak.
>> My records say not wishing to speak, but you may come up and speak for three minutes.
[07:29:20]

>> Thank you. My name is karen krups. I'm here to speak about why I'm requesting that the council delay taking the public hearing ON MARCH 28th. I would like the time to be reset.
Thank you.

>> It's reset.

>> Thank you. My name is karen krups. Here here to request that the council delay taking the public hearing on march 28 for a variety of reasons which I will address in my time, one was just demonstrated to us. A general bias which I have encountered when I've gone to most of the stakeholder meetings against hearing from the people who are concerned about the pool and don't want to see all of the plans of the master plan put through as a single package. I want to give you some examples of that. The master plan recommends the huge pecans on the south lawn towering over the bush lawn is one of the most inviting vistas of barton springs because the south lawn is such a beloved feature, care should be taken to avoid temptations to either reimagine it or to use it to solve functional problems. Handicapped accessibility or maintenance truck accessibility come to mind. It's a tree-covered lawn today. It should not be a tree-covered lawn with access ways cutting through it. And even

-- I understand that you've called a meeting for tomorrow of the people of disabilities is because you're concerned that the ada issues are not properly ironed out. They are not. There are plans for one ada

-- additional path in addition to what we already have. The environmental board and the planning board have recommended that the path to the overlook be removed and they have not been removed from the plans. I've been told that the city wants to give the same plan to every commission, but that has not occurred. Plans have been changed. The design for the ornate fence has been taken out. Many plans have shifted only selectively. They have not been treated in a consistent way. In the past few weeks, there have been a few meetings where people who are concerned about the plans are beginning to be heard. In that process, a lot of new very good ideas have come out, such as offsite parking. And that's generated even more ideas such as multi-point offsite parking. And

-- in all of the meetings that I've gone to, I have not seen any clear illustration of what the fence is going to look like through the whole perimeter. I've not seen any illustration of what the lighting is going to look like. I have not seen any illustration

-- illustrations of how a new southgate ticket booth that will be twice the size of the current one

is going to appear.
[07:32:17]

>> I'm given you a lot of latitude here.

>> The reason

--

>> but I still want you to tell me why we should not set the public hearing.

>> The reason why you should not schedule the meeting is because the public process has been a dog and pony show. It has been very biased. And just now, our voices with the thousands of people who have signed the petitions are starting to be heard and new ideas are starting to be generated. I'd like time for that to happen.

>> Thank you. Now those are all the speakers that we have. [Applause]

>> so I'll entertain a motion on this item. Council member morrison has a question.

>> I have some questions for staff. Actually, two questions, i think. One, can you talk about the issue of an application expiring? And do we have

-- do we have control over extending that application?

>> kimberly McNeely, assistant director for the parks and recreation department. We have a site plan application, which is set to expire. And it is at the discretion of the planning, development and review director at his discretion to extend that. I believe that the

-- I'm going to have to double-check. Sorry. It will expire april 22. And there is the opportunity for us to request an extension. It is the director's discretion to do so.

>> Okay. So that might not be an issue actually, then, for march 28. Then the next question I have is, about the recommendations you've been getting from the boards. And what are

-- what is the process that you're going through now, sort of sorting through which ones you're going to actually bring forward to council and all that?

>> I'd like to state that

-- i would respectfully disagree about the way that the plan has been presented and it has been presented the same way to every board and commission. And we take notes based on what the board and commission's suggests are. So just to give an example, most of the boards and commissions, the environmental board, the parks board,ton waterfront overlay, the waterfront overlay, they would approve the plan with these kauf yets. Take another look at the overlook. Take another look at the ada accessible path. Take another look at your impervious cover. Please take another look at the parking. And so we've recorded all of those. So systematically from each board that we've gone to, we've recorded what it was that their recommendations were. So while I understand that individuals are under the impression because the planning commission took an opposite approach where they said, we're not going to approve this plan, but here's a list of six items which are very similar to what we heard from other boards, that will allow us to support your plan. And so because they were so similar to the previous feedback that we have received, staff and our contractors and our consultants and architects have been thinking about how are we going to resolve the issues that have been brought before us. So we do have multiple options. We selected not to show each board a different option because we thought that was unan unfair way of presenting the plan. So it is our intention to take all of that information and present to you a final plan that said, here's what the environmental board said.H re's the same thing that this next board said, et cetera, et cetera. Here's how it has been

-- excuse me, incorporated into the plan. So the final plan that you will receive, the final presentation, will vary specifically
-- very specifically explain the feedback we received and how we incorporated that into the final plan.
[07:36:20]

>> Grade. So

-- so there's going to be a new plan, I mean, a new draft. That will be presented to the council. And when will that become public?

>> It becomes public at the public hearing on march 28.

>> Okay. So I'm wondering, to me, that's not really that helpful. Because a public hearing about something that people are just seeing for the first time

-- [applause]

>> is

-- so what I'm wondering is if maybe this would

-- i would need some help from city manager on this

-- if maybe what we could do is have some mechanism to have it become public and then after that, and may have we've done it with a briefing before, you know, and then take action, set a public hearing for a week later or two weeks later, because

-- I mean, people have been

-- spent a lot

-- you know, people have spent a lot of time and it means a lot to a lot of people, obviously people don't agree, but everybody is passionate about getting it right. So if there were some way that we could

-- and we've done this before with the city

-- first we get a briefing and we don't take action at that meeting, and we plan to take action at a follow-on meeting. I think that that could be a lot more productive use of people's time.

>> We are a

-- as staff we are happy to accommodate that request and we can work out the exact dates to your liking. But absolutely, we can make that happen.

>> Great, I appreciate that. I think that would be real helpful and I don't know if we need to take action on some date for the pub hearing right know?

-- Right know? So if I could get some input in terms of when the briefing

-- when it night

--

>> you can always change the date.

[07:38:21]

>> In order to give the city manager time to schedule the briefing, that I'll suggest that we

-- the briefing, that I'll suggest we set the public hearing for april 11th of this year, and I'm open to a change to that. But I wouldn't want it any earlier than that.

>> Set a motion.

>> That's a motion.
>> A motion by councilor morrison to set the public hearing for april 11ed. Have a second?
>> Second.
>> Second for council member spelling.
>> Ii have a question, if i could.
-- Spelman.
>> I have a question, if i could.
>> Yes, sir.
>> If I understand the motion and what you said, you're breezing to give us a briefing on the current status of the you're proposing to give us a briefing on the current status of the plan, plus any changes instilled by the feedback you got at the commission meetings and their public hearings, right?
>> Correct.
>> How long will it take you before you'll actually have a briefing together which owning rates allthat stuff?
>>
-- Which incorporates all that stuff?
>> BY MARCH 21st. We could be ready by march 21. I know that mr. Bier said we could be ready tomorrow that. Might be pushing it a little BIT, BUT MARCH 21st, Absolutely.
>> Okay. Hold on that. I'm going to make another demand on and you see whether or not that changes the date. In addition to the changes in the plan that you agree would be a good idea based on the commission meetings, the fun hearings, it would be real helpful for me and I think it would save all of us some time in a public hearing before the city council if we had a list of the changes or requests or whatever that came out of the public hearings that you did not acpt. So we have
-- we have a sense of what happened at the commission meeting, what did the public talk about. You took these, you didn't took those. You took these sort of and I had a good sense for all of that information.
>> That would not change my
-- that would not change my commitment to be able to have SOMETHING PUBLIC ON THEÑi 21st And then to have the public HEARING ON THE 11th. We could make that happen for you.
[07:40:24]

>> Okay. SO BY
-- SO BY THE 21st, YOU Could have all that information out in public on a website where everybody could see it.
>> Yes, sir.
>> And at some later date then we could have the public hearing on the subject.
>> Yes.
>> Let me ask you this. Thank you. Let me ask council member morrison. Is the value then in holding the public hearing on the 11th if we can actually have all that information be available on the 21st or the 28th? Perhaps we could have that
-- that briefing, pardon me, that briefing on the 28th of march, when we would have had the public hearing. And then hold the public hearing ON THE 11th, TWO WEEKS AFTER That

information has been out in public and people can talk about it and think about it.

>> South bend spelman, let me just say

-- council member spelman, let me say you seconded the motion for the 11th and we can definitely give additional direction and council get a briefing on all the various options on march 28 or march 21.

>> That sounds like an excellent friendly amendment. That's acceptable to the second, mayor.

>> Okay.

>> Isn't that what my motion was in the first place?

>> Well, yeah. We'll consider that to be the case.

>> It was april 11th for

-- and I would like to leave it

-- okay, yeah. For the public hearing to be on THE 11th. SET IT FOR THE PUBLIC

-- 11th. And I would like to believe to it the discretion of the city

-- leave to it the discretion of the city manager, because i don't know the schedule, to have a briefing before then. And that information that was suggested would be helpful. I'll agree with that.

>> I'll plead 943.

>> All right. So, the motion on the table is to set the public hearing for APRIL 11th. We'll have a council briefing prior to that on either march 21st or march 28th. So further discussion, all in favor of that motion say aye. Opposed say no. Passes on a vote of 7-0. [Applause] I'm look at a blank screen, but I have we have a few more items. Items 42 through 4

-- 42 through 47.

[07:43:00]

[Captioning will continue shortly]

>> and then quickly try and run you through the format of the motion sheets so you can hopefully efficiently make your way through it. So just as a reminder, we started this master planning process at council's direction in 2007, larlly because change was already under way in the area. There were discussions about the potential of rail in the corridor, and generally just because a vision was really needed to guide that change that was already under way. Some of the existing conditions that were there, many of the buildings were BUILT IN THE 1960s, WERE Built for a very automobile-centric type of development that were really designed for people to drive to all the different locations, but it means that they're set up in such a way that it makes it really difficult for people to walk around the neighborhood. So some of the goals of the master plan include trying to make the environment be safer for pedestrians, also helping to encourage pedestrians, basically walking as a form of mobility. In addition, more housing and housing options were an important goal of the master plan, and one of the ways that the regulating plan will help do that is by allowing a mix of uses on property that was previously zoned commercial. So that will enable a lot more people to live and work near the corridor, creating more pedestrian-friendly neighborhood centers. Also, increasing the neighborhood open space is an important goal for the area since especially south of riverside drive neighborhood open space is very lacking. So I'm going to just very quickly run you through that background timeline. As I mentioned, there was council direction to start the master plan in 2007. The master planning process took place between 2008 and 2009. Council adopted the east riverside corridor master plan as a vision for the area in 2010, and since then staff has been working on regulations to help implement that master plan vision, and so that's what we're here to discuss this evening. The

planning commission reviewed the regulating plan in october of last year. There was a city council briefing last november, and then the public hearing last november as well. New issues came to light at the end of last year, and so there have been a number of additional stakeholder and public meetings to discuss those issues, and now we're at march 7 council consideration. So tonight what you'll be considering is adoption of the erc regulating plan as the

-- the new regulations for the area. The neighborhood plan amendments that will go along with that to designate the area as a specific regulating district, which calls out the fact that there are specific regulations for this area, and then also rezoning properties within the district to erc zoning. Your backup includes the motion sheet, which are the 11 by 17 sheets, motor motor motions 1 through 16. The second page of that are contested properties, and then the yellow sheet that says motion no.1, those are the list of staff-recommended amendments and I'll go into those in a moment. So starting with motion no.1, which is adoption of the east riverside corridor regulating plan, staff has grouped the potential amendments into four groups. Group a are basically corrections and correct code citations that we found, et cetera. Group b are staff and planning commission recommended amendments, so things that came up before planning commission and that planning commission did weigh in on. Group c are other potential amendments that were brought forward before the public hearing in november, and then group d are the ones that have come up most recently, largely in response to the stakeholder input from the commercial property owners. I quickly want to

-- I'm not planning to go through all of the amendments, unless people ask about them, but i did want to point out the potential ramifications of potential amendment d1, which is basically to allow properties with existing drive-throughs to be able to keep a drive-through facility on that property even if they redevelop. So if they do redevelop that property, they could still have a drive-through, but the building would have to be designed to erc design standards, which basically involve having the building be brought up to the street. There's also a two-story minimum requirement in the corridor mixed use subdistrict, which is in the brown on this map. But

-- so shown on this map, this is kind of zooming in to the corridor between approximately lake shore drive and montopolis. This is just a windshield survey, but it appears that there are approximately 19 properties in the corridor right now that have drive-through facilities. So I just -- I want to make sure you guys are aware of that. And then the other issue that's come up as part of this discussion is about other automobile-oriented uses, and so there are another approximately 11 properties that have auto-oriented uses right now, and there isn't an amendment to grandfather those uses. I just wanted you to be aware of what's there now.

[07:50:57]

>> Mayor leffingwell: Let me ask you a question on d1.

>> Sure.

>> Mayor leffingwell: It says a number of drive-throughs cannot be increased from those existing as of the above date. That means unless we go back and change this plan, right? So it can be

--

>> I believe that council has the ability to change regulations at any time.

>> Mayor leffingwell: So what is the purpose of that sentence?

>> Well, I think it basically limits it to the existing number of drive-throughs unless council decides to chane that in the future, because

--

>> mayor leffingwell: Well, I just

-- I would just suggest that it's redundant language, because d1 already says the conditions under which you can't have a drive-through, basically.

>> It's just confirming that what's grandfathered is the number of drive-throughs that exist on the property as of now, and that that grandfathering doesn't also include the right to increase the number of drive-through lanes. So I think it is an important

--

>> mayor leffingwell: And i don't have any objection to that particular language because

-- I mean, it confirms what the intent of this plan is, but I don't want anybody to infer from that that it can never be changed.

>> I think all

-- I mean, all of our regulations are in place until council decides to change them. Exactly y. Exactly.

>> So those are the main potential amendments i wanted to point out. I'd certainly be happy to answer questions about any of them, and so I'm going to walk you through the whole motion sheet and then we can go back and discuss in more detail. So motions 2 and 3 are to change the future land use for the properties to specific regulating district, which again just signifies that this area has specific regulations. Then motions 4, 5 and 6 are to rezone the properties within the corridor, but it keeps out the contested properties. So it would basically be rezoning all the properties within the corridor except those contested properties that are listed on page 2. And so the page 2 contested properties are motions 7 through 16 and this is a map showing the location of the contested property, and again, we can talk about those in more detail if you'd like. So that wraps up my presentation. I'd be happy to provide any additional detail that you'd like. Questions for staff?

[07:54:07]

>> Spelman: Yes, ma'am.

>> Mayor leffingwell: Council member spelman.

>> Spelman: I'm looking at the yellow sheet you so kindly walked us through on motion 1, and I'm seeing group a, b, c and d. Am I right in believing that groups a, b and c all predated the public hearing that we have had on the plan a few weeks ago?

>> Yes.

>> And group d has some new language which came after that public hearing?

>> Correct.

>> Spelman: Okay. Is there a way we could take a motion on a, b and c separately from motion on d? I think there may be some changes in language in d, just to move things along more quickly. It might be that we could separate those pieces.

>> I think that would be fine.

>> Spelman: Okay.

>> Mayor leffingwell: Mayor pro tem cole.

>> Cole: I think I would like to make a motion that we adopt potential amendments in group a.

>> Mayor leffingwell: Council member cole moves to adopt the potential amendments in group a. So let's call that motion 1a.

>> Mayor?

>> Mayor leffingwell: Second by who?

>> Morrison: I'll second.
>> Mayor leffingwell: Second by morrison.
>> Mayor leffingwell: Council member tovo?
>> Tovo: I need some clarification. I need some clarification on what we're doing there. So we are

--

>> mayor leffingwell: We're proving the ordinance for item 42 with potential amendments in group a only.

>> Tovo: So we are not yet on 43 motion 2. We are strictly staying on 1 and we're going to piecemeal through these amendments in

--

>> cole: I'm deal with this

-- mayor, I'm dealing with this

--

>> mayor leffingwell: Council member cole.

>> Cole:

-- Sheet that was passed out with the potential amendments, and it's what council member spelman just discussed, group a, b and c were all done before the public hearing and are fairly noncontroversial and recommended either by staff or staff and the planning commission together. I'm just simply trying to move this along to get to the more

--

[07:56:15]

>> tovo: Sure. No, I appreciate that. I want to be very clear what we're voting on because there are a couple things i can't vote on.

>> Mayor leffingwell: And to to make clear your motion is on all three readings?

>> Cole: All three.

>> Mayor leffingwell: For item 42 with the amendments in group a.

>> Cole: With the amendments in group a.

>> Clarification, we can only go on first reading today.

>> Mayor leffingwell: Oh, we can. Okay. We get to do this again.

>> Cole: First reading.

>> Mayor leffingwell: All right. First reading only. So further discussion on that? All in favor say aye.

>> Aye.

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

>> Cole: Okay, mayor, I'll go ahead and also make an amendment to adopt the potential amendments listed on our motion sheet for group b.

>> Second.

>> Mayor leffingwell: Second by

-- motion for item

-- item 42, group b amendments, by mayor pro tem cole, second by council member spelman. Council member morrison.

>> Morrison: I would like to make a substitute --r propose an amendment to that, and I guess we can vote on

-- I'm not sure how best to handle it, but i want to

-- I'm not in support of b7, and I'd like to talk about b7. And in particular I might have a question from staff about that. We have a

-- what we have in the regulating plan draft is a fee in lieu of 50 cents. What this does, as i understand it, is removes the 50 cents completely. Is that correct?

>> Correct. And that was at the request of affordable housing advocates who would like to have additional opportunity to discuss that. And we can also look at it as part of the downtown density bonus recalibration.

>> Morrison: So if we adopt this without the 50 cents and someone wants to come in and do something right away, what's the fee in lieu?

[07:58:20]

>> That's where it gets complicated. The fee in lieu comes into play if a developer wants to build a building taller than 90 feet, which is fairly unlikely at this point. So there is some chance but not a great chance that that would be a problem. I mean, another potential alternative is to go ahead and leave the 50 cents in there with the understanding that we will ensure to look at it as part of the downtown density bonus recalibration.

>> Morrison: Okay. So I guess what I'd like to do then is just ask that, for b7, rather than removing the 50 cents, that we leave the text alone but add the direction that that 50 cents be recalibrated as

-- along with the downtown austin plan, which is happening right now. So shouldn't be too much of a problem.

>> Right.

>> Morrison: I just would hate to have a project be ready to go and we have no fee in lieu in place

--

>> cole: Mayguess i just want to understand a little bit more about what the housing stakeholders were thinking and what

-- can you

--

>> mayor leffingwell: I think that could be considered a friendly amendment if all it is is to change b7 to, instead of 50 cents, to be an amount recalibrated per the austin downtown plan.

>> Morrison: It's actually leave it at 50 cents with the understanding that it is being recalibrated.

>> Mayor leffingwell: Okay. And I still think that would be friendly. That's minor.

>> Cole: Can I get that and then I'll take that as a friendly amendment. I just want to understand what the advocates were.

>> Mayor leffingwell: You set that as friendly and council member spelman as a second, do you?

>> Spelman: This essentially removes b7.

>> Morrison: It removes b7 and acknowledges we're updating that number.

[08:00:24]

>> Cole: Professional staff just told us they did it this way because of the housing stakeholders and i want to know a little bit more about what their thought process was.

>> Absolutely. Their thought process was they would prefer not to have something in there

because then it would be viewed as kind of the starting place of the fee in lieu, and so their rationale is that they would prefer not to have something in there so that there wouldn't necessarily be an assumption

--

>> cole: A negotiating issue. Okay. Mayor, I would gladly take that from council member morrison as a friendly amendment. I think it's

--

>> mayor leffingwell: Okay, and council member spelman agrees. So the motion is modified. Any further discussion? All in favor say aye.

>> Aye.

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

>> Mayor? I would like

--

>> mayor leffingwell: Mayor pro tem cole.

>> Cole: I would like to make a motion that we

-- in favor of adopting potential amendments in group c.

>> Mayor leffingwell: Motion by council member cole, second by council member spelman. Council member morrison.

>> Morrison: Thank you. C1 is one that I have concerns about, and it's a rather complicated one, and actually it really gets to the issue of how much a remodel

-- of a remodel can happen. So I'm looking at c1, and on page 4 of our draft plan, what we have are exemptions from the design standards. So if you go to actually page 3 at the very bottom, d, is exemptions from the design standards. And what c1 talks about is section 1 under that, and the exemptions from the design standards right now are development that does not require a site plan under the land development code in the certain section. And what you're suggesting is that we expand the exemptions to include, and this gets very convoluted because now you have to look at the land development code where exemptions are, and i wonder if you have that and can put it up because this is a really important point.

[08:02:53]

>> I don't have a copy

--

>> morrison: Okay. I'll keep talking through it while we're looking at it, but basically it is adding section

-- this section of the land development code, section 1, to be exempt from the design standards.

Eric, am I understanding this right? Because what I want to make sure is that only small remodels are allowed. Only small remodels are exempt, and it looks to me like taking it

-- expanding that section to be the whole section is problematic because you had previously

-- originally you didn't have d in it, and d is the one that limits remodels to small remodels, exemptions to small remodels.

>> Right. So the original version before the proposed amendment was significantly more restrictive in that a smaller amount of remodeling would trigger probably partial compliance with the erc standards. The reason for the proposed change is the question of whether it should be more stringent

-- whether the standards should be more stringent in the east riverside corridor than in the rest of the city. So that is the reason for the proposed change. But it does

-- you know, it would have an impact in that people could make
-- with this proposed amendment, people could make any change allowed with a site plan exemption without triggering the erc design standards.

[08:05:09]

>> Morrison: So you can increase your noncompliances, right?

>> I believe so. I may

--

>> morrison: Because

-- i think that's section

-- that's one of the sections that was problematic, a1. I mean 1

-- 2, I guess it is. 2 addresses the noncompliances. D1 and d2.

>> So d1 says the construction may not exceed 1,000 square feet, then the limits of construction may not exceed 3,000 square feet except for the following. So

--

>> morrison: There's a lot of double negatives here in this logic we're talking about. It's important to understand that what we had before

-- i mean, what's in the draft says that if you're going to do construction more than a thousand feet, you do need to comply.

>> Uh-huh.

>> Morrison: And what this change does in c1

-- c1, is it?

>> C1.

>> Morrison: What this change does is it removes, you can do remodeling, you can increase noncompliances and things like that and you're not subject to the requirements, the design requirements.

>> Greg, do you want to explain site plan exemption.

>> Morrison: Well, it's not so much that it's site plan exemptions. It says if you're in the list of site plan exemptions you are exempt from the erc, the regulations. So if you get in the site plan exemption, according to the proposal, you would also be exempt from these.

>> Yes.

>> Mayor leffingwell: Mayor pro tem cole.

>> Cole: Council member morrison, are you also mixing up the land development code when you're saying this?

[08:07:15]

>> Morrison: Right, because the regulating plan in front of us is referencing the land development code. It's referencing the list of site plan exemptions, and it says, hey, if you're

-- so what we're contemplating is, hey, if you're

-- if you're exempt from a site plan, then you're exempt from the design standards.

>> Cole: And that's your concern?

>> Morrison: I am concerned that really large remodels would be allowed to be exempt from the design standards, and as I read it

-- yeah, and it also has of picking of trees and building a floodplain and things like that. So it has a lot of consequences, especially d1. So what I would like to do is

-- I mean, if you want to

-- if we need to expand it

--

>> cole: And did erica agree with your analysis? I wasn't clear on that.

>> Yes.

>> Morrison: And let me just say, there's been a lot of work put into this and a lot of visioning and, you know, the question is are we going to be bold and take it

-- you know, head in that direction or are we going to start letting lots and lots of exemptions come through. And I for one think that after all this work and commitment from folks, that we -- we should, you know, really try and make it the vision that we have where it's a vibrant, walkable neighborhood. So

--

>> can I make a quick statement?

>> Morrison: Yes.

>> The one flip side of that is, having the site plan exemption does potentially allow for more adaptive reuse of buildings. So, you know, you might have a building, some other business wants to come in, make a few upgrades, maintain that building mostly as it is, but put a new business in there. And so having the site plan exemption would allow for more of that, and so that

-- that really is the balance. And it's

-- truth fully i think it's kind of a tricky one because there are pros and cons on both sides.

[08:09:44]

>> Morrison: So I guess what I'd like to say specifically is what I'd like to see is that we leave it alone but we add specifically the exemption when it is a small remodel, so when the construction does not exceed 1,000 square feet, and to accomplish that it would

-- we would leave what we had, not take that, but add section d .1, point a

-- d .1, a through i.

>> Cole: And mayor, I'll accept that as a friendly amendment.

>> Morrison: And we can all go home and study this and reevaluate it on

--

>> mayor leffingwell: Mayor pro tem accepts that as a friendly amendment. How about the second

--

>> spelman: The second one, I can say it one last time now that we've placed all of the a through i. What are we doing with the a through i?

>> Morrison: So we are

-- a through I

-- 1-a through i, small construction in all these situations you will be exemption from the design -- from the design standards in them. But what we're not doing is opening up everything in this section to being exempt.

>> Spelman: A through I are the exemptions.

>> Morrison: Well, 1 and a through i.

>> Spelman: Okay.

>> Morrison: Are when they are exempt. I mean, 1 is when

--

>> spelman: 1 [inaudible] exemption from the site plan. A through I is you still have to do a site plan.

>> Morrison: Yes.
>> Spelman: That was your intent. I'm fine with that.
>> Morrison: Okay.
>> Mayor leffingwell: All in favor of that motion say aye.
>> Aye.
>> Mayor leffingwell: Aye. Opposed say no. Passes on a vote of 7-0. Before we need a motion to extend the meeting past 10:00.
[08:11:50]

>> Morrison: I'll do that.
>> Mayor leffingwell: Council member morrison so moves, council member riley seconds. All in favor say aye.
>> Aye.
>> Mayor leffingwell: Aye. Opposed say no. Passes on a vote of 7-0. And actually I guess before we get on to the next one i just
-- I'm sitting here reflecting on the conversation that we had earlier today, at least some of us had, about how with the formulation of the imagine austin plan there was a great desire on the part of a lot of us to simplify the code, and here we're talking about complicating the code on steroids, basically, with this quadriplan, if that's a fair statment. As we say in south austin, it just seems ironical. Okay. Next? Is there another motion? I think that brings us to potential amendments group d. Council member morrison.
>> Morrison: I think we're going to need to vote on d1, so I guess I'd like to make a motion that we don't accept d1.
>> Mayor leffingwell: Okay, so your motion would be to accept group d, potential amendments with the exception of d1?
>> Morrison: Well, actually, no, I think we need to do them one by one because I'd like to vote separately on d2.
>> Spelman: Mayor?
>> Mayor leffingwell: Council member spelman.
>> Spelman: May I suggest that we accept d2, 3, 4, 5, 6 and 8 throu 12 as being relatively noncontroversial. That's my best guess.
>> [Inaudible]
>> spelman: Why don't you identify which ones you think are easy and let's do those.
>> Morrison: All right. Great. So let's accept d3, 4, 5, 6, 8, 9, 10, 11, 12.
[08:13:58]

>> Spelman: Okay.
>> Morrison: So leaving out 7, 1, and 2.
>> Cole: I'll second that.
>> Mayor leffingwell: Okay, a motion by council member morrison to approve group d items with the exception of 1, 2 and 7. That's seconded by mayor pro tem cole. All in favor say aye.
>> Aye.
>> Mayor leffingwell: Aye. Opposed say no. Passes on a vote of 7-0.
>> Spelman: Mayor?
>> Mayor leffingwell: Council member spelman.
>> Spelman: We're going to have a discussion about this one, we may as well do it now. I move

approval of d1 and d7.

>> Mayor leffingwell: Council member spelman moves approval of d1 and d7.

>> Cole: Second.

>> Mayor leffingwell: Second by mayor pro tem cole. I would like to offer a friendly amendment to d1. It may not be friendly but I'll try, and that is change the last sentence in d1 to read, the number of drive-through bays or lanes can only be increased using a conditional use permit.

>> Spelman: Although that has friendly intent I'm quite certain I would like to ask staff if there are any

-- do you all have any concerns about that?

>> Mayor leffingwell: Not your personal opinion. [Laughter]

>> I was trying to think through the potential implications of that. Generally

--

>> mayor leffingwell: I have to admit

-- let me just

-- if I may, council member, say that as much as I'd like to claim credit, actually mr. Guernsey suggested that at our last meeting, that that might be a potential solution to this problem. So go ahead with your answer.

[08:16:07]

>> I think basically it's up to council. I think the potential ramifications are that

-- that the drive-throughs could be expanded, and so the impact of that is that when additional space is taken up with auto-oriented uses, that's less space that can be used for

-- for housing, for shops, things of that nature. And so I think that's what you probably need to

--

>> mayor leffingwell: If I may clarify, I'm not talking about just an open

-- open process to do that. I'm talking about a very rigorous process that would take all of those concerns into consideration, and would be subjected to review by the planning commission, potential appeal to the council, could be

-- conditional use permits are not a cakewalk. Just provides an outlet as opposed to going back

-- a potential outlet in case there's strong justification for it instead of going back and revising the [inaudible] plan to do it. Council member spelman I believe had four.

>> Spelman: Let me ask

-- before I say yes to your friendly amendment if I could ask the question. Under what circumstances would a drive-through facility, which is currently in place, therefore a legally constructed or permitted prior to this date, under what circumstances would that be nonconforming? It says

-- would there be any circumstances under a currently constructed drive-through use would become nonconforming?

>> I think with

-- I think the way this is written, that if it was in conformance at the time of the adoption, that it would continue to be a legal use, and so I don't see any reason that it would become nonconforming.

[08:18:25]

>> Spelman: So if the use were abandoned for 90 days, for example, it would still be a legal use by the purchaser or user of the facility 90 days or more after it had been
-- ceased to be an operation?
>> The way this is written, yes. So I should state, actually, that drive-throughs are a facility, not a use, just for clarification.
>> Spelman: I understand.
>> Yes, but no. The way this is written, those properties would basically be able to have a drive-through in perpetuity and existing
-- however many existing drive-throughs they had right now would be legal.
>> Spelman: Okay, and
-- and they would only be able to gain bays or lanes through a conditional use permit?
>> Yes, if you go that route, yes.
>> Spelman: But no other properties would be allowed to install drive-through facilities?
>> That would be the way it would work.
>> Spelman: Okay.
>> Mayor leffingwell: Council member riley?
>> Riley: Is it possible that with the mayor's suggested amendment that someone could actually be incentivized to do
-- replace lanes in a manner that would actually improve a design of a project because they could
-- they could
-- they can choose to remodel an existing drive-through
-- right now- the way it's
-- in the staff recommendation, you've got one drive-through lane and it is not in compliance with any kind of design standards. Suppose we wanted an outcome where someone with a conditional use permit could increase the number of lanes, but in doing so they would be subject to the design standards. And so, for instance, they might be required to place the additional
-- place both lanes
-- instead of having them prominently placed at the front of the facility, they might place them around back in compliance with the design standards. Is it plausible that could be an outcome of the mayor's amendment?
[08:20:33]

>> It could be.
>> Riley: So it could provide incentives for remodel in compliance with the design standards, whereas without that amendment it might not be any such incentive. You might be disinclined to remodel because you'd get the same number of lanes and you might
-- you might in some circumstances be subject to the design standards?
>> There's certainly that possibility.
>> Riley: So that was not
-- I was skeptical
-- I wanted that follow-up. It could actually have some positive effects.
>> Mayor leffingwell: So maker, do you accept that as a friendly amendment?
>> Spelman: Council member tovo, I certainly do.
>> Tovo: Isn't it true you can incentivize better design by making it one of the
-- one of the cobb tin jeanses
-- or one tin jeans jeanses or requirement of c 1. Somebody I've spoken to in the last couple

weeks about this

-- we've gotten a tremendous amount of feedback on the issue, from drive-through operators, from the congress of new urbanism, many others have been involved in this process

-- one person mentioned, you know, there could be a provision progressive compliance. I want to point out there are other ways to incentivize better design of drive-through restaurants. We could add it as a provision in c 1 and say you will have the ability to do a 1,000-square-foot addition/remodel if there's

-- you know, if it brings you into better compliance, if you put in sidewalks or do some of the other design standards that are required. So that's

-- I guess I point that out only to say that there are various options for instituting this kind of

-- or encouraging this kind of progressive compliance and allowing additional bays and drive-throughs as I would encourage sort of the last measure we should take. One of the last

-- I think there is a long-standing vision that this should be a walkable corridor, and, you know, a fair amount of research that suggests

[08:22:51]

[inaudible] drive-throughs conflict with that. Again, I appreciate those of you who have come in and talked about the long stand

-- the long history drive-throughs of some of these restaurants on this corridor. I appreciate the jobs you provide and I appreciate the service to the community that you provide through support of nonprofits and others, but the provision of c1 allows

-- allows those uses to continue. In my mind d1 goes a good step beyond that and allowing expansions that are outside of the vision of the plan that was adopted and has

-- or has been in progress for five or so years now. So I will not be supporting d1.

>> Mayor Leffingwell: Council member Morrison.

>> Morrison: I can't support it either. You know, if you go to the very beginning of

-- look at the actual purpose of the plan and the description is redevelopment in the area to urban mixed use neighborhood that's more pedestrian friendly, takes advantage to the access

-- access to existing and future transit options, and the area's key position in the urban core, and, you know, we have how many

-- erica, how many drive-throughs would this

-- do we have on east riverside right now?

>> I believe it's

--

>> 19. 19.

>> Morrison: 19, so that's a pretty high percentage. And just to be clear, what this amendment does is it pretty much gives the drive-through entitlement to that land in perpetuity, so you can scrape it and build a whole new building that's, you know

-- you build your drive-through back, so it's not just a matter of, hey, I need to expand a little, I need to remodel. It is, you know, a whole new concept if you ask me, and that is a right to a drive-through on a piece of land, through a regulated plan. So I really don't think that's the way to go for this corridor and I really question, you know, that whole concept of giving drive-through rights to land.

[08:25:10]

>> Mayor leffingwell: So, council member riley.
>> Riley: In that scenario, if that is a current drive-through owner chooses to scrape that drive-through and rebuild, as I understand the language that's here, they would be required to comply with the design standards set forth in the plan. Is that right?
>> Theyould.
>> Riley: And can you just very briefly give us an indication of how those design standards would
-- what we could expect in those design standards as compared with what we see today?
>> The design standards would require that the building be built up towards the sidewalk and have direct pedestrian
-- direct entrances from the sidewalk to the
-- whatever the facility is. Any drive-through would have to basically be at the side or the back of the building. As I mentioned earlier in the corridor mixed use subdistrict, as proposed there is a two-story minimum in that subdistrict. So
-- so new buildings would have to be more
-- more pedestrian friendly and in line with the master plan vision, but obviously the drive-through could still be there.
>> Mayor leffingwell: Okay. So your motion was d1 only, council member?
>> D 7.
>> Mayor leffingwell: D 1 and d 7?
>> Spelman: That's right.
>> Mayor leffingwell: So all in favor of the motion as amended say aye.
>> Aye.
>> Mayor leffingwell: Aye. Opposed say no.
>> No.
>> Mayor leffingwell: Passes on a vote of 5-it with council member tovo and more
-- 5-2 with tovo and morrison voting no. So that leaves us with did p 2?
>> Spelman: Move approval of d 2.
>> Mayor leffingwell: Council member spelman moves to approve item d2. And I will second. Other discussion? Council member tovo?
[08:27:17]

>> Tovo: I have a question about this item. In the draft
-- I just lost the page
-- in the draft these were prohibited uses, but now that didn't
-- that didn't disallow the ones that are already there.
>> Correct.
>> Tovo: So just to be very clear, the automotive uses that are currently on the east riverside corridor would be allowed to continue. The note in the plan simply meant that additional automotive uses would not be permitted.
>> Correct. It would mean that existing automotive uses would become nonconforming.
>> Tovo: Right, but they would be allowed to continue?
>> Right.
>> Tovo: As long as

-- as long as they were able to do that. So again, I'm not going to support this motion either. I think this is

-- I think it is consistent with the vision of a plan that's been long in process to make those uses not

-- to make them prohibited, but again to allow those uses that are there to continue, just as the drive-throughs. I don't think there should be intent to drive the uses off that are currently there but as the area changes I think it's appropriate to bring it in line with the vision.

>> Spelman: I think it does now. They would still be nonconforming uses if they cease to be used. This would make additional new uses for auto rentals and so on as additional uses. That's my reading. Is that accurate? That seems a sufficient standard that it certainly wouldn't be done casually, and in

-- done casually and I think it would probably be the appropriate level of discouragement.

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

>> Aye.

>> Mayor Leffingwell: Aye. Opposed say no.

>> No.

>> Mayor Leffingwell: Passes on a vote of 5-2 with council member Tovo and Morrison voting no.

>> Morrison: Mayor?

>> Mayor Leffingwell: Council member Morrison.

>> Morrison: I'd like to propose

-- I have two others that I wanted to propose before we get into the particular properties. One of them relates to the other item, the planning commission had

-- had a recommendation for us to deliberate, and that is that we had some requests that there be a notification requirement for alternative equivalent compliance that it deemed that the neighborhood organizations

-- or that the neighborhood contact team be notified of that. And apparently currently in the plan itself we have all property owners, is this correct, already

-- all property owners, utility customers and groups in the community registry within 500 feet of the property are already sent a notification.

[08:30:02]

>> So that's not specifically in the plan. That's just standard procedure for all site plan cases.

>> Morrison: So does this mean that

-- and then alternative compliance request, is that separate from a site plan case or

-- help me out here.

>> The way I understand it is that alternative equivalent compliance can be requested at any point during a site plan review process. So sometimes an applicant may not be aware when they are submitting a site plan that they may need alternative equivalent compliance. So

-- and

--

>> Morrison: Okay, so it's really a separate thing. Just because you're notified of a site plan, many, many other site plans aren't going to have alternative compliance requests.

>> Correct.

>> Morrison: And, you know, we particularly had this request in the neighborhood plan contact team, that they be notified, and I think it makes a lot of sense. You know, it's interesting because they are committed to this plan, and I'm not sure that they like every bit of it. But they're committed to it, and I think out of respect for that it would be nice to be able to allow them to be notified if people are going to be applying for alternative compliance, knowing that it's an administrative process, but that would still give them notice and they could provide input that may or may not be considered or implemented. So I would like to
-- i would like to propose a motion that we add to section 1.4.3 language, and maybe between first and second reading you can clarify exactly where it needs to be, if it has to be in two places or one, that says, if an applicant submits a request for alternative equivalent compliance for a site plan, city staff will send notification of that request to registered neighborhood organizations and neighborhood planning contact teams, within boundaries within 500 feet of the property for which the alternative compliance is requested. Written comments about the alternative compliance request may be submitted to the pdrd site plan case manager within 14 days of the postmark of the aec notice, alternative compliance notice, and staff will take comments into consideration during aec review. So that would be my motion.
[08:32:33]

>> Mayor leffingwell: Motion by council member morrison. Is there a second to that motion? Council member tovo. Any discussion? Council member spelman?

>> Spelman: Staff arguments, they already sent a notice on the site plan filing and if they want further notifications they can file as an interested party. What's wrong with that?

>> Morrison: What's wrong with that is I suspect that, you know, maybe one out of ten, one out of

-- I don't know what number, will be applying for alternative compliance. One out of ten site plans.P

>> spelman: Right.

>> Morrison: So if they want to be sure to get notice through that process, of alternative compliance, they have to register as an interested party of every single site plan that comes through.

>> Okay.

>> Morrison: And this way they would just

-- and i don't know that they're that interested in that. It's an added burden.

>> Morrison: Well, if we're only talking about something like one out of ten, would be seeking alternative equivalent compliance then we're not adding too much of the burden to notification either.

>> Morrison: Right, and, you know, maybe, I don't know if we need to put this in here, but I suspect by email would be fine too, if that would be helpful to have that alternative, to even lessen the burden more, and I'd be happy to put that too.

>> Spelman: Particularly if we can get that in other circumstances. [Laughter]

>> cole: I have a question.

>> Mayor leffingwell: I have

-- staff does not recommend a notification REQUIREMENT FOR AECs. Could you discuss why beyond what's listed here, the two reasons that are given? Basically it's an administrative process,

et cetera?

>> It's actually

-- I don't think that the notice is an issue, and I don't know how much

-- we should probably ask mr. Guernsey whether

-- whether it's email or mail

-- postal mail notice. I don't think that's the issue. The issue is really in an administrative process there's not really a great way to figure out how a contact team input would be considered in that context, and so

--

[08:34:58]

>> mayor leffingwell: That would be my concern. If it's an administrative process, what purpose does a notification serve? Just that they're aware of it? They could call somebody and say, hey, I don't like this, and maybe get it changed from an administrative process? Council member morrison.

>> Morrison: Could I add to that, I think a site plan approval is an administrative process and they're going to get approval

-- they're going to get notice of site plans. And so we have a tradition of asking for input on administrative processes. So this is

-- I don't think this is that much different. And I think that, you know, our staff are great and look at the

-- look at the input and it may or may not affect the decision that they make, but I think it's completely understood that it is administrative process and it's merely advisory.

>> Mayor leffingwell: Okay. Any other comments? All in favor

-- I guess does everybody understand the motion? I'm not going to try to repeat it. It's too complicated. But I think I understand it. All in favor say aye.

>> Aye.

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

>> Morrison: And then mayor I have one more.

>> Mayor leffingwell: All right.

>> Morrison: And really, it might just start out with a question. One of the requests that we got from a lot of the neighbors that

-- from the neighborhood organizations that were involved was to

-- and now I'm looking for it

-- was

-- the way it was

-- the way it was specifically said was require review of the master and regulating plans if urban rail is not funded. And rather than talk about that specifically, what I was interested in understanding is, what is the review process for this plan? You know, in neighborhood plans we put in the neighborhood plans that they would be reviewed every five years. Do we have anything like that in here, in the master plan or the regulating plan?

[08:37:23]

>> There is not anything specifically called out in the regulating plan. Again, it's at council's discretion to decide to revisit something, and I don't know if this is the appropriate time or place, but I might mention that the transportation department has been in conversations with capital

metro about the potential for bus rapid transit along riverside if
-- if it appears that that would be an appropriate interim form of transit until rail is built along that corridor. So I think riverside has great transit ridership now, and obviously one of the goals we have is to continue to support and encourage that transit ridership. So how you want to deal with the issue of revisiting the plan may depend somewhat on what happens with other potential transit options.

>> Morrison: Right. Okay. And then the last question is, we have a reference in imagine austin in appendix g, which is the attached plan, the included plans, to

-- under station area plans, it says riverside.

-- Station area plans. Are we talking about not the regulating plans but the master plan or east riverside at that point?

>> Yes, I would say that the title of that particular list is probably not

-- not quite the right title. So the title should probably be areas either with master plans or with regulating plans, because there are a number of things that are lumped under there that don't specifically have the title of station area plan but it's a similar concept.

[08:39:29]

>> Morrison: And so one of the reasons that had caught my eye is because I know imagine austin needs to be reviewed every five years as the comprehensive plan by the charter, and so i just

-- I imagine that the associated plans are also going to be subject to review as part of that, so i wondered if we really needed to put in

-- I mean, maybe specifically if there's a real shift in the vision for public transportation, but beyond that it seems that we do have something in place that would catch it every five years at a minimum. Would you

-- is that your understanding?

>> I don't know if

-- i guess I don't know whether the

-- the sort of regulating plans for small areas

-- I don't know.

>> Morrison: Well, you know what? Let's leave that. I'm happy to leave it and we could talk more about it between the first and second reading.

>> Mayor Leffingwell: I think that's a good idea.

>> We don't know.

>> We don't know. We'll look into that and talk

--

>> Mayor Leffingwell: I don't know of any current plan that anticipates rail on riverside drive before 2024. Ask council member Riley.

>> Riley: There was mention of improved bus service, on east riverside, that capital metro service plan 2020 does recommend establishment of metrorapid service on riverside drive, with the understanding that that recommendation may be altered if urban rail is advanced in the corridor. Obviously there's a lot of details to be worked out on exactly how metrorapid would be implemented and even more so how urban rail might be implemented there but i expect discussions on that will be ongoing.

>> Mayor Leffingwell: Okay. So that completes the approval of item 42 on first reading. And let's hope that the rest of them go a little bit faster. So we're now considering motion no.2 on agenda

item 43. Entertain a motion on that.

[08:42:03]

>> Mayor leffingwell: Council member spelman moves staff recommendation and second by mayor pro tem cole. Council member tovo.

>> Tovo: I'm going to be recusing myself from this item. I have an interest in a property that is not really within close proximity but out of an abundance of property I'm going to recuse myself.

>> Mayor leffingwell: Okay. The clerk will note council member tovo's recusal. All in favor say aye.

>> Aye.

>> Mayor leffingwell: Aye. Opposed say no. Passes on a vote of 6-0 with

-- 6-0 with council member tovo recused. Brings us to motion no.3 on agenda item 44. Council member morrison moves approval of staff recommendation.

>> Second. Second second ed by mayor pro tem. Is there any discussion? All in favor say aye.

>> Aye.

>> Mayor leffingwell: Aye. Opposed say no. All these are on first reading. Passes on a vote of 7-0. Motion no.4 on agenda item 45.

>> Cole: What's staff recommendation.

>> Mayor leffingwell: Mayor pro tem cole moves staff recommendations seconded by morrison.

>> Tovo: I'm recusing myself from this item as well for the same reason as item 43.

>> Mayor leffingwell: Okay. So all in favor say aye.

>> Aye.

>> Mayor leffingwell: Opposed say no. Passes on a vote of 6-0 with council member tovo recused. Motion no.5, agenda item 46.

>> Mayor leffingwell: Council member spelman moves approval, second by mayor pro tem cole. Discussion? All in favor say aye.

>> Aye.

>> Mayor leffingwell: Aye. Opposed say no. Passes on a vote of 7-0. Motion no.6, agenda item 47.

>> [Inaudible]

>> mayor leffingwell: Council member spelman moves approval of staff recommendation, seconded by council member morrison. All in favor say aye.

[08:44:08]

>> Aye.

>> Mayor leffingwell: Aye. Opposed say no. Passes on a vote of 7-0. And that brings us to motion no.7 on agenda item 45, which are specific properties.

>> Do you want me to bring up the map showing the locations of the properties?

>> Mayor leffingwell: Yeah.

>> So the first property with no.7 is 1600 south pleasant valley road. The staff proposed subdistrict is neighborhood mixed use. The owner request is to be designated as the corridor mixed use subdistrict and be eligible for 120 feet of height under the erc development bonuses. The site is basically just to the north of the h.E.B. At the corner of pleasant valley and riverside, and we'll hopefully get there shortly. So theoretically

-- it's no.7.

>> Cole: It's no.7.

>> Mayor leffingwell: Council member riley?
>> Riley: I've got a question about that. The property in brown just adjacent to this tract, that is the h.E.B. At the corner of riverside and pleasant valley, right?
>> Correct. So north is to the left.
>> Riley: And the brown coloring indicates a recommendation of corridor mixed use.
>> Correct.
>> Riley: And the density bonus
-- and that property would be eligible for density bonus entitlements up 120 feet. Is that correct?
[08:46:18]

>> The h.E.B. Probably
-- h.E.B. Property is actually probably eligible for up to 160 feet. I need to grab my map.
>> Riley: Okay. And I guess
-- first
-- when I first heard the request for the property on tract 7, I balked because that seemed like a lot of height, but then I realized we're talking about a very important note on this corridor, and the concern that the property owner has raised is that the
-- that h.E.B. Side is not likely to redevelop anytime soon, and if we want to achieve the kind of density envisioned in the plan, that we need
-- we ought to consider moving that dividing line a little further. And so
-- and actually when you consider that the entitlements on the property immediately next to the tract 7, the request doesn't seem so far out of line. You said
-- what would be the base height entitlement? Without
-- without any density bonus awards, what would be the base entitlement under neighborhood mixed use
-- or rather, under corridor mixed use.
>> So the base allowable height for corridor mixed use is 60 feet and for neighborhood mixed use is 50.
>> Riley: Okay. So it would just be for the base entitlement, it would be going up
-- going up 10 feet. And then what
-- give us an idea of what sort of considerations would go into the density bonus award. What
-- what would it take for the property owner to get up
-- to get the height up above 60 feet?
>> Would you like me to run through a density bonus example or talk about how the program works?
[08:48:19]

>> Riley: Just very briefly. Nothing too elaborate. Can you just briefly
-- is it just a matter of filling out a form? Is it
-- how
-- what
-- just can you give me a list of a few things that might get the height up?
>> Sure, absolutely. So the requirements for the density bonus program as proposed would be that 50% of the increased entitlements would be earned through the provision of affordable housing on-site if it's less than 90 feet and fee in lieu greater than 90 feet. 25% of the additional entitlements come through the provision of publicly accessible open space. And then the final

25% could come through a number of other community benefits, including bicycle facilities, commercial/office space, increased watershed protection measures, or actually for the additional 25% someone could choose to provide additional open space or affordable housing.

>> Riley: Okay. All right. With all that in mind

-- do we already have a motion on the table on this one? Well then I'll probably go ahead and move that on tract 7, that we change the designation from neighborhood mixed use to corridor mixed use with

-- with

-- with the property being eligible for additional height

-- eligible for additional height up to 120 feet.

>> Second.

>> Mayor leffingwell: A motion by council member riley, second by council member martinez. Could you repeat that one more time, please?

>> It's listed as the applicant owner

--

>> mayor leffingwell: Owner request?

>> I believe.

>> Mayor leffingwell: All right. Gotcha. Council member tovo.

>> Tovo: And I just want to be clear, the staff recommendation was amu, and the planning commission forwarded this without a recommendation because they split 4-4 but the staff recommendation remains and

[08:50:30]

[inaudible] the owner request.

>> That's what came out of the plan.

>> Riley: Mayor?

>> Mayor leffingwell: Council member riley.

>> Riley: Could I just ask, do you have particular concerns about that

-- about that suggestion?

>> I don't have any particular concerns.

>> We did go through

-- as part of the planning process we went through a process where we defined the kind of areas of the homes and areas that would be eligible for different density bonus heights, and so that's basically where we got to the regulating plan recommendations. So I don't think it's incompatible in that area because it's pretty much surrounded by commercial and/or multi-family at this point. So I think from a compatibility perspective it's not a big issue.

>> Mayor leffingwell: Council member morrison.

>> Morrison: I guess I just want to point out that to be clear, we do need to look at not only the zoning nmu versus cmu, but also where the development bonuses stop, because this property, as I understand it, is the outermost one, if you will, away from riverside that gets the density bonus, so the one next to it gets no density bonus, and it was slated for

-- so it would be 65-foot density bonus. Does that stay the same or does that automatically go to something else with

-- if it goes to cmu?

>> Well, that's

-- their specific request is to be eligible to go up to 120 feet.

>> Morrison: Okay. All right. So I guess the point being that the property next to it is ineligible for a development bonus, and it is mu so it will stay at 50 feet. So the fee transition is rather abrupt. So for that reason I'm not going to support it.

[08:52:45]

>> Mayor leffingwell: On the motion by council member riley to approve motion no.7 related to agenda item 45, the applicant owner other request. All in favor say aye.

>> Aye.

>> Mayor leffingwell: Aye. Opposed say no.

>> No.

>> Mayor leffingwell: Passes on a vote of 5-it with council members tovo and morrison voting no. Brings us to motion no.8.

>> Do you want me to describe them or

--

>> mayor leffingwell: Not necessary unless

--

>> spelman: I have a question.

>> Mayor leffingwell: Council member spelman.

>> Spelman: Why is it that

-- well, this is a shopping center about a quarter mile down the street from the h.E.B. We've just been describing a few moments ago, and this is on east riverside drive but is recommended for nmu, not cmu. I wonder if you could describe why it is the staff recommendation is for neighborhood mixed use and not commercial.

>> One of the reasons that you'll see some variety of subdistricts along riverside drive is part of an attempt to create these hubs or nodes of

-- of really truly walkable mixed use areas. And if you string out

-- if you string out retail uses along a long corridor, it's less likely to create neighborhood centers. So part of the rationale for the different subdistricts is to create these hubs of activity. They also correspond with another requirement within the regulating plan to have active

-- what we call active edges on

-- active edge requirements for some of these properties with corridor mixed use designation. , What that requirement is, is that the first floor of those buildings actuay be built to commercial standards, so that they could accommodate commercial uses at some point. So I would say there's not an exact science of

-- of which property, but the corridor mixed use are generally located near where we expect future transit stops to be and nearest the major intersections along east riverside.

[08:55:27]

>> Spelman: Remind me also where the expected site of the transit stop would be.

>> So the one

-- it would be

-- we expect it would be somewhere near lakeshore or arena, which is between stars 14 and 15.

>> Spelman: Okay. I see lakeshore, I see town creek. Lakeshore is further down.

>> Arena is in the

-- it's one of the

--

>> spelman: I see it. Yeah.

>> Okay.

>> Spelman: So we're talking here a five-minute walk from arena drive.

>> It might be a little further than that.

>> Spelman: It's about a thousand feet.

>> Well, these are fairly large blocks, many of them. But you're right, it probably would not be a very long walk.

>> Spelman: I have it up on google maps and I'm counting about a thousand feet from the cash pawn at the corner of burton drive and east riverside to arena drive. In light of a five-minute walk it also seems to me the market will dictate where the nodes of activity are in the long run and if the market dictates this is a good place to have dense activity it probably will have edges of that surrounding it, if the market dictates it makes sense to be a thousand feet further down at arena drive we'll have edges there, and I'm not sure we need to overcontrol too much. I'm inclined to grant the owner's request given this is on riverside drive.

>> Mayor leffingwell: Motion by council member spelan on item no.8, agenda item 45, to grant the owner request, cmu.

>> Second.

>> Mayor leffingwell: Second by mayor pro tem cole. Discussion? Council member morrison.

>> Morrison: So

-- so this doesn't change any development bonus issue for us because it's just zoning?

[08:57:30]

>> The way its

-- the way the proposal was requested, yes, it would be just be that

--

>> okay.

>> Mayor leffingwell: All in favor say aye.

>> Aye.

>> Mayor leffingwell: Aye. Opposed say no.

>> No.

>> Mayor leffingwell: Passes on a vote of 6-1, council tovo voting no. Motion no.9, agenda item 46.

>> Spelman: [Inaudible]

>> mayor leffingwell: Council member spelman moves to accept the staff recommendation.

Second by mayor pro tem cole. Discussion?

>> [Inaudible]

>> mayor leffingwell: Council member tovo?

>> Tovo: I just want to clarify, this is the piece that is also attached to the pennick? This is the last piece that is on the edge of the pennick?

>> For

-- yes

-- well, it's

-- yes. I think it's a small be lot at the end of pennick.

>> Tovo: Right. I thought that was the case. So I think we heard very good testimony about

those the first time through and the different character of the houses, those residential houses that are along pennick and also one of the property addresses is 5600 east riverside, and i am going to support the neighbors' request not to rezone them. I had an opportunity to drive out there and see it and it is really

-- it is a very unusual little stretch, and I think the neighbors were very eloquent about the -- about the cultural importance and historical importance of that area and where the way rezoning could impose an impediment to its remaining there. So I'm not going to support the motion. I'm going to support the neighbors' request.

>> Mayor leffingwell: Okay. The only motion on the table right now is first

-- for staff recommendation. Council member martinez.

>> Martinez: Thanks, mayor. I have the same concerns as well.

[08:59:31]

[One moment, please, for change in captioners.] (cofa9-27-12.Ecl) a motion for agenda item 46 to not rezone the property by request. Substitute motion, ready for a vote on that. All those in favor, please say aye [chorus of ayes] opposed, say no.

>> No.

>> That fails on a vote of 4-3 with council member riley, myself, council member spelman and mayor pro tem voting no, so that bring us to the main motion. All in favor of that say aye [chorus of ayes]

>> opposed, say no [CHORUS OF NOs]

>> It passes on a vote of 4-3 with council member morrison, tovo and martinez voting no. That brings us to item number 10, agenda item 46. Rezoning properties.

[09:01:48]

>> I would like to make a motion these properties not be rezoned.

>> On this item, council member morrison to not rezone the property is there a second to that motion? Second by council member martinez. Further discussion?

>> Yes. >>Mayor leffingwell: Council member tovo? >>Tovo: Do you have any photographs of this area?

>> Not with me at present. >>Tovo: Okay. I can't remember if I took any with me or not, but that is something I will do between now and third reading, or second reading, rather. If you haven't gone out there to see that little area, I think it really would be illustrative. It is very

-- it is really a unique little strip, a very contained single family corridor, around just has a lot of charm to it that it is going to be severely impacted. >>Mayor leffingwell: Mayor pro tem cole.

>>Cole: I think we have a real tremendous real dilemma about special areas that have a unique area and I'm trying to err on the side of keeping properties on the plan so it mass meaning and I think the adjacent property owners anticipate that will be positive redevelopment, and that adds certainty to our plan. And, if we let out a lot of properties, it brings down the vinyl of the entire corridor so I won't be supporting the motion.

>> Mayor? >>Mayor leffingwell: Council member tovo. >>Tovo: I have a question. It would remain in the plan, just not being rezoned, correct?

>> Correct. >>Cole: I'm sorry, i misunderstand.

>> There are a number of properties that are within the boundaries of the corridor that are not being rezoned, such as properties that are zoned and three different puds, as well as exist during plexes, so they would get the specific regulating district future land use so do they, potentially in

the future, be rezoned to erc, but if you decided not to rezone them tonight, they would keep their current

-- they would keep their current zoning, but have the new specific regulating district future land use.

[09:04:25]

>> Mayor? >>Mayor leffingwell: Council member spelman. >>Spelman: This is the first time this evening we've encountered nr as a zone so i wonder if you could remind me of the difference between sf-1 and nr. They're both family zones, am i right?

>> Nr is not specifically just single family. It would allow for town homes and even smaller-scale multi family buildings, so it would have a maximum height of 35 feet, but a floor air ratio of .5-to-1 so it could be more dense than single family.

>> But it does only have 35-foot height limit.

>> Correct. >>Spelman: And you're talking your default option is nr, not for single family houses.

>> If could have single family but it could also have town homes. >>Spelman: Thank you.

>>Mayor leffingwell: Okay. The vote on this is in first read, not to rezone the property. Motion number 10. All those in favor, please say aye [chorus of ayes] opposed, say no. >>Mayor leffingwell: Council member riley and spelman voting no that passes on a vote of 5-2. Motion number 11. Agenda item 47.

>> Mayor? >>Mayor leffingwell: Council member riley. >>Riley: This has been contested, the concern we've heard is there are currently uses of property within the gateway that are going to pose challenges with regard to the future intensification of that very critical node. If you look at a quarter-mile radius around that transit station, proposed around that montopolis gateway, that is about 200-acres. Then quarter mile, 116 of those 200-acres are already off the market. You have 16-acres of existing single family, 37-acres of right of way, 37-acres of parks and civic uses and 32-acre was development done in the last 10 years. And, 16-acres of flood plain. So you have a lot of ... There's only fairly small amount of property that is actually in play, so to achieve the density goals that are envisioned for the montopolis gateway, the suggestion is that we, instead of making this area, this particular tract neighborhood residential, we make it neighborhood mixed use. I understand that is the property owner's question, which goes with property mixed use. It seems like a reasonable request because it is immediately adjacent to other denser property and would be a step up, but it would allow us to get closer to the density goals for that

-- for the montopolis gateway. , So for those reasons I would move that we go with the owner's request of neighborhood mixed use for tract 11. >>Mayor leffingwell: Council member riley on item

-- motion number 11, moves to grant the owner request of mnu and that is seconded by council member martinez. Further discussion? Council member morrison. >>Morrison: I understand there is special topography on this piece. One question I had, maybe someone can speak to, is that it does back up to single family and so the more intense zoning would, you know, cause those issues that maybe we would want a smoother transition. Are you familiar with this property?

[09:08:37]

>> Generally. I mean, I do know the area. I'm not familiar with the topography issues. I thought it seemed fairly flat but, compatibility standards would kick in to create a transition between the

single family and whatever is built on this property.

>> Okay. And I also understand that that's the back of the prompt is where the contention and things would be so there would be a natural separation, so I'm going to go ahead and support it.

>> Mayor leffingwell: All those in favor, please say aye, [chorus of ayes]

>> opposed, say no. Passes on a vote of 7-0. Motion number 12. 1700 1/2 frontier valley drive.

Council member spelman moves staff recommendation. Second by council member morrison, which is nr. Further discussion? Council member tovo. >>Tovo: So this is the tract we discussed recently where there is proposed affordable housing develop on ... Does rezoning pose any challenge to their tax credit application?

>> I don't think I can speak to that.

>> As I recall, they had some challenges meeting some design standards that would be required of them through the east river side quarter plan, and so some of those were arising from the tax credit application. So, maybe this is something we can just refresh our memory about between now and our next hearing, whether the rezoning then would trigger them to comply with some of those design regulations that they were suggesting could pose a problem for their tax credit application.

[09:10:41]

>> Well, if it is rezoned, the design standards would be in place, so

--

>> okay. Motion number 12, agenda item 42. Motion is to approve the staff recommendation on first reading. All those in favor, please say aye [chorus of ayes] opposed, say no. Passes on a vote of 6-1 with council member martinez voting no.

>>> Motion number? 13678 agenda item

-- motion number 13. Agenda item 47. Council member spelman. >>Spelman: I was about to ask miss leak if she could remind us where the devil this is.

>> Sure. These are actually

-- >>spelman: Way north.

>> Six properties that have frontage along highway 71 and ben white boulevard. So way up at the top of the map. And, it's all six properties that face ben white, highway 71.

>> Move staff recommendation. >>Mayor leffingwell: Council member spelman moves staff recommendation. Second by council member riley. Any further discussion? Okay. This motion number 13, staff recommendation, which is cmu, all those in favor, please say aye [chorus of ayes] opposed, say no. Passes on a vote of 7-0.

>>> Motion number 14. 1725 east riverrerside. It goes all the way south. Council member riley. [09:12:49]

>> Can you remind us where this tract is?

>> Sure, it's the furthest on the map, the lowest one down. These were late submissions so they were added to the bottom of the sheet. It's on the corner of riverside and parker.

>> Staff recommendation is corridor mixed use.

>> Second.

>> Yes. >>Mayor leffingwell: Council member riley moves to approve staff recommendations, cmu. Second by council member morrison?

>> (Inaudible). [Laughter] >>mayor leffingwell: Council member martinez.

>> Thank you, mayor. Can you provide us any information about why the property owners do

not want this rezoned?

>> Sure. Actually, this applies to item

-- well, to motion numbers 14, 15 and 16. The property owners did not want to be rezoned if they were not able to have permitted automobile-oriented uses and/or service stations.

>> Now they have a conditional use permit process available to them.

>> The

-- >>mayor leffingwell: It is my understanding we just approved that on first reading.

>> Actually, it was just to be conditional in the neighborhood mixed use sub district, not the corridor mixed use sub district and this one is in corridor mixed use.

>> I will leave that to you, mayor, on second reading. >>Mayor leffingwell: Leave that to me on second reading, okay. [Laughter] so, ready to vote on this motion, number 14, agenda item 45.

Staff recommendation, cmu, all those in favor, please say aye [chorus of ayes] opposed, say no.

Passes on a vote of 7-0. Motion 15. 2001 east riverside. Council member morrison moves staff recommendation of cmu. Second by council member spelman. All those in favor, please say aye [09:15:08]

[chorus of ayes] opposed, say no. Passes on a vote of 7-0. Motion number 16.

>> Staff recommendation, mayor. >>Mayor leffingwell: Mayor pro tem cole moves passage of staff recommendation. All those in favor, please say aye [chorus of ayes] opposed sake no.

Passes on a vote of 7-0 is that all, miss leak?

>> That's it, thank you very much.

>> Coming back for second and third readings next time together?

>> Yes, I think we can come back together.

>> There may be a few that will meet the requirements, but can they be presented for 2nd and 3rd.

>> Yes, though it needs to be MARCH 28, NOT THE 21s.

>> THE 28th. Okay.

>> Is that acceptable? >>Mayor leffingwell: We will work with what we've got, usually. I think that completes our agenda for today. So, without objection, we stand adjourned at 11:16 p.M. .

[09:17:39]