

City Council Meeting Transcripts - 4/11/2013

>> : Good morning. I'm officer lee. We'll be again with the invocation today with pastor michael dennis from the north village church. Please rise.

[04:00:34]

>> : Good morning. Let me pray for us. Father in heaven, I thank you for this morning, I thank you for the city, I thank you just for your goodness and your protection, and for the men and the women that you place in the position to lead our city during this time. I pray for them in two specific areas this morning, the first being wisdom, holy spirit, will you give them wisdom as they tackle just the tough decisions that our city is going through with finances and education and the future and traffic and business and diversity. There's just a great weight to those decisions. So would you give them wisdom. Would you give them wisdom that's beyond their education, that's beyond their books or their meetings, that it is a super natural wisdom that comes completely from you. And that would you show them that in the quietness of their hearts when they lay their heads on their pillow at night that it would be so evident that the wisdom is from you that it would humble them, and that it would draw them close to you. I also pray foreign

-- for endurance, which is such a weighty responsibility. There's scrutiny, there is criticism, they get to call the shots and they take the shots. And so it's likely that there is fatigue and maybe appe think,

-- apathy, so holy spirit, would you refresh them, would you remind them of why t pursued this position. Would you remind them that they are not in this role because they have maneuvered or manipulated the circumstances, but they have been devinely placed there by you. And so as they are fatigued and tired, holy spirit, would you remind them of the words of jesus when he says, come to me all who are weary, and I will give you rest. It is a rest that is not momentariry, but it is a rest that is internal and completely accomplished through jesus' work on the cross. Would you lead us all to rest and trust in him. We thank you. We thank you for the city, this in jesus' name, amen.

[04:03:15]

>> : Thank you, pastor. Please be seated. A quorum is present, so I'll call this meeting of the austin city council to order on thursday april 11th, 2013, at 10:03 a.M. We're meeting in the council chambers, austin city hall, 301 west second street, austin, texas. We'll start with the changes and corrections to today's agenda. On item 19, add the phrase "approved by the zer waste advisory commission with the expiration date of september 30th, 2017, and the intent of not exercising any extensions on

-- that was on a 411 vote with commissioner rick coper voting against and commissioner dan ella gonzalez abstaining from the vote. Hvment on item no.30, strike the word four months and add the words five month. On item no.36, add as a second cosponsor councilmember william spelman. Item no.40 is postponed until may ninth, 2013. On 45, add as a second cosponsor major pro tem sheryl cole. Time certain items for today are at 12 noon, general citizens communications at 2:00 p.M. Will take up our zoning matters. At 3:00 p.M., We'll recess the council meeting and call to order a meeting of the austin housing and finance corporation, and also at 3:00, we'll recess the council meeting and call to order a meeting of the austin bergstrom international airport development corporation board of directors. At 4:00 p.M., We'll have our

public hearings, and at 5:30 we have live music and proclamations, the musician for today is la rav. The consent agenda for today is items one through 60, with several items are pulled off the consent agenda. I'll go through those in a moment, but first I'm going to read item 31 into the record. Those are appointments to our boards and commissions and waivers, to the animal advisory commission, alexandra dagosta is councilmember spelman's nominee. To the commission on veteran affairs chris garcia. We'll approve for chris garcia's appointment on veteran's affairs, and approve a waiver of the residency requirement in section 2121 for cassandra saint john's service to the commission on veteran's affairs. The following items are pulled off the consent agenda. Items 11 and 45, pulled by myself to set a time certain. Those items will be held together at 4:00 p.M. Or after. Item no.19 is pulled by councilmember morrison. Item no.29 pulled by councilmember martinez, item no.36 pulled by councilmember morrison. Item no.37 is pulled by -- due to speakers councilmember martinez.
[04:07:10]

>> Martinez: Thank you, mayor, we can actually leave it on consent. This is with approval with staff. It didn't get posted in the backup until yesterday, so it's not going to stop the public process, so we're just asking for a little more time to review it and wait for can't mitchell to approve it.
>> Mayor leffingwell: So with that objection, councilmembers, item no.29 will be postponed to april 25th. We have a couple of speakers on the consent agenda, first is guest peña. Guest peña. Second speaker is david king. David king? Neither is here, so I'll entertain a motion on the consent agenda. Councilmember spelman moves approval. Second by councilmember morrison mosser mosser I would like to note a correction that's needed on number 33, and that is a reimbursement for the aids walk that took place in october of last year. We have the wrong date. We have sunday october 21st. It was actually sunday october 20th. So I'd like to have that noted.
>> Mayor leffingwell: Okay. Add to changes and corrections, delete the date october 21st, and add the date october 20th. All in favor of the motion to approve the consent agenda say aye. Opposed say no. Passes on a vote from six to zero. She is out of town on city business, councilman tovo. So we've had a request to hear item 191st due to an injury by the director of solid waste services or austin resource recovery, excuse me. So we do have -- that was pulled by councilmember morrison, do you want to make comments first? Mosser mosser I do. I wanted to just get some comments from staff first. We had an austin energy disposal contract recently, and what came out of that was the recognition that we really need to coordinate and make sure that those types of contracts are going to be compliant and part of our zero waste achieving -- achieving zero waste. And so that was my question on this one. Now that you are going to be able to review for us all of those, I wonder if you can just provide your comments to us about how this might fit into our zero waste plan.
[04:10:24]

>> : Certainly. And bob gedert, austin resource recovery, the resulting actions that I've taken since the march 7th council meeting is to pull through cooperation of the purchasing department many of the contracts that are in the works right now that handle waste. I am reviewing all of them, and determining, one, whether it's under the purview of swa c for swac recommendation and second for city-wide coordination of all the solid waste streams. And we're working towards 2015 where we can consolidate all of these contracts into city-wide contracts rather than

department contracts. It will take a couple years till 2015. So as it affects the austin energy contract that's up for you today. I have reviewed the contract. I do not see any potential diversion activities within this contract. It's special waste with conditions of control from tc q, however I do see potential for diversion in future activities, so I will be working with austin energy on waste reduction, waste minimization and handling of waste streams. There's some future activities that can definitely be handled here. And I am recommending that this contract move forward of expiring the contract on september 30th, 2015. My purpose for that date is that we can then fold this contract into a city-wide contract. Councilmember Spelman.

>> Spelman: Is this one of those best laid plans things in the making, or is this in two years you think you're going to be able to fold all the contracts together, but if something doesn't go to plan, would we then be in a position not having to issue an extension.

>> : Primarily yes to your question. The complication for the city-wide contract, is that we need to work with tc g on what can

-- tc q on what can be handled in a city-wide waste contract. I've had that conversation with tcq a couple times in the last few weeks, and I think there's strong potential for this to be wrapped into a city-wide contract, but it's undetermined at this time.

[04:12:51]

>> Spelman: Given that it's undetermined, is there concern about wanting to issue one contract for all the stuff, rather than a bunch of little ones, but still maintaining the flexibility if unforeseen it's not a possibility, we're not stuck in two years.

>> : Yes. We've talked about one-offs contracts based on the types of waste streams and how the waste needs to be handled.

>> Spelman: If all else fails, even if we do not cut a deal for today for multiple year extensions after the first two-year period, is that something which is conceivable? We could do a one-year extension on a one-time only basis.

>> : We've talked with purchasing, and, yes, there are some options with purchasing on that. Yes.

>> Spelman: Okay. Working with this vendor or by splitting the contract. I just want to be sure we're in a position where we're not going to be losing a bunch of money where we're kind of stuck and have no other way to handle something.

>> : To be honest, I'm not sure how to answer your question on the what ifs for 2015. I do believe it can be rebid in 2015 as a single contract, if it cannot be in the city-wide contract.

>> Spelman: Okay. We could do a one-year extension in 2015 with the action that's before us today, consistent with the swac. And that would be consistent with the recommendation?

>> : That

-- first of all, purchasing would have to answer what we could do and can't do, but secondly, the swac discussion was contingent, strongly contingent about expiration of september 30th, 2015. They would not have voted in favor of this contract had it extended beyond that date.

>> Spelman: Okay. I see byron's right behind you, let me ask him the question.

>> : Good morning, byron johnson purchasing officer. I think it can both be met, and here's how. If you award the item, we will put the language in there that says that the option for the 12 months would have to come back to council for approval. And so what that would do would be would give us a 24-month contract and still give the option that would be available there. Then if something happened in the contract

-- and the contract was not available to do it, then what happens is mr. Gedert could go to swa c

and ask for approval to exercise that 12-month option. We would come back to council and exercise that option at that time.

[04:15:30]

>> Spelman: It's not appropriate for a motion because we have 19 speakers. I'll wait for the speakers. Thanks, byron.

>> Mayor leffingwell: Okay. We'll go to our speakers, first is michael way lan? And donating time is james haiz, is james havmentaiz here? Ray bryant is here, so mr. Waylan, you have up to nine minutes.

>> : It shouldn't take that long. I want to start where we ended. I think councilmember spelman yeulised the word employeerity of the process,

-- integrity of the process. Michael wayland on behalf of texas disposal systems, inc. Texas disposal systems, inc., acknowledged a mistake it made by inadvertently leaving out two pages to the bid, and then we had a discussion about integrity of the process, and I want to return to that. Because mistakes here have been made by the bider and by city staff in a fail your to synchronize city policy, and i want to talk about that. And ultimately, the public process, whatú we're doing today, voting on contracts, is the opportunity, the checks and balance, that exist in our system for you to make sure that bidding, city staff review and ultimately contracts are synchronized with city policy. And I'm going to suggest at the end of this, some questions for you to ask staff, true/false questions for you to ask staff to see and test whether it truly has been synchronized with your desires. Implementation of city policy should indeed be reflected in purchasing decisions and their review of bids. The commissions and council's public review and approval of contracts provide the appropriate format to test the integrity of the system and ensure that the city's policies are, in fact, reflected and implemented through the bidding process and its contracts. Before this discussion is over this morning, I would request that you ask three questions, simple true/false questions of city staff. One, is it true that the contract you are asking council to approve and fund today for bfi, it's still the recommendation, by the way, that bfi have multiple extensions, and that is what staff was recommending as of last night. That it still provides complete discretion to city staff to go well beyond november 1st, 2015. True or false. In your follow-up questions might be, if it went beyond november 1st, 2015, could bfi use this contract as a factor in seeking an extension of the agreed-upon closure date, or you might ask is it the case that bfi, or because austin energy has to make the deliveries, that bfi could direct that the transfer of the waste be made 70 miles away without any consideration for the carbon footprint that that leaves. Second question, although that was several in one, but anyway, the city still has approximately 90 days left on t current contract with tds because it was extended for 90 days after our last hearing. I think you'll see that the answer is true. So clearly there's enough time to rebid today. Third, is it true, staff, that a new bid could be prepared that incorporates some of the zero waste concepts we as a council have been promoting, like a carbon matrix, and with more clarity, like the ability to reuse coals onsite, true or false. The staff recommendation to award the contract to bfi does not reflect the city's policies asset forth in the zero waste strategic plan, the ai r master plan and a rule 11 agreement that this council entered with bfi. To ensure that the city policies are implemented will be for the austin energy I f b to be rebid. Alternatively, we would request that the council either recommend that the three one-year contract extensions be limited from this contract completely without any discretion. Let's have a rebid prior to september 30th, 2015, so that this contract cannot be used as a factor to extend the landfill opening, or recommend that the current contract with tds for the dissposal of this

nonhazardous industrial and special waste be extended for four years. The contract allows that today and it would be extended at 2009 prices as allowed by the existing 80. By recommending that the contract rebid, council is providing the check and balance necessary in highlighting the disconnect that exists between city policies and staff recommends. In fact, by recommending a rebid, council will allow city staff a new opportunity. I've already mentioned the most obvious disconnect between the city's policy and the bid from bfi that's before you today. That's the rule 11 agreement, which requires bfi's landfill to close by november 1st, 2015. As a result of this contract if approved as is, as was recommended at least as of yesterday when they appeared, the city council would be authorizing and funding a contract that violates bfi's commitment to close the landfill by november 1st, 2015. And yet the staff's recommendation to as we sit here this -- to enter this contract would allow that extension to occur. Now, bfi may claim that they can get subcontracts to handle the waste at a later time, but the bid explicitly did not contemplate subcontracting the landfill disposal. I believe you're going to hear them say that it can be shipped down to san antonio 70 miles away, again, I would remind you, austin energy actually delivered about eight of the loads over the last three year so that would be a burden that might fall upon austin energy and of course it's being done without any consideration of the carbon footprint. In addition to bfi and staff ignoring the rule 11 agreement, they have also ignored the roles of the plan. However, I too, must pause at the suggestion in writing this week by mr. Gedert the materials to be disposed of by austin energy. This is incorrect, and I'm not sure why austin resource recovery, given its goals, did not know that tds has been reusing up to 46% of the 3,300-tons of waste that austin energy has shipped under the current contract. Most of that reuse has been with the polls on-site for fencing, but nevertheless, it has been reused, and that is a lot that

-- it's about 1,500-tons, most of which, literally, like over 95%, I think mr. Gregory has the figure, are telephone poles and hi'll show you a picture of them that are being reused on site. So there is a better way to meet the city's goals with this contract. Another city process failure is the way in which the staff has expressed the need for quote bidders to provide pricing for all line items for the award of this contract. This is in response, I believe, to questions from council back on march 7th. And yet the current bfi bid that is being recommended as being responsive does not have any response to the recycling line item. And you can poo poo the fact that it's only two% of the contract, it's 200-yards of waste, but, really, it is a key component of the zero waste policy. I mean, and they don't even bother, the bidder doesn't even bother to fill that in and staff accepts the bid even though it's blank. Obviously we think it's a failure by the bidder to acknowledge something that's important to city policy makers, a failure of the process, part of the integrity of the process, councilmembers, to synchronize city policy with contracting requirements. Ironically as noted over the past four years td c has been able to rerup austin energy waste. Of course there's other legitimate reasons to go with this bid. There's been a revised cost estimate. They now say it's only six% more expension, but I don't know and it's unclear to me whether that includes the quote, overweight fees, that bfi has in their contract and we don't. Finally, for clarity the current tds for management of this disposal does allow for it to be extended for another four years at 2009 prices and with the continued reuse of materials that are occurring on site. Tds respectfully requests that council recommend and request that this contract be rebid to rectify the mistakes that were made by all of the parties. We made mistakes, bfi made a mistake by not bothering to consider the@ city's recycling policy, and frankly, staff made some mistakes in terms of synchronizing the city's policies with this bid. If you rebid it, you are sending a signal that all participants need to pay attention to the city's policies that the

rebidding process has undertaken, or as I pointed out, alternatively, stop the contract on september 30th, 2015, with no options for renewal so that it can be used as a -- can't be used as a factor. Thank you very much.

[04:25:05]

>> Mayor leffingwell: Thank you. The next speaker is bobby gregory. Donating time. Adam gregory. Rick framan? Brian hobbs? Lisa lima. Okay. So you have up to 15 minutes.

>> : I won't need that much time. I have some handouts.

>> Mayor leffingwell: [Inaudible]

>> : Never mind. You know me, maybe I will. I have some handouts, can I give them to you, to the clerk, how

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>> mayor leffingwell: Give them to mayor pro tem, she'll pass them down. She'll get her back horse here in a minute.

>> : Thank you for your indulgence with such a handout. I've always been told keep it under four pages, I didn't. I will walk you through it very quickly on the key pages, and i think after I'm through, you'll realize in a couple years while this will matter a lot. So thank you. I would like to start your attention

-- well, my job is to give you backup information concerning what michael just told you. And also to make some points at the end. And that's why all of this information. I'd like to start with the chronology on the front. I know there

-- was an integrity issue brought up last month when this issue came up. I think it's good for us to see what

-- how the process has worked, and I handed this out last night at the swac meeting so staff has had a copy of it at least since last night, so maybe they've had plenty of time to look at it, I don't know. But anyway, I'd like to start pointing your attention to letter a, the tab. You can see, and in all fairness, this is a bid tabulation for bfi, special instructions, be advised that the exceptions taken to any position of the solicitations may jeopardize acceptance of the bid. It's not automatic. Thank you. It's not automatic, but it may. The bid

-- the report, and I'll show you in just a minute, staff reported to you last month in response to councilmember tovo's question that hey had to be all bid. And you'll see that's the one item that was required for recycling. And there was no bid. You'll also see on the next page, the overweight fees. There's an overweight fee of maximum per load is 10-tons. Anything over 10 tons will be charged 40 cents a pound. That's \$800 per ton. And you'll see in a minute when we go back here, that totals

-- that would have totaled \$93,000 over the life of the last four years' contract. Letter c is the transcript of the ec hearing. D is the letter that was handed out to you last month by michael. E is the exhibit for the transcript of the council meeting last month. It shows what the staff reported to you. And f, g, h and I are all points that deal with michael's comment that you do have in the contract right now the provision to extend the existing contract for four more years. One year, with three single items. It is the exact same term of contract, section 6, that the holdover period is in. That is six b. 6 c allows for an extension of the same period that we've just experienced, the one-year with four one-year options. We requested that, but staff said no. You go to the last -- the last exhibit, and it's under a separate paperclip, and that's exhibit 16. This is a letter that was sent to the purchasing agent yesterday because there's an anti-bobly period.

[04:29:22]

-- Anti-lobby period. I can only speak through them or in a public meeting like this. So it deals with

-- and I'd like to make a few point-outs in some documents before I come back and make my point. If you go to no.4, you'll see the answer to councilmember tovo's question last month was i included a statement, the bidders were required to provide the pricing for all items nor award -- for award of this turn-key waste disposal contract. Bfi did not provide all items. It also says technically, yes, however, in this case, the city did receive a responsive bid. We assert that it is not a responsive bid, because it did not have all items, and it did not disclose that it had to close halfway through the term that the contract was bid for. Finally it says, allied waste has a current permit for their operation through november 2015. The city does not have knowledge at this time whether allied waste will seek renewal of their permit to continue operations beyond november 2015. You will see in tabs 8, 9 and 10, the rule 11 agreement. The rule 11 agreement, gives the city manager the authority to renegotiate that to extend or modify it without council approval. So it was set up by the city manager originally, and i encourage you to not do something that allows the city manager, without your consent, to do an extension. The overweight fees are at tab 5, they show each individual load that was overweight over the last four years, they total \$93,000. That overweight fee that has not been reported to you in these numbers that have come to you thus far. That would have been \$93,000 over the last four years, which averages a little less than \$23,000 a year. The next report, hopefully will be

-- that's the green tabs, hopefully will be of interest to you. That is our diversion report. We diverted 10.8-tons of brush that was ground up, 23.3 tons of capacitors that are metal that were scrapped for metal, and the utility poles, 1541 tons for a total diversion of 46.9%. We are very proud of that figure, because really there was no diversion required in it, although the contract allowed it. That's what we do. We divert wherever we can. We believe in the zero waste philosophy and with the allowance under the bid and under the contract, we diverted 47%. We're ahead of where the city is on this contract. And now staff is basically telling us, we don't want to renew that contract, even though the

-- even though the contract allows for a four-year renewal. And if you go to the next page, you'll see a picture. The gentleman in the picture, carl, is about 6-foot 2 inches tall, and there's about 10,000 pieces of poles in this photograph. These are on-site, approximately 98% of the poles that have come into our site, come from austin energy. We don't landfill them, we don't grind them for composting, we don't grind them to sell them for fuel, we don't grind them to landfill, we don't grind them for road base or road traction control in landfills like some do. They're used and reused in their highest and best use as a post or a fence or an enclosure on our facility. We think that's a good use of them, rather than landfill them. So there was one category on the bid that called for 200 cubic yards of wood waste to be ground. That was not even bid by bfi. I think they told y'all it's in the transcript in the last meeting that they didn't do it at the time. So that is

-- that's that. And then I mentioned the rule 11 agreement. So I would like to point out, again, that as michael said, there is 90 days remaining on the holdover period, plenty of time to rebid it if you want it. If you ask for 60 days, there's another 60 days you can do. In that same provision under the contract, you can renew the contract, the existing contract, at the 2009 rates for four more years, one more year with three options, and I've already in writing committed to all four years to the existing rate. I will tell you if it's rebid, I'll bid no higher than I tried to bid when I screwed up

-- or my company screwed up the bid. I'm the one responsible when we didn't include page 2 and 3. That was lower than our 2009 rates, because we're able to recycle. I'm hoping I'll get a little bit

of an attaboy for recycling. It says to be eligible for this contract, the contractor shall, at a minimum, own or operate a landfill permitted to accept the city's waste under this task, and it also says will be awarded to a single contractor. It also says no subcontracting opportunities were identified, therefore no goals were established for the solicitation, and it also says, in order to comply with federal and state and local regulations, it requires the turn-key services of a waste disposal contractor to transport and dispose of industrial waste to a nonhazardous special waste. The last thing I'll mention was the report that came out yesterday from Mr. Gedert. It states as Michael said no diversion opportunities exist under this. There clearly are diversion opportunities. It also says. That they're evaluating

-- the city is evaluating whether to make this a hazardous waste. We work very hard to protect the integrity of our landfill. It would greatly distress us to find that city counts something as hazardous waste that they've been shipping to us for

-- shipping to us for four years over 3,000-tons. There's no reason to declare it hazardous waste, I don't think Austin Energy wants to, but that was mentioned. Finally the city through Austin Recovery is coordinating existing city-generated solid waste contracts to expire in 2015 to support a consolidated city-wide solid waste material contract. The largest contract you have is a 30-year contract you have with our temperature, Texas Disposal Systems for landfill disposal of which there's, I don't know, 13 years remaining. The way this reads, that includes the cancellation of that contract. This is my opportunity to talk to you, because there's an anti-lobbying assigned to this. Please, send a message to staff to not cancel a contract that this city has enjoyed for the last 15, 17 years. This is the sort of stuff that we deal with everyday with the staff. So as far as the integrity

-- is there integrity in the process, no, there's not. It's not for what you thought. So that concludes my comments. Thank you very much.

[04:37:07]

>> Mayor Leffingwell: A question for you by councilmember Spelman.

>> Spelman: In a minute I'm going to ask Mr. Gedert why it is they chose to rebid this contract.

>> : I'm sorry I missed your question.

>> Spelman: Even though we can extend the current contract with you or to alternatively rebid the whole thing, why is it they chose to rebid and not continue extending the contract with TDS.

>> : I don't know the answer to that. We have not gotten a contract in a good while from the staff. I don't think they want to do any contracts with us, period. Now, we screwed this one up. I'm not laying that on the staff.

>> Spelman: You did. We're happy that you acknowledge that. That's very noble.

>> : However, they had options and they certainly had an option to rebid it. We had an option -- it took us a long time to even be notified. What you were told in the last council meeting is not consistent with the record, and that's why we did the chronology.

>> Spelman: Because you were notified much later, not almost immediately.

>> : Much later rather than very early, I think was the -- very quickly or very early.

>> Spelman: Very early I think were the words.

>> : Whatever the words were.

>> Spelman: Okay. Thanks.

>> Mayor Leffingwell: Next speaker is Lee Koon. And donating time, John Ansley? John Ansley here? Mark Littlefield in so you have up to nine minutes. Thank you, council, Mayor, Lee Koon,

republic services. First I'd like to say regardless of what happens today on this contract or any subsequent contracts, republic services will close our landfill november 1st, 2015. The fact is that this is a commitment that we're obligated by contract, law and regulation. It's enforce I believe with our tc q

-- enforceable with our tc q permit. It was a condition of our performance letter to the t tcq, and most importantly, it's legally enforceably with the austin agreement and a subsequent covenant filed with travis county. I'd like to highlight a few things, even if we attempted to extend the life of our landfill, it would require prior approval from the austin city council, travis county, in addition to a very lengthy minimum scope

-- at a minimum by the t qq which would include interested public individuals the opportunity to contest and to be a part of that process, so there's plenty of opportunity to prevent that from happening, even if we did attempt

-- and I'm here today stating in the affirmative that we will not seek to extend our permit past 2015, november 1st, 2015. I'd also like to say that i believe contrary

-- a service contract with the cy does not authorize or otherwise encourage my company to seek an extension of our permit. It's just not that easy, as i just said, just laid out. The city and the county and other affected parties would have multiple opportunities to keep that from happening. If there are still doubts, if there are still doubts today on whether we would seek an extension, we're willing to put it in this contract or any other contract with the city that we will not seek to extend our permit. I'm willing to put it in writing in any form that meets the city's satisfaction. It's clearly out there. I believe the notion that we may use this contract is an avenue to extend the life of the landfill is a scare tactic by those that would prefer to benefit, that would prefer, or benefit, from republic not being awarded this contract. We are resolved to close the landfill on november 1st, 2015. The initial 24-month term of this contract falls well within the permitted life of our landfill, which, again, is november 1st, 2015. Why it was recommended a 24-month contract, we can, however, meet the extension requirements through the use of our landfill which accepts all types, including the liquids, which is a question I of tds whether their facility is capable to servicing all the counter points. In the future that we're not able to meet, and icon tend that their landfill is not able to meet all the requirements in the strictest sense that he's trying to impose upon us. So we are agreeing to the terms and prices in our response to the austin energy I f b, not only through the initial term, but through any subsequent extension. So if there is a concern that austin energy ultimately decides that they want us to take their material to our testmann road and it's a further haul, we're bearing those additional costs, not austin energy. And at the end of the 24-month term, it's up to austin energy if they would like to extend or exercise any extensions thereof. Also I'd like to point out that the I f b is very clear that austin energy must approve the use of any other disposal locations prior to their use. It's not

-- it's not

-- it does not for bid use, it just requires prior approval, so there is that ability to forward

-- and austin energy made it very clear last night that they would be watching and they would be in advance of any approvals, that they would exercise that approval authority. The austin energy invitation to bid, to my knowledge, met all city purchasing requirements. The bid was issued on november 28th, 2012 with original due date of december 19. It was ultimately extended twice to january 16th for a total of 50 days, if my math is correct. Responders had 50 days to provide complete and accurate bids. In good faith, my company provided, we met all the rules and provided complete bid. We're concerned that the integrity of the bid process will be lost if this I f b is rebid. We were the only company to provide a complete bid, and provide complete pricing

and full disclosure. And if this is rebid, then we're at a competitive disadvantage. We have not seen other pricing. The current service provider has argued their offering pricing that is lower than what we've provided, but, again, it comes after the fact that our pricing has been made public and its outside the prescribed bid period. Quite honestly, it's a little convenient to say they'll match their previous pricing now that they've seen our pricing. The fact is, according to city purchasing department, our proposal price is

-- pricing is approximately six% higher than the pricing from the 2009 bid. I believe this is lower than the c pi increase from that same period. I would argue that our pricing is fair and competitive. Further, by city policy and any reasonable standard, tds did not submit a complete bid and must be deemed nonresponsive. Tds argued that republic's one line item, the scrap wood, which equates as it said, less than 2% of the total recycling item should also deem us as nonresponsive. The fact is we did respond to that line item and we clearly wrote no bid at that time. Under the special instructions, it states, and I quote, be advised that exceptions taken to any portion of the solicitation may jeopardize acceptance of the bid. It does not say an exception equals nonresponsive. The fact is we no bid one small line item is not the same thing as being nonresponsive. The reality is if austin energy would come to us, we can offer that service now, we do have the ability, so if austin energy does say they want us to recycle that 200-tons of wood, we can provide that and would be happy to do that. But we do stand by our proposal. If that's how it has to be measured today, that's what it said. One other component of the I f b was for liquid waste management, while it's beside the point because tds was unresponsive, whether it's to be managed at their facility or some other third-party facility. Tds has also argued that this should have faced more emphasis on recycling. They have indicated they're using the weathered/nonweathered poles at their facility. I would argue that it's more accurate to say they've been restoring the vast majority of these poles and not necessarily reusing. It was not asked of us, nor was it a consideration of, republic can also provide reuse. So in essence, a rebid is not necessary to refocus this I f b toward more diversion. In addition, from a pricing perspective, tds has taken issue with the fact that we have a provision for an overweight fee. The purpose of this fee is not a revenue generator, but rather a mechanism for us to encourage collaboration to prevent overweight runoff boxes from being hauled. Admittedly our bid erroneously states 40 cents per ton, it should have been four cents per ton. It's a standard that's across the city is what we applied. The 40 krents was a

-- cents was a typo. However we understand a card laid is a card played, but we would honor the four cents per yard which is usual and customary for us. I would be happy to answer any questions. I think there are integrity issues, I think we did provide a fair bid. Thank you.

[04:47:51]

>> Mayor leffingwell: Those are all the speakers that we have. Thank you. We'll entertain a motion on item 19? Major pro tem?

>> Cole: I don't have a motion but I have a quick question for mr. Gedert.

>> : Bob gedert, austin resource recovery.

>> Cole: Bob, we heard some concerns about the carbon footprint with the transfer. Can you tell us how that may be impacted by us approving this contract or even just approving it to except 15th?

>> : The statements made last night atzwac addressed that issue. That was the first time I've entered into that conversation. The thought was that if the material

-- if the contract extends beyond the life of the allied landfill, then there would be the potential of

hauling that material long distance, therefore a larger core # carbon footprint. I believe we addressed that issue by the recommendation of not extending the contract beyond september 30th of 2015.

>> Cole: Okay. So you believe that takes care of that issue.

>> : Yes. I would add that in the future, our work with lucia athens about potential language in future contracts about carbon footprint impacts.

>> Cole: Okay. Thank you, bob. Councilmember Spelman.

>> Spelman: I just want to verify, what Mr. Koon said was accurate, if somebody somewhere would want to extend the life of the Republic landfill, formerly BFI landfill, formerly Allied, if someone wants to extend the life of that, it would have to come before CapCog, TCQ and the city council.

>> : As I read the documents for the closure, it requires public hearings and it would require public input as well.

[04:49:58]

>> Spelman: It's not something you and the city manager can do a wink and a nod and this thing can continue on. This is going to be a very big deal and we'll have to rule on it one way or the other.

>> : Exactly.

>> Spelman: Mr. Waylan and Mr. Gregory suggested there may have been another way of handling this. I realize this is an A/E deal and not your deal, let me put the question and you can figure out who needs to answer it. If what we were looking for was cheap and reliable disposal and reuse of A/E materials, what was the value of rebidding that contract rather than simply extending the contract we already had? Why did we choose to rebid that?

>> : Is Cheryl over your shoulder the right person to ask.

>> : I can answer a little bit and maybe Cheryl can answer what I cannot answer. The type of material itemized in this contract is special waste, and I don't define it as hazardous waste. It's not hazardous waste, it's special waste, but it does have characteristics that are regulated by TCQ. So if there is a potential reuse off-site, if there is a potential recycling of the material offsite, it does require an added review through TCQ. It's not difficult, but it would add in the third party for review. I would also state that the material that was identified in testimony by TDS today on the diversion of their activities in the past contract, that information was not provided to me or to Austin Energy until last night. So we are now in possession of that information, we have not evaluated that to date, but I would add that the storage of material on site cannot be classified as diversion.

>> Spelman: It would have to be put to some final use.

>> : Right.

>> Spelman: I'm not going to

-- I'm going to pass this on as though it were true, and I'm not going to ask whether or not it's true or not, just as a... If in the original contract to store/reuse deal with this special waste from A/E turns out to be cheaper per unit than the rebid contract, would it make sense for us, or would it be possible for the city to go back to the original contract and extend it further for the next two years, or would that not be a possibility?

[04:52:25]

>> : I think I would yield to purchasing or peggy on that question.
>> Spelman: Okay.
>> : Byron johnson again. Purchasing. If I understand your question, is there an ability to take and change the contract term for a longer period of time.
>> Spelman: Yeah.
>> : The answer is no. What it had was a provision for a holdover.
>> Spelman: Okay.
>> : Holdovers are used for those instances where we cannot get a contract in place. The holdover does not take the place of a normally bid item.
>> Spelman: So we don't have the authority to simply extend the current contract with tds, given that we've already sent out this rebid opportunity.
>> : That's correct.
>> Spelman: Okay. Remind me of the terms, if i wanted to implement what it is that you were talking about before the speakers came up, the terms would be a two-year ract and any extension would have to come back before the city council.
>> : That is a correct statement. Your direction was to
-- for the 24-month contract, and prior to any extensions, they would have to go back to z w ac and city council for approval prior to any action.
>> Spelman: I would prefer there not be any extensions at all. As mr. Gedert was suggesting, this was the plan. Major, I make that motion. Mayor leffingwell: Is that essentially thez w ac recommendation.
>> Spelman: No, it's not. Let me state it so it's clear, whether it is or isn't is less important. I move to approve the contract for two-year term, and that if there be any extensions beyond that two-year term, that those extensions go before z w ac and before the city council for approval.
>> Mayor leffingwell: So your motion is to approve the contract with the limitation of a two-year term.
>> Spelman: That's right.
>> Mayor leffingwell: With no extensions granted without council approval.
>> Spelman: That's right, yes.
[04:54:26]

>> Mayor leffingwell: Is there a second to that motion? I'll second. Any discussion?
Councilmember morrison mosser mosser I do have one clarification I'd like to ask for, mr. Gedert, you were talking about the rule 11 agreement. I want to get clarified what it takes to modify the rule 11 agreement, which is actually what says, as I understand it, when the landfill will close. And I'm looking at the exhibit no.9 provided by mr. Gregory. It's the agreement regarding operations and closure of the sunset farms landfill. And if I go to page six of that agreement, I don't know if you have it in front of you.

>> : I do not have it in front of me mosser mosser I'm happy to
-- mosser mosser mores mores I'm my colleagues might have. Alteration, amendment or modification. It says this agreement may not be altered, amended or modified except in writing approved by bfi and giles and the city manager of the city of austin or its designee. To me, that sounds like the city manager does have the authority to change this agreement, which is
-- and maybe I'm missing something, which I understand is what ties down that 2015 closure date.

>> : I'm not in disagreement with your interpretation, however there is an exterior process

through tcq for amendment to the existing permits, and that existing process through tcq does require city council involvement, as well as neighborhood involvement and public input. So that's what I speak to as the process.

>> Morrison: So the process, it would have to be a public hearing in front of the city council.
[04:56:26]

>> : Yes.

>> Morrison: And we might make a position or take a position one way or the other, but tcq doesn't necessarily need to abide by the city council provision.

>> : Thank you to the city manager. There is a contract that you're referring to between allied and the city, and that's the clause that you're speaking to. What I'm speaking to is a tcq state-required process for permit modifications.

>> Morrison: And so to

-- so if there were a proposal to extend the life of the landfill, tcq requires that there be a hearing in front of council.

>> : Yes.

>> Morrison: But it does not require that council support it?

>> : You may be right on that. I would have to look at their process and the words in the process. I am aware of the process, but I'm not aware of the fine-tuned words that you're speaking to there.

>> Morrison: This was actually a matter of some interest a few years ago, and I think it might have been before you came.

>> : Yes.

>> Morrison: Because there was a concern because there was an agreement made between a party about landfill closure and city staff, and it contradicted

-- or it

-- what's the right word? It did not align with the council's position. And the agreement by staff, signed by staff stood. So I just want to make it real clear that we are in a position here, as I understand it, I'd be glad to have staff tell me otherwise, that there is a scenario under which a landfill

-- the life of the landfill could be extended where the council opposes it, but staff signs onto it. Not that I'm suggesting, city manager, that you would do that, I'm just looking at the theory here, the concept is that as I understand it.

[04:58:27]

>> : My understanding of the process, and I'm not referring to the contract. I'm referring to the tcq process, you may be right. It may be a hearing, but not contingent upon the will of the council.

>> Morrison: It would

-- I think it would be great if it's contingent on the will of the council, but unfortunately it is not, and I wonder if we'd get our legal staff to confirm that.

>> : We'd have to do some research.

>> : Council morrison, I believe the tcq would have the final decision over these matters, so I don't think the council could usurp that decision making authority.

>> Morrison: Great. Thank you. And I have a question for the makeer of the motioner. I'd like to understand the rationale for why put in the extension possibility as opposed to

-- and I understand the extensions would have to come back to council, as opposed to just adopting the z w ac recommendation which did not include the extension.

>> Spelman: In two years is the colow

-- I needed to get permission first.

>> Mayor leffingwell: Yes, council spe@man.

>> Spelman: In two years, it's going to have to go someplace. If we have only a two-year contract with allied or tds or whoever it is, when that waste is still being produced two years from now, we won't have a contract, so it seems to be it would be only prudent to have an escape valve if we're not able to go with mr. Gedert's plan to have a bundling of all these contracts. That's already two years from now, we're still going to have to produce that waste, still have to take it someplace. This would give it some place to take it at a fee that we understood in a reliable way, but only with council approval.

>> : If I may, mayor.

[05:00:30]

>> Mayor leffingwell: Yes,.

>> Morrison: You were

-- made a contract about holdovers from contract, like we have the hold er possibility currently in our tds contract. Is there a difference, fundamentally, contractually between a holdover possibility.

>> : We would have to look to the legal department and look at that in regards to some legal advice as to how that worked. But basically, the holdover, again, is a contingency we put in there for when a contract hasn't been awarded, and it takes the same conditions of the original contract and brings it forward versus as a new bid. And so we only use that holdover, and we try to limit it to the ability to go through just what we need in order to get the new item approved by council. And then it's a limited to the ability for dollars that we would have to come back if the dollars for some reason

-- we had dollars left in this contract, so a holdover doesn't have any dollars added to it. So when we looked at it, we had enough dollars to handle the 90-day period, and we don't have enough dollars in this contract. So we're not sure

-- we couldn't give you legal advice on how you would take an item that you already approved and then add dollars to that contract in addition to that. We couldn't

-- I couldn't do that for the dye

-- dias.

>> Morrison: So it does sound like a holdover is contractually in the contract, something different than saying we've just got extensions that have to come back. And I wonder if maybe some middle ground here might be to really indicate that we understand that there's going to be new contracts that are sort of integrated and coordinated across the city enterprise by 2015, that this be established not as extensions, but make sure that there's an opportunity for holdovers ine contract should we not make our goal of 2015 and require that any use of a holdover come back to council for approval.

[05:02:45]

>> Mayor leffingwell: That would be your amendment? Councilmember spelman, do you accept that.

>> Spelman: I'm not sure. I'd like to ask a question if i could.

>> Mayor leffingwell: Okay.

>> Spelman: The difference between a holdover and extension is time, or is there something else involved besides that.

>> Morrison: Maybe mr. Johnson

-- not being an expert in purchasing, it might sound different. To me it sounds different. Oops.

>> : Byron johnson again. It's time. It does not add any more money to the contract.

>> Spelman: Okay. So here's the situation I'm thinking of. We've got waste, which we're producing at a reliable rate. We are spending money to have it dealt with in a variety of ways at a reliable rate. We get to the end of a two-year contract period and we've spent the money in the line and the contractor has done what they're supposed to do. Then we're left without a contract. Would a holdover give us a way to continue spending money at the usual rate and disposing in various ways of those materials in the usual rate, or do we need an extension to do that.

>> : Given your scenario, it does not add dollars, so it wouldn't give you ability to hold that contract over, because it doesn't add any more money. Only an extension with dollars, unless you, for some reason, added dollars to this contract in the item of

-- before you today, there would be no more money left on the contract. It only adds time, not dollars.

>> Spelman: Given that we're dealing with the city of Austin here, we are the city of Austin here, and we make lots of plans, but our plans are not always coming to fruition at exactly the time we have in mind, we get it all done sooner or later but not always when we think it's going to get it done, it seems more prudent to give ourselves an escape valve with the contracts of this kind. And it seems to me that the holdover would be a much preferred escape valve if we could meet the terms of a holdover, we have more money left, we're only talking about a short period of time. I'd much prefer that. But if it turns out that we're not within a couple of months and a few thousand dollars of being able to bring all these contracts together as expected in 2015, we may need a little bit more time, and I don't want to be left in a position without a contract. Now, let me ask you a question, Byron, about that. If we were in a position without a contract and without a possibility of an extension, and we're gathering

-- we're producing waste that needs to be dealt with, what would we do?

[05:05:19]

>> : We could consult first with the law department, determine that it would, indeed, meet the provision that would allow it to be handled on an emergency basis business, and then we would take

-- basis, and then we would take emergency bids in order to get a contract in place, and then we would take a ratification contract back to council for an emergency contract to do that.

>> Spelman: In your experience of, have we gone through this procedure before? Actually sought emergency bids.

>> : We have done emergency bids on occasion as we needed.

>> Spelman: And in your experience, emergency bids, my guess is, they would be more expensive than a non-emergency bid. Is that accurate or does it really not matter much.

>> : I can't predict the future. I'm sorry. In the past.

>> Spelman: We can all predict the future, it just won't be any good.

>> : I wouldn't be here if I could. But the answer is, in the past when you've had a short-term contract versus a long-term contract, a long-term contract gives any company the ability to divide their costs associated with that over longer period of time. A short-term contract doesn't

give them the ability to do it. Sometimes we've seen people that have bid prices because they're interested in short-term contracts, and other times we've seen that it has cost us more money. So we've seen both scenarios.

>> Spelman: I won't ask your advice on this, I'll just make the statement. And if you want to tell me, councilmember, that's wrong, don't make that statement, you should feel free, but it seems to me, mayor, that it would be more prudent for us to have the extension. I'm really, really bobby gregory doesn't want us to take it, but we might need to have an extension, and I think it would be appropriate for us by council

-- with council consent to have that as a possibility.

>> Mayor leffingwell: Let me just say, I agree with you councilmember spelman on that. I mean, your motion did stipulate that council action would be required for an extension, so I think that gives us coverage in an area and ensures that we won't be having to make an emergency request for proposals or some other action that might cost us more money. Just seems simple to me to make the request for extension. If the extension is denied, then you can rebid for any contract. Mayor pro tem.

[05:07:46]

>> Cole: I have a question to mr. Gedert. We had the discussion about the merits of extension and not having an extension, and it's really focused on the fact that z w ac didn't recommend it. Why did they not want them.

>> : Different reasons than i. The september 30th, 2015, as i recommended, is based on the consolidation of contracts. Swa c was discussing the lifespan of the landfill and did not want to enter into a contract that extends beyond the life of the landfill, so that was the nature of their conversation.

>> Cole: So as long as we're ending the contract on the september 30th, 2015 date, based on your understanding of zwac discussions, they would not be concerned about a potential extension?

>> : Yes. Councilmem ber morrison.

>> Morrison: I have one more question and I think it's probably for byron. And that is, is it possible if you get into a situation where you would like a holdover for a contract and there are no monies left to fund that holdover, to come back to council and ask for more money to be added to the contract to cover a holdover?

>> Mayor leffingwell: It may be a legal question if you don't feel comfortable.

>> : I was going to say, we may have to look at that as a possible legal question. The attorney is here.

>> : Assistant city attorney. The question of whether or not you could add additional funds to the contract, the holdover would require an amendment that would go to council and be approved, however, it would be subject to state law requirement of competitive bidding, unless the amount of the amendment was not more than 25 percent of the original contract. So, in other words, if you wanted to consider a holdover and add additional funds to the contract, then the amendment would have to come to council for authorization, and there would be a limitation on how much could be funded through that amendment.

[05:10:25]

>> Morrison: Can I just say, that's very impressive that you know that right off the top of your head.

>> Mayor leffingwell: I'm impressed.

>> Morrison: Yes, because it's a pretty

-- so thank you, i appreciate that. So there are some possibilities here, and I guess the reason I'm sort of pushing this is because I think we're all on the same page here, as councilmember spelman mentioned, you know, we don't want it to be ex10ed and lots of people really don't want it to be extended, and just holding that as an option, if we have it in the construct of a holdover, to me, that's a much stronger statement, and frankly, when this comes back t council, if it's needed to come back to council, there may be different people making this decision. So that's why I gather

-- well, I'll give the maker of the motion one more chance to not reject my proposal, but

-- oh, councilmembers.

>> : Councilmember morrison, just one point, the solicitation, as I understand it, provided for council to authorize and extend the contract for up to two 12-month periods. And from what the purchasing officer said earlier was that, you know, the tool is in place. Right now if you do authorize the contract with two

-- the two 12-month extension periods, in order for the extension period 1 or 2 to be exercised, that that matter would come back to council for authorization before the city manager could authorize the negotiation/execution of that amendment. You have the protection currently in that solicitation.

>> Morrison: I understand that. I'm making a different point.

>> : Okay.

>> Morrison: And that is if it has to come back to council, the fact that it's a holdover will be a bigger sign, it will be a red flag that we really didn't want this to go on more than until 2015, then if it's just, you know

-- it may well just come back and look like a let's just extend this, let's just extend it. For that reason, I do think that it's better to leave it to take zwac's recommendation and if it's

-- if that's

-- that amendment is rejected, fine. Councilmem ber spelman.

[05:12:55]

>> Spelman: Have another question. Let me rely on your expertise just for a moment. Don't go anywhere. So 25 percent increment on top of the holdover of the contract would be allowable for a holdover and no more than that.

>> : Yes, sir.

>> Spelman: So we've got a two-year contract 25 percent of six months, so we get up to a six month holdover without running afoul of state law. If it has to go longer than six months worth of spending, if it has to go beyond that point, then we would need to rebid the contract?

>> : Yes. That's correct.

>> Spelmokay. My apologies for not being, it is still from my point of view very early th in the morning. I don't start to become articulate until 3:00.

>> : Councilmember, these questions are excellent. These are questions that come up from time to time with my clients that are, you know, looking at city business, because it's important. So it's good the questions are being asked.

>> Spelman: Thank you for your kind words and thank you, councilmember morrison for giving me just one more chance. But strong political statements I don't think are necessarily the same thing as prudent financial policies, and we may need more than six months and six months' worth of spending in 2015. I hope we don't. I don't know how to say that to the next kowrch sill that

will be here in 2015 that will not include me, but it may include at least some members of this council. I hope they remember this, even though one of them is potentially in china, that's -- I hope something kathy remembers and something chris remembers. The rest of us will not be here unless they're running for mayor, and I won't go into that at all, but the rest of you should feel free to at your own time. It seems to me that we've already made a strong statement as we can reasonably make, that we don't want this to go on into 2015, but it -- go on beyond 2015, but we need to be prepared for that and not may for the nose for stuff that we can dispose of as a reasonable rate. So I'm rejecting the amendment. Councilmember morrison.

[05:15:16]

>> Morrison: I would like to make that as a formal amendment, that is that we not include the extensions to the contract with the understanding that there is a possibility for limited holdover.

>> Mayor leffingwell: Motion for amendment by councilmember morrison. Is there a second for that?

>> Mayor leffingwell: Second by councilmember riley. Is there any discussion on the amendment?

>> Mayor leffingwell: All in favor, say aye. Opposed say no.

>> Mayor leffingwell: That fails on a vote of 2 to 4 with major major

-- mayor pro tem.

>> Cole: Yes, I voted no.

>> Mayor leffingwell: With councilmember spelman and councilmember martinez voting no. So now the vote is on the main motion.

>> Cole: I don't know if we got a second. I will second that motion.

>> Mayor leffingwell: I seconded that motion a long time

-- time ago. Sorry. All in favor say aye. Opposed say no. Passes on a motion of five to one, councilmember morrison voting no. Now, with that objection, council, item 61 has no speakers because the speaking opportunity has been closed. We can take up that item now this is on third reading or the downtown off street parking proposal. Councilmember riley.

>> Riley: Mayor, we have discussed this item at length and we have continued to work on this based on those discussions. There is one remaining issue that has required some further attention, and that relates to provision of parking for people with disabilities in instances where a business is not required to otherwise provide any parking. We have kept the parking requirements for that purpose in place for businesses

-- for uses greater than 6,000 square feet. We have gotten a map from staff, which we received the other day, showing a location of the existing on-street handicapped parking spaces. What that showed is there's not much of a pattern to it. There's some places where there is a fairly healthy number of on-street parking spaces for people with disabilities, there other spaces where there's a lack of on-street spaces. What I would propose by way of this amendment that I've just passed out on the dias, is that we allow some flexibility, so that the director can make determinations on a case-by-case basis. In general, we would continue to require for uses greater than 6,000 square feet, we would continue to require handicapped parking as we previously discussed. That parking could either be provided on site or when that is not possible, it could be provided off-site in a structured facility or on the street. But this language would also provide the flexibility for -- to allow for a fee in lieu process, where an applicant could pay a fee in lieu to actually provided the parking and in instances where the parking could not be provided in the vicinity, or at

some point down the road if the director determines there's also an ample amount of peep on-street, the director could waive or reduce that requirement. One other feature we discussed recently relates to the distance for those spaces to be located away from the use. When we talked about lowering the distance to 250 feet, but that was actually not passed on second reading, so this amendment takes that 250 feet number, recognizing that for people with disabilities, it may be difficult to get more than 250 feet for use, this reduces the radius for handicapped parking spaces downtown to 250 spaitions. This amendment meets all of the object tifers we discussed before that we do everything that we can to provide an ample amount of on-street parking nearby but allowing for some flexibility in situations that there are reasons why that simply is not practical. So with those

-- with that amendment, I would move approval of the item on third reading. Councilmem ber riley moves approval on third reading with the amendment that's been passed out.
[05:20:21]

>> Spelman: Second.

>> Mayor leffingwell: Second by councilmember spelman. Councilmember morrison.

>> Morrison: Appreciate the new idea and the idea we need to keep the 250 feet in there. In terms of the fee in lieu, it says here specifically it would be used by the city to construct and maintain accessible parking in the vicinity of the use, can you

-- and it looks like comma. It needs to be a period. Can you provide some examples of -- because, you know, it's not like we're going to be able to gather a little bit of money and build a parking garage. Can you provide some examples of how we might be able to construct and maintain accessible parking in the vicinity with

-- you know, with small projects? With a small amount of money.

>> Riley: It's a nightmare. Councilmem ber riley.

>> Riley: We had worked with staff on there. There are varying costs for providing on-street spaces depending on the conditions in the immediate area, and the idea is similar to other fees in lieu that we allow, that they would simply go into a pool that would be available to the city to implement additional parking in the immediate area. And so we would have

-- so our transportation staff, together with public works staff would have some flexibility in actually administering those funds so as to ensure that there is an adequate amount of on-street handicapped parking.

>> Morrison: That sounds like a very positive approach. My only concern would be to make sure that, you know, keep in mind that we are now talking about a building that may well not have parking close enough, and so I wonder if there has been any discussion about the term "in the vicinity" you know, that could be a mile away and clearly that's not what we're looking for. Is there some way to clarify that in the vicinity, the goal would be that it be close enough for reasonable access to the building that generated the fee in lieu.

[05:22:35]

>> Riley: If I may continue, that is certainly what was consen plated by the language. I know we do have very able staff here who might be able to address that. We have worked with staff in developing that language.

>> : Yes, council, mayor, robert fuller, transportation department. With regards to on-street parking provision with handicapped spaces, the new regulations that are promulgating through the process that the feds call pro ag, will set the formula for where you provide those parking

spaces. It allows you to not just contemplate a single block face, but the faces of the block around that defined city block to place the spaces. As you know, here in Austin, specifically in the core, we do have a little terrain, and some block spaces it's not safe to provide or it's prohibitively cost-prohibitive to provide a handy capped space because of the slope of the street. So the new regulations that are coming, or that we're actually voluntarily following, allow you to move the space around the block face to make good sense. We would continue to base our calculations of the number of spaces needed based on the street, characteristics of street form laxer but clearly as you can

-- formula, but clearly as you can see there are historic spaces that don't have sufficient handicapped parking. If a development were in the area of one of these blocks, the thought would be we would try to locate it

-- locate it within the street formula to locate it to the block as close as possible. Of course, it's will be our goal to provide those handicapped spaces on the block where it is occurring.

>> Morrison: So in the vicinity to you would be defined by the standards that are.

>> : Absolutely. Absolutely mors ors and when we

--

[05:24:38]

>> morrison: And I see that this also contemplates that the establishment of the fee would be bicep prat ordinance, so we don't have an

-- by separate ordinance, so we don't have the opportunity to evaluate what the fee would really need to be set to to make it worth while, so to speak.

>> : Right. And provision of those spaces, it's

-- it could be as simple as if we have back-in angle parking, simply providing a curb ramp or wheelchair ramp between two spaces and removing one space in the middle so that you get that loading and unloading capable, or it could be as extensive as having to go in and level the parking space to meet the standards for ada. So the cost could vary, as we move forward with this. Of course, that's the trick about setting a fee, is you try to get it sustainable the first time, but then you monitor those costs and modify it on an annual basis.

>> Morrison: So when you do that work, if I could ask that, you maybe bring some examples to us of the wide spectrum of costs.

>> : Sure.

>> Morrison:

-- That might be provided so we can take that into account.

>> : Yes, councilmember, as you know we've been doing some construction on south congress where we have some recent information as well as other places.

>> Morrison: Great. If I could ask one question of mr. Z lack, I wonder if you could point us the discussion we had the last time around on second reading, I had raised the question of calculating the number of spaces and there was a bit of a discontinuity, if you had no spaces, you had to provide a certain number, if you had one space, you might, the way it had been crafted, you may have to provide fewer than if you had no spaces, and I think that you put that the direction was for you to come back with a way to address that. And I wonder if you could just point to where in the ordinance we got that taken care of.

[05:26:49]

>> : It is on part 6 of the ordinance on page 3, paragraph one, it says if off-street parking is provided, it must include parking for persons with disabilities as required by the building code. The language we added it may not include fewer accessible paragraphs that would be required under paragraph two of section 2 a of this subsection.

>> Morrison: Great. Thank you for taking care of that so elegant.

>> Mayor leffingwell: All in favor of the motion say aye (aye).

>> Mayor leffingwell: Opposed say no.

>> Mayor leffingwell: Passes on a vote six to zero. We'll go to item no.36. And that was pulled by councilmember morrison. Do you have any comments? We have one speaker signed up. Laurie wayley. The speaker is not here.

>> Morrison: Thank you, mayor. We had an extensive discussion at our work session about this. This is an ordinance that would extend the life of a demolition permit to two years, plus they would get a one-year extension, and I guess I don't want to rehash all the ins and outs of that conversation. I will say that we got a fiscal analysis from the staff that said it would be a minimal fiscal impact. So I can acknowledge that. My

-- from my point of view, i believe that it's still better. The option that I had provided

-- they had suggested, it was an option that instead of extending it to two years and then with a one-year extension, that we actually stick with six months and provide for multiple extensions, and so I do want to make a motion that we

-- I'll be happy to let the sponsor make a motion, but my motion is going to be that we actually adjust the ordinance so that

-- so that we take the approach of to six months if you'll pass this down city manager, six months with multiple extension.

[05:29:23]

>> Mayor leffingwell: Did you want to wait until a motion was on the table.

>> Morrison: So I would like to wait until a motion is on the table.

>> Mayor leffingwell: Recognize reilly.

>> Riley: Moves approval.

>> Mayor leffingwell: Second by spelman. Councilmember morrison.

>> : So I would like to extend this for a total less than up to three years. The extensions would have to be requested every six months so that this achieves the basic goal of the ordinance but fits within the existing tracking procedures, so I think I'll just go ahead and make that a formal motion for an amendment.

>> Mayor leffingwell: Amendment proposed by councilmember morrison to keep the term at six months, that's a sumization.

>> Morrison: That's right.

>> Mayor leffingwell: Is there a second for that?

>> Mayor leffingwell: That motion dies for lack of a second.

>> Morrison: Major, I would like to make

-- mayor I would like to make one more motion, as we discussed in part three of the ordinance, it waives the review and the amendment process and review for the adoption of this ordinance, which was required public notice and some public hearings. We got an interesting e-mail last night, I think, all of us got it from karen mcgraw, just ta posing this item that's being done without review, and item no.85, which is actually being postponed again, item no.85 is to correct an error that was made by staff in our code in 2008. Process was in two years ago.

>> Mayor leffingwell: The juxtaposition on the one hand.
[05:31:31]

>> Morrison: And on the other hand to be able to even correct the staff error from five years ago yet again today we're asking for postponement so that we can have more notice and more public discussion, I think is very compelling. So I think that this deserves public discussion and so with that, I would like to make an amendment that we strike part 3, which waives the review process and I imagine that that would cause

-- may, in fact, use other changes to it. I'm not sure if other changes to the ordinance would be required because of that, so my motion is that we strike part 3 and perhaps just have this on first reading if staff says that that might imply different changes. Could I ask for your input on that, mr. Lloyd? [One moment please for change in captioners. Braks

>> aye.

>> Mayor leffingwell: Passes on a vote of 5-1, council member morrison voting no. This brings -- the only item remaining that we have on our consent morning agenda is item 37, number of folks signed up to speak. If they

-- if all the speakers speak, we will not be able to complete this before recessing for

-- not recessing but going to citizens communication at noon, so with that we'll go ahead and start through the speakers. First is don toner. Donating time brian coughlynn, raise your has not, please. Brian graham moore. Okay. Robin graham moore. Claire ludwig. So you have up to 15 minutes.

[05:34:25]

>> Won't need nearly that much. Thanks, mayor, city council. I'm don toner, producing artistic director of austin playhouse. Several studies including a recently completed art survey, which was jointly funded by the city of austin and austin playhouse, have demonstrated the great contribution the arts make to the city of austin's economy and to the unique quality of life in austin. Austin playhouse plays a major role in providing paying jobs for artists, high-quality professional productions for thousands of austin residents and visitors each year. We consistently rank at or near the top of the peer panel review scores. When we came to you seeking help to fund our proposed new theater building at miller town center, the estimated need

-- amount needed to close our funding gap at that time was between 150,000 and 750,000. A resolution passed unanimous I to direct city manager to seek funding for this

-- seek funding for this project. Shortly after council passed by 6-1 a resolution to grant austin playhouse \$150,000 to help fund the building project, provided we could find a way to make up for that other \$600,000. At my suggestion a deadline of march 31 was set to coincide with the expiration of our purchase agreement with catelis. Our loan commitment was not in place by the end

-- by late in march, but because of the progress we had made in funding the

-- funding

-- in fundraising and budget trimming, catelis agreed to extend our purchasing agreement through the end of may. In answer to a question from janet siebert from economic growth and redevelopment, i reported that through a combination of 150,000 in new board pledges and budget savings we had met the \$600,000 goal. And we have made significant progress since then. I contacted council member tovo's office to ask

-- because she had sponsored the item in the first place

-- to ask that a deadline be moved to coincide with the catelis agreement extension. Council member tovo was about to leave on a trip for china but her aide, shannon tally, set about to secure the requested extension. Imagine my surprise when i was notified a few days ago that item 37 was posted on today's agenda. Our choice of building at miller town center is the right choice for austin playhouse. It's the right choice for the miller community and for austin in general. But it comes with a high price tag. Just to close on the site we need over \$1.2 million.

Land

-- the land cost, the lot, which is less than a half acre, will cost \$514,879. Infrastructure fee in lieu of taxes because we are a tax-exempt organization will cost \$179,792. And the parking, our charge for parking is \$582,000,925 all is due to cat elis some passed back to the owner at closing. At construction we need to satisfy catelis that we have the financial capability to complete the project. Our fundraising efforts will go on throughout the nine-month construction period. This building is not meant to benefit austin playhouse artists and audiences alone. As was the case in our former case, pan field, our theaters will be used by several of austin's small performing arts groups who rent space on a show to show basis. Our lobby will be used for special events, like fundraising galas for other nonprofit organizations. We have spoken to leaders of neighborhood

-- our neighbors at miller like austin children's museum and the austin film society, about using our stages for their programs. Once in this new facility we will add a children's theater program and a school of acting to complement our other programming. There are 50 to 60 small theater organizations in austin vying for the very limited performance spaces. An investment of a few million dollars by the city in new theaters would pay tremendous dividends to this community. In addition to all the current and future programming at this new facility, we will continue to grow our benefit performance program that has raised thousands of dollars for austin human service organizations. I can't promise this project will succeed, but taking this \$150,000 away from us will deliver a severe blow to our chances of securing the necessary financing to close on the site and commence construction. So I feel I owe it to the artists and our audiences and to all the members of the austin theater community to oppose this item. The passage of item 37 can only send a message to the many hard working artists and administrators of the austin theater community that their needs are not important enough to merit the help of city council. That will conclude my statement. There are others, I know, who can fill you in on some other aspects of this project. Thank you.

[05:40:28]

>> Mayor leffingwell: Thank you. Gary grief. And you have three minutes.

>> Thank you, and good morning. Name is gary grife, I am the attorney, or one of the attorneys for austin playhouse, and for purposes of full disclosure, I'm also on the board and, quite frankly, I'm a long time subscriber to an extremely good theater. I've worked with austin playhouse through the entire process of purchasing this property at miller town center and related matters. Don toner, the architect, my office, along with countless others from austin, austin playhouse and otherwise, have dedicated a lot of time, efforts and energy to get this project done. In that process I myself, my firm, has donated over \$20,000 worth of free legal services, and I expect to continue to do that until this theater is built. To the best of my knowledge, all of the issues regarding the contract, any title issues, and other matters have been completed with cotelis. From a legal standpoint austin playhouse is pretty much ready to close the purchase. There has been some delay increase process for various reasons. The final contract and plans for the playhouse

were driven to a large extent by the deal with the austin children's museum. It's my understanding that cotelis wanted to get the austin children's museum in place before turning its attention and commitment to our transaction, and I think we all believe that a pairing of the austin children's museum and the austin playhouse is a good thing for austin. Austin playhouse has worked very hard to make arrangements

-- locate and make arrangement with a good restaurant to share space with austin playhouse.

We've met with austin java. We've worked through the details of the cooperative agreement, and basically we're ready to put all of that into place when the purchase of the property is ready to close. I ask that you maintain a commitment to assist a very high-quality theater, a theater that is not only treasured by many austin citizens but also brings a lot of outside visitors to the city. I'm concerned that to deprive austin playhouse of this critical portion of their funding may effectively lay waste to all of the time, effort, energy and expense incurred so far. And to the disappointment not only of austin playhouse but all of its subscribers and supporters in the city of austin, I ask that you please vote no on this ordinance. Thank you.

[05:43:40]

>> Hans venable? Donating time is rachel dendi, thomas parker, molly carach. So you have up to 12 minutes.

>> Great. Thank you. Hello, mayor, city council members. My name is hans venable. I'm here to ask you to oppose item no.37, which takes away \$150,000 that you appropriated to austin playhouse to build a new theater at the miller development. I am president of the board of austin playhouse. I am a cpa here in austin, a property owner and I've been involved with the theater community for almost 30 years. I am a big fan of austin playhouse because of the sense of community that austin playhouse has developed and the way it benefits austin. Austin playhouse is a theater for everyday, ordinary people. Our ticket prices are reasonable as compared with any other professional theater in austin. We always offer half-price tickets to students. Our season subscribers help us to select the shows that we produce. Austin playhouse provides more working weeks to professional equity actors than any other theater in austin. In addition, it consistently pays non-equity actors more than any other theater in austin. That means that austin playhouse is dedicated to providing things like health insurance to professional actors and a living wage to professional and nonprofessional actors. Austin playhouse's theater at miller is a project for austin, it is designed by an austin architect, it provides a critically needed new theater performance venue for austin. It will provide a structure for the construction of low-income housing above it. It provides opportunities new collaborative actions with organizations in the east austin community. Austin playhouse chose the miller site in large part because of its proximity to the austin children's museum, which gives us the opportunity to develop a new exciting children's program for austin which will include children's theater productions, education, special events for children and innovating children into our various productions at austin playhouse. Affordable theater space is becoming more and more scarce within the city of austin as rents become more and more expensive. Austin playhouse will offer space in our facility to other nonprofit organizations, dance and small theater companies, as we did at our previous home at pennfield. Another way austin playhouse benefits the community is through our benefit performance program, which has raised hundreds of thousands of dollars for austin human service organizations through ticket sales and silent auctions. Over a two-year period we've produced over 20 benefit performances that raised more than \$90,000 for nonprofit organizations like st. David's health care volunteers, the exchange club of austin, executive

women international, literacy austin, rotary clubs and other organizations. While these organizations introduce a diverse population of austinites to our work, these performances greatly benefit the community by providing a creative means of raising funds for various worthy causes. Austin playhouse supports austin. The \$150,000 that you appropriated to austin playhouse is a small but a critical part of making the \$4 million first phase of this project happen. I ask you to oppose item 37. It will be a huge loss to the austin community if this project does not go forward and the many opportunities that this project has for the community and the theater in general. Thank you very much.

[05:47:53]

>> Mayor leffingwell: Rick roemer. Is laura lawberg here? Apparently not here. So you have three minutes.

>> Good morning. My name is rick roemer. I am an actor here in austin and have been for the past 11 years. I'm a member

-- a company member of austin playhouse. I have been for six years. I'm also a professor of theater at southwest u in georgetown and that's the topic I want to reference on this issue. To preface this I'm urging you to vote no on no.37. Maybe you aren't aware of how our professional arts organizations interact with our universities and colleges. Austin playhouse has interacted and collaborated specifically with all of the universities, but really in an intentional way with st. Edward's university and southwestern university. I know I've been there for 13 years at southwestern. Our students

-- there's two specific issues I would like to address. One is academic internships. We at southwestern, like any other liberal arts, encourage our students to go out and work with internships professionally. Not all of our students can afford to go to new york, london or chicago. Austin playhouse provides an outlet for accredited academic internships to allow our students to work in a professional environment with professional artists, which furthers their education. Also, austin playhouse provides opportunities for our young artists, designers, technicians and actors to work and build their professional credits and allow them a pathway to graduate school, which is becoming much more competitive today than it was in the past. A student cannot just graduate with a ba and expect to get into graduate school without some kind of professional credits. I know for a fact two of our students, jessica colleen mitchell who graduated from our institution in 2007, as a scenic designer and cliff miller who graduated in 2007 as an actor, both work extensively at austin playhouse, and were accepted and admitted into smu's school of the arts, and i know from my relationship with those colleges that their work at austin playhouse was a large part of that acceptance because of their professional experience. So I just

-- I think it's important that

-- there are others that will talk about the benefits of the arts, which I certainly agree with given my bias and what I do for a living, but specifically the interaction with our university, and if we lose austin playhouse in this city, there's a huge hole in our program for our students, and they are forced to leave this city because they do not have the opportunities that austin playhouse provides them. Thank you. Again, I just urge you to vote no on this item 37.

[05:50:59]

>> Mayor leffingwell: Thank you. Davetta george? Donating time is jason newman. Is jason here? Okay. You have six minutes.

>> Thank you. Thank you very much.

>> Mayor leffingwell: Did i say it write?

>> I was davetta. Any of that will do. Good morning, I am a

-- I'm a professional actress and have been so for 35 years. I came to austin 26 years ago for family reasons, and don toner, then the live oak they're, was the first and only person to give me a job, because I was a professional act rest and all that means

-- actress and that means he was willing to put me on a contract and pay me. It wasn't an exorbitant amount of money but it meant that I am a professional. And I think sometimes we forget

-- those of you who are not in the arts, is that acting and artists are professions. It's a career. We work really hard. I have an undergrad and a grad degree and I also teach in university and I have an acting school. So it is

-- it is not a hobby. It may be for some, but it is not for us at austin playhouse, and it was because of don that I worked and that he created a professional theater company in austin, one of the first. And I don't have the statistics, but I would say that don toner has offered more professional acting contracts than any other theater in this city. And that means a lot, not just for us as actors. It gives us some income, even though we have other income as well, and it gives us a pension, health, as hans has said, but it creates

-- it raises the bar for acting in austin. And I think sometimes the acting community is looked down upon a little bit in this city, and we need support from our city, from our communities to support actors, because we're sort of the heart and soul of the city. That's all I want to say. Thank you.

[05:53:20]

>> Mayor leffingwell: Thank you. aiden McCord? And aiden, you'll have three minutes.

>> Hello, I have been employed at austin playhouse the last four years. I work there in many capacities, stage manager, as a technician, and sometimes as an actress. When I began working there in 2009 I was attending the university of texas, and in order

-- and I needed a job in order to make up for the cost of living that my student loans did not provide. Don toner offered me a job and agreed to pay me more than the original agreement that most technicians would get, just so that I could afford to have that job and go to classes and spend enough time studying. In 2012 I graduated from the university of texas. I have a bachelor's of science in psychology and in neurobiology, and I continue to work at austin playhouse to this day. My experience there especially as a stage manager was instrumental in getting me a job at the university of texas in the neuroscience laboratory. The skills that I gained while working and solving problems, being able to show that I can handle myself as a manager as well as take direction, was very important and instrumental in getting the job that i have now, and in helping to show that I was acceptable for graduate school, which i just got accepted at the university of washington to get a ph. Pharmacology. So this institution is not just for actors and actresses, and -- it's for people who have a passion and have an interest and want to help out

-- help accentuate their skills. The city of austin needs austin playhouse to continue. Austin java is counting on it. The children's museum is counting on it. The people who live in than and around miller are counting on it. So I really hope you vote no against this proposition. Thank you.

[05:55:39]

>> Mayor leffingwell: Walter laich? Walter? L-a-i-c-h. Not here. Is walter here? Walter is here. So you have three minutes.

>> Hello, my name is walter laich. I came on board recently as the interim managing director of austin playhouse. I'm here today to urge extension of the deadline for the playhouse's \$150,000 grant from the city of austin. The playhouse is an integral part of austin's \$236 million nonprofit arts and cultural industry that supports nearly 7500 full-time equivalent jobs and generates \$23 million in local and state government revenue. In its 12 years of existence, in addition to the artistic impact to the performing arts in austin, the playhouse has added significant economic and human impact to our community. Drip we cultivated a large and active subscriber base and annual attendance of 30,000 passionate patrons attest to the esteem that the community holds our group. With regard to the economic impact, since the inception in 2000 austin playhouse has generated upwards of \$4.5 million in revenue. Almost all of these dollars went directly into salas and materials that helped fuel our local economy. The construction of the new theater at the miller town center will result in the expenditure of \$4.5 million in engineering, architectural design and construction costs. The completed theater will also provide sustainable employment for restaurant workers, administrative personnel, technicians, artists and others. Once the playhouse is built another 12 to \$15 million will be pumped directly into our local economy over the next ten converse years through salaries, materials to build stage sets, marketing, office supplies and other expenses. With an economic multiplier effect of 3 this will result in nearly 36 to \$45 million in total economic impact from 2013 through 2022. In addition to these economic impacts austin playhouse also provides significant human impact. Once a new theater is closer to completion, our business plan calls for us to reach out to the ronald mcdonald house and the dell children's medical center to form mutually beneficial strategic alliances. We envision players from the playhouse performing plays for the children at the dell children's medical center. We also envision opportunities for parents and family members who are residing at ronald mcdonald house to obtain a much needed emotional respite as they attend a play free of charge to them during their prolonged stays awaiting the outcomes of the children's illness. Leading synergistic partnership strengthens the overall economy, exception, austin playhouse has offered half-price student tickets to all performances, allowing students affordable exposure to professional theater. This coming season we will implement a free student ticket program for low income, middle and high school students and their families. In a further effort to keep professional theater affordable and accessible, we have nuted a free preview night on thursday before each play. We have instituted a free preview night on thursday before each play.

[05:59:14]

>> Mayor leffingwell: Thank you, walter. Council, we have reached 12:00 noon. Without objection I would like to give

-- we have two speakers remaining, give them opportunity to speak. Then we will not be able to take action until after citizens communication and executive session, so that will be at least a couple or three hours. So if there's no objection we'll go ahead and give the speakers the opportunity to speak now or you can speak later. Ian manners? Donating time is it elizabeth manners. Is elizabeth here? Okay. So you have six minutes, up to.

>> Good morning. My name is ian manners and i am a member of the board of austin playhouse, but i wou like to speak more as a long-term resident of austin as someone who has lived here for 40 years and in that time has seen the transformation of the city. I believe austin playhouse has contributed to that. It is one of a great many cultural organizations, musical performance arts,

visual arts, theater, that have created such a vibrant and lively city, one that brings visitors, one that creates a venue that is attractive to companies and businesses, that has created the sort of city that we value and take great pride in. Austin playhouse, I believe, has been part of that and has contributed to that. That's why this support from the council was so, I think, valuable. It was a -- and so appreciated. It was a very tangible recognition by the city that it supported -- that it valued the sort of contribution that austin was -- austin playhouse was making to the community. It was not a huge amount of money in the overall scheme of the building project, \$150,000 in the total building budget, but nevertheless, it was a critical part. It was a working -- occasion indication the city valued the playhouse. It provided a critical part of funding the gap between what we had already secured and what we needed, and more than that I think it energized those of us who were raising funds for austin playhouse to go out and redouble our efforts. We were able to secure additional funding partly at least because there was this backing from the city council. Let me be blunt. It is -- in that light it is a little discouraging to be back again, but I would ask you to reject this particular amendment and continue to support austin playhouse in its efforts to establish what I think is to be a very exciting complex at miller, along with the children's museum and other organizations, that also as other speakers have suggested, exciting synergies and possibilities for interactive collaborative efforts with other organizations there. And for all those reasons I would therefore ask you to -- I'm sure that is something that the council itself hopes to see accomplished and therefore I would like to see you continue to support austin playhouse. Thank you.

[06:02:43]

>> Mayor Leffingwell: Margo Doab? Margo, you have three minutes.

>> Good morning, Mayor and Council members. I am the executive director of Skillpoint Alliance, and I apologize, this

-- it is not my interest ever in my career to stand and be fighting for someone else's funding, if you know what I mean. It has made me feel badly, but at this moment

-- Skillpoint Alliance has asked for this funding in order to not have to scale back in any way the training that we do for the hard to employ individuals from the city of Austin and Travis County that we've worked with for the last 20 years on behalf of Skillpoint and the city. We've trained almost 120,000 Central Texans in our history. This funding will help us to be sure we don't have to back off the 400. The number of 400 hard to employ we have on the books for the rest of 2013. 150 will be former offenders, 50 will be incarcerated juveniles, 50 transitioning veterans, all of them being trained by us, bring their families one step farther from poverty. They show their children what it means to accomplish something by graduating in a blue cap and gown from the training we give them. They have certification from OSHA, Red Cross. They get jobs. 85% of our graduates are employed within 30 days of their graduation in the trade that we have trained them for. 90% of them graduate. In asking for this funding we are hoping that we won't have to disappoint any of them who are in the queue right now because when you take a very fragile person and you've said this is when your training will begin, and we have to say, sorry, we're going to move it out three months, that can be the end for that person. It's very simply a population that we work with that we have fidelity to that I believe no other organization works with day in and day out as we do, as we will continue with or without this funding to do. But if we don't have this funding, we'll reduce some staff. We'll have to pull back, and that will, in fact,

affect the level of the training, or let's

-- we are the secret sock that makes our training work. If we're not in the classroom, the classroom suffers, and that's where we would look for reduction if we don't have this funding. We're grateful that you considered us for this. We're grateful for all the years that we've worked together, and I'd like to think that the graduates that come through our construction discipline might be able to work on helping this project to be built. We're also, you know, focused on east austin, title 1 schools. , On making austin the best possible place for everyone that lives here on raising people out of poverty into self-sufficiency. Thank you.

[06:05:57]

>> Thank you, margo. Council member spelman?

>> Spelman: Thank you, mayor pro tem. Margo, if \$150,000 were available day off tomorrow, you would proceed in a particular way. If that were not available until two months from now, you would proceed in a different way, and if that were not available at all this fiscal year you'd proceed differently. I wonder if you could explain to me the differences among those three scenarios, now, and a couple months and not until september at the earliest.

>> Okay. I will do the best I can.

>> Spelman: Please.

>> If we were not to receive the money right now, what we would do is look at staff reduction, salary reduction. We would try and make an internal shift so that no one that's in the queue to be trained right now would be pulling from training. That would be unconscionable for us. If we were not to receive the funding

-- if we knew we were going to receive the funding in two months, it would allow us to at least try and work as best we can with people that are expecting to be trained now, to help them look for something to keep them alert, ready, willing and not discouraged so that we

-- it's very easy to lose people that are precarious at best, so we would try to keep them on board and train them further down the road, but what happens is we start bottlenecking with cohorts we already have. And if we weren't to receive it until september, again, i think we'd reduce by at least 50 the number of adults we train, 50 the number of juveniles, and at would be a big hit to the juvenile

-- it would basically wipe out travis county juvenile. But honestly, our commitment is to the people we train, so we would do everything in our power, no matter what the outcome of this, to make sure they are trained and make sure the hit comes to us as the staff and the administrators.

>> Spelman: Let me simplify that very comprehensive answer. You train about 400 people a year, absent \$150,000 you'll be training only 300 people a year and 50 of those will be incarcerated kids?

[06:08:02]

>> Well, yes, although that's attaching the 150,000 directly to the training and what I'm saying is we'd find a way to train them but we'd have less staff doing it. N other words, i wouldn't

-- we couldn't let the hit be the people in line waiting to be trained.

>> Spelman: Seems like [inaudible] getting to 400 people.

>> Right, trained with staff that's just doing two jobs instead of one, train one less administrative person at skillpoint. We're already

-- we're thinking we're bare bones as we can get but the bottom line for all of us once you're working at skillpoint is you can't heard the people we train. They're the last stop for elimination.

Travis county juvenile is the only program I could say that could potentially be eliminated and that would really be a terrible hit for us. But because of the way it funds and because of the way our staff does two things during that period, that actual program might take a hi0 juveniles in june.

>> Spelman: It is the only separable piece of the things you do?

>> I can actually tell you people would not be served rather than staff [inaudible].

>> Last question, if you could remind us what it is you're training people to do. What jobs do they take when they graduate?

>> Absolutely. We are training people in nine disciplines at this time that this would be part of. Core construction, electrical, plumbing, hvac. We're doing front office, we're doing certified nurse aide, certified medication aide, medical fill-in and

-- come on, margo

-- and in juvenile we do a rotation, so we do construction or culinary, which they're amazing at, and we're doing landscaping with them in this coming summer.

>> Cole: I want to remind my colleagues that we are ten minutes into citizens communication, and we have one more speaker on this item, and we will not take action on this item until after. So we'll be available for further questioning.

[06:10:11]

>> Spelman: I was done with my questions. I wanted to get all that on the table.

>> Cole: Well, you know

-- one

--

>> one quick question,.

>> Morrison: Thank you, margo, so much and i appreciate your helicopters in the beginning. It's a hard one. This is really a hard one. But we had a nice visit recently, and when you visited, I seem to remember

-- I know you were talking about funding needs, and I thought at that point you mentioned a gap of \$75,000. Am I remembering that incorrectly?

>> Yes, ma'am, sorry. I don't recall saying a gap of 75,000.

>> Morrison: Do you remember saying a number?

>> I'm sorry, I don't, but i have amounts, so I can go check.

>> Morrison: All right. Thank you.

>> Sorry, council member.

>> Cole: Please stick around because I'm sure there will be additional questions.

>> Thank you. I'll stick around.

>> Cole: Mr. Clay defoe?

>> Thank you, presiding officer cole, for allowing me to address you all on this one. I know we're running a little behind so I'll keep my comments very brief. This is to resolution to reduce expenditures \$150,000, take them away from austin playhouse and give it to skillpoint alliance. I don't think the need for the money for skillpoint alliance has been properly demonstrated. I do not see why when we have people literally starving in the streets of austin, homeless, people that can't pay their bills, we're throwing around money like it's going out of style. It doesn't seem fair, and i know some of you shake your head at me, think it's ridiculous because it's only \$150,000 and you all push tens of millions each year, if not hundreds of millions

--

>> cole: Mr. Defoe, I want to remind you that the topic is the transfer of funds [inaudible]

--

>> I'm trying to show you the scope

-- please don't interrupt me, let me finish [inaudible] this resolution

--

>> cole: I ask you t respect my presiding and stay top on topic.

[06:12:18]

>> And I would appreciate if you don't interrupt me, mrs. Cole. I'm against this resolution. Let's get to citizens communication. I owe you back the balance of my time.

>> Cole: I am going to entertain a motion to put this item on the table until after citizens communication. That motion is made by council member martinez and seconded by council member spelman. All those in favor say aye.

>> Aye.

>> Cole: We will begin citizens communication with mr. Tom smitty. Go on down, tom.

>> Good afternoon, members, my name is tom smith or smitty. I'm director of public [inaudible] texas office. Today you'll be voting on issues regarding austin energy governance, and this is one of the most important and monumental decisions you'll make as a city council member, primarily because of the vast amount of revenue it generates but also what it means to the city of austin, and its governance, and its general reputation around the nation. It can mean massive changes in the financial health of the city, and also make a big dent in the way our democracy works here. Having elected officials set utility policy has made you an award-winning utility around the nation, and we ask you to be very cognizant of that. The question of why we're doing this on a short-term basis has been kind of a mystery. First it was like because [inaudible] might deregulate us, but there aren't bills to do that this session. Then they hope it was because of a deal in the rate case, but that just wasn't true, and that rate case is about to settle next week, and so the pressure is off, and the question of why we got to do it right now is a mystery, and what we read in the paper is because the mayor has made a promise to see care. The only support at the february 14 hearing for this was coming from c care, and today those big businesses and others get about \$20 million in special deals, and so when you unravel the mystery the question you have to ask yourself is why are they so interested in this? Is it because they want to dominate this new board and continue to get special deals out of the new board? We don't want a utility that's run by a bunch of appointees. This is one of the few times I'm going to be saying, yea, city council, keep on doing what you're doing because you're doing a great job, and because when the board that you guys appointed, the eeuc, looked at this rate case, they came up with a rate package that was significantly higher than the one you eventually adopted and you put a lot of important provisions to protect low income and green programs back in the rate package. Now, we have accountability because of you and because you hear from the citizens, and because, frankly, we can vote you out of office or we can make this an issue in election and support you because of your premise on this. It's important to remember that we had an appointed board 100 years ago that went renegade and we had a heck of a fight to get it back, and that should give you a lesson in history. We've also got people just down the road in san antonio that made a painful mistake because the utility board down there either didn't ask, didn't know or weren't told about a \$4.2 billion cost overrun on a nuclear power plant and weren't able to stop it. And it had to be the city council that stepped in and said, no, don't do that. Now, this ordinance is moving like greased lightning and the study that you all commissioned through the city manager came back

with a lot of questions that need yet to be answered, analysis that has to be done, and you have to question are we ready to actually do that? What we'd like to suggest is instead of moving so quickly on this that you put this up to a vote of the citizens in november of '14 and not support this resolution as it's currently drafted and have the

-- allow the citizens

--

[06:16:16]

>> cole: You need to wrap up.

>> Thank you very much for your time.

>> Cole: Thank you, smitty. [Applause]

>> cole: Next we have mr. Clay defoe, who's speaking on have the austin city council violated my rights and undercover dvp davidson twisted my arm. Oh, you're over there. Okay.

>> That's right. My name is clay defoe. I'm a former candidate for mayor of austin, and I work for not for profit radio stations selling underwriting. These are photographs of a speech I gave last time i spoke to you folks, those that can stomach it, next photo, please. I was speaking about barton springs pool, an issue i care deeply about and about to go down with your so-called improvements. As I was speaking on topic we had mr. Robin cravey go on for about 12 minutes using the term pussy footing, which I don't know what that is, but was very rude and, you know, people were allowed to talk about all sorts of things but not the issue at hand. I was on topic.

Next slide, please. This is what happened as i was giving my speech. About two minutes into my speech I was surrounded by about five people, a couple security guards, the renta cops in white shirts and these apd undercover officers, one of which took a while to identify him and later twisted my arm and insulted me. I was interrupted by the mayor and I'd like

-- next slide, please, and then to the video. This is what happened to me. Next slide and then the video please, starting at 210, sir. Volume, please?

>> Stand by [inaudible] citizens of austin [inaudible] I am

-- I have three minutes and 30 seconds left. What is the problem, sir? What is the problem? This guy will not let citizens speak?

>> There's an peacing viewpoint.

>> I have a right to speak.

>> Protect the speech.

[06:18:20]

>> Next slide. This is the second meeting

--

>> do you understand? I'm asking you now

--

>> walk out the door.

>> Let me

--

>> don't touch me. Hey, don't touch me.

>> Council, please cut the video. This is a very disturbing videhich has now been circulated on youtube and published in other channels. And I find it very disturbing that that happening right here would not be emotionally or psychologically disturbing to you. If you have any care for this city and the citizens in it. It disturbs me watching it right now. I now come to city council in fear

that one of these six officers, one, two, three, four, five, six, seven, will pull out a gun and actually shoot me. For talking to my government. So I want to talk about barton springs. I demand that I have my four minutes remaining returned to me

--

>> cole: Off your topic. Mr. Defoe.

>> Donna violate my rights again. I am allowed to speak on the topic.

>> Stick to your topic.

>> Or you will all have legal action taken against all of you.

>> Cole: Mr. Defoe

--

>> and have a great day.

>> Cole: Thank you. Thank you. Next we have mr. Andrew caits. Mr. Caits, are you here?

>> Good afternoon. I won't be quite as

-- well

-- I'll move on. I'll move on.

>> Cole: Eloquent.

>> My name is andy caits. I'm here representing the austin chamber of commerce and 1200 young professional members, some of which are here today including our executive director melanie plumber. This is really just by the way of an introduction. I have met a few of you before. I believe ms. Morrison and mr. Riley and I think mr. Ms. Toafy at an events last year, last may, where we had everybody sit down and talk with members, kind of like a speed dating type thing. It was great. The feedback we received was outstanding. I would have invited everybody else if it hadn't been for the open megas laws. I just wanted to introduce myself and the committee. We just formed a public policy committee with the young chamber of commerce. Myself, james nordy back there will be chairing the committee this year, and the purpose is to discuss city issues, specifically city issues, and find ways for our members to get connected within the city, network with the city council and get more involved. Our recent meetings have had imagine austin representatives and cap metro representatives come in and talk about the transportation plan, the imagine austin plan and everything that goes along with that. Our next meeting is actually on monday and it is going to include jude galigan who i believe you should all probably know, to talk about commissions and how we can get involved on the city commissions, application process, that sort of thing, as well as julie smith from leadership austin to talk about leadership engaged in the different areas that austin offers us. I've worked with the state at the capitol and in campaigns for a while since I graduated from law school and I know that one of the big issues is young professional involvement, young involvement, specifically how to motivate people to get involved. I'm sure that the city feels the same way and is looking for some sort of city involvement

-- or young professional involvement, and I'm here to let you know that we're here. We have a group of people that are very dedicated and ready to help and to serve, and that if you have any questions of us, any ways that you think that we may be able to get involved and help, we are here to do so. So thank you. If you have any questions I'm free.

[06:22:32]

>> Cole: Andrew, do you have any specific areas that your group is focusing on that they want to get involved with?

>> Well, like I said, the public policy committee itself is very new. The idea is to bring in a

couple of different experts on different topics. Like I said, last time was transportation specifically.

>> Cole: Transportation.

>> We talked about imagine austin and cap metro. But it could be anything, anything. Really, the -- the great thing and the danger about the young professional involvement is that it includes everything, and there's no specific topic that

-- that really boils down to what young professionals in austin need or want. So we will talk about transportation. We'll talk about health care, you know, the new

-- the new med center, everything like that. So I'm going to encourage our members to get involved in the city commissions and to apply, and if there are any other ways that you all know of that we can help out and get involved as well, i that would be much appreciated.

>> Cole: Well, we appreciate you coming down and we certainly appreciate your service.

>> Thank you.

>> Mayor leffingwell: Okay. Kirt vishki, topic is bartonsprings ground improvements. And this is on the agenda later today.

>> Good afternoon, mayor and council, mayor and mayor. I signed up for citizen communication today just to talk about some of the issues I see with the current plan and the adjustments that were made after. It looks like there are some things that

-- some changes were made that seemed positive in the reduction of not expanding the parking lot and moving it back close to robert e. Lee, but recommendation by the planning commission and the planning commission's rejection, they said they wanted to see the ada path made out of impervious product and staff has said, no, it needs to be may have out of concrete because service vehicles will use that path. But in looking at the plans for the ada path, there are stairs and there are switchbacks, so it would be impossible for a service vehicle to be taken down that path. There are many technologies now available to engineer a pervious pathway, and i think that for several reasons, that we should

-- we should

-- that should be investigated and that type of product should be used. One is that concrete is -- production of concrete is a notorious polluter of mercury and carbon dioxide. Additionally you know, this is a protected place. There's an endangered species there, and we should use the greatest possible standards for development that available today. Additionally, we need to reduce the parking that is on top of the sunken gardens. There's a lot of wasted space there. That needs to be moved back and needs to be in the plan if the plan is approved today, that amendment needs to be made. We want to make sure that we do reduce impervious cover that close to the springs. And also, I think it's important that the long-term goal for barton springs' critical water quality zone and zilker park in general is that we come into compliance for impervious cover standards

-- impervious cover standards that we have today. You know, there is an endangered species there. It is a special place. We need to put more effort into protecting the environment there, and we can do that by offering

-- reducing the parking and offer a shuttle service from someplace like the long center. So we're a wealthy city. We have resources. This is an amazing place. I don't know of any other city -- major city that has a spring-fed pool like the one that we have. We need to put the effort into doing the most we can to protect it. Thank you.

[06:27:05]

[Applause]

>> mayor leffingwell: Council member morrison.

>> Morrison: Thanks for the points that you brought up. As mentioned, we have this on our agenda and it's for 4:00. I wonder if I could ask staff, the points that were made questioning whether we could use pervious material for the ada path on the south side, all the way down to the pool, in they could be prepared to answer that question during our 4:00

-- during our public hearing.

>> Mayor leffingwell: Yeah, I think the short answer is going to be it may be in reality pervious but not for purposes of making the calculation. But we'll see what they have to say. Jerry luck?

And your topic is respect democratic process in elected board. You'll have to explain that to us.

>> I haven't really come to city hall very often. I haven't been involved in city politics. Basically I thought things were being handled relatively well. That was before I got involved in tim walton this past summer, and one of the first things that happened was you all passing proposition 4 out of a work session. That got me really concerned. I was

-- and basically I see 10-1 and proposition 3 and 4 as being real similar to austin energy and the two things that are real similar is the role of money, and we're having this year planned for an unelected board being shoved down their throat because of the role of money in this, c care, samsung and people like that that one this done quickly. And so our ability to vote on this proposition is you all, I assume, sometime this evening, of bills at the austin legislature that will take away our aby to vote.

[06:29:14]

Those two things: Money and democracy. You know, the heyday of austin democracy seems to have passed, and disturbingly so, dramatically so. I've had just two quick experiences and I find the same things happening at both experiences. And I don't see a lot of concern on the council that this is happening. I don't see anyone standing up when you passed proposition 4 and saying, this shouldn't have happened at a work session. There should have been hearings about this. This is real important. And the same thing is happening now. There really should be public hearings about this. You all recognize that this is the biggest change in 100 years for austin energy, and it's a huge change in governments, and yet that there aren't public hearings about this. And our abili to vote on this is being stripped from us at the texas legislature. That shouldn't be happening. And so I'm hoping that what you do is that you support a vote in november, as smitty mentioned, and that you also support not just one but public hearings around the city to talk about this very important proposal. The other thing that you need to know is there's very likely to be a referendum on this if you proceed as we think you're proceeding, and this is going to turn into the same sort of fight that proposition 3 and proposition 4 turned into. And so I'm hoping that you'll do things today to head off the possibility of a referendum.

>> Mayor leffingwell: Thank you.

>> Thank you.

>> Mayor leffingwell: Karen creps. Topic is barton springs pool construction project.

>> Mayor, council, people. Thank you very much. I know there's a public hearing at 4:00 on this topic. I also am aware that the honorable council members are under great unexplained pressure to approve this plan tonight in whole as it's been presented. I am here to ask you to please reconsider the push. I understand that if it is not approved tonight you will be

-- the staff will miss

-- will have to refile for construction, and it may delay construction amuch a whole season. If

that happens it would not be the tragedy, that it would be if you go ahead with the plan that is full of holes and unanswered questions. There are a great many unanswered questions. I've attended most of the meetings over the past four years. I'm as eager as everybody else to have this finished, but there are too many questions that go unanswered even though some things have been worked out and some compromises have been reached. During the public hearing i hope to raise some of these unanswered quens that have seemingly been intentionally obscured. One of them I'd like to raise now, and I have an answer for you, which I did not get from staff. The questions are, what is the current measurement in ambient lighting around the pool? Is it above or below recommendations for lighting downward and upward? How will these change the proposed lighting? Will there be an overall increase in the brightness? What's being done to conform to dark skies regulations? Is increasing lighting mandated and will the new lights be solar activated? Well, I have some answers to some of those questions. I contacted mr. Steven bobitch, who is the texas regional coordinator of the dark sky association, and he wrote to me -- what we did was we arranged for him to have access to the pool while it was closed. He took measurements, and he let us know that the current light levels are reasonable when compared to averages for pedestrian walkways and commercial zones. There is some overlighting but not much. Mainly glare caused by the old drop lens fixture, which will be replaced. I would like to know, this is mr. Bobitch speaking what austin energy plans to use to replace these lights. He talked about the new led retrofit streetlights recently and although they were receptive they weren't able to adjust color temperatures or fixed light of their lighting. I am concerned the same type of lighting fixture will be used by austin energy when they provide lights for the pool. Basically the lights are too light and produce too much glare. The job of lighting the area -- I'm sorry, the lighting pattern is uneven under the light, almost twice the light going out at about a 30-degree angle below horizon and is directly below the light. This is the cause of excessive glare. There are a good many lighting fixtures out there that use very little power and would get the job of lighting in the area done without lighting

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[06:34:20]

>> mayor leffingwell: Thank you, karen. Thank you very much.

>> Thank you. Marian marian ne melotok. Topic is austin energy governance.

>> Hi, I'm marian melotok. Thank you for letting me address you. I'm missing kathie here. I hope she's enjoying her trip in china, and I want to talk about the transfer of the governance of austin energy from the city council to an unelected board. I find this

-- I mean, I've lived in austin now for 20 years. I arrived here right after the sos fights, and I've been following city council since then. To me this is the worst item that has come before city council in those 20 years. This is the most egregious thing that city council is looking at doing. I wasn't happy to see project duration scrapped. I wasn't happy to see the water treatment plant, but this really is the absolute worst because what can happen here, and the way the ordinance is worded right now, there is not one word about the transfer of money to the general fund. So the independent

-- and the way it's also worded is that the austin city council transfers all energy-related matters to the

-- to the unelected board except for a few that it enumerates. So this would give the independent board the power as far as anything that would happen where the transfer of energy to our general funds. Which, you know, personally I'm concerned about this for many reasons. This is

obviously being done to satisfy the larger commercial and industrial businesses because of a deal that mayor leffingwell made with the large commercial and industrial customers. So this -- when the rates go down for them at the hands of this unelected board, they'll go up for -- they'll be on the backs of the low-income people, which i find really objection only. It will be on the backs of our libraries, our parks, our public safety. It will be on the backs of energy efficiency. It will be on the back of green. My biggest concern, probably, is that the zombie nuclear power plants could come back. This is like we're in a drought. We can't afford anything that uses any amount of water like nuclear power. I don't see anything in that ordinance that would prevent an unelected board from bringing back nuclear power, or coal, which also uses an inordinate amount of water, and we're in a drought and it's predicted that we wi be in an ongoing drought for quite a while. So to me this is not an acceptable direction to go in. Thank you.

[06:37:43]

>> Mayor leffingwell: Thank you. There are numerous inaccuracies in statements that you made, but I'm going to reserve all those for discussion when the item comes up. Council member spelman, did you have....

>> Spelman: Thank you, mayor. Very quickly, marian, i noticed you talking with tom. If you need a copy of the most recent version of this ordinance to take a look at, I think you'll find if you look carey at the ordinance that we're actually looking at that gives the most important of the inaccuracies in which you just said that I think is important for us to point out, is that it gives no powers to the

-- the city council currently have to an independent board, except for one, which is the power to make decisions about procurement cases up to a certain amount. All we're doing is giving leaving contracting to the board. Everything else the board can continue to rovide advice to the city council. The city council is still making the final decision on all of the cases with this particular action. If you want to have further conversation I look forward to it but please look at the ordinance that's actually before us. It's not anywhere near as egregious as what you're taabout. I don't think it's egregious at all. It will improve transparency and accountability to you and to the public in general.

>> Mayor leffingwell: Since you brought it up, council member, I'd just add, in the ordinance the council does have the authority

-- the authority to review all major decisions with regard to rate making, debt issuance, imminent domain and capital expenditures in excess of \$100 million, which include any major project. So the council has the ability to review those at its discretion. It retains that authority over it. So we'll go to the next speaker. Alan ruddy? Mr. Ruddy, your topic is 2700 edge water perjury, fraud in the city of austin. Let me caution you to be careful with making accusations.

[06:39:58]

>> Yes, sir, I'll try to do. Thank you. I've got some spring allergies so bear with me. Good afternoon. For the past six years members of the edge water neighborhood association have been coming to the city about the problems at 2700 edge water. These were the people who moved their retaining wall out into lake austin and illegally took 1100 square feet of public land during 2007. At every board member, commission meeting and city council meeting these people said no one told them they couldn't move their retaining wall into the lake and that city staff was at fault for any mistakes. An environmental consultant, a former member of the environmental board has told our neighborhood association that he was hired in 2007 before they bought the lot

at 2700 edge water and told these people that the lot was too small to build a house. Again, let me repeat that. A former member of the environmental board told these people before they bought the property that the property was too small to build a house on. In order to move the project forward they signed a restrictive covenant with the city on may 31, 2011. We always told the city the house was too big for the lot, but when the completed house was inspected by city staff, they found water pipes were run to two extra rooms making their house too big for their septic system. This means that false building plans were turned in to the city, and they misrepresented their project at every board, commission, city hall meeting that they appeared before. A real estate agent has told our group that these people probably gained about \$2 million from their illegal taking of public property and manipulating the land development code. Now that the house is built and they no longer wish to honor the restrictive covenant and have submitted a permit to build a boat dock. Was the restrictive covenant signed in good faith or was it just signed to move the project forward? We have heard that they have threatened the city with a lawsuit if they're not allowed to build a boat dock. We would like nothing better than to have these people testify under oath about their action goes the past six years. We have also heard that someone on the legal staff is pushing for the boat dock to be approved. We would like to know who this person is and why they're so concerned about this case. Because this could be a \$2 million case of defrauding the city, we're requesting that a special investigation look into what has occurred at 2700 edgewater during the past six years. We met with greg guernsey this past monday. He knows who this man is, and we requested he contact him. We also request that the boat dock permit be denied and all requirements in the restrictive covenant be fulfilled. The city is supposed to

-- excuse me. The city is supposed to follow the land development code. People who live on a texas river or lake lives by a certain code too. Illegally taking land from a body of water is one of the biggest sins a person living on a river can commit. But the code of the river also says, if one person can do something, then we all get to do it. There are 60 miles of the colorado river from mansfield dam to the bastrop county line and every property owner and developer is watching this case to see what the city does about this illegal taking. If anyone is allowed to illegally take from the river, then you're not only opening a can of worms, you're opening a can of snakes.
[06:43:08]

>> Mayor leffingwell: Thank you, alan.

>> Cole: If you don't take care of that project it's going to continue. Thank you. Any questions?
Annie

-- jeannie ramirez? Jeannie ramirez here? Oh, okay. A lot of topics here. Homelessness, more speaker slots for citizen communication. You have three minutes.

>> Hello, council, mayor. I'm jeannie ramirez and i wanted to tell everybody my experiences during south by. I happened to have conversations with the homeless people downtown when I was, you know, soaking in the music, and one guy, his name was robert young. He was an unemployed musician, sound man. He was homeless. Another gentleman named michael abernathy, told me he was homeless. He had been living at salvation army but then there's only extended time you can stay there and he was working at night at a club called rowdy's on sixth street. I met another homeless man, carries a vet around austin

-- he's not homeless anymore. He has an apartment now, thank god. He carries a flag around. He's a veteran and he has post-traumatic disorder. But he told me his story. He's painting

-- I forgot to bring it because I wanted to show you all. And to ask city council, why don't you all

invite the homeless people here to tell you all their stories? Because I just
-- I want to put this out for the world that
-- and city of austin, of course, don't judge homeless people. We don't know their stories. We don't know how they've lived, what's going on with them. And I just, you know, started talking to all these people when I was soaking up the music during south by and musicians. And, you know, I go to get inspired by the musicians during south by. And I wish we had more positions for the citizens communication. Ten spots is not enough for 800,000 people
-- I don't know how many people live here in austin, and I want to sing a song by woody guthrie, just a snippet. He wrote in the 1940s, for people and poor people.
[06:45:14]

>> Mayor leffingwell: We can hear one minute of it.

>> Okay.

[♪♪ Singing ♪♪] ♪♪ this land is your land. This land is my land ♪♪ ♪♪ from california, oh, to the new york highlands. From the red wood forests, to the gulf stream water ♪♪ ♪♪ this land was made for you and me ♪♪ ♪♪

>> sorry about the crying.

>> Mayor leffingwell: Thank you. Thank you. [Applause]

>> mayor leffingwell: Very good. Malcolm yates? Parks in the eroc area.

>> Can I have the first slide up, please? My name is malcolm yates. I am chairperson of the east riverside/oltorf combined neighborhood planning area contact team. I am here today at the request of the residents of the area around oltorf and wickersham to ask for a park for this area. This area is mainly high density apartment complexes with thousands of residents, but there are not many opportunities for recreation. This screen is the park's web site, showing you the local parks of this area. This screen is actually the park. Our local park is a high voltage power line. The southeast austin trails and green ways alliance maintains andb builds parks in this area. The last two years we have been removing invasive plants from this park. However, when we submitted a modest proposal for a volleyball court for the area residents, the proposal was rejected by the parks department. We really need a real park for this area. There are only a few vacant properties left in the area so now is the time to grab this neighborhood
-- grant this neighborhood the same access to a local park a as other austin neighborhoods. C tag has an eight-year history of building and maintaining parks and trails in this area. If a property is purchased for a a park c tag organization volunteers to help maintain and build the park. Please ask the parks department to buy a property for this area. Thank you for your interest in austin neighborhoods.

[06:47:50]

>> Thank you, malcolm.

>> Mayor?

>> Mayor leffingwell: Council member riley has a question for you, maybe.

>> Thank you.

>> Riley: First I just want to thank you for your advocacy on behalf of the neighborhood and including all of your work over a period of many years towards getting more parks and trails in the area, along with the other residents of your neighborhood. I do have one question and that relates to the relation between this proposed park and the other efforts going on in the area, even working for some time on the country club creek trail, which would be a linear trail potentially

going all the way down from mabel davis down t guerrero and beyond there and the efforts are ongoing. I want to understand the proposal for this park as it relates to that, and you understand there might well be some tension between those two. For instance, to the extent thatat parkland dedication fees are available for this area, if they are spent on a park at

-- at sun ridge and oltorf, for instance, they might not be able for improvement in connection with the country club creek trail. Do you see any way in which the

-- a park at sun ridge and oltorf could contribute to the country club creek trail or other ongoing efforts or do you see them as independent?

>> Well, I see them as independent because the trail at this point utilize public easements, whereas this would actually be property that would need to be bought, hopefully using the funds from the 2012 bond election.

>> Riley: And so even with a

-- if we fulfilled the vision of the country club creek trail and actually had a linear park extending all the way down from mabel davis to roy guerrero, there would still be a need for a park like the one being proposed at that sunridge and oltorf?

[06:49:55]

>> Yes, because what I see is that the

-- the trail is primarily for transportation to larger park areas, such as mabel davis and guerrero, whereas this would be a local park where all of the apartment complexes and residences in the area could go for a little bit of recreation and relaxation.

>> Riley: Okay, great, thanks, mag come.

>> And I'd

-- mag come.

>> And I'd

-- mal come.

>> And I'd like to thank you for your advocacy on the country club creek trail.

>> Mayor leffingwell: Those are all the speakers we have. Council will go into closed session to take up three items, pursuant to section 551.071 of the government code, the council will consult with legal counsel regarding following items. Items 64, legal issues related to cause no. A 1 1c a 997 ly, byron carter sr. Versus city of austin and others. 65, legal issues related to austin fire department cadet hiring process. Item 66, legal issues related to the proposed ordinance to create an independent board of trustees and an kris advisory board for austin energy, noting that items 62 and 63 are withdrawn. If there's no objection to going into executive session, we willow do so. We're in recess for executive session. Mueller. Mueller.(Cofa9-27-12.Ecl)

[08:54:29]

>> Mayor Leffingwell: We are out of closed session. We took up and discussed legal issues related to items 64, 65 and 66. And so mr. Guernsey, we'll take up our consent zone items.

Q.Thank you, mayor. Our 2:00

-- the first offer for consent is item 67 for the property located at 301 and 311 colorado street and 114 west third street. The applicant has requested postponement of this case to your april 25th agenda. Item number 68, case c14-2012-0132 for the property at 1309 pond springs road to zone to community mixed use or grmu and this is ready for consent approval. Item 69, for the property located at 8107 peaceful hill lane, the neighborhood has requested postponement and the applicant agrees to the postponement to yo may 9th meeting. Item 70, case c14-2012-0145 for

2111 fort view, rezoning to neighborhood office, mixed use conditional overlay. And this is ready for consent approval on second and third readings. And you should have a copy of the revised ordinance on the dais. And that concludes this portion of the agenda. I can offer for consent.

>> Mayor Leffingwell: Keep going. 2:00 neighborhood and zone

-- zoning and neighborhood plan amendments where the public hearing is open and possible action. Item 71, this is for the property located at 301 and 311 Colorado Street and 114 West Third Street and this is a restrictive covenant amendment. The applicant has requested postponement to April 25th agenda. Item 72, case s 2012-0083 for 800 West Sixth Street and 602-702 West Avenue. Requested postponement to the April 25th agenda. Item 73, c14-2012-0109 for 1201 Robert E. Lee Road, applicant has requested postponement to May 23. Item 74 the applicant has requested indefinite postponement. Re-advertising will be and notification will be required before we bring this item back. Item 75, case c14-2013-0009 for property located at 9101 and 9201 South 35 Service Road. Applicant has requested indefinite postponement. Notification will be required before we bring this item back. Item number 76 for the property located at 2700 Nueces Street, Suite 103, this to zone the property to commercial liquor sales, neighborhood plan. The planning commission's unanimous recommendation was grant commercial liquor sales, conditional overlay neighborhood plan. And this is ready for consent approval on all three readings.

[08:58:39]

>> Mayor Leffingwell: All right, so the consent agenda for the zoning cases, postpone item 67 until APRIL 25th. Approve item 68 on second and third readings. Postpone item 69 until MAY 9th. Approve item 70 on second and third readings and that is the revised edition. And to close the public hearing

-- excuse me, disregard that. To postpone item 71 until APRIL 25th. To postpone item 72 until APRIL 25th. To postpone item 73 until MAY 23rd. To postpone item 74 and 75 indefinitely requiring renotification. To close the public hearing and approval on all three reading item number 76. That's the consent agenda. Councilmember Spelman moves approval. Councilmember Morrison second. Discussion? All in favor say aye. Opposed say no. Passes on a vote of 6-0.

>> Thank you, mayor and council. That concluding your zoning map amendments for today.

>> Mayor Leffingwell: Okay, I've got us straight up 3:00 so without objection we'll recess this meeting of the Austin City Council and call to order a meeting of the Austin Housing and Finance Corporation. Miss Spencer. Assuming you are all on consent, right?

>> [Inaudible]

>> Mayor Leffingwell: Okay.

>> Do you want me to do my introduction?

>> Mayor Leffingwell: Yeah, do a brief introduction and let's get the consent out of the way.

>> Betsy Spencer, treasurer of the Austin Housing Finance Corporation. I offer eight items today on consent. The first item is approval of the minutes from the January 17th board meeting. Items 2 through 5 are all items related to budget amendments and service agreement amendments. Items 6 and 7 are items that will increase loan amounts for projects that have previously been approved by this board. Item 8 is an item that will approve a loan for acquisition of land for the Austin Habitat for Humanity and I'm available for questions.

[09:01:10]

>> Mayor Leffingwell: Okay, let's just say we'll take number -- items number 4 and 5 off consent because we have a speaker. Consent agenda is to approve items number 1, 2, 3, 6, 7, 8. I'll entertain that motion.

>> Spelman: I have questions on item 7. We may want to pull that from consent.

>> Mayor Leffingwell: The consent agenda is as previously announced with item 7 pulled off the agenda. Councilmember morrison moves appl. Is there a second?

>> Second.

>> Mayor Leffingwell: Second, councilmember martinez. All in favor say aye. Opposed say no. Passes on a vote of 6-0. We have one speaker on items 4 and 5 tomorrow.

-- Together. Signed up neutral bill bryce.

>> Good afternoon, mayor, mayor pro tem, city councilmembers and mr. City manager. I'm bill bryce with the downtown austin alliance. I'm a program director. The downtown austin alliance represents more than 700 commercial properties in the downtown improvement district. Affordable housing is of great importance to the downtown austin alliance, but of particular interest to our organization is housing for people who are homeless. Through our advocacy work, through our direct involvement with echo, social service providers and others and through our direct funding, caritas community partnership housing program, we're keenly aware of the critical need for increased housing for people chronically homeless with multiple barriers to housing. These are our citizens who have the least amount of resources and the greatest barriers to housing. These are the people we see on our streets living on our streets every day. Unfortunately these are the people many of which are dying on our streets every year. We certainly acknowledge the fact austin has a need for affordable housing that serves a broader population than this hardest to serve group that I reference. But we respectfully request that you prioritize as much of this \$10 million of surplus budget funding as well as other future housing dollars to address the needs of our chronically homeless citizens with the least resources and highest needs, those for whom housing is literally a matter every day of life or death. Thank you. [09:03:51]

>> Mayor Leffingwell: Thank you. Let me say I wholeheartedly agree with that. That priority, public supportive housing would be number 1 priority for most or all of it, at least most of it. So we can take these two items together. I'll entertain a motion on items 4 and 5. Councilmember morrison moves approval and I will second. Would you accept the adding on directions of staff to prioritize permanent supportive housing?

>> [Inaudible]

>> Morrison: Certainly we have set permanent supportive housing goals and as a priority already. Would it just be within the constraints of the resolution we have already passed?

>> Mayor Leffingwell: I think having already prioritized permanent supportive housing, that's our current policy so i don't think it's necessary to go beyond. I'm fine with that. I just wanted to make the point.

>> Morrison: Point well taken.

>> Mayor Leffingwell: All in favor say aye. Opposed say no. Passes on a vote of 6-0. That's item 4 and 5, and councilmember spelman had a question on item 7.

>> Spelman: Miss spencer, I'm looking at the rca for item 7 and wondering about the role of the \$790,000 increase in the total loan to foundation communities and the role of that money which I'm given to understand would come from cdbg money.

>> Right.

>> Spelman: Is this supplanting or increasing the money we would be giving from the item we just did on 4 and 5 to increase your budget by \$10 million?

>> This is supplanting. The

-- none of the \$10 million is being allocated today. So this is actually an application that was approved last year and we are exchanging for acquisition costs, utilizing cdbg funds to augment on the acquisition. So none of the 10 million at this point in time is being used for today's transactions. There is still a gap on that project. They have applied for funds for that and we are assessing that out of the 10 million.

[09:06:15]

>> Spelman: Out of the 10 million. Okay. Exactly what's the \$790,000 increase we paid for by cdbg going to be paid for.

>> Acquisition of land.

>> Spelman: For a match for tax credit housing.

>> Yes, and that's not on this

-- for item number 6, those tax credits have already been allocated and approved for last year. But yes, we have that reserved until we see how that all plays out.

>> Spelman: I couldn't keep track of which projects because it's still foundation communities and foundation communication this year or next year for the \$10 million share.

>> Right.

>> Spelman: Thank you. Move approval.

>> Mayor Leffingwell: Councilmember spelman moves approval of item 7, seconded by councilmember morrison. Discussion? All those in favor please say aye? Opposed no. Passes on a vote of 6-0. Happy birthday, miss spencer. I bet you didn't think we knew that. That concludes our agenda so without objection this meeting of the austin housing finance corporation is adjourned. I'd like to call on order a meeting of the abia, whatever it is here, development corporation.

>> Mayor and council, jim smith with the airport. Today's item is acting as the board of directors for abia development corporation the council is asked to appoint the officers of the corporation so we can file the appropriate paperwork with the secretary of state for our annual report.

>> Mayor Leffingwell: Do you want to read them into the record?

>> The recommendation is to have jim smith executive director, department of aviation as the president. Elaine hart, city chief financial officer as the secretary and treasurer, and david arthur, chief financial officer, department of aviation as vice president and assistant secretary and assistant treasurer.

[09:08:33]

>> @Mayor Leffingwell: AND All of us?

>> Yes.

>> Mayor Leffingwell: Lee leffingwell, sheryl crow, mike martinez, laura morrison and bill spelman. Discussion in all in favor? Opposed say no. Passes on a vote of 6-0. That concludes our meeting of the abia development corporation board of directors. Without objection, we're adjourned. And I'll call back to order the meeting of the austin city council and we had, i believe it was item 37 on the table. All the speakers have spoken. Possible discussion. Councilmember riley.

>> Riley: Discussion for staff. Do we have staff here who could speak to this? We have a request

from austin play house for another two months so they could have until the end of may to proceed with their project. I just want

-- I just

-- and I'll ask mr. Toner in a minute if we've got that right, but I understand based on the communication we've received, I understand that that's the posture that they are in right now. And I just want to see, we have heard some input that there would potentially be some issues with

-- with the other proposed recipient of that money, but from the standpoint of egrso, I just wanted to see if there are any issues or concerns that staff has with the idea of essentially extending the deadline for another two months for austin play house to proceed with its project.

[09:10:40]

>> Kevin Johns, director egrso. We were tasked with tracking and looking at the \$600,000 gap and to respond back at MARCH 31st, WHICH WAS THE Deadline imposed by the austin employ house. At that time they were able to raise only \$150,000. Since the issue came about transferring the money perhaps to skill point, then there's been a business plan and there have been a lot of activity. And I understand today that there was a handshake deal by catellus to give them until the end of may to go forward. Having said that, I have not seen written commitments from the bank or from partners that show that these commitments are, in fact, in place. I understand the need to have a government partner that does strengthen the negotiations. But I can't make a judgment whether they are going to be able to do this or not.

>> Riley: Sure, and i wouldn't ask you to do that. I just wanted to see if we did defer action on this essentially to allow for another two months for austin play house to proceed with its project if that would create unanticipated issues. But there are none that you know of other than what we've heard from [inaudible] alliance.

>> Again, this is really solomon's wisdom and I don't have it. I don't know whether a month or two months will make something happen one way or another.

>> Riley: Okay.

>> Mayor Leffingwell: Could I make a comment, councilmember?

>> Riley: Of course.

>> Mayor Leffingwell: Since I'm the sponsor. I mean the point is, the point is obviously play house is, you know, great organization. I've been to many of your plays and this is something that we would like to fund. This is a question of priorities. Skill point alliance actually came to me when we were in process

-- before we were in the process of doing our budget amendments and told me that they have this deficit. This is also an important organization. In fact, it's directed at trying to furnish employment skills to underprivileged people, people who have

-- perhaps under educated, perhaps have a criminal recordment one of our priorities as a council. So although both are meritorious programs, i really think that skill point is more meritorious and that's why I proposed this. I didn't propose it during the midterm budget amendments because I assumed that nobody was going to do any of that. So frankly, they got left out in the lurch. You asked if there were any adverse impacts, councilmember. One of the impacts might be skill point alliance loses out totally and doesn't get this funding. Because there won't be any more money this year. So for that reason I'm going to

-- I'm going to obviously support this motion, but i wanted to explain why and, of course, if we could fund everything we would like to do that but it's just a question of priorities. Mayor pro

tem.

[09:14:08]

>> Cole: I have a question of ms. Dozer at skill point. I heard you to say earlier that

-- you still have approximately

-- you serve approximately 400 people and you would possibly have to drop down to 300 if you didn't receive the funds, but the real area that would be hurt was what you did for travis county juveniles. Can you explain exactly what that is so that we understand the urgency of this funding for your organization.

>> Exactly what we do for juvenile justice?

>> Cole: Yes.

>> We go into gardner betts and create a training program so that we take a cohort through and try and give them a skill set so when they leave they actually have the opportunity to have a job. Because what happens with these particular kids is they get out, they are very young, too young really to get a lot of the kinds of jobs that we train, so doing landscaping, doing culinary with them has been a push to giving them actual skills so when they walk out the door they can work. They can come to skill point once they are released and we have a lot of things we do, resume writing that we do.

>> Cole: And do you track any of the results of your training in terms of yes, people go through our program and some personal are employed and therefore they are not repeat offenders? Can you tell us any of that because we're really struggling with the priority between two good organizations.

>> I couldn't agree more, two good organizations. Yes. I can't give you all the data. We've been tracking our data since we began and because of the nature of the people that we train many are hard to train beyond about six to seven months. But I can tell you without a doubt that since 2010, for sure, and we can show you this data, the recidivism rate for people that go throughout our training programs, our adult training programs if they are former offenders is the opposite of the national rate. 76% of the people that we train will not go back to prison because when they graduate with a cap and gown can industry certifications and other certifications they are employable. Once a person is employed, the industry partners that still point has worked with for 20 years don't just employ them, they keep them on a path to more education, continuing learning and continuing scaling up of their job skills. With the kids I have to say it's harder. We've only been at this for a couple of years, but once we did it in travis county, williamson county said come on, we need you, so we're in williamson county now as well. And we hope that the impact we have is of equal value as it is with adults. With adults we have a 90% graduation rate for every class that starts and 85% of the people we train are employed within 30 days. Our average is about seven months that we can show you that they are in the job. That's about two months longer than most of our industry partners can show you they keep an entry level person in a job who they try and train because, again, when they come from skill point, we've given them so much rigorous training that we fire people from our program within the first week and a half if they are late, if they are disrespectful, if they don't help each other because it is a job going through our program. So we try to match what the employment world will look like for them and make sure they are really prepared for it.

[09:17:53]

>> Cole: Thank you.

>> Thank you.

>> Cole: I certainly want to say to the austin play house that we know you are trying to do a very worthy project for our community and we value the arts and what it does for our community, but in this case we are being faced with another priority and we're simply trying to balance those two interests and we encourage you to consider going through the normal budget process and not just only the midyear budget process, and with that, mayor, I will move approval.

>> Mayor Leffingwell: Motion by mayor pro tem to approve, seconded by councilmember spelman. Councilmember riley.

>> Riley: I certainly appreciate the very important work that skill point alliance has been doing for many years and i understand the predicament they were in. I think it's unfortunate that we find ourselves in a situation where services of skill point alliance are essentially be pitted against the austin play house. And I'm not sure that that necessarily needs to be the decision between us. What I would suggest is that we

-- that we take this up at the public health and human services committee, which will be meeting tuesday, if we have this on the agenda tomorrow, we can work with staff and have a discussion about it at that committee meeting to see if there is some other way that we could address the funding needs that still point has. We previously heard from ms. Dozer that she would make every effort to ensure that students within the program would not be adversely affected if it's just another two months

-- if we're just talking about a two-month delay in their funding. So what I would suggest is that we take some time to see if we can find that funding and then

-- and then in the meantime we go ahead and leave the funding where it is now. And I was going to propose just extending the

-- extending the deadline by two months. An alternative could be let's postpone this item for two weeks until the next councilmember meeting and then see if we can come up with some alternate funding source within

-- over the course of those two weeks and have a discussion at the public health and human services committee. And then if we can't find another solution in the next two weeks, then we go ahead and move the fund in two weeks. I think that would

-- that would be going

-- taking

-- going the extra mile to see if we can satisfy the needs of skill point alliance at the same time we're meeting the needs of austin play house. And just in the hope we will be able to do all that. So I would offer that as a substitute motion to simply postpone this item

-- postpone action on this item for two weeks and then ask the public health and human services committee to take this up for discussion at its meeting next week.

[09:20:50]

>> Mayor Leffingwell: Motion by councilmember riley. Is there a second? Seconded my councilmember morrison. I'm not going to support the substitute motion, I am going to support the main motion for reasons previously tated. I mean what is the down side? Our priority, my priority at least over two very good and worthy projects is skill point alliance. I would much prefer to go ahead and see us make this change as the main motion proposes to do, and then perhaps something will come up later that could possibly fund playhouse in the event that they do get their leveraged funding from somewhere else. But I'm not going to support the substitute.

Councilmember morrison.

>> Morrison: I think it is

-- I'm supporting the SUBCSTITUTE MOTION. I think it's very worthwhile to go the extra mile. I think th, you know, in my view, I mean obviously we have two very valuable contributors to the community here, and the reason I really am holding back on

-- the reason I'm holding back on

-- on not funding the playhouse project is because that may be a yes or no, that project may or may not go because of the

-- because of this funding. Whereas we're talking about skillpoint, which is a matter of expanding or not expanding with the funding. So what I'm

-- what I'm concerned about is that the option for

-- the option for the playhouse might be off the table and it's an extremely important

-- it's not just the playhouse, remember, we're talking about something that's going to lead to an affordable housing project and it's very creative. Given that we might have two weeks to see if there is some other way we can work this out, I think that's a very conservative way to go about it.

[09:22:52]

>> Mayor Leffingwell: But we could do that, but now the question has been asked and answered was this additional funding available, a formal question and the answer was no. That that money was not available. That was one of the questions from council. So obviously you can continue to take a look at it and if something else comes up then perhaps you've got to decide I think today what your priority is or the priority is funding skillpoint or playhouse. All in favor of the substitute motion say aye.

>> Aye.

>> Mayor Leffingwell: Opposed said no.

>> No.

>> Mayor Leffingwell: That motion fails on a vote of 3-3 with councilmembers riley, martinez and morrison voting no and the rest of us voting yes. So I guess that

--

>> [inaudible]

>> Mayor Leffingwell: That takes us to the main motion at any rate. All in favor of the main motion say aye. Opposed say no. That motion fails on a vote of 3-3. So that completes action, neither motion passes. The funding for playhouse will continue intact with no restrictions. With that said, council, we have no more items that we can take up until 4:00 and we're in recess until 4:00. 3,.

[10:03:11]

>> Testing 1, 2, 3, 4, 5, 6, 7, 8, 9, 10. Six.

>> Mayor leffingwell: If the scenario would be

-- the scenario would be if the effort was to try to fund both programs at \$150,000, that would require a budget amendment to year's

-- that would be a violation of our budget policy because we've already done one budget amendment this year. So I just want to clarify that. And we get rid of some of those postponements. Mr. Guernsey rust even you will do.

>> The first one is on the rainy street district front overlie combining district to a appropriate

location outside the subdistrict in lieu of demolition. Staff is recommending postponement to this item until may 93rd. Number 83 is conduct a public hearing to consider amending city code for maximum allowable ceiling halt. Staff recommending pose postponement until april 85th, and number 84, 20081211-082 and regulating plan to make indoor entertainment a conditional use to tod and mixed use zoning and we request a delay until april 25th and number 85, conduct a public hearing and consider an ordinance amending city code chapter 25-2 to readopt the conservation single family residential use.

[10:05:59]

>> Mayor leffingwell: I was going to read this which is to postpone items 89, which would be may 9th and 83, 84, 85, until april 25th. Council member morrison.

>> Morrison: On item number 83 it says until future notification is needed. Is that in the paper, what are we missing?

>> Sure, what happened was the council already set for the date

-- the public hearing for today but we failed to put the deadline in time. So the notice did not get mailed out in time to have the public hearing for today but it will be for april 25th.

>> Morrison: Thank you. I thought we had taken care of those glitches? Remember we had a lot of problems a year ago where there were serious glitches in notification and it was causing a lot of problems. Do we have

-- is this one off or

--

>> somebody just made a mistake and missed the deadline.

>> Morrison: Okay. If you can double check and make sure there is a system in place, I would appreciate it.

>> Mayor leffingwell: Make a motion to approve consent items for possible hearing without possible action.

>> Morrison: Move.

>> Mayor leffingwell: Council member morrison moves. Seconded by council member spelman. All those in favor, say "aye." Opposed say no. That passes on a vote of 5-0, with council member martinez and tovo off the dais.

>> Thank you.

>> Cole: Mayor.

>> Mayor leffingwell: So we are

-- mayor pro tem.

>> Cole: Mayor, I would like to make a motion to reconsider item number 37.

>> Mayor leffingwell: Council member, we only have five people on the dais and we are only going to have five for a couple of hours so if we could wait on that.

>> Cole: Yes.

>> Mayor leffingwell: Council member martinez will be away for an hour or so, plus. So we will consider items 11 and 45 together. And we have already been briefed on this. Are there any questions that we need to ask before we go into a public hearing? If not, we will do that now.

The first speaker is roger wood. Is roger wood here? Okay. Donating time, tray salinas, colinda houlihan, are you here? Erin bell. So you have up to 12 minutes.

[10:08:32]

>> Thank you.

>> Good afternoon, mayor and council members. Thank you for taking the time to focus on this important and much needed change for austin energy. My name is roger wood, and i work for free scale in austin. I am here speaking on behalf of c-care, the coalition for clean , affordable and reliable energy and

-- and reliable energy and am joined in the audience by many representatives from many organization that is ccare represent that is employ over 50,000 people in the austin metro area. These include amd, brandy wine, beaumont, dell, free scale, samsung, spansion, ibm, national instruments and seton. For three years, our members have been deeply involved and largely supportive of efforts by austin energy and the city council to make the utility for environmentally and financially responsible. We think some recent changes have helped the utility in the short term but it took 18 years to accomplish them. We believe now is the time to act to change the governance structure of austin energy to protect the utility's viability for the long term. A change in the governance of austin energy from the existing council-run structure to professional independent board will better protect one of the city's most important assets, the utility. A change in the governance of austin energy will improve the utility's competitiveness and efficiency, a paramount concern of our members. Austin's own electric utility commission repeatedly recommended change to an independent board in 1996, 2002, and, again, last year. City council's commitment to looking at change of the governance model was one of the primary reasons our members supported the spelman-cole-riley change during the rate change process in 2012. We agreed to support a rate change increase for many of our members because the new rate structure was closer to the cost of service and the city was finally serious about moving austin energy toward an independent board. Utility must begin operating more like a business and less like a city's department to be more financially responsible and viable in the long term. An independent board of individuals who have expertise in business and knowledge in utility issues is the best way to accomplish this. Additionally, we are confident the council will select board members that reflect our community values, such as commitment to transparency, accountability, and protection for the environment. The council as representatives of the community should always continue to oversee the mission and long term strategy of the electric utility, they can do so by retaining december craigs their final authority over electric rates, debt issuance and eminent domain. Austin's elected mayor should be a voting member of the board. In addition, the austin energy general manager should continue to give quarterly updates to the council. It's our opinion the city manager should participate in the search firm selection process for board members, as mr. Ott has a thorough understanding of the current utility and its operations and has done a good job running a city of our size while also helping run the utility. What we suggest is a council is subcommittee including a city manager and a search firm that will include the process for a potential board. The nominees will then be forwarded to city council who would then select by a majority vote which would serve on the independent board. I would like to give some recent examples of why we need an independent board. Example, the 2008 biomass contract. This contract was approved in just two weeks with no competitive bidding. There never was and still is virtually no transparency with regards to this \$2.3 billion mistake. Regarding the general fund transfer, it should be determined by industry standards and not by politics, for decades the general fund transfer and other nonutility costs have been determined by what is needed to balance the general fund budget versus what the utility could afford. Example, from 2007 to 2011, the utility's general fund transfer grew from 77 to \$105 million per year. Yet, the utility lost \$245 million during that period. Example, according to the public utility commission, in

addition to if general fund transfer, the city is over collecting \$46 million annually from the utility. Millions are being shouldered to pay for things such as economic growth and redevelopment office, as well as city costs like human resources. Roof start, the puc's director of financial review testified these millions of dollars are not reasonable and necessary for the provision of electric service. Example, according to puc, the city has utilized austin energy's accounting to increase spending outside the general fund. The city has tucked into austin energy's books more than 50 million in annual spending for festivals, community sponsorships and various other items. These costs have nothing to do with delivery of energy to utility customers. These few examples are not new revelations. We know that the cycle of accounting and spending has been going on with decades, an independent board and separation of accounting utilities system from the cities would also provide more transparency for city spending. An independent board with representation from the entire austin energy service area would also help make austin energy accountable to all of its customers and not just those residing in the city of austin.

Whether these examples

-- what do those examples tell us? That we need professional experts running the utility. We have great respect for all of the work that council and the city manager do. Overseeing a city is a full-time job, but overseeing a utility of this size is also a full-time job. With the implementation of the austin's 10-1 plan, a complete makeover of the austin city council is set to occur in 2014. The city could be faced with 11 new elected officials. A utility of this size is too important to be run by individuals with little or no experience in utility issues, especially those new to city government. With an independent governing board composed of individuals with expertise in the utility issues and a track record of proven business success, austin energy will become a more transparent, competitive, and financially viable utility. This will only improve the utility for the benefit of all austin citizens. As mayor pro tem sheryl cole said, the industry is changing and our governance structure needs to evolve to adjust to these new complexities. There has been much discussion and study with regards to the governance model. C-care believes the most comparable municipal utility in texas to look at to help answer the question, why have an independent board run austin energy and cps in san antonio. Here are a few reasons why. Cps has lower rates than austin energy. Cps's credit rating is higher than austin energy's. In fact, cps has the highest credit rating in the industry. Cps pays the city of san antonio 14% of its gross revenue without taking from its reserves, unlike austin energy, to pay the transfer. If cps is losing money during down times, the transfer is reduced. As mentioned earlier, austin energy's annual transfer grew from 77 to 105 million from 2007 to 2011, while the utility was losing \$245 million. Cps's transfers all inclusive. The city of san antonio receives a percentage of gross revenues, period. According to puc staff, austin energy pays the city 105 million-dollar lump sum plus 10s of millions more through the use of unjustified allocations and other accounting maneuvers. Unlike austin energy, cps didn't spend 250 million of its reserves to pay its operating expenses. If all municipal utilities were suddenly deregulated by the legislature, we believe cps could survive and prosper in the competitive market because they are managed by an independent board. We are not so sure austin energy could, and that concerns us. Is a cps model perfect? Of course not. That's why we are not proposing to mirror cps. We are simply think it's a good place to start from. We've already recommended a variety of differences from the cps model because we, too, have the city of austin's best interest in mind. Our members care deeply about austin energy always being able to provide clean, affordable and reliable energy. We want our utility to be successful for the foreseeable future, but the changing utility industry in texas, professional, independent governing

board will be our best chance of that being a reality. Thank you.
[10:18:51]

>> Mayor leffingwell: Thank you, roger. John sutton, john sutton here? We will go to phillips matt.

>> Thank you very much. My name is phillips-matt. I have been serving on the eec since 2006. I thank you for the opportunity to serve. On the way down here i jotted down what I see as some of the strategic policy questions that are facing austin energy right now. One of them is, how does austin follow the city of los angeles' lead and eliminate coal from our portfolio? Second is, should austin energy's reserve and other financial policies be revised as was recommended in the rate case? Third is, should hedging policies be changed in light of prospects of long-term, cheap natural gas? Should a fee tariff be revised and should austin energy charge more for new connections? Should austin energy recommend that the e-cad ordinance be revised in light of the fact that only 6% of the homes that receive energy efficiency audits receive energy efficiency upgrades. How best to use the cap dollars that will increase those significantly under the new rate case? What lessons can we learn from san antonio's aggressive solar push and linking it to local jobs? And I have about six others. These important issues could dominate your agendas for the next month, or months but we know that is not realistic. But the good news is, you have an opportunity to hire a panel of professionals to give these issues the attention that they deserve and provide leadership on these issues. We need to stop thinking about the independent board as a threat and start treating it as an opportunity to improve austin energy. When I first started serving on the eec, we rapidly wept through an e-cad ordinance. We approved the city's climate change, approved generation plan and a new transfer policy for austin energy. Since the rate case started, we have had none of these broad policy objectives adopted at austin energy. And why is that? Because the staff was dominated by two and a half year rate case and now they are dominated by an ongoing process question in governance. This is not efficient governance. We have made recommendations for an independent board in 1996, 2002, 2011, 2012 from either the euc for citizens panels appointed to study the issue. The latest process started in june of last year, with the council resolution that has now resulted in three studies of the issue and a unanimous recommendation by the euc. If anyone thinks this process is being rushed, they are living under a rock. I ask all of you to adjust the ordinance to the general manager of austin energy reports to the board, which conducts its business under the open meetings act, rather than to the city manager who conducts his business behind closed doors. Let's bring austin energy back to being a worldwide leader of utility companies. Let's give it the type of governance it needs to get there and that's a professional independent board. Thank you.
[10:22:41]

>> Mayor leffingwell: Thank you, phillip. Could I just briefly address one of the points that you raised with regard to management of the utility by either the board or the city manager? This ordinance is before us today does not include that, and the reason it does is we don't believe that it is permissible, given the restrictions of the city charter and the code, chapter 552. This ordinance before us goes as far as it can, but to go further, we need to address possible changes in the state law that would be permissive and just allow us to go further. We are hopeful that that will happen. We have an item on the agenda we are hearing at the same time as this one. That's item 45, to support legislation that would give us that -- that authority, to do

-- to take that additional step. So assuming, in the event that this ordinance were to pass eventually, certainly that would be something that we would want to go back and address once we have the legal authority to do that. And hopefully that would be soon. I just wanted to clarify that.

>> Thank you.

>> Mayor leffingwell: Moreen ether tillotson. Er tillotson ton. Moreen etherton. Dave king. Dave king.

>> Good afternoon. Thank you for the opportunity to speak before you about this item today. I am going to be very brief. I understand the benefits of having an independent advisory board. I think that's a good idea to have that board, a professional board with expertise to help you and guide you and the city manager through the management of this utility. Just a little nervous in having the county elected people like you, who represent people like me and if citizens of austin giving

-- and the citizens of austin giving up control and authority. I am very nervous about that. I ask you to be careful and proceed real

-- with a very narrow scope initially, check it out. Make sure it is working the way you want it and we still get the representation that we need to protect the citizens of austin from big rate increases or, you know, and to have good, reliable electricity available to us. And also to have the opportunity to plow back some of those earnings back into other service that is the city needs. So I just ask that you proceed cautiously with a narrow scope and make sure it is working the way you expect it and then expand it, give the board more authority as time goes on if it's working properly. Thank you very much.

[10:25:36]

>> Mayor leffingwell: And david, there is a lot of misinformation going around that has to be corrected at some point, but this ordinance that is before us today maintains oversight authority in the city council for all the big issues and that's rate making authority, reviewable by the council as well as dead issuance, eminent domain, major projects, all of that council does have oversight authority in this ordinance.

>> Very good. Thank you.

>> Mayor leffingwell: Paul robins. And james casey. Is james here? James. I don't see james. David hogan. David hogan. Claire de young. Claire de young is here. You have 6 minutes.

>> Kathleen yeeger is donating her time to me.

>> Say your name. Of. Say your name, paul, she is no not on the mic.

>> Kathleen meeger.

>> I have donated time [indiscernible]

>> mayor leffingwell: Switch kathleen meeger from roy waley to paul robins. You have 9 minutes.

>> Thank you. And the two people you were talking about, james casey, and mr. Hogan might have been here had you held the hearing after 5:00 o'clock so people could get off work. Council, I am paul robins and I am speaking against the creation of arrange unaccountable appointed board that will run austin energy. I have been an environmental advocate and consumer, advocate for over 35 years. In the early '1980s, I begin to notice a trend at the state legislature called austin bashing. It became almost a sport for conservative legislators to attack the city of austin for its progressive policies on matters like electric rates and land use. There have been a number of state officials over the years that have drafted legislation to tell austinites how to run

their city, and they have sometimes succeeded. However, what I am here seeing tonight is something unique. This is the first group of austin city council members that I have ever seen who have, themselves, become austin barbers.

[10:28:10]

-- Austin bashers. You are collectively asking the state legislature to allow you to ransack your own city charter for the sake of convenience. Some council members will try to defend this by saying they tried to place this on the ballot but they couldn't simply muster a majority to do this. But to remind you, the swing vote for this proposal was out for emergency medical leave. Perhaps if council had voted on this in a timely manner, they would have been able to have an election. Council, you held the vote at the last possible moment. When you had the better part of two years to prepare ballot language. It is your own fault that you could not comply with the charter but to compensate for this negligence, you are stripping the voters of their vested right to approve or disapprove this. It is our right, not yours. So now that we've established this precedent, what other charter provisions do you want to ransack without voter approval? I mean, come on, let's get ambitious here. Let's think creatively. I mean, as long as you are insulting the electric, let's go for broke. If you didn't want the responsibility to move decisions for austin energy, you should not have run for office. It was your position

-- if it was your position to ransack the charter, you should have stated this very publically when you ran. Now, I want to try and put this in context. This is the latest in a series of lost rights. In the year 2000, the last bond election for voter approval on bond utility is held. Even though it is in the city charter, it became routinely ignored. That was a chance for voters to weigh in. They are no longer allowed that right. In the year 2001, the utility secrecy resolution was -- and by the way, i think in error, voter approval went away in 1998. In you 1, the utility secrecy resolution passed, which now restricts vast amounts of data that was formerly public. Among the many things are now withheld are who is a contract customer? That is who the large industrials are that are still getting rate breaks that didn't get a rate increase.

[10:31:22]

[One moment, please, for change in captioners]

>> this is just a continuing series of diminishing rites, if you will, that make the utility less accountable. In reply to roger woods' earlier statements, he boasted that cps had lower rates, and he's correct. But austin energy has lower bills, because we invested in efficiency when cps ignored it. Our

-- in 2011 our consumption was 18% below that of cps. Roger wood says cps pays 14 in gross revenue and he is correct. Austin energy, when you add in both the direct transfer and the -- and ancillary transfer, the one that's debatable, is somewhere just shy of 13%. So mr. Wood should be careful what he asks for. One last point I'd like to make, and that is that i realize that this is being pushed for a lot of reasons, not just because the large industrial customers are asking for it. However, at the february 14 meeting when there were 13 people that signed up to speak against this and

-- 13 people that actually spoke against it and one person that spoke for it for all of one minute, you sided with the person that spoke for one minute. And in politics too often appearance is reality, and it appeared that the council was bending over backwards to please the large industrial customers, who, by the way, mr. Wood is probably correct, that there are 50,000 employees that work in those firms. However, there are residential customers. C care does not represent them.

Consumer advocates do a better job of that. Thank you.

[10:34:53]

[Applause]

>> mayor leffingwell: Thomas smith? Thomas smith? I didn't even know who that was, thomas smith. [Laughter] okay. Carol geiger? All right. clay McCelvi? So you have nine minutes, thomas.

>> My name is tom smith but I didn't almost recognize it when you called me. Mayor, council, as you know I'm opposed to this and the legislation that is pending at the texas legislature which I think you have later at item 45, as I recall. There's no rush to approve this ordinance. In the materials I'm passing out to you there are a number of the concerns that we have raised with you about this, and I want to spend a few minutes talking about them. We think the ethical standards that are in this bill are far too weak, and the most important one is that we think it's appropriate that before you appoint people, you have an idea what their finance are. And so one thing we'd like to ask you to do is to make sure that you get their

-- their financial statements 30 days in advance of an appointment so you can screen them, people in the public can see what they want and find out if they have

-- screen them and find out if they have screened them and find out if they have conflicts. I suggest a standard to you city council members and other locally elected officials but doesn't necessarily apply to your appointees. It's from a local government code which sets a trigger for disqualification based on assets and a dollar amount whichever is less. If somebody has stock in an energy company and might be doing business with the city of austin and it's insignificant to them, then they can do it, but if it's a major portion of their holdings then they can't. I also would recommend that you all look at the pedernales electric co-op or ordinance rules they've done there, done far deeper when somebody might have a conflict because they have consulted or worked for somebody doing business in the state of texas. Second, point no.3, this doesn't really solve the long-running problem that you and the council have had in getting accurate timely information from austin energy. Every one of you has complained to me that you've asked information from austin energy, and if it's stuff they want to get you they get it promptly. If it's stuff they don't want you to know, they'll slow play it and it's a problem. Council tells me the same thing, studies they've asked for they don't get done because they don't have the resources, what have you, and it's hard to make policy without having a provision that says the new board will be able to get that information appropriately, timely, quickly or heads will roll. The proposed ordinance perpetuates the city manager's control, and one of the things I've heard from a number of folks in the various utility

-- utility execs and so forth is that oftentimes because of the myriad of things the city manager has to manage, things don't move quickly enough. Policy decisions get hung up, purchasing decisions get hung up. And one of the goals that I've heard each of you talk about is coming up with ways to streamline that and to be able to hire and fire the general manager directly with this board. So I think that's an issue that you all need to deal with, and as I understand it, it's one of the major reasons that the statute at the legislature is being debated. No.5, we think that the amount of money that can be approved, coming back to you at \$100 million is far too high. No.6, the language on expenditures in 15.13-31c goes to capital expenditures, and it says, you, the council, have to approve any capital expenditures over \$100 million. But it is unclear in earlier drafts of the resolution, and I think both the mayor and council member spelman said, well, I thought the PVAs WERE INCLUDED

-- INCLUDED PPAs, BUT THIS Draft does not. And when council member tovo analyzed how many projects would be triggered by the \$100 million cap, I think the number she came back with was 7, and as a result of that most of the projects

-- most of the expenditures in the last, i think it was 20 years, would have been approved without a council review, and I've heard from each and every one of you that's not what you want to do, so I'd argue that you either set a lower limit on that. AND THE PPAs. One of the issues that marian brought up earlier was the possibility of getting into a ppa to purchase energy from the nuke, and the way that works is through this loophole, and as you all recall you rejected the decision to build

-- to get involved in a partnership, and then there was another offer made to you to come back and invest in a ppa. And it is that loophole that enables you to hide a nuclear plant. And they're hard to hide, by the way.

[10:40:07]

[Laughter] but anyway. No.7, this does not provide for continued transfers at the rate that you had become accustomed to the general revenue from austin energy, and I agree with roger wood. It is appropriate for us to establish an amount that you want from austin energy, and not hide a bunch of stuff in the budget, and as the puc and others said, could be as much as \$50 million worth of stuff that's in the slush funds over there at austin energy, far better to do what city of san antonio has done and said

-- instead of 9%, we're going to take 14% off the top and be able to financially as part of your budget process what you're really doing here. The ordinance says in no.8, no council members can serve on this board, and we think that's a mistake and I'll talk about that in a moment. And I think there are 15 or so potential charter conflicts that we see with this order that's city manager pointed out. All of these reasons not to rush through the adoption of this ordinance, we have asked for a public hearing. Ask you not to vote on it today but to have a public hearing on it next week and to devote on this the first reading on may 9, is the date I recall or maybe

-- so what is it we recommend? We have long thought that you all do a better job than the san antonio board does, or the other boards around here. And what we would suggest, and I think that as roger wood pointed out and as philip pointed out, there are big issues that need to be dealt with on this utility, and we think that the way to deal with that is to create a subcommittee of council that

-- like you do many other things, it actually digs in and really analyzes those big issues and comes back to the full council for recommendation, and that would make the transition, hopefully, with at least one of you carrying over to the 10/1 council to make sure you've got experience on that board. We would secondly suggest an election and that we take this fully to the board in 2014-2015 after this has fully been developed, vetted and have a robust debate. We like november 2014 because it is the first election with the new council, and that's prefer

-- less preferable but an option is a hybrid board, where you have a combination of city council people, outsiders and other business experts, and we think that would make a lot of sense as a way of assuring that you have the best of both worlds, city council expertise as tell. In each of those models you by statute, we believe, could bring into your governance structure an outsider, and we have supported that and do support that. There are a number of things we do like about this ordinance, that you could by ordinance do. The hearings process, and the regularity of that hearings process. And a number of those kinds of things are long needed improvements to this process. I said earlier today, this is a multi-billion dollar decision when you look at it over the

course of the lifetime of this utility, and we've been here, done this and screwed it up before in. 1890s WE DECIDED WE OUGHT To have an independent board. That didn't work and there was a big puzzle back in 19

-- tussle in 1907 and not even I am old enough to remember that particular fight, but t paul is,.
[10:43:37]

[Laughter] or at least he was smart enough to go back and look and knows where the city archives are in the history center and look that up. It was a heck of a battle. And it's a history that i think is worth reviewing ause what happened was the council made the decision this was too complex for them and they needed to turn it over to independent experts. And what happened was they went renegade on you, and they didn't look at the greater

-- they were more concerned about the good of the utility than the good of the city. And that's what you guys have done so well, is look not just at what's good for the utility and the month to month balance sheets or the year to year balance sheets or the bond ratings but how you look at economic development. How you put ourselves in a leadership position, and the policies that you think are important for the city and to benefit its citizens, and that you will not get with an independent board. The charter says.

>> Thank you

--

>> your time has expired.

>> Cole: Let me ask a quick question.

>> Mayor leffingwell: Can i first

-- I had a question

-- just a couple of comments. You raised the point about the board being

-- you recommended that the board be able to hire and fire the general manager, and we did too in our resolution, but we can't do that under existing law. That requires more authority, not direction, but authority from state law to be able to do that.

>> Or a vote, a charter amendment vote.

>> Mayor leffingwell: Well, charter amendment vote is

-- the earliest that could happen is may of 2015. The other thing I wanted to mention is you talked about loopholes.

>> Yep.

>> Mayor leffingwell: That possibly sneak a nuke plant through, and that could not happen because the board of directors has to operate within our existing generation policy, and there's no nuke in there. So I just wanted to point that out. And the last thing is

--

>> I just.

>> Mayor leffingwell: I just want to make these comments.

>> I'm sorry.

>> Mayor leffingwell: The last thing is there's been a couple of references, not just you but others talking about violations of the city charter.

[10:45:42]

>> Yep.

>> Mayor leffingwell: There are no violations to the city charter in here because the provisions of the city charter that are in conflict with state law are basically null and void. They're not

required to be followed because the state law is supreme. So obviously this ordinance that's been proposed is as directed in the resolution, in conformance with state law and the charter.

>> Thank you.

>> Mayor leffingwell: Mayor pro tem.

>> Cole: On the sheet you fully understand that the board would be subject to the open meetings and open records act.

>> Absolutely.

>> Cole: But you say that there's a big loophole for comparative matters. Do you mean competitive matters?

>> Probably. Thank you very much.

>> Cole: Okay, well, give me an idea of what you're concerned about there.

>> Sure. When we deregulated in 1999, I served on some committee, I can't remember what it was, that basically recommended over my objection

--

>> cole: Do you want

--

>> you were on that committee too, as I recall. [Laughter] that there should be certain matters under austin statute

-- or austin ordinance and then it has been enshrined in texas law that say municipal electric utilities may keep certain data about their operational costs, their fuel costs and a variety of other data that are useful to analyze the real performance of the utility, confidential, less to give advantage to potential competitors. And so there's this whole long list of exemptionness the open records and

-- exemptions in the open records and open meetings act that make it really difficult to analyze how well austin energy is doing in a timely manner, and again, let me underscore, some of that data is releasable after its value expires to competitors. You know, there are time frames in it that I don't recall fully, six months, two years, that I don't recall. You can look back but not in time to prevent something from happening.

[10:48:00]

>> Cole: You just

-- you're looking for

-- that's a potential way to be

-- abuse that provision?

>> Sure, and that

-- you know, that was one of the

-- as I recall, one of the issues raised in san antonio, is we don't have to tell you that stuff because it's competitive, and from the standpoint of somebody fixing to do a business deal again, the nuke is almost becoming a fanatic joke in this part. But it's a huge issue, but at the time it was one of the reasons they said, no, we don't have to tell you that because it's competitive. And that was one of the reasons it was so difficult to get information to the public, the press, or any other place that was able to say, this is a really bad idea. This is what their own data is showing. This is why you need to not do that.

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

>> Spelman: Mayor?

>> Mayor leffingwell: Council member spelman.

>> Smitty, I want to thank you, partly because of your comments are as ul exactly on target and in part because just the form of your comments, rather than telling us we're turning over our utility to a bunch of guys in pin striped suits, as someone your colleagues and loved ones are also telling us, what you're doing is telling us what we can do to fix this and to improve whatever proposal we do put forward. As you know, and I think all of your friends know, we're not going to be voting on this, certainly not on all three readings today. We may take it up on first reading and I would be happy to vote on it on first reading only because there are still things wrong about it, things incomplete about this ordinance and we need to fix, and I appreciate your willingness to help us fix this stuff, even though you may not be in agreement with the general direction of it, I appreciate your willingness to accept the fact that if we are going to do in this direction there's better and worse ways of going about it and I think you're helping us to

-- you're helping point us in the direction of better ways to go about it. In particular I like the idea on your point 1 and 2 of requiring a lot of financial information for potential members of the board in advance and having

-- giving whoever is in a position to make decisions on who's going to be on the short list of people to be considered seriously, which I suspect will be a council subcommittee, although it's not spelled out in this draft of the ordinance. A lot of information up front, and some guidance as to how to use that information in the screening process, we're taking up people who have built in conflicts of interest. I think that's a very smart idea. I didn't realize the pedernales electric coop had a formal policy dictating that and I'll look for either incorporating that in council rules or in the ordinance so we actually take a look at it in second and third readings in subsequent weeks. I also appreciate your willingness to recognize that the city council doesn't always get the information we want in a timely manner from austin energy staff, and just to clarify, one of the reasons why I suspect we have not always gotten that information on a timely basis is because austin energy does not report to us, the austin energy staff report to the city manager, who reports to us, and that additional link in the chain is one of the reasons why that information doesn't come directly to us. If they reported directly to a governing board, that eliminates the additional link in the chain, and i think we have every reason to believe that the governing board, if they demanded information from ae staff on competitive matters, if they wanted information they could get it because they're actually the bosses, in a way that we are not now and never will be absent some change in our governance structure. I like the idea also of at least taking another look at that \$100 million threshold triggering council approval. 100 million seems like an enormous amount of money. I'm not at all surprised to find there have been only seven projects. That's the entire history of the utility.

[10:51:52]

>> Kathie has the numbers and

-- you're shaking your head.

>> Spelman: Since 1976 there have been only seven? I suspect since 1976 there were far fewer. There was less potential since things didn't cost so much in those days.

>> [Inaudible]

-- t paul would probably

--

>> t paul knows

--

>> spelman: That's probably true too. Either way we're talking about a very, very large numer,

and I might

-- let me ask you a question, rather than making a statement, because part of what I was interrupting you for. In addition to cash another issue might be the longevity of the issue. Capital goods presumably we'll be carrying, we'll be carrying on our books and using for 30 years, so capital goods would clearly be something we would want to consider closely and having a relatively low threshold, but there are other things, long-term contracts, for example, that go over five years where the longevity may make up for the lack of cash on a yearly basis. So I guess the question is, is it just about the money or are other aspects of a contract or expenditure which mike crank up this

-- might crank up this level of scrutiny?

>> It is clear to me that the general manager needs the authority to buy and sell electricity through PPAs AND OTHER INDUSTRIES On short-term bases. Say a plant goes down, say the nuke goes down. The question is how do you keep the lights on while that's out? And so you might get into a contract to have that extra power for a period of time, a year or less. But what you don't want to do is get into a situation where you can get into five-year potentially renewable contracts to purchase things that otherwise would exceed the \$100 million cap or whatever cap you set. See, that's the point that I'm making here, is it's both longevity. It's also dollar amount. And so you could potentially do something that would not trigger the \$100 million cap because it's five years, and you'd end up in the aggregate over the 30-year lifetime, have popped the \$100 million cap.

[10:54:12]

>> Spelman: We have enough possible extensions we can grant which adds up being a lot more money. We need to give more scrutiny to that and on second and third read, hence forward, I'd like to take another look at that. The mayor's suggestion on the generation plan, let me flesh that out just a little bit. I can understand needing council scrutiny for purchase power agreements. If, for example, we were talking about getting into nuke, buying nuclear power through a ppa, but for that to

-- I would like to see that as a council member, but I wouldn't particularly need to see as a council member a relatively routine ppa, which is within the boundaries of our generation plan for solar power, for wind power. For example, the wind power PPAs THAT WE JUST TOOK A Look at a few months ago, it seems to me that I wouldn't need to see those. That's exactly the sort of thing we were expecting austin energy to do, and i would feel comfortable having the board okay those so long as they're inside the envelope of the generation plant. Is it possible to get terms around that being something we need to do or do we need TO SEE ALL THE PPAs?

>> ALL THE PPAs ABOVE A Certain threshold and that way you guys can make sure they're needing the generation plant but are at appropriate prices and are actually going the way you want to. And I think that the point that was made about stuff not being in the generation plant is a very good point, mayor. You're dead-on that, but the point that I would point out to you is that oftentimes these too good to be true deals come to you relatively quickly with a drop-dead date, and the generation plan oftentimes

-- and somebody has to have this deal in the next couple months or they can't do it, and that's when the generation plan and when your best laid plans gets most awry, and we can go through a long history of when that's happened on this

-- on electricity rates or other issues.

[10:56:20]

>> Spelman: As you ably

-- you probably remember the list but back IN THE EARLY 1990s, Darrell slusher when he was still a reporter for the chronicle, he published ten ways you know it's a boondoggle, and I found that and have it pinned on my board. [Laughter] the one I remember is a bunch of guys in pin striped suits coming in from out of town and saying, you got to take it right now. You know what we're talking about. I don't want that to happen either. Last point. Although the ordinance doesn't guarantee the general fund transfer would remain exactly the way it does, it does keep control over the budget and included in that is the general fund transfer with the council and does not dispatch that authority to a board. One thing we could do is further define that and make it clearer in any subsequent ordinance that the council will retain control over what the general fund transfer is, but I can reasonably imagine that a board would want guidance about what kind of envelope it would be within, it should be work within and making suggestions to the general manager what the budget should look like and so on. And I certainly would want any board, whether it's a purely advisory board or governing board or any other way, to feel ownership over that budget and to feel free to make

-- to be relatively hands-on with respect to that.

>> And I think that's right. The

-- one of the things in setting their budget, if there is a board, they're going to need to know what your expectations are, so coming up with a mechanism to say, we want 25% of your revenue this year or 4%, whatever that number is, is an appropriate thing to do before they sit down and actually do their budget, and I think it's a way of giving them guidance. I think that's appropriate. And let me also say that the hopes

-- the reason I'm submitting these comments to you are twofold. Most importantly, we hope that these demonstrate that this ordinance is not yet ready for prime time and takes

-- and would take a longer time to actually get done, and we don't have the rush that wehought we had earlier, and so it's appropriate to take time to do this

-- do it right.

[10:58:27]

>> Mayor leffingwell: And you're going off into

-- away from question. Did you have a question about that?

>> Spelmwhat is your second point, smitty?

>> The second point was

-- [laughter] I did not mention that the pec had ethical standards. This is going to be really hard for my friends to believe. I think they might have gone too far and so don't take them verbatim. There are some good ideas in there, but I think that they may have in their attempt to prevent abuse, gone a little bit too far, but there are a number of things in there that talk about potential conflicts, you know, opportunities to purchase energy

-- people who have been in the energy industry, and still may have investments and there's some language in there that would be useful in guidance to you.

>> Spelman: And it would be hard to find someone who is excited about

-- knowledgeable about, capable of exerting capable governance over utility and not have any investments in utility at all, for example.

>> Absolutely, but the same thing is the current investments that might influence their decisions on policy and so they could sway things in ways that would help them profit from those, and that's the critical component of the ethics ordinance, is could they get rich out of the deal.

>> Spelman: 30% owner in Joe's nukes, probably I shouldn't better to apply. I look forward to approving it. Thank you.

>> Thank you very much. Thank you for your time. [Applause] [applause]

>> Stewart Steiner?

>> Mayor?

>> Oh, Chris, Council member Riley. Sorry.

>> Riley: Thank you for this help and I just want to come back to that one question about purchase power agreements. I think I heard you say that the council ought to retain authority to retain [inaudible] purchase agreements above a certain threshold. The current draft we have before us provides that the board must recommend and council must approve a renewable power purchase contract and also provides that we have to have a public hearing on that at least a week before it's posted for approval. That appears to go even further than you were suggesting because it would require council approval on any renewable power purchase agreement. Is there something that is lacking about that provision?

[11:00:43]

>> No, actually that one goes to renewable power, but what the sort of rhetorical conundrum I got myself into on this one is that it's not just renewable power we're worried about. It's the other kinds of power

-- in this ordinance we give extraordinary scrutiny to renewables, but not for gas, not for coal, not to nukes, not to

-- well, maybe geothermal but there are a number of other ideas out there that deserve the same scrutiny you have in here

-- Ryan Ryan so when

>> our first renewable power purchase agreement, there are two interpretations, we could be talking about renewable contract or renewable power so we need to be clearer about that. But your suggestion would be that it would apply to any power purchase agreement, renewable or otherwise?

>> Exactly.

>> So we could delete the word renewable.

>> I think that's fair. And again, I recognize and I think you all do, that there will be times when you need to give the general manager the authority to enter into purchase power agreements to keep the system operating and, you know, within thresholds and longevity standards. That's great. That's appropriate, and that's the way we save a lot of money as well as periodically making money. And so, you know, I'm all for letting that happen. It's just the longer term ones that bind us and may be renewable, that

-- in terms of their terms as well as in terms of their source, that I think are problematic.

>> Riley: Thanks, smitty.

>> Thank you. Thanks very much.

>> [Inaudible] Schneider. And I'll just say, the resolution actually directed that that threshold of \$100 million applied

-- I don't know how this council must approve got into the ordinance. That was not in accordance with the resolution, but that's definitely an area that we're going to have to reexamine on second and third readings, and just a couple more comments. A good comment on the financial statements. I would caution that you're probably not going to get too many applicants who are going to submit a financial statement that's subject to public scrutiny before they actually get the

job. So I would support that with the caveat that the financial statements be public only if they're actually selected, and last

-- a lot of talk about projects, how many projects? Less 100 million? I would submit if you go back to 1996, '97, we didn't have a generation plan then, so

-- and now we do, and i think that makes a big difference in that we've only had a jigs plan since, what was it, '08? Roughly.

[11:03:35]

>> I thank you for your leadership in getting that done, mayor. And then we get back to the point on your personal financial disclosures, i would be wary of someone who says, I don't want to share that in advance with people who might be in a position to discover that I have conflicts.

>> Mayor leffingwell: It's just a privacy issue. I'm just saying a lot of people

-- you get 100 people to put their financial statements on-line, for example, not many people are going to want to do that without a reasonable expectation. It's just something to consider. That's all.

>> Let me just say, whatever you choose to do on this make sure you know

--

>> mayor leffingwell: Yes. Absolutely. Absolutely.

>> And I will harken back to two puc commissioners who went through appointment processes, and their data, although nominally public and marginally public, was not adequate because of the way the forms were set up to be able to discover the extent of their conflicts until they had stepped into it, and policies were made by the public utilities commission to benefit the corporations they worked for, enron and american petrofina. So it is the public vetting, not necessarily the time, skills or talent of your staff or yourselves that enabled to say conflicts to rise to the level that led to resignations in both cases and that's the important reason for making these things public, is that oftentimes people who are outside of the city hall understand the implications and take time to actually scrutinize them in order to prevent damage from happening. Thank you.

>> Mayor leffingwell: Okay. Maybe we'll just show them to you. [Laughter] stewart snider.

>> Thank you.

>> Mayor leffingwell: Steward schneider. [Applause] [applause]

>> mayor leffingwell: Not here. Lainie duro? Lainie duro? Marian melotok?

[11:05:36]

>> [Inaudible]

>> mayor leffingwell: Well, you're going to have to come up to the microphone and tell me who it is so we can get it on the record.

>> I'm miriam melotok [inaudible] donated time to me.

>> Mayor leffingwell: Say the name again?

>> Ellen friedman.

>> Mayor leffingwell: Would the clerk show that time donation and you have to six minutes.

>> Okay. I guess I'd like to just

-- I agree with everything smitty said. What I'd also like to emphasize that we really need to be sure about conflicts of interest of people who serve on this board. I also have an objection to the fact

-- when the original iterations of this resolution had anybody from the city council could be on

this board. Now it's changed somehow to only the mayor and no city council members can be on the board. So I don't like that particularly. I think that if

-- it either should be no city council members or not the mayor or the mayor and all the city council members. So I don't feel good about this, and I'd rather see it so that the whole board could be just city council members. Also, there is no language in there about a transfer to the general fund, what that would be initially and the fact that the city council should have the final say about any changes that get made to it going forward in the future. The way the purchase power agreement things look right now, which I said earlier but didn't put it in that language, was that, you know, we could

-- we have an existing nuke. We could purchase \$99 million worth of power from the nuke without any oversight at this point. I

-- there's special provisions in there that say if we use renewable energy and renewable energy is defined

-- it's being used two different ways in this ordinance. In the definitions it says renewable energy is that energy which is technically from renewables, and then later on in the ordinance in places it refers to if you're going to renew a contract. So it's being used two different ways here, so that probably needs to be cleaned up. But it also says, and I think you also noted this, that if you're going to do renewable energy, it needs to come for a special hearing. That should be the opposite. It should need no special hearing if it's renewables. Nukes

-- nuke power, any nuke power not only should have to have a hearing. It should be prohibited, in my opinion. I say this for a few reasons. One, we just had Fukushima. Two, we're in a drought. We're predicted to continue with a drought. Nukes use a huge amount of water. We cannot afterward to do afford to do that. The same reason we can't afford coal, and I think Philip said something about we need to be able to make adjustments for the long-term cheap natural gas that's going to happen. Yes, there's long-term cheap natural gas on the horizon at the cost of poison in our water supplies. So

-- with the fracking. So I just want to put that in there as I don't think we really need to be looking at natural gas when what it's doing is poisoning our water. So that's one. As far as rate reviews and the classes of

-- there's something in there that there could be one person who represents residential, low income and small commercial. Well, these are

-- these have

-- I mean, residential people that are very wealthy, there's small businesses that certainly don't represent the interests of low income, and I think aside from separating all these out, I think in addition there should be a green advocate also, somebody who's actually looking at the environmental impacts of what happens here and not just what happens with the exact rates. I see no reason why we're rushing this, and given that we've already said that this isn't ready for prime time, I don't see that this is a good plan to vote on this at all tonight. I think that since there are so many changes to this that need to be made and thought out, that this should be withdrawn for tonight. I don't even really want the city council to do this. I would like to see this come as an election before the board, before the voters, whether or not we would like an elected board, or whether we want you guys to appoint the board. And a number of people have said things about our utility being competitive. Well, I don't see that that's an issue when we don't have consumer choice and we don't want consumer choice, because we really want our utility to be embodying the values of what we want, which is green energy, care for the low-income residents, environmental concerns, being able to use green energy, and we have values that are more

important being a public utility than whether we're competitive at this point. So I don't think that's really an issue, and I've heard it a number of times. So the concerns I have about the nuclear power sneaking in or those rolling five-year contracts

--

[11:12:02]

>> mayor leffingwell: That is your time has expired.

>> Yes, I'm finished.

>> Mayor leffingwell: And the next speaker is james casey.

>> Spelman: Mayor, very briefly?

>> Mayor leffingwell: Council member spelman?

>> Spelman: Mariana, i realize your feelings about this have not changed dramatically in the last couple hours and you still think this is the worst thing we've done in 20 years, but I want -- first i want to acknowledge I still understand that you probably feel that way but I really want to thank you for your willingness to help work with the details of this and perhaps after we've taken some of these details into account it will be only the worst thing we've done in the last three or four years.

>> Well, I'm only questioning why is there a rush on this? Why is this a rush?

>> Spelman: I understand. Thank you, ma'am.

>> Mayor leffingwell: And just for clarification, we are posted for first reading only. So

-- james casey? James, do you want to speak? He's already spoken. You can donate your time, but he's

--

>> council, why is this an urgent issue at this point? Almost everybody here knows there's no -- there's nothing going on in the legislature at this point that is forcing you to make this decision at this point without a public hearing that you promised us, and without any sort of guarantee that there will be representation for low income groups, for our environment. This is something that's going on. I'd really like to know what the story is. Maybe somebody here can explain it to us. It's very important that we share

-- it's very important that we manage our public utility, our electric power utility as a shared resource, and how are we going to do that if the people of austin do not have a say in how it is governed? If someone can answer that question maybe [inaudible]. This is a first reading only, yes. Well, it's kind of interesting that we have to have a first reading without a public hearing.

[11:14:20]

>> Mayor leffingwell: This is a public hearing.

>> This is a public hearing. I don't believe it is, mayor. Suppose

-- try to answer these questions. And please think very, very carefully before you take the electric power utility out of the hands of the people. Leave the power in the hands of the people. Let the people contribute and have their voices heard in decisions that are made affect a very, very vital part of our lives here in austin. Thank you.

>> Mayor leffingwell: Kiba bright. [Applause] kiba white. Oh, there she is. You have three minutes.

>> Thank you. My name is kiba white and i am opposed to this ordinance that would give governing authority over austin energy to an unelected board. As we debate this issue, the unelected board that is very similar to the one that is being proposed, the one at cps energy is

giving us a really good example of why this is a bad idea. On tuesday without any public input they announced that they were going to slash the value that they were going to give residential solar owners [inaudible] systems by half. This is very significant for the city of san antonio. It could mean that hundreds of jobs in the solar installation industry are gone. Half. It's a big difference. That means that

-- this change would mean that somebody that has a net zero home would actually still be paying an electric bill. It's not right, and it's not fair and it was done without public input. It's not final yet, but it was put forward as a final proposal. That's not how it should work, and I think that that's something that we can look forward to with an unelected board. An elected body has to be more accountable, just by definition. You need to look to the south and see what has happened at cps and whether or not that is really what we want. Perhaps there are reasons that we need a board, but it doesn't have to be an unelected board. You should trust in your neighbors, in the people of this city. If this is truly a good idea, you can bring it before the voters. Let us make the decision. I think that we are afforded that right in our charter. I also object strongly to this council and our city supporting the bills by senator kirk watson and representative eddie rodriguez or whoever

[11:16:59]

[inaudible] carried those pieces of legislation. Those bills inappropriately keep the rates of the citizens of austin and just [inaudible] them. There's no reason that our city council should be sporkt legislation that overrules our city charter. I think it's [inaudible] that would even be considered. These are our rights. The people are not asking for these changes. I do appreciate that we have an opportunity to speak today, but there are many people who don't even know that these changes are being planned. This is not what I would call a public hearing. Those hearings need to be held throughout the city and with a vested effort to bring people to the hearing. Not just posting it as one item on an agenda. I don't want to go back to the elected versus unelected. I know a lot of time has been spent on one versus a board governing. There's no reason it can't be an elected board. If there were one amendment made to this proposal i would say let's make it elected, not an appointed board. [Applause] [applause]

>> mayor leffingwell: Thank you. The next speaker will, I'm guessing, take us to our recess time of 5:30. So probably be the last speaker we'll here until after the break. Scott johnson? Karen headen is the speaker, if I didn't say. Scott johnson, is he here?

>> No.

>> Yeah, he is.

>> Oh, is scott still here?

>> Mayor leffingwell: Is scott johnson here? He's not here yet. So we'll come back to him. Robin cravey? Robin cravey here? Not here. David witty?

>> Here.

>> Mayor leffingwell: David witty is here. So for now you have six minutes, and if scott shows up you'll have an additional three.

[11:19:06]

>> Robin is not here?

>> Mayor leffingwell: No. For now you have six and we'll see what happens at the end of six.

>> Spelman: I think there's another volunteer back here.

>> [Inaudible]

>> mayor leffingwell: Show andrew dobbs donating time, and you have nine minutes.

>> Thank you. Good afternoon, mayor and council. I'm here today to urge you to vote no on this ordinance and to not do that vote today. This is being rushed and this is all about an effort to help the largest businesses in town, and i think that this is an issue of the 1% versus the 99%. I think this is all about

-- all about catering to c care, and earlier you saw

-- heard a list of who that is. We've been here on februar value entien's day, a lot of citizens gave up their day and came down here to talk to you, and it was about 95% opposed and the only party that spoke out in favor of this was c care. Now, I've been spending a lot of time on the internet and I've been calling trey salinas, who represents c care, for a week and a half, trying to find out who the members are. I finally found a 2009 list and on that list I found quite a few local organizations, and earlier roger read off some of them. 2009 was andy bomar, realty trust, cd richard ellis, data foundry, dell, freescale, highland mall, ibm, national interest, samsung, seton family of hospitals, st. David's and svpc. When you look on-line you can find an address for c care, care of the austin chamber of commerce. That's where you can write to them. Okay. I'm an owner of austin energy. I am a rate payer. We are owners of austin energy. The citizens of austin. I have not voted for anyone to give away my utility, our utility. None of you ran on a platform of giving away our utility, and to be quite honest I view this as a theft. This is the city's largest asset. We're 3.9

-- worth 3.9 billion and yet we can't spend more than just a night or two talking about this? This hearing at 4:00 p.M. When many of the working people of town

-- this is not a hearing

-- can't even be here because they're working? We've been promised a public hearing. Where is it? We're not even hearing it, and that came from the mayor on valentine's night. We're talking a real public hearing with posting, and i have to agree with kiba white. We should be having hearings all over town in every community to find out if this is what people want. This is our utility. This is how we get money to pay for our streets, our schools, our

-- I'm sorry, our parks, our libraries, our clinics, our public safety. We need to make sure that this is done right. The ordinance before you doesn't even guarantee that the transfer to the general fund will remain at the same level as today. How can you vote on it? Why should we allow major corporations to take over our utility, people that we don't get to vote for? And I think if there's an honesty here, maybe instead of saying, oh, we'll appoint somebody who represents low income and we'll appoint somebody who represents consumers, you know, why don't we call it what it is and say that there's going to be a seat for freescale and a seat for dell and a seat for samsung. Let's be honest.

[11:23:09]

>> Yeah!

>> Mayor leffingwell: I'm going to pause your time. I'm going to ask you to hold it down. Demonstrations we'll have to go into recess and clear the room. Okay. Go ahead.

>> Let me continue, that i believe that an unelected board is totally ineffective, and I would have supported this in 1996 when some people talked about it, because conceptually it sounds fine,

but I've seen reality, and I've seen the struggle of people in san antonio. They struggled for years when their board took off and did everything different from what the citizens wanted and even different from what their city council told them to do. They invested millions of dollars into a nuclear prong. It was a disaster. There were cost overruns that were hidden from the public. People got locked out of meeting rooms. You know, those things can happen here too. And we don't want that to happen. We want democratic control. We want accountability, and is it has worked for austin. The reason we have an excellent nationally recognized utility today is because we've had public accountability. We vote in the people who run the utility, and we can take them out of office. And that is key. That's the reason we haven't had a rate hike for 18 years. That's the reason that we had energy efficiency, and in the meantime san antonio was down there pursuing a coal plant. They got more pollution in their community. Then they got the nuke. We were able to stay out of that and save hundreds of millions of dollars when nrg in san antonio sunk those hundreds of millions. We need to keep democracy in place. There are numerous problems with the ordinance. It lacks ethics provisions. It lacks procedures for future replacement of board members. It lacks guarantees to keep the current general fund transfer very high level of things that could be approved. No penalties if the board performs poorly or doesn't follow direction. No penalties. And the conflicts with the city charter. Many voices have not been heard. When the con report came out they talked about what former city managers wanted, and they thought it was a real good idea to do this, and they said things like, gosh, I could have bought more nuclear power, maybe, if I had had such a board. Well, you know what? I'm real glad that that didn't happen. And this is all of our utility. It does not belong to the elite. It belongs to the people, and it's time to get some democracy in place. Please do not vote tonight. Please support the people who put you into office instead of special interests. Thank you.

[11:26:00]

[Applause]

>> mayor leffingwell: I think we can take one more speaker. Air lock, air lock?

>> [Inaudible]

>> mayor leffingwell: You pass, okay, that's good. That's all right. I mean, that's good

-- it's good that I know that. Matt weldon? He is going to speak. Okay. It does say e-r-e.

>> It should be jerry. I'm basically

-- I have a series of questions which other people have asked up here too because I haven't seen any explanation coming from the council. Some of those things

-- a lot of people talked about why the rush, and no one from the council dais has said why we're rushing to this. You all say in the resolution about the study, that this is a well-run utility, but you don't say why the rush, what's the problem. You also don't anywhere say what is the problem.

That should be where this conversation started, what is the problem. And I don't see any of you saying what is the problem. So how can we even talk up here when we don't know what you all were thinking? We think we do. We think we know who's calling the shots, but no one is explaining to the citizens of this city why this is happening. There's also

-- I haven't heard the mayor explain why there's no public hearing. This is not a public hearing the way the people have been talking. We want something that's time certain where people can come here after work and talk, and as other people said, there should be public hearings all over the city. This is a huge decision you're making, and you're making it in a slip shod sort of fashion. So why is that happening in austin that this is happening? Why, why, why? And why is there no elected board? Why wasn't that chosen as the alternative? You chose an unelected

board, but there could be an elected board. And I think a lot of people out here would have agreed

-- that would have been okay with them, but there's no explanation why you chose an unelected board as opposed to an elected board. And why in the world have you gone to the legislature? We talked with representative rodriguez and he said the mayor met with him and said that he should author up this bill at the legislature. Why are you taking a vote away from us? That's the most fundamental part of democracy that there is, and this city council will probably vote this evening to take the vote away from the citizens of this city. That shouldn't ever, ever happen. None of you should do that.

[11:28:51]

[Applause] and why is this being done on behalf of c care? Doesn't it make any difference that the city have lined up in opposition to this and you have this coalition of corporations, the 1%, and you seem to be doing everything at their bequest. That isn't okay. So I have a lot of questions, and a lot of other people have questions, and I think we deserve answers tonight. Thank you.

>> Mayor? [Applause]

>> mayor leffingwell: Council member morrison.

>> Morrison: You asked a lot of questions and there's obviously a lot of discussion around them. I want to just answer very briefly one of the questions. You asked why the rush, what's the push, and i frankly know of absolutely no reason why it has to be rushed. [Applause]

>> and we don't know.

>> Mayor leffingwell: And that is a good opportunity to go into recess for live music and proclamations, and I'm going to remind everyone again, when we come back we'll put this item on the table for right now

-- when we come back oral demonstrations are not allowed in the chamber, so if you do that we'll have to clear the chamber for the remainder of the hearing. We're in recess. Rav less ralph les rav cary ccare come tellist

[11:37:43]

>> mayor leffingwell: Can i have your attention? It's time for live music at austin city council. And we're privileged tonight to be entertained by les pronounced it earlier. It's the musical brainchild of keyboarder, songstress and writer loren bruno who came here after completing her education at the barkley college of music in austin. Pi and pop group features dark yet inspirational folk music. Winners of the recording conservatory of austin's 2011 best unsigned artist competition, this group has been featured on a number of music channels from kut in austin's culture map to european radio. Les rav has also played [inaudible] outside utopia fest and fused festival for klru film for the channel show art in context, flush with both aspiration and inspiration, bruno and her creative collective bring a refreshing sound and message to the austin music scene. Please welcome les rav. [Applause] techni techni cal difficulties. Shouldn't there be a red light on that switch there? [Laughter]

[11:40:09]

[🎵 music playing 🎵]
[11:44:27]

[cheers and applause]

>> thank you. [Cheers and applause]

>> thank you.

>> Mayor leffingwell: He doesn't come down here very often. From now on you get as much time as you need, really, to do a little self-promotion. Tell us where you're playing and where people can buy your music.

>> Well, I was wondering

-- well, first of all, thank you all for being here and thank you for listening and thank you for having us. We have a [inaudible] coming out at the end of april, which is [inaudible] and [inaudible] support and check us out on facebook. But we, I feel like [inaudible] more [inaudible] because without [inaudible] we wouldn't be here. And I had a couple of things to say. I know I only have a short amount of time, and I don't know

-- I don't know how much time we actually have. So

--

>> I'll let you know. [Laughter]

>> great.

>>> You know, three minutes or so is fine.

>> Three minutes, okay, great. All right. Well, here we go. Well, I mean, I guess the council is here so I first want to say to you, mayor leffingwell, that we really appreciate you guys having this type of connection available to the artistic community in austin, because it's extremely important to have this direct connection, and I just want to say thank you, and I'd love as to start with asking you

-- I'd really like to know what inspired you and why

-- [laughter] why I put you on the spot instead of [inaudible]. [Laughter] but I don't know if you've ever been asked that, but I'm just really curious what inspired you and why you decided to become mayor of austin and, you know, what inspired you to be in that seat.

[11:46:38]

>> Gosh. Thanks for the opportunity, but I'm really not going to give a campaign speech right now. [Laughter] , you know, I'm very proud to be mayor of austin. I'll just say that. This is my home town. I was born and raised here, I've spent most of my life here. It's a great city. I love it. And I just can't tell you how full of pride I am at having this opportunity to serve our community, and for me that's what it is. And I had a lifelong career as a nvy and an airline pilot, which, you know, sometimes I wish I was still doing,. [Laughter] but this is an opportunity that I'm so grateful for, and thank you for asking.

>> You're welcome. [Applause] well, clearly you have a lot of passion, and when we got told that we were

-- by the way, thank you to the [inaudible] offers and don pits is actually [inaudible] everyone who put so much hard work into [inaudible]. When we got to [inaudible] a lot about, you know, what this meant and it was like, well, I need to know about the mayor, and honestly, i didn't know a lot about you, except that you were the mayor of austin. So I did a lot of research and [inaudible] watching on tv, who doesn't know the tv or anybody here who don't know [inaudible] if you just google him, you can easily tell and get to know him as a person. And you can tell how

genuine and sincere a person he is, and not only that, you can easily tell how hard him and the council is working to make the light shine in austin. And they're doing their very best. And I really started learning more and more about you as a political figure, and what you're doing in the community, and I found a couple quotes that I really, really liked. One of them

-- [laughter]

[11:48:40]

>> I didn't put her up to this. Honest. [Laughter]

>> [inaudible] not really. But I like [inaudible].

-- This is regarding the medical school that you are interested in building, which by the way I think is amazing. I have an autoimmune disease and as long as you get art [inaudible] I'm cool with it. Obviously [inaudible] simpler thing would have been not to do it, not to risk failure or rejection from people who believed that was too much to ask, leffingwell said, but ultimately the [inaudible] of what a medical school would mean to austin's future made that risk worth it. And [inaudible] is first of all your need to take risk, and also your

-- your focus on [inaudible] vision, and that's what makes up austin, besides inspiration and light, is [inaudible] and the ability to take a risk. And every day, everyone in our community, the creative community, nonprofit, small business, everyone is taking risks every day. And some of us, it's a [inaudible] thing. As artists, if we don't get paid, we don't eat, you know. And it's true. [Laughter] that we're taking risks every day, and I don't want to go too much into the deal because I don't feel like telling you what needs to go done is what's going to help. But I feel like you knowing

-- well, you already know how fast the city is growing. You already know that there is a big eye on the city, and it's not just this nation. It's potentially is international.

>> Mayor leffingwell: North korea too. [Laughter] they've got their eye on us. [Laughter]

>> but I guess basically another thing you had said, that you believe wholeheartedly the state of city today is the strongest it's ever been in our 173 year history and it's getting stronger every day, and I believe it too. But the big question for us

[11:50:56]

is obvious: How do we keep it that way as long as possible and for as many of us as possible. And that's a really, really great question to think about. I wish I had a lot longer to talk, but I wanted to really talk about just a couple community. [Beeper beeping]

>> mayor leffingwell: Go ahead and finish. You're doing good. Finish what you were saying.

[Laughter] I wanted to talk about just a couple of community groups that are really standing out, and really doing incredible things that i think you should know about if you don't already know about. And you also said we have to think long-range, which means it's going to take patience and it's going to take hard work and it's going to take effort, but a lot of the stuff that we do in the city is really easy, and it's easy because people are willing to do it and willing to help you and willing to support you, because you support us. So one of the first organizations I wanted to talk about, even though i want to talk about a hundred, but

-- one of the first ones, because I know environment is really close to your heart, is the food is free project. They're right there. John, don and stacy, they have tomatoes plants for you and the council.

>> Mayor leffingwell: Great.

>> If you're hungry, you can just

-- basically the food is free project, what they do is they salvage garden supplies, used salvage -- I'm getting nervous now. They find salvage garden supplies and they use it to build gardens for free and show people how to have a small, you know, sustainable garden for themselves, and a lot of the gardens are built in the front yard of the neighborhoods, so they could all come together and share in the community and share in the food and the growth. A lot of what they focus on is really like paying attention to the resources, like, that we already have. I can't really -- I really want you to meet with them at some point. I can't really say all the incredible things they do because they're so incredible, but I think it would be really powerful if you could talk with them.

[11:53:25]

>> Mayor leffingwell: Sure. We'll do that.

>> Because they have such good ideas as far as water goes, like I know that water treatment plan that you're working on, they have just sustainable and such good ideas for our future in austin, and just like you said, we're creating a template here in austin, so whatever we do here is going to be used by other cities, so why not do it in the most sustainable way and the most green way possible. And they can help you. They already have 13,000 followers on facebook. So I don't know if that means anything to you. [Laughter] I know you have a facebook. The other thing I wanted to mention was amp, which I'm sure you already know hoolihan.

>> I don't think I do.

>> Then

-- is she here? Jennifer hoolihan is the executive director of austin music people, and basically they are

-- they have become the voice for the artistic community, not just the music community. [Beeper beeping] man, that timer does not like me. I'm trying to hurry. I promise. And basically what she is doing is what we

-- we need, and I could go on and say numbers. And I'd like to say one number, just let me say one thing. A study published in spring 2012 funded by the city of austin, funded by you, reported that the 2010 economic impact of austin music industry was more than \$856 million, creating -- creating nearly 8,000 jobs and generating \$9.6 million in city tax revenues. Till separately tourism brought in another \$608 million creating 10,000 jobs and generating 28 million in city tax revenues, more than all other creative sector tourism combined. Together the austin music industry categories created an economic impact of more than \$1.6 billion and that number is growing annually as the economy recovers. And as additional festivals, weeks and venues are added, which I know you brought the grand prix here so I'm sure with those there will be more added. Without attacking you or saying anything, basically that light and inspiration I'm talking about that we all feel because we're all humans, your creative community, that light is dying, and I'm going to be quite frank. Like we

-- we need more support from the council and we need more support from you. I'm not going to cry

-- because

-- sorry, oh, my gosh. We

-- we can't do what we do if we don't have the help from you guys. And

-- oh, my gosh.
[11:56:26]

>> Mayor leffingwell: Well, certainly

-- [applause] let's give her a hand. She's done such a great job.

>> Okay.

>> Mayor leffingwell: And we

-- you know, this is a live music capital of the world, so we have certainly appreciate both the cultural and economic benefits that we derive from our music scene. We intend to continue to nourish that.

>> Okay, all right.

>> Mayor leffingwell: Okay. I got a proclamation I got to read for you.

>> The other thing is, I'd like to take you out to lunch. [Laughter] I really would, you and your wife. I really would love to take out to lunch because i really have more ideas, whether it comes from me or someone else, I'd like to tell you about them.

>> Mayor leffingwell: Okay. Great. We'll work that out. [Cheers and applause] so we have this to do in your honor, this proclamation and it reads, be to it known that whereas the city of austin, texas is blessed with many creative musicians, whose talent extends to virtually every musical genre, and whereas our music scene thrives because austin audiences support good music produced by legends, local favorites and newcomers alike, and whereas we're pleased to showcase and support our local artists. Now, therefore, i, lee leffingwell, mayor of the live music capital of the world, do hereby proclaim april 11, 2013 as les rav day in austin, texas.

Congratulations to you. [Cheers and applause]

[11:59:00]

>> mayor leffingwell: Come on up.

>> Mayor leffingwell: It's my privilege to present a proclamation. I don't want to say in honor of, but in commemoration of the cary youth violence prevention month, because i don't think youth violence is something we want to say too many nice things about, but it is certainly something that organizations like cary are providing an invaluable service and trying to address a horrific problem in our community. One of the nonprofits in the city of austin that we really couldn't do without. They provide so much. I've said frequently, for years now, that our nonprofit organizations perform a service for us, that of course we try to help them out with it a little bit, but if they didn't do what they did, somebody else would have to do it, and that might have to be us, and it would cost a lot more money and probably not be as good a service. So we appreciate all of our nonprofits, cary included. So I'm going to read this proclamation and then let adrian say a couple of words. Be it known that whereas the month of april each year is a reminder of the devastation of youth violence that stem from the april 20, 1999 columbine high school massacre that left 17 dead and 23 injured, and whereas since columbine there have been 59 recorded school shootings resulting in 152 student deaths, 50 adult and faculty deaths, and 154 serious injuries, including the recent sandy hook school shootings, and whereas the council on ad risk use, cary, c-a-r-y, was established in 1999 and has continuously conducted delinquency in youth

violence, prevention programs with more than 5,000 high-risk youth in aid and whereas the city board recently reaffirmed its goals of conducting prevention programs, educating the public about youth violence, advocating for government support, and striving towards safe schools and safe communities. Now, therefore, I, Lee Leffingwell, Mayor of the City of Austin, Texas, do hereby proclaim April 2013 as City Youth Violence Prevention Month in Austin, Texas -- prevention month in Austin, Texas. Congratulations to you. And Adrian, I'd like you to say a couple words if you'd like.

[12:01:48]

[One moment, please, for [one moment, please, for change in captioners.] (cofa9-27-12.Ecl)
>> let me invite you, Mayor and other members of the viewing audience, may the 10th we're having our public distinguished speaker event. This is the seventh for a good period of time that we do annually. We're going to have Katherine Newman, who is the author of Rampage, the social roots of the school shootings. She is going to be our speaker May the 10th at THE SHERATON, 11th AND I-35. We're going to have a great dinner, silent auction with Heidi Gibbons over here, some music as well. So please join us. But once again, thank you very much.

[12:05:47]

>> Mayor Leffingwell: Now we have a certificate of congratulations for our HR department. For their leadership in establishing a program for healthy lifestyles. If you see the HR liaison folks in various departments around the city drop down and give me 50, that's all I have to say. [Laughter] so I'm sure they're very enthusiastic about their work. Personally when I see them coming and I'm not ready to do 50, I do somewhere else. [Laughter] I'm just kidding. We certainly support the great work that you do. They're not only good for our employees and their quality of life, but also good for the bottom line for the City of Austin and we appreciate that. So I will read this certificate of congratulations. It reads as follows: For having selected -- been selected as one of the organization's nationwide to receive the well-deserved award from United Health Care in 2012, the City of Austin HR department is deserving of public acclaim and recognition. The award acknowledges HR's exceptional commitment to helping city employees improve their health and well-being. Since the city has received this award three times, United Health Care also presented the department their leadership award. The city has found the use of workplace programs to combat the effects of chronic diseases improves the quality of life by reducing health care costs. That's a win for both employees and the organization as a whole. The city's wellness efforts are in keeping with our mission to be the best managed city in the nation, to achieve a healthy workplace. Congratulations to the HR staff and the many volunteers citywide who enable HR to carry out its healthy connection and programs.

[12:07:50]

-- And PE programs as well as to provide ongoing health assessments, tobacco cessation classes, wellness programs, seminars and fitness challenges. We're pleased to join UHC in congratulating HR for this award for their outstanding work on behalf of our city employees presented this 11th day of April in the year 2013 by the City Council of Austin, Texas, signed by myself, Mayor Leffingwell. Now I will ask Carol Kelvin of United Health Care to say a couple of words about this award. Carol?

>> Thank you, Mayor and I appreciate the opportunity to be here today to talk to you a little bit about our relationship with the City of Austin. My name, as you said, is Carol Kelvin and I'm the

health director of health strategies and lucky enough to be a citizen of austin and happy about that. I'm very pleased to work with the city and their wellness program now for many, many years. As the mayor said this is the fourth time we've recognized the city as not only one of the healthiest employers and the most impactful wellness programs in texas, but in the entire nation. They were chosen among 80 candidates as one of the leaders in wellness this year. There were seven across the entire united states and we're very pleased to be able to congratulate the city and to provide this trophy to the hr staff, the healthy connections staff and we'll hear from mark washington.

[Applause]

>> thank you, mayor and carol. It is an honor on behalf of all of the 12,000 employees in our workforce to be acknowledged and receive this award. Certainly it would not be possible without the employees. We have over 6,000 employees who are participating in our wellness program. 50% approximately of our workforce. And we've found that the mayor said it does impact the bottom line. Those who participate in the wellness program are more likely to have lower costs. In fact, we did the statistics and it's about \$600 a year lower cost and when you add the numbers up that's about \$3.8 million with all the employees that's involved. So we certainly appreciate the effort on behalf of the employees. Could not make it happen without the over 138 health promotion team members, the 89 pe captains and the seven weight watcher captains throughout the city. I think we've lost almost 3,000 pounds collectively as an organization through our weight watchers program over the past year. I would like to just acknowledge briefly our benefit manager karen heywood and our wellness program coordinator michelle doo and one of our wellness liaisons, sharon bailey who is here and made it happen along with the other employees here today. We appreciate it and thank you very much.

[12:10:58]

[Applause] I have questions for the mayor? [Laughter]

>> Mayor Leffingwell: Austin is proud to be home to a lot of people that are known around the world for not only their

-- for their careers, but for their contribution to their communities. And tonight we're honoring someone who is certainly no exception to that rule. Andy roddick is an austin native and he grew up here. This is where he learned to play tennis, believe it or not. He's known for his athletic achievements and he has been

-- several people have said he's one of the greatest american tennis players of all time around the world. In his career he was ranked number one in the world and won the u.S. Open title in 2003. And additionally andy has been recognized for his charity work, winning the arthur ashe humanitarian award. When he was 18 he started the andy roddick foundation to help children with limited opportunities reach their potential. He and his team reached out to my office as they're relocating their headquarters to austin. They'll soon open a new facility in eaustin to serve the community. And I'm very proud to support their efforts. We're here to honor him and his contributions to our city today. I have a proclamation in his

[12:14:18]

honor, and it says: Be it known that whereas andy roddick is one of the greatest american tennis players of all time. We've said that twice now, didn't we?

>> Thank you for that.

>> Mayor Leffingwell: And I established the foundation in 2000 to extend the benefits of the

sport to the next generation based on the motto talent is universal, opportunity is not. And whereas the andy roddick foundation is building a tennis and learning center which will provide underserved youth in our community with a safe, positive and enriching experience. And whereas the foundation will provide sports skill instruction and academic support activities to promote the dedication, self-discipline, respect and good sportsmanship all designed to empower youth to be successful citizens and leaders and provide opportunities to foster their dreams. And whereas the foundation's fund-raising golf classic is april 14th through the 15th, and tennis outreach programs began in may. Now therefore i, lee leffingwell, mayor of the city of austin, texas do clear by proclaim april 14th, 2013 as andy roddick foundation day in austin, texas. Congratulations, andy. Say a couple of words.

[Applause]

>> thank you very much. And thank you to the mayor for having us out. And for that continued support of the andy roddick foundation, for awhile we were a foundation that affected the austin community by throwing one massive event every year for emotionally affluent crowd to raise funds and we were more of a pass-through organization. About a year and a half ago we started the process of building something permanent and lasting here in austin. And that's what we're going through right now. We should have our facility up in q 4 of this year, and I'm lucky enough to work with a lot of great people on our staff, and we are very committed to kind of the next generation of the youth in austin. And we hope that we can lean on you all for your support throughout the years, and we're humbled by this proclamation. And lastly, if you are interested in coming to any of our events over the weekend, please visit the andyroddick foundation.Org, arfoundation.Org. And we came with gifts.

[12:19:26]

>> Cole: In austin we talk a lot about affordability and affordable housing, but with that discussion goes the issue of fair housing and today we're here to issue a proclamation based on fair housing month to be presented to jonathan fabik and I will read the proclamation. Be it known that this year we commemorate the 45th anniversary of the signing of the fair housing act of 1968. And its amendment in 1988 which provides safe affordable housing as part of the american dream and opened that possibility to everyone regardless of race, color, sex, national origin, religion, disability or familial status. And whereas the city of austin is likewise dedicated to ensuring that all citizens receive equal treatment when buying or renting a home and whereas we encourage everyone to recognize the importance of fair housing practices and to continue to work to change attitudes and remove barriers that limit access in choice. Now therefore i, lee leffingwell, mayor of the city of austin, texas, do here by proclaim april 2013 as fair housing month.

[Applause]

>> thank you, mayor pro tem cole. As you just stated, on APRIL 11th, 45 YEARS AGO To the day, president lyndon johnson signed the fair housing act. Since that time we've accomplished great strides. We still have a lot of work to do. Any person in the city of austin who is experiencing discrimination in obtaining housing should call my office, the city of austin equal employment fair housing office at 974-3262 and we will assist you with filing a complaint. In addition, in celebration of fair housing month on april 23rd the equal employment fair housing office will be sponsoring a conference at the mexican-american cultural center. Our theme this

year is creating equal opportunities in our community we'll have presentations by our investigative staff, representatives from the city of austin legal department in addition to representatives from the state of texas and the federal government. I'm also excited to tell you that we will have the vice-president for diversity and community engagement from the university of texas, dr. Gregory vincent, as our keynote, and I'm also very excited to announce that the executive director of echo, the ending community homeless coalition, ms. Anne howard, will be making a presentation. We have information about the conference on the website, you can search fair housing or call my office, 974-3262, and I'll be happy to help you. Thank you for your leadership, thank you for the proclamation.

[12:22:32]

[Applause]

>> Cole: This is music and we love music and we love jazz. This is jazz appreciation month and I would like to read a proclamation to be accepted by fito kahn. Be it known that we shine a light on the important history of jazz and its importance on culture. Whereas through concerts, lectures, films and other programs, austin jazz alliance encourages people of all ages to attend concerts, listen to jazz on radio and recordings, read books about jazz, study the music and support institutional jazz programs. And whereas there is live jazz happening almost everyday of this month. Visit the austin jazz alliance calendar to find out where. Now therefore i, lee leffingwell, mayor of the city of austin, texas, do here by proclaim april 2013 as jazz appreciation month. Would you like to say a few words?

[Applause]

>> thank you, mayor pro tem. The austin jazz alliance is trying to bring together the austin jazz community, jazz fans, jazz musicians, jazz venues under one umbrella. That's our hope that we can in 2014 bring a jazz festival to austin, texas. So I encourage you all to go to the austin jazz alliance website and sign up. Membership is free. So that we can let you all know as our plans progress. The austin jazz alliance also has a very comprehensive calendar of jazz events. So since it is jazz appreciation month, we ask the community to go out and find a jazz venue and go enjoy some live jazz. There's jazz everyday of the week this month. So please go to the austin jazz alliance calendar and find the placing to listen to some live jazz. Thank you very much.

[12:25:20]

[Applause]

>> Cole: Well, the carver museum is a monument to our community, to its culture and many, many activities. And there are a group of individuals who work tirelessly to promote it and keep it in the city's eye and best interest. So here I will now read a proclamation to be given to the george washington carver ambassadors and accepted by arthur sahl. Be it known that whereas for the past decade the george washington carver ambassadors at the connally guerrero senior activity centers have been supporting the mission of the carver museum and cultural center and whereas 18 members founded the ambassadors and 14 are still active, but the group has expanded to include 70 members currently. And whereas the members provide financial support for the museum as well as finding art, physical artifacts and other items deemed appropriate. And

whereas we're pleased to join the city of austin parks and recreation department and the george washington carver museum in recognizing the efforts of the ambassadors in helping the museum with its educational and outreach goals. Now therefore i, lee leffingwell, mayor of the city of austin, texas, do here by proclaim april 12th, 2013 as the 10th anniversary of the george washington carver's ambassadors. Congratulations.
[12:28:22]

[Applause]

>> mayor pro tem, we thank you for giving this opportunity this afternoon to celebrate 10 years as an organization. Our main objective, one of our main objectives for the museum, is to support the museum in artifacts and art. Our main objective is to see that the museum is never lost, that it will be a here for years to come. We know how the city is growing and realize how things move. We want to make sure that that museum stays there forever for african-americans. At the same time we have here two of our charter members, dr. Akins. Also we also have another charter member, mr. Leon roberts. These are charter members. We also have with us here, the cure rate here this afternoon, ms. Bernadette pfeiffer. Tomorrow we will be celebrating our 10th anniversary. It will be held at the carver museum, start at 6:00. We invite each and every one of you to attend. Mayor pro tem, we thank you for your support with us in the past.

[Applause]

[12:31:37]

>> Morrison: So on april 20th you all might not know, is national record store day and austin is a music-loving town and we're fortunate to have, I gather, about a dozen record stores in town. And there's good news for record stores these days and that, I just heard on the radio about a study that shows that the vinyl is

-- there's a resurgence in vinyl and sales are picking up. So we are here with some of our record store owners in austin to recognize national record store day, which is on april 20th. And so I have a proclamation. I have john kuntz with me of waterloo records and he's going to introduce the other folks that were gracious enough to come down here. And I want to read this proclamation. It says: Be it known that whereas today hundreds of independently owned music stores across the country are celebrating record store day and whereas of all these stores -- all these stores will be linked in celebrating the culture and the uniqueness that they occupy both in their local communities and nationally. And whereas many local independent record stores are hosting and indy record store day crawl where visiting one store earns a discount at all the other stores, an event unique to austin. And whereas supporting our local record stores is one way to strengthen our local economy and retain our unique

-- our unique city's unique character. Now therefore i, lee leffingwell, mayor of the city of austin, texas, do here by proclaim april 20th, 2013 as national record store day. So congratulations and thank you for coming down.

[Applause]

>> thank you, councilmember morrison. And thank you neighbor, laura. Laura lives just a block -- not even a block away from waterloo records. It's nice to have a council person in the hood.

I'm joined here today by forest topek and eve monsay, owners of antone's records and in the middle there bernard vosek, my record music loving brother from music mania. The three of us are the three oldest continuously

[12:34:06]

-operating record stores in austin, and together we just figured out we represent 80 years of selling records in this town. And of course antone's was opened by our very good friend clifford antone, music especially preciserio and music operator, clifford antone. Anyway, on behalf of all those dozen record stores that are independently operated and austin owned, I'd like to thank you for this proclamation and in celebrating the sixth annual record store day coming up on saturday april 20th. Record store day, as councilmember morrison said, celebrates the music community and culture of physical, local record stores. And record stores are the musical town market squares where musical treasures are bought, sold and traded, but they're more than that. They're music libraries, they're music venues like every other place in town, exactly, and most importantly I think they're a place where music lovers get to meet with and hang with music makers. Record store day is celebrated on every continent on the globe except for antarctica, but we're working on that one. And it's celebrated at 1700 record stores globally, 1,000 of those are nationally and as we mentioned 12 of those are right here in austin. 12 stores will be celebrating the record store day store where shop at one store and get a discount at every other participating store. It's a really cool way and it's unique to austin that we are all brothers standing arm in arm celebrating the culture of record store day. Those stores are antone's, the austin record convention, breakaway records, encore records, friends of sound, music mania, trailer space, waterloo records and whet stone audio. There is also going to be over 420 exclusive releases, musical treasure releases coming out for that day. I remember exactly where i was on the hour of 4:20, the last 4-20, I was right across the street for the unveiling of the willie nelson statue across on willie nelson boulevard. And willie nelson is just one of the texas treasures, austin treasures releasing an exclusive record store day release. Willie is joined by gary

[12:36:45]

(listing names) rock-n-roll hall of fame members. So thanks very much, everyone. Thank you, city council, mayor leffingwell, and I'd like to extend a warm welcome, an invitation to everyone to come out and celebrate record store day at your austin-owned record stores. Come saturday april 20th. Thank you.

[Applause] ,

[13:01:54]

>> test 1, 2, 3, 4,

[13:07:33]

>> mayor leffingwell: We are out of recess and we will pick up again with item numbers 41 and 21 later. Roy waley. I don't see roy. Laney dorhtry here? Carolyn c, ume? Carolyn group here? Sarah watkins. Is sarah here? Where is sarah? Outside. Forty-one and 11. Okay. We will go to

the next speaker. I will call your names again. Matt weldon. Is matt here. All right. You have 3 minutes.

>> Hoping for an opportunity to make use of the rest room. So my comments will be quick out of biological necessity. [Laughter]

>> mayor leffingwell: Well, it is only 3 minutes.

>> That's a good thing. My point here is one that i tried to make at the prior one, is that I may not necessarily disagree with the ordinance@ itself in the end objective. I do object to the process a because obviously, given that there is so many people testifying, there are a lot of questions that we want to make sure that the process allows to be answered, and so I just again would ask for the definition of a process that actually allowed adequate public input. I realize this is an old within the halls of governance but it is a relatively new issue, especially emotionally a new issue with the public. Please engage with the public. Give us an opportunity to ask our questions, get our answers, and my request, again, is just kind of a white paper defining a problem. If you look at the original resolution, there is no problem statement inside it, other than a request for greater transparency. Does the ordinance as defined lead necessarily to greater transparency? So my hope is that we will change the process of engagement so that the entire community can support the outcome. Thank you for your time.

[13:09:51]

>> Mayor leffingwell: Gus pena. Is gus pena here? Not here. Edward martin. Edward martin. Okay. Is edward martin here? Okay. Joe an richards

-- joe ann, are you here? Raise your hand if you are here? Not here, so you have 3 minutes.

>> Thank you, mr. Mayor and members of the city council. My name is edward martin. I go by phillip martin to most folks, I have lived in austin my whole life and i never come and spoke before city council. I am very confident in what our city council does generally. I am happy with all of the decisions you all make and sometimes you don't do what I want exactly but I don't expect you to do everything I want. This is an issue, I think, mr. Mayor, especially that i don't remember talking to you about this any time i spoke with you when you were running for election. I don't remember you running on this as an issue. I don't remember this in your campaign literature. I don't remember hearing you talk about this at any of the environmental meetings. I didn't ever hear you speak about this until after the process. I would like this to go -- i understand the value of an independent board. I understand it is a lot to ask members of city council, mr. Mayor, to do this work and to have to

-- the ena largement of austin utility and it is value to have expert and a independent voice in the process but independent voice and independent board can be elected. I should have a right to vote for these people who are making decisions. There is a lot of problems that can happen and a lot of people spoke about them today and I would

-- i apologize, I don't remember to repeat all of them. My biggest thing is that i have been here in this city my entire life and I never have seen something like this go through so quickly without any definite need. I appreciate council member chris riley who recently spoke about the pros and cons on this and the media was at and it was good to hear about him and learn about the issue and I have been able to learn about this issue and the value of moving to an independent board from the hearing today, from hearing some questions and the suggestions that the committee made, from hearing some of the questions from members of council. That's the point. Every time

you talk about this, you learn a little bit more and you have an opportunity to make this better. I think that's what a lot of people want here today. That's what I want. I want to make sure the decision is being made well. I understand, mr. Mayor, you think this has been studied to death. If this had been studied to death, I don't think there would be question for additional study just recently, from your report. There is a lot of questions. There is no need for this to go through and I promise, i would have not voted for you, mr. Mayor, or any other member of council if this is something you campaigned on should you choose to put this forth unelected board for austin energy, myself and anybody that I can convince in any capacity that I may have, I will do all I can to make sure they do not vote for you again. F.
[13:12:52]

>> Mayor leffingwell: Thank you, phillip. [Applause]. Roy waley. And lane any duroh. Lane any is here. Carolyn crume. Not here. Sarah watkins.

>> I am here.

>> So you have 9 minutes

-- up to 9 minutes.

>> My name is roy waley. I am the conservation chair of the austin sierra club and I had all of my notes written out, my

-- everything written down, and then it

-- I thought I had lost it, and it turned out that smitty had stolen it. [Laughter] so everything I was going to say, smitty got ahold of.

>> Mayor leffingwell: You can say ditto.

>> Well, same as, pretty much. So what I am going to talk about is a couple of key points for the sierra club. I want to let you know right up front, I will use some strong terms. I am going to use some language that some people in chambers tonight might find offensive. I am just going to ahead and get it over with right up front. Democracy

-- representation for citizens and the needs for the citizens. Democracy. There, I said it. I want to make sure mike is not coming to get me. So what I believe is that one of the things that austin has always believed in is a representation of democracy that's driven by the citizens, by the citizens of austin, and the citizens are the owner of our utility. Austin energy is owned by the ratepayers, and i believe that, instead of looking for ways to say, i don't believe the city charter requires this, I ask that all of you find a way to look at it and say the city charter allows this. The city charter allows this vote to take place and that the citizens of austin should have a chance, as has been said, this is not another emergency situation, that we should take the time and have the citizens of austin vote on this. Now, then, to clarify something, you know, many people have talked about whether or not this is a public hearing. I think what's trying to be said is that this is a public process. Have we taken this out to the neighborhoods? Have we taken this to everybody, like we did with the rate case? So that we have a series of meetings like you had, mayor pro tem, to talk about the rates, to educate about the rates and to get feedback on the rates. When we get our citizens involved, we have a better process. Later this evening, we are going to be talking about the barton springs master plan and we have been ma'ammerring away on that
-- we have been hammering away on that for years now and because all different sides have come together and discussed it and cussed it and discussed it some more, we have come up with a better plan and it's because the citizens were involved. And so that's what we are asking for

tonight. Now, then, the other thing is, is the 100 million-dollar cap. That's problematic. We should cut that to at least \$50 million, if not more, but give room, give room for them to be able to work so that you are not overburdened by this, but give room for them to be able to work without it being a stealth project. We don't want to see another wdp4, where we slowly bleed and bleed and then come in here, we need a little bit more. We are not delivering what we promised but we need more to deliver something that is less than we promised. And so we don't want to find ourselves in situations like that. Let's make it very clear that the austin city council, whether it's you 7 or the 11 that will be coming, are representing the citizens and the citizens' desire to have a progressive green city, that our energy comes from green sources that we get out of coal, as we plant and have said that we plant. That's never

-- let's never go into the nuke deeper. Let's always make sure we have those safeguards. I know there is a lot of back and forth about cps, et cetera, et cetera, what san antonio has done, but we have that letter from former city council member that basically says, oh my gosh, don't make the mistake that we made. And I am heari y'all say that you will not because it will be a different kind of board but it has to be a board that is answerable to the citizens. It has to be a board where we can come and express our concerns and share our ideas. We are considered the green capital of

-- of the united states, and it's because we pushed it. We had visionary leadership and citizens that pushed that, and we don't want to back away from that. I don't think we are the green leaders, but we've got a lot of people to pass us up, and so that's good. We led the way for a while and I would like us

-- i would like to see us take that leadership back. So what

-- what we need to do is have a board that is answerable to the citizens, and if that means the hybrid that smitty talked about, i think the sierra club could be very happy with that. I agree. It should not be the mayor, a mayor, any mayor, and an unelected board. If we are going to have an elected official, let's have a hybrid system of elected officials and let's have it driven by that. Now, then, some other words that are strong language, that's green. That's renewable. That's sustainable. These are strong terms and we should stand up and be strong enough to back those terms. And on sustainable, just as a quick aside, in the chronicle last week, there was a quote from me regarding luchia athens. It is not a matter of what has she done, although that is true. The quote that didn't get finished was what could she do if she were unshackled and allowed to, and so for sustainability, we need to unshackle, have input. That's the main thing. We want to have the voters. You know, when

-- when roger wood talked about

-- used as an example, the biomass plant, absolutely right. You know why that was such a boon doggle? Because it was rushed through. Because it wasn't taken out to the community. We didn't get a chance to talk about it, as other speakers have said, hurry, hurry, hurry. Act now. You will never have an opportunity like this again. Oh, god, I hope not. I sure hope we never have an opportunity like that again. We have to take care that we honor what austin has always been about and that's citizen involvement. Find a way to say yes to

-- yes a citizen should get to vote on this, not find a way to say that charter doesn't require it. At a minimum, that. There will be much more speakers much more eloquent than I that don't use language as harsh as I do.

[13:21:21]

>> Cole: Let me ask you a harsh question.
>> Yes, ma'am.
>> Mayor leffingwell: Mayor pro tem.
>> Cole: Tell me what you mean by "a hybrid board.."
>> Well, between austin energy officials, the city council and outside representation, by energy experts absolutely agree that that background be put
-- made available and if they don't want to make it available, if they are afraid to put their financials out there, then we don't need them.
>> Cole: No, the hybrid board, I thought you said consists of
--
>> I am talking about we will need to have people from the outside. They will come in
-- they will be industry experts and if they don't want to make their financials available, if they don't want to show who they are beholdng to, that's fine. We don't want them, anyway. If you don't have something to hide, you are not going to be afraid to make that available. So when I talk about the hybrid system, I am talking about a combination of city council members be on that governing board, the industry experts will be on that board, and they will be fully vetted. And that austin energy will have their appointees to that board. And that it be a regular report quarterly, I don't know, quarterly is enough. I think it should be a monthly briefing. But that and absolutely everything
-- I am not going to repeat everything that has been said.
>> Cole: I've got you.
>> Open meetings are important. Access, very important.
>> Cole: Do you agree with everything smitty said and you laid that out. I was up sure about the hybrid.
>> Citizens that elect you, that's accountability right there. A board that is not elected, that's not accountability. I mean, paul made some great points.
>> Cole: I've got it.
>> About, yes, our rates are different but our bills are lower. And that's really what we want
-- we also don't want to see
-- I mean, when we talk about
-- also
--
[13:23:27]

>> mayor leffingwell: Roy, we have a lot of folks here to speak and
-- just try to answer the question. That's all I ask.
>> Okay. I still have time, though. So I have answered the question. Now I am going to use my time to talk about the contracts that are coming up for the big commercial users. We want to make sure that everybody pays their fair share. If that gets blown out and we don't have that money, then we want to make sure that that doesn't get
-- especially after everything we went through on this rate case, make sure that those that do their best to conserve continue to get a low rate. Those that can afford at the least, continue to get a low rate, over those that use the most and can make a special deal. We have to have you be our voice. I am not going to worry about the industrials. I am not going to worry about commercial

interest. They will always have their voice, they will always have a voice. The citizens of austin don't always have a voice. So you have to be voice. It's been said, y'alllll campaigned on this in one form or another. [Buzzer alarming] live up to your campaign promises. Take care of citizens. Thank you.

>> Mayor leffingwell: Next speaker is kathie conway. [Appuse].

>> Mayor leffingwell: Kathie conway.

>> Good afternoon or evening, mayor leffingwell, mayor pro tem cole and council members. My name is kathie conway and I am the 2013 chair of the austin board of realtors, and I stand before you tonight representing over 9,000 realtor and affiliated members. We are responsible for helping families find homes and because of that, we are committed to protecting the interests of the real estate market here and the stability of the real estate market here. We would like to express our support for the restructure of austin energy so that an operation can be seen as an independent board. We believe that oversight by an independent board will allow for more strategic approach to the day to day decisions that impact the functionality utility. Further, we recognize the importance of a revised governs than structure in which

-- governance structure in which the power to make the most crinkled decisions should be made with austin city council. Austin area homeowners deserve a stable reliable utility who provide a high level service and continue to represent the principles of the austin community. Those are mainly the principles of greater quality of life, greater economic stability, greater environmental stewardship and greater opportunity for all of our citizens. Finally we recognize the significance of this decision and a need for a transition with an appropriate amount of public involvement, which I am very happy to here we've got a lot of that tonight. We encourage the utility to engage the entire community now, at the initial restructure, and on an ongoing basis. We look forward to continuing to provide insight and feedback on the

-- the proposed transition and we want to thank you for your thoughtful consideration of this important issue for the utility, our city, and the central texas economy. Thank you very much. [13:27:13]

>> Mayor leffingwell: Thank you. Paul hillgers.

>> What she said. [Laughter]

>> mayor leffingwell: All right. Paul hilgers is yielding back his time. David dickson. David dickson. John erly. John erly. Don't see him? Dominique erly. Next speaker, stan pimpkin. Okay. You have 3 minutes.

>> David dickson is here. He was

-- he was just outside, if that's ...

>> Mayor leffingwell: You have three minutes.

>> Okay. I am stan pimpkin. I appreciate y'all's consideration of this topic. I come to you tonight as a long time austin resident and as an

-- and owner of an energy company here. I have been working in close collaboration for austin energy for about a half a dozen years so I am well versed with some of the staff there. I would like to just give a couple of points, some brief histories. One of them happened tonight at the -- the recess. There was a point made that I thought was poignant but passed over pretty quickly and the young lady who sang spoke about her appreciation of this council, in particular, the direct connection to the artistic community and I take that the general community. To me that

was very well said. For the other point I would like to make, which takes us back to 1962, the public cation of sylid spring, there was a mention of austin, town lake. At that time there was a cording spill in the lake. It kind of went historically just got washed down the river, but I think 50 years hence, we have after great gnashing of this teeth in this city, across the nation throughout a messy, tricky public process that is not well scripted but there is great wisdom in how that worked out. We benefit from that in having an extremely livable city, the lake of which is the heart of that. The other point there is that that's the commons. It is not just the environmental issue. It is something that affects us all. It is hard to pinpoint who is real approximately at fault or at stake. I submit that we are at a moment now that energy is our new commons, and this is forecasted by anyone you talk to that's looking at it. It's a messy, tricky process. No simple solutions. No easy button. And we have a benefit here of at least having access to a utility that we owned and I think what's at stake now is not that we are moving backwards and diluting our lines of accountability but reinforcing them. I think we need to muster as much political will, courage, and ability to wade through what is going to be a blessing process. Ercot

-- a messy process. Ercot is telling us to expect blackouts. If we don't have electricity to play the music, I think that's an issue. I think we are going to see quite an upster that's well beyond what we are talking about her so I submit to you tha we

-- others have said it well in concrete recommendations but ultimately take time to get these right. I don't see urgency. Political wrangling aside, this is something that i think is

-- our legacy is at stake. Your legacy, this time period, if we don't get the details right, if we don't engage, I think our biggest enemy is apathy.

[13:31:05]

[Buzzer alarming] and that's

-- and I think we have the public here to take this on. So trust the people. Thank you.

>> Mayor leffingwell: Jeremy martin. [Applause].

>> Good evening hon has been mayor leffingwell, mayor pro tem cole, members of the city council. I am jeremy martin and here on greater austin of chamber commerce. The austin chamber of commerce likes the public power and we think maintaining a well managed facility is a great asset. We commend the roles of austin and austin energy as strong partners in economic development. Additionally the chamber supports legislation establishing independent oversight of austin energy. Austin energy must be run like a business. I speak to you in support of both items 11 and 45 on your agenda today. I ask you vote in favor of both items today in order to keep moving forward with an independent board for austin energy. The chamber has registered its support for sb410 when it was considered earlier this session and will do so again when the item is before the house committee. Ultimate accountability will continue to be the responsibility of this council. The city will continue to own this utility. However, with this independent governing structure, all ratepayers will have representation. This is not the case today. Businesses and customers inside the service area but outside the municipal limits will now have a voice on this independent body. Through opportunity austin, the chamber partners with the city and austin energy on strengthening our green economy, sprks with the dedication of staff resources to grow clean energy companies here in austin. We expect this to continue. We look forward to continuing our work with you and austin energy in this vitally important area of economic development. Please vote yes on both items 11 and 45 this evening. Thank you for

your time and consideration.

[13:33:07]

>> Mayor leffingwell: Thank you. Steve smaha.

>> Good evening, I am steve and I served on the euc 6 years and coauthor of the euc's proposal on independent governance. I want to throw out a few issues I think are important. I want to thank phillip for outlining earlier critical big picture of issues that are the sorts of things that haven't been dealt with in a particularly effective fashion so far. I think that the -- it is important to understand what is motivating the push in this direction. The utility has run massive losses for a large number of years in a row, and this is not indicative of an effective govern than structure. That was one problem. The utility went 18 years without an effective rate case, and that's also an indication, whatever governance scheme we think has been in place has not been working particularly well. So I view these things as important reasons to see what the problems have been. And as far as why are we rushing, why have I not heard anything about this? This has come up for 17 years now on a periodic basis. My colleague on the euc, shoedy faq who is 96 years old who has made it a mission in her life to get some form of independent board on the utility and she has been on the euc since 1977. From my seat on the euc, i have learned we don't have a particularly transparent, particularly democratic scheme going on in terms of governance right now and that's because effectively a lot of the decision making that is happening relative to the utility is being done inside of the city manager's office and I think this has been said several times but not that much of what's happening at austin energy rises up to appear as meetings in city council here. I think it would be improvement if we had a full texas open meetings act come come come pliant system where people are able to attend a meeting and board of directors were present. And the \$1.2 billion business operation is quite difficult and it doesn't really make itself fit in well with the kind of skill sets that seem to be working with elected representatives right now, and I think the idea of having a fallback position in the ordinance so that certain sizes of activities revert back into a process here is a great one. But the whole idea that we are going to be able to run a \$1.2 billion electric utility, which is a very complicated and technical situation with unpaid neighborhood volunteers, i think that's really a '50s or '60s view and I think our sense of notage I can'tia about that is misplaced. If my sick is -- if my kid is sick I want to get a trained professional to deal with it, not just anybody. And this is a slightly souped up version of the utility commission still reporting through the city manager e-5 office which I've already said is not a good idea. Any rate I want to thank you for your time and appreciate a chance to talk to you.

[13:36:31]

[Buzzer alarming]

>> mayor leffingwell: I don't know if you were in the chamber when phillip raised the same issue and i tried to explain at that time that this certainly is something that I personay want to move to and I think the utility

-- the board ought to move to true independence, but we just don't have the legislative ability to do it

-- to do that at that point, at least not until there is a possibility of senate bill 410 that's passed that we would have that authority. But right now we are doing the maximum that we can towards -- towards independence with the legislative authority that we have.

>> I understand. We present add pretty detailed proposal of what a fully independent board

would be here and I would be in favor of moving in that direction.

>> Mayor leffingwell: Our resolution, the one that was passed to council unanimously was actually based on

-- on the resolution that the euc passed and very similar with the caveat that it would have to be in accordance with texas code 552 and the city's charter. So pressing against those limits and certainly as additional oportues are available to us, we want to push towards the goal that you just spoke of.

>> Right. Thank you.

>> Morrison: Mayor.

>> Mayor leffingwell: Council member morrison.

>> Morrison: Thank you. I just want to make a clear point because I've heard a reference several times to to that resolution being passed unanimously by the council and I think there were several comments made with that vote for my own sake, I was willing to consider looking forward and at different options but i made it quite clear that it did not indicate that i would support going full force to everything that the resolution envisions, so i just wanted to get that on the record because I have heard several times people making comments, suggesting that that meant that there was a unanimous support for going full force to an independent board, including with charter changes and the city manager no longer overseeing it. In fact, I even saw that reference in the bill analysis for the senate bill that's under

-- that we are looking at in item number 45, so I think that that paints the wrong picture. It clearly is not unanimous support on this council for a fully independent board necessarily.

[13:39:01]

>> Mayor leffingwell: Council member, I only said it was a unanimous vote because everybody voted for it. That is the only reason.

>> Morrison: Well, mayor, if I may.

>> Mayor leffingwell: Council member.

>> Morrison: It is definitely being thrown out there to suggest, at least i think it's understood -- it certainly I gather when it's said, people might think that it means that the full council supports going forward with that.

>> Mayor leffingwell: I think you've made your position very clear. Thank you. Robert day. Lanetta cooper.

>> Good evening, mr. Mayor, members of the council, I am lanetta cooper testifying on behalf of the great panthers in opposition to items number 11 and 45. 45 is a resolution that is asking you to go against the will of the people that is expressed in the charter. We are very disappointed you would consider a resolution, let alone pass one. Item 11, there is really no public policy reason to substitute a nonelected board for the council. Austin energy excels or consistent with the comparable utilities recently reviewed by the city manager pursuant to your resolution. In other words, these independent board run utilities did no better and often much worse than austin energy in most of the indicators that you looked at. And when it comes to to customer protection, particularly those involving low income people, the three utilities that had sterling qualities were all run by their city council. I cannot emphasize how important it is for this council to retain control and responsibility for the customer protection of your citizens who are also your ratepayers. Now, that said, we can move on to some of what we consider some of the biggest

concerns of the proposed ordinance that is listed in item 11. The board is advocating the council's authority to set rates. The ordinance sets up a process where consumers would be denied the automatic right to a public hearing before the council. It creates some institutional barriers and we are very disappointed in that, because it

-- it is our understandg that council would always want to retain that authority and it hasn't set it up that way. Transparency concerns are a big concern to us. They are glossed over in this ordinance, and ethical standards in relation to the board acting like the council, because the council is making a final decision on significant purchase decisions. There is no post board service rests currently in place

-- that are currently in place for you council for that reason. When the council is making decisions, they do not want promise

-- there is some post

-- there is some rests to

-- restrictions to your activity in terms of seeking purchases on behalf of other people. We are also concerned with a citizen advisory board that won't be reporting to you. They only will be reporting to the board and since y'all are supposedly retaining only of these powers, i don't see why the advisory board isn't also reporting to the council. More importantly, the council has failed to affirmatively retain authority over customer protection standards, which I've already brought up. So we are asking you to vote no. We still think you don't need it. We think you have a superior performance under the ones that the most current review of the comparable utilities, especially when it comes to customer protection standards. Thank you very much.

[13:42:43]

[Applause].

>> Mayoreffingwell: Carol [indiscernible] you have six minutes.

>> Good evening, mr. Mayor, council members. My name is carol bagitzgyand the executive director of texas roads which is ratepayers to save energy and we work for affordable electricity and a healthy environment. I am here tonight to ask you to vote no on items 11 and items 45. I can say with confidence that most of the people who stood up here tonight and spoke against the ordinance, I would say that I have to agree with them. I have some special information that I would like to give you tonight because it's just become available, and I think my first point is, is this is a study

-- I don't think anybody else has held up this study that was released and posted with the ordinance this week. This study, as ms. Cooper pointed out, is really not conclusive. There is nothing in that study to support the fact that an independent board is really a great idea for austin energy. I am also very concerned about the fact that this ordinance is

-- it doesn't require city council to approve rates. It allows city council to approve rates, and I think it's your job to approve rates. I am also very concerned about the fact that it allows the board to approve an annual rate increase of up to 2% without conducting a rate review. Now, this was something that I thought was going to change from the, you know, like in the resolution, but it did not. You don't have to be a mathematician to know that it takes

-- if you have a 2% increase a year, in less than five years, you have a 10% increase in your rates. And so this is just not acceptable in any way, shape, or form. I have done my own stud study. I gave you a slide. Can you put that up f me? When I was here the last time, I said I would do some research on the low income programs and customer protection for the utilities that were selected by austin energy, so I have table, and I have the utility names and then i have some

abbreviations, rr stands for reduced rate. Bpa is a billing

-- bill payment assistance. Wz is weatherization. Cc is critical care, seriously ill. Ew is extreme weather. Provisions. Dp is deferred payment plan and bb means balance budget, levelized and average billing plan. Now, if you look at this table, you will see that austin energy does real well in all of these categories. So does the colorado springs utility, seattle city light and tacoma public utilities. Now, according to the information that is provided in the austin energy report, these particular utilities are governed by their city council or the board is the city council. Is point a los angeles department of water and power, which also scores pretty high on all of these things, there is a state law that mandates low income programs be offered by all utilities. In fact, it is 2.85% of 1994 revenues that need to be spent. Cps actually looks very good but I am not finished with this analysis yet. I did put a footnote on the rate reduction because a lot of their stuff isn't very strong. And the rate reduction is one of the things that is not very strong. It waives the customer service fee for some customers and it ha very

-- it has smaller populations that will give a larger discount to, and the rate reduction also allows the customer a longer period of time in which to pay their bill. Which, to me, is not really a reduced rate. So I have to say that looking at the information, you know, that I have gathered here

-- and I also would like to say on the bill payment assistance programs, from what I can tell, austin energy is the only utility on this list that includes money for bill payment assistance in its rates. From what I could see in the information that I have gathered, all of the rest of these programs depend solely on customer donations so they aren't as big or as expensive as austin energy's. So I don't see where this is a good idea for low income customers and I don't see where an independent board is a good idea for residential consumers needing some basic customer protections. And I certainly hope that if there is any attempt made to create a new board for austin energy, that we make sure that city council maintains total control over decisions that are related to programs and rates for low income people and anything that has to do with the customer service standards of the utility. And I do like to say that the

-- the proposal that we see now, thgt ordinance before us does provide for creating a hearing process to review rates. But I am still worried about the fact that we may not review the rates.
[13:49:04]

[Buzzer alarming] and that concludes my testimony.

>> Mayor leffingwell: Thank you, carol. Council member spelman.

>> Spelman: Carol, did you look

-- did you do this yourself or did you take the information off of what was given to us?

>> No, I did it myself.

>> Spelman: Can you do me a favor, carol, the two utilities in texas that used to be governed

-- I am using the word "governed by city council" extremely loosely because they were in the exactly same position as we were in where the governance was partly city council and partly city)manager but they were the same position we were in in 22000 and then brines and lubbock adopted the same kind we were doing here. I wonder if you can look at bryan and licks.

>> Yes,

-- bryan and lubbock.

>> Yes, I can do that.

>> Spelman: Thank you, ma'am.

>> Okay.

>> Lauren, ross.

>> Good evening, mayor, council members. I am here tonight for the third time to ask once again that you please maintain public elected official control of the austin utility. The austin utility is our single biggest asset, and as we all know, the assets are what determine the kind of future that austin is going to have. The decision that you are making tonight is undoubtedly the biggest decision that you will make in your council member service and it's probably the biggest decision that's been made by any council during our lifetimes. This is the very, very important decision. And, in fact, what I gather is that the governance structure that you are hoping to put in cannot be implemented under the current city charter, that you have to go to the texas legislature, which traditionally is actually pretty eager to overrun austin's democratic process, and ask them to pass a bill that will allow you to implement the austin energy governance structure that you want to implement. I listened very carefully to the dialogue with smitty, and that was wonderful and enlightening and one of the things I took away from that is that you actually at that point don't know the standards for conflict of interests that will be applied to this board. You actually haven't pinpointed the ethical standards that would apply to the board, and I think the thing that's really scary is we don't have tonight a clear, line in the sand between what is the decisions that will be made by the board and what are the decisions that will be retained by council and that is really sort of what it's all about in terms of how are we balancing community interests and the democratic process with professional guidance for the utility. That's the question. My understanding is that we are here tonight and we have been here over and over again because there was a back room deal made with ccare for an independent board adds part of the rate process. I understand back room deals. Sometimes they advance the community's interests and they are important, but the key thing about this process is that that back room deal is balanced by this front room. By this place where you can hear our voices, where you are required to listen to our voices in a democratic process. And that -- that's really what I think you are hearing over and over again, is to not take governance of our single most important asset out of the democratic process. I ask you to vote no on both of the issues tonight. Thank you.

[13:53:18]

[Buzzer alarming]

>> mayor leffingwell: Lis a fifthian.

>> Good evening, council, mayor. And I am looking for eye contact, too, because I know you made up your mind, mayor, but this is an important issue and it is not a done deal. I have been in this city for ten years and maybe I am one of those people, that tall guy with all of those questions, if you didn't know this is been happening you are under a rock, maybe I am under a rock but I am not surprised to find out 10, 20 years, the energy companies and the realtors have been trying to get their hands on that \$1.2 billion municipal asset we have because that's what it is about, the money, who is going to control the money and energy. So a couple of different things. People have raised issue, unelected board, charter violations, issues of democracy. We haven't talked about the growing climate crisis and what does that mean. We are talking about energy but I want to put water in the hopper because water and energy the two essential commons for our survival and the two things as I watch being managed in the city over the past ten years, i have a lot of concerns because I feel like the developers and the realtors have actually been getting the show thing and I am telling you, it may have been a livable city, but i don't think we are heading in the direction of livable city. Let me keep going because i know I don't have a

lot of time. Unlimited growth is not sustainable. At some time let's put an end to it and have a real quality of living here. On management issues around austin energy, I heard you talk about not being able to get the information from the staff, this, that, so you can't get the information from a staff so we have to create whole new governance structure. That is amazing to me. Sorry. Get new staff. So what else do I want to say here? So people have raised this well. I want to be proud of this city. I want to be proud of this city. I care about the future of it. I care about the type of energy we use. Nuclear, coal, right. They have been in the hopper. We don't know that they are really coming out of the city. We aren't done with that yet. I am very sure if independent interests, which are the corporate interests, let's be clear, the corporate interests, thank you, karen, for making their names visible, I could say corporate interests but there is a bunch of you in the room. They aren't interested in the living quality of people here, not interested in poor people, people of color, middle class, they are not. Karen said the 1%, we can talk about the 1%, but there is a reality about the culture and country we are living in. We can be different. We need people to build a new culture, a new way of relations that are rooted in democracy, rooted in respect. And I don't see respect in this room all the time, particularly from you, mayor. I don't mean to be calling you out but I watch how you treat people and it is actually not okay.
[13:56:05]

[Applause]. So I guess I will wrap up. I don't know how much time i have. I could talk about, let's be clear about the values that are important, right, maybe we have a different set of values and maybe we need a conversation about that. But moving in the direction that's giving corporate interests access to our land code, the

-- destroying our water and now our energy is not the direction that i believe we need to be going in. [Buzzer alarming] and thank you very much. [Applause].

>> Mayor leffingwell: Thank you. Charles kemline.

>> Thank you, mr. Mayor and council. I am the president of solar austin and happy to be here. Registering my opposition to item 11. From what I have heard tonight, there is really actually an awful lot of agreement and a lot of the positions. I think almost every single person here wants more transparency, more accountability, more attention and more oversight given to austin energy. We clearly need an update in our governance commiserate with the size and scope of our utility. I think we welcome that. What hasn't been made clear is why that governance necessarily includes giving up a large portion of electoral accountability to moving

-- to moving to an appointed board. We haven't really made that clear. You know, most of what we heard tonight 2k50e8s with a legitimate

-- deals with a legitimate balancing of interest, residential versus commercial, low income, renewable goals, environmental goals, amount of fund transfer which includes parks, libraries and all sorts of other things, looking ahead. Distributed generation, smart grid technology, electric vehicles, the balance. And my concern is these interests will still need to be balanced. We can't get rid of the issue of balancing the interests. There are values, questions, and we don't have a single right answer that can be given on those, that any expert board, no matter how expert could give, as my colleague stan pimpkin mentioned, it is messy and will be going all the time. The worry with appointed board, a particular group of interests that might be short shift may not have better course for a better balance. We only have to look to actions of cps earlier this week to see what can go wrong. The utility cut in half the amount they are going to give for solar generation which customers. It is a huge blow to the local solar industry and a i heard already it has killed million dollar plus deal of development for infalls on gas station

-- installs on gas stations because it no longer makes sense to do that. Determining what the utility will compensate for solar generation is an issue for debate and transparency and thank god austin energy has leapfrogged that on solar tariff and we have been a national leader on that and it is fantastic and what it appears cps has done what most utilities do around the country is overreact and take drastic reaction by fiat and snuff out solar energy because it is a threat and here the elected council can make economic development, environmental consideration and other things into account to look at what is best for austin as a whole in the governance of utility whose asset this is and not just make that by fiat decision, thanks, see you later. So my hope for this group is that you take really special care before you permanently delegate that authority and make sure that if you do, that you really think through all of the worse case scenarios and what might happen if this board, no matter who you appoint, does something that you think you don't want and what recourse you would have before doing that, so thank you very much.
[13:59:53]

[One moment, please, for change in captioners]

>> special deals that gives them electricity at below the cost of service. I promise you, barr mansion has no special deals. This ordinance is moving like greased lightning, raising huge red warning flags, of special insider deals and contracts and great risks to our green energy programs, our small businesses. There should be a series of community hearings all over town so that other small businesses such as mine can gather together and get real citizen input. Mayor, leffingwell, you promised us a public hearing on valentines and we call on you to be true on your word. Let citizens and the majority of business owners, which happen to be small businesses, give you the input that you need in order to serve our community. Honor democracy. A public vote is required by our city charter. We do not board the kirk watson eddie rodriguez bandwagon with their ccare cronies that are trying to change austin energy's governance without a public vote. Will you protect the 99% of us, those who elected you, or will you cater to the 1%, the corporate interests that seek only special contracts and rate deals. Vote no.
[14:02:26]

[Applause]

>> reagan keith? Robert singleton?

>> Well, I thought when i came down here I had good news and bad news for you. I had planned on a short speech but I talked myself out of it. [Laughter] I thought I'd try something different, though, and maybe unprecedented in my experience with the council. I'd like to say something really, really, really nice about this and other councils. You told me that you don't have the experience and the expertise to manage the utility, but I think you've done a great job and previous councils have done a great job running the utility. I 18 years without a rate increase. We're a national model for renewables and green energy. We've got a fiscally sound utility that funds city services and maintains a reserve to handle unexpected changes. Let me give you a hand. I think you've done a great job. [Applause] and I don't want you to sell yourself short. Continue to do what you're doing now. You don't need to make this change. I hesitate to call this or any council visionary, but i think your vision will be better than a new board consisting of electric utility experts and people from the suburbs. I think you can do a better job. I don't think this is necessary, and if you truly think this is a good idea put it to a vote. That seems more democratic than lobbying the legislature to make you do something you wanted to do anyway. I really think this should go to a vote, and I think it's required to go to a vote, unless you get the

legislature to tailor the laws to say what you want them to say instead of what they say. You talked about doing this before and talked about putting it to a vote. I think it's a great idea. I don't see anything different that would change that. Get advice if you need it, but don't put our utility in the hands of these experts. My concern has been and remains that under section

-- I think it's 15.31, the general manager may execute contracts and general manager will be appointed by the city manager. The general manager may execute contracts for fuel supplies necessary to generate powers for sale, and this is the importance sentence, and for electric power for sale and resale over a rolling five-year period. For one thing, the \$100 million limit seems to have gone. You're now talking about a five-year amount that's not specified. What I'm worried about is the only thing that's even keeping the south texas nuclear project expansion alive, on life support, is the hope that they're going to be able to sell power purchase agreements. I know you've all been lobbied by nrg and then by nina, because they've been trying every utility in the state trying to find enough power purchase agreements that they'll have enough to convince their investors this is still a viable project. But what you're going to do is let this manager of austin energy appointed by the city manager make purchases up to \$100 million and then say, we didn't do it. The experts did it.

[14:06:03]

>> Mayor leffingwell: Thank you.

>> No, you did it. Rusty osbourne. [Applause]

>> hello, you guys. I'm rusty osbourne. I'm a retired utility executive, and I'm here tonight to express my disappointment with this whole proposal. Item 11, item 45 seem to me to be motivated out of fear. You know, do this or the

-- you know, the state legislature will beat you up. It seems to me that, you know, forming public policy out of fear is a very, very poor decision. I wanted you to know that I'm a resident outside the city limits but within austin energy's footprint, service ar and I was chair of cfare, which was an organization that formed to intervene in the rate case on the side of austin energy, to preserve the progressive aspects of the utility. , The value of solar, the

-- the rebate programs, the incentives, the community assistance program, all of those things, which make austin energy a leading utility in the nation. This proposal is being presented out of fear that you won't

-- you know, that the texas legislature will beat you up. I say, you know, you're a home rule city. Stand up for your rights. We decided not to deregulate when that decision was before us. We did that for a reason. I think the legislature hates liberal success, and i think that's pretty much what's going on here. I think that the ccare outfit is, like others have suggested, have their eye on the dollars and not on public interest. This is our utility. We need to defend it as our utility. You need to respect the fact that it's our utility and put this issue to a vote. Put this issue to a vote. Thank you.

[14:08:36]

[Applause]

>> robin schneider?

>> Good evening, mayor and council. My name is robin schneider and I'm here tonight representing texas campaign for the environment, and we have thousands of members across

austin, and I can tell you that the that we're talking to in austin are not happy about this proposal. You're getting a few more letters that we've collected since I was down here tuesday delivering letters. I want to echo what robert singleton said. You folks have done a good job. It was grueling, maybe, but the rate case last year, you got through it, you did better than the electric utility commission did, and the rates are low. The energy mix is going in the right direction. We're winning all kinds of awards. The bond rating just went up. And with all due respect to my friend steve smallha, the utility is not operating at a loss for years. They have continued to be able to provide the dividend to the city. Of course, you know, everyone took a hit during the recession, but our utility is doing well. I don't see a crisis. I understand we're always under the threat when we have a legislature in session, but being up there almost every day it seems to have cooled off. I think that if we work together, we could stave off an attack on our democratically controlled utility, and that's what we should do. I personally was shocked to hear in the last week that there was a deal cut during the rate case to change the governance. I was following that closely. I never heard about that deal. That is completely against the way we pride ourselves of doing things in austin. I've heard current and former council members talk about their regret over the biometh decision, and personally I share regret that tce did not get involved in the biometh decision. We had too much going on. It was going so fast, and i think this is just like that. It's a decision I believe that the council members will regret and regret having rushed, and I believe that the energy mix is not going to go in theight direction, that nuclear power, as robert singleton said, is going to be back on the table, and that is something that tce has fought. I think more waste to energy proposals will be on the table. If this is such a good idea, let the people have a vote and let the people decide.

[14:12:03]

[Applause]

>> mayor leffingwell: Steven beard. Steven beers?

>> Howdy, everybody. I'm really wondering what's broken, bond ratics up, good debt rates, good rates, 18 years without a rate increase. Is that a bad thing? So flush with cash that we bought a 500-megawatt electric plant with cash. We didn't borrow money for it, and this assertion that we lost money, well, not if you count the utility fund transfer. We've never lost money. Last rate increase case, as far as I knew everyone was happy at the end of it except some out of towners and they got a rate settlement. , And it's settling the rate case. Okay, how about this legislature threat. The only bills I missed were the ones that you're favoring. So who's leading the austin-bashing charge? Well, we're going to make this more business like, by taking it out of the hands of the owners, the shareholders, us. Well, what about the customers? Well, you're creating a potentially unaccountable monopoly. Well, it's a hybrid. It's not just a business, it's also government. So for the citizens where is the vote in where is the promised hearing? On this agenda you have 15 hearings that you're going to set in the future and seven you're going to hear tonight. You could have put this on for hearing, couldn't you? So what's this all about? Kind of baffles me except that there's a group of industrial rate payers that have 15-year contracts that are admittedly selling them power \$20 million below cost, and those contracts come in in 2015, and they're the people that the mayor made his deal with, on a handshake.

[14:14:38]

>> Mayor leffingwell: I'd be careful with that, mr. Beers, accusations that you don't have any foundation for. Go ahead, you've got a few moreeconds.

>> I've said my piece.

>> Mayor leffingwell: Good.

>> Come out of the closet, mayor. [Applause]

>> mayor leffingwell: David dixon. David dixon? John early? Dominique early? Those are all the speakers that we have signed up to speak. So council, I'll

-- I guess we'll take up item no.11 first.

>> Mayor? David dixon is in the chambers.

>> Mayor leffingwell: Well, I've called him twice. Are you here, david?

>> Yes.

>> Mayor leffingwell: Okay. Go ahead.

>> Thank you, mayor, council members.

>> Mayor leffingwell: Are your donors here?

>> This will be really brief.

>> Mayor leffingwell: Okay, three minutes.

>> I'm here to speak against the election of a private oversight board for austin energy. It has been discussed at length so I'll just use a brief analogy. My name is david dixon, I'm with native, we're a builder of zero energy homes. Installing soarl energy systems and renewable systems in town. On every solar job we install in austin we have to include this piece of switch gear here. This is a disconnect. Its purpose is to separate the customer's energy from the utility energy in case of emergency. That sounds like a good idea but it's a solution for a problem that does not exist, and that is because we already have several other disconnecting means in our solar circuitry. It's kind of like having a light switch in your home and needing to turn on four switches that turn it on. So adding this disconnect provides an unneeded level of redundancy. It adds cost, lowers efficiency and adds an extra point of fail your for the system. So what

-- failure for the system. What I'm asking you to do is not adopt the wrong solution for a problem. Don't add a disconnect to our democratic process of how we manage our utility. It will add costs, lower efficiency and provide an extra potential point of failure.

[14:16:51]

>> Mayor leffingwell: That's all the speakers that we have. [Applause] council will address item no.11. It's posted for first reading only. I'll entertain a motion. Council member spelman.

>> Spelman: Somebody has to stick their head into this noose, it may as well be me since I'm not running for anything. [Laughter] we've heard a lot tonight about things that are wrong with

-- oh, I can't read your sign. I'm sure it's lovely.

>> [Inaudible]

>> spelman: Okay. We've heard a lot tonight about things that are wrong with this proposal, and although I don't believe that anything is as wrong as some of the things we've heard, I believe that some of the comments that have been made, particularly about who ought to be on this board, what kind of vetting ought to be made, what kind of authority this board needs to get, the particular question that i think we need to think harder about the answer to is what authority do we give to a board and what authority do we keep to the city council. We have a first draft of that in this ordinance before us. We had an earlier first draft of that in the resolution we sent to the

legal department asking them to come up with an ordinance. But I think we still have more work to do to think that through. Some of this is the authority we delegate and the authority we keep. Some of this is the mechanisms we put to ensure that that board, when they exercise whatever discretion we give to them, are exercising what an old friend of mine who teaches management said is

-- and I'm forgetting the phrase. Doesn't matter what the phrase is. The interesting question is that they're going to make the same kind of decision we would make if we had all the information available to us that they would have to them. We want to avoid the exercise

-- the kind of judgment that the city council would make if they were

-- if they were making the decision. I'm not sure what that needs to look like yet but I am sure that we'll need to make some changes in this ordinance. We'll need to think through some of these things a lot more clearly than we have so far. So mayor, I think it is a good thing we're only looking at this on first reading and not more readings than that. I would like to believe that we could come to closure on this sooner rather than later, but it may take longer than a couple weeks for us to to closure and I think we have a lot of people we need to talk with. We have a lot of discussions we need to have and it will be done when it's done. But we need to take the first step. So mayor, I move approval on first reading only.

[14:19:23]

>> Mayor leffingwell: Council member spelman moves approval of the draft ordinance on first reading. Is there a second? I'll second. And if there's no further discussion

--

>> morrison: Mayor?

>> Mayor leffingwell: Council member riley. Council member morrison.

>> Morrison: Thank you. As I mentioned, I was interested in exploring what might be some options. I think that we have a really terrific utility. I appreciate the staff's work that they did on the benchmarking study. It's very dense with a lot of data. And I agree with the folks that said it's not conclusive. But what I do come away with is a good

-- there's no

-- you know, who knows what the cause and effect is, but it's clear that austin energy is financially sound. It's clear that it's a leader in green energy and renewable energy, and i really appreciate carol's work on looking at the caps because that was something that wasn't readily available in the documents that the staff were looking at. So that was

-- you know, we do have a successful utility. Are there some things that could be done better? Yes, definitely. There are calls for

-- what I hear, you know, calls for the utility to be able to be more nimble and flexible and things like that, and i think that there are some ways that we can make that happen, and I'm going to propose one. What I'm very, very concerned about is the fact that we as elected officials have an enormous impact on what one of our speakers was talking about in terms of balancing all the things that we have to balance when we are making decisions about austin energy. And it's because we're elected officials and because it's our job to take into account all of those different values, that we're the ones that really have to be making a lot of the decisions. And I did go through

-- we also got from staff this wonderful listing of all of the

-- all of the agenda items that we approved
-- or considered over the past three years that had anything to do with austin energy, and it was a very
-- very illuminating to go through that and to look back over where council played a role in important decisions that affected our community, and it was not just a financial decision. It was about merging all of the different values that we have to do what's best for the community. And I want to give you some examples of those, because i think that this
-- thinking about this really helps me think about what authority it would make sense to give over to a board and what authority it would not make sense to give over to a board. So here are some of the examples. One a few years ago, we had obviously a huge controversy about line clearance, about trimming trees around line clearance. We had some important decisions that we made in recent past about cuomer disconnects during extreme weather conditions, extreme heat conditions. Obviously the austin energy substation from mueller was huge. Right now we're looking at the crestview austin energy land perhaps being a park or affordable housing or both. We had a tremendous amount to do with ensuring that there was auto enrollment for our customer assistance program customers. We
-- just today we had a beautiful example of having to ask our director of austin resource recovery to please do a sustainability review of an austin energy disposal contract that we were looking at. And if I
-- and I must say that we're all excited about having google fiber come to town, and there were some
-- there was some work to be done with those folks beforehand, and that really required austin energy being at the table and folks in our leadership positions. So as I looked through all of these agenda items, the th in the ordinance that is most troublesome to me is section
-- section 15
-- it's article 3, section 15-3-30. And what that says is very short. It says, board powers. It says, subject to this chapter the general powers and duties of council, both express and implied, to regulate, govern and make policy for the electric utility are transferred to, vested in and held exclusively by the board. That means that, okay, here's where we start. The board has all of our policy and authority, and then it goes down to say, except for the things that we're saying
-- that we're limiting here. I think that that is absolutely upside down and the wrong way to do it. I think the appropriate way to do it would be if we're going to go on this path, which I think is reasonable for perhaps some limited
-- limited authority of the council
-- I think it would be app to turn it upside down and say the board has no powers except for the ones we explicitly give you.
[14:25:14]

[Applause] so that would be

-- I'm going to make a motion that
-- I guess I'll make it a two-part motion, and then what we need to do is go on and say, here are the things that we should explicitly do, and that would be then a different section I would delete
-- and I'll put this all into a motion in a minute, but to make this happen I would turn the 15
-- 13-30 upside down so it says the board can't do anything unless we tell them they can, and then instead of where we have 15-13-31, contracts and expenhitures, I would strike all of that and just add something that says, here is explicitly what you can do to the board. Because

otherwise we might be giving away things to the board's authority that we haven't even thought of. These are relatively obscure examples that I gave. Extreme weather

-- a moratorium on disconnects in extreme weather. How do we make sure that an independent board would have the same values that we have? So what I would like to suggest is that

-- that we

-- I'm going to make a substitute motion, I guess. I don't know that you would take it as a friendly. I guess I'll try to get it accepted as friendly.

>> Spelman: That depends on how much you've got.

>> Morrison: Okay. Well, I think that it's probably important

-- I'm not sure whether it should separate these two things or not, but let me tell you where I think we should start in terms of what authority we should give to the board. And for that what I did was do an extensive analysis, a mind numbing analysis of the

-- I don't know how many pages of agenda items over the past three years, to see where it would make sense to start. And the agenda items

-- I appreciate staff. They divided them into three separate

-- several sections, I should say. One is energy efficiency, weatherization and solar, and then about half of them or more than half are rebates and performance-based incentives, which we always routinely passed. So to me it makes sense that we could go ahead and pass that to the board. The other things I would not because that's a lot about, you know, energy conservation measures, weatherization for low income folks, decisions to actually support Austin technology incubator, things like that. Then the next section is items from council and community programs. There are just actually surprisingly two pages of that. I will now pass that over. Legal services bonds and purchase

-- I would not pass that over. The rates, I'm going to suggest at this point that we just leave the way the rates are considered in the ordinance the same, so that's not at issue. Then we have real estate, eminent domain and zoning. I don't think we have the authority to pass that over. Then we have purchasing services and software. There are several pages of this. There's 123 pages of this and that's where we get into many of the community-based issues, like the tree trimming and things like that. So at this point I would suggest we leave those under the authority of the council. Then last

-- almost done. Then there's a section called purchasing supplies, vehicles and hardware, and as I looked through that, you know, the vast majority of those it seemed to make sense, we rarely have a controversy over that. The only thing is this is

-- if we give this authority to the board, they have to obviously make sure that they're coordinating, say, with our fleet

-- with our fleet goals that are part of our climate change protection. So I think this is where we need to start thinking about how we would craft it to say the board can have this authority, but they have to adhere to the policies and the plans that the city has adopted, because that's how we enforce that. And I can tell you that there are 163 of those items, and only 13 of them were more than \$10 million. So

-- oh, I should say that plus looking at construction. There were only 13 that were over \$10 million. So what I'd like to say, I'm going to pass this motion out to you all. It needs a little bit of adjustment from what I printed. Here you go. So all to saying no.1, I'd like to shift the perspective so that we only explicitly give powers to the board instead of giving them everything, except for some things, and with that, that would be my language

-- my language would be in 15-13-30, to delete the current language and replace it with, "the

council shall retain its general powers and duties, both express and implied, to regulate, govern and make policy for the electric utility unless specifically transferred to, vested in and held exclusively by the board as outlined in this chapter." And then 15-13-31, it would

- we would have to change the title of that, but it would say, possibly, under a, "the boards may authorize contracts and expenditures in the category of construction and purchase
- construction and purchases, supplies, vehicles and hardware, and that's the section that i was talking about, except for shared services. I didn't talk abo that. That's because sometimes we have shared
- we're having joint contracts with other departments, and so that needs to be at a higher level
- except for shared services, and those exceeding 10 million, which is the cutoff I think makes sense, as long a the contracts and expenditures complies with city policies and master plans. The city policies include but are not limited to minority and women-owned business, art in public places, living wage, purchasing, local preference, no contact, financial policies, personnel policies, it security policies, risk management policy, records retention, emergency planning and ethics training, all to say, you know, those are some things that form the foundation of the way we do business. All of those policies that i just mentioned, and if we're going to have a board doing business for us, I think it is absolutely entirely appropriate to make sure that that board also follows the same policies. And then to get to the point that they need to coordinate with our overarching goals, city master plan, so they must comply with city master plans that include but not limited to imagine austin, climate protection plan, ser waste plan, facility master plan. And I would like to add
- i mentioned I'd like to add the rebates and performance-based incentive. So I think that
- I think this is an appropriate way to go. It is
- it would allow us to transfer some authority that takes half
- maybe half of our agenda items off our agenda. It's a very conservative way to start. It's a safe way to start, and we could see how it works. So that's my proposal, and if you'd like to accept it as a friendly, that's great. Otherwise I'll ask for a formal vote.

[14:33:28]

>> Mayor leffingwell: I don't accept it. Settle that.

>> Morrison: I guess not. So mayor, I'd like to make that motion.

>> Mayor leffingwell: Motion by council member morrison. Is there a second?

>> Second.

>> Mayor leffingwell: Second by council member riley. [Applause] I'm not going to support the amendment, proposed amendment, because first of all, this is

-- all this stuff needs a lot more scrutiny. I would have to look at it a lot closer to see what's involved there, but the overall principle is to transfer authority

-- create n independent board. This is at the very best a glorified electric utility commission that remains. So it doesn't meet the primary objective of what we're trying to do here. So I won't support it. Any other comments? Council member riley.

>> Riley: I appreciate council member morrison's work on this, and she and i have had the opportunity to visit at length about this and related ideas, and i think an important point to bear in mind is that this is not necessarily the final word. If this were approved this would not necessarily represent the final word on the authority of the board. This is simply

-- would reflect that we are going to proceed cautiously, recognizing that the public has a great interest at stake here in terms of its interest in accountability and transparency, and so we are

going to be very careful in the role that we assign to this new board, and starting off with simply these procurement things, which, by the way, amount to

-- I did count the number of pages we're talking about. There are 73 pages of listing the prior council actions over the past few years with respect to austin energy, and of those 73 pages, 45 are contained

-- contain items related to purchasing. The bulk of what we have done simply relates to purchasing, and as council member morrison indicated those are generally not controversial items but they are important items that relate to the basic functioning of the utility, and that's exactly the sort of thing that we could use the help of this board with. The public would still retain

-- the council would still retain accountability over those other big-picture issues that the public has a serious concern about. I would like to say that we would

-- we ought to build into it a mechanism that would allow for adjustments to the role

-- to the authority of the board in the future, and I would suggest that the new advisory panel that is proposed in the ordinance could be very helpful in allowing us to set

-- in allowing us to draw that line and make adjustments to that line over time. That is

-- that panel represents the interface between the city and the

-- actually

-- or the panel and the public. The public could keep an eye on the board and see how well it functions and make recommendations over time to give additional responsibility to the board as the committee considers appropriate and we could have a public discussion about it and the council could assign new duties to the board over time and that would be very thoughtful, careful and methodical way to give

-- to allow the role of the board to evolve over time, as we become more comfortable with the way this board would operate. I have another suggestion about additional protections that we could consider, but those are, I think, independent of these particular amendments, so I thought

-- I'll leave my thoughts at that.

[14:37:28]

>> Mayor leffingwell: Okay, so on this amendment, all in favor of the amendment say aye.

>> Aye.

>> Mayor leffingwell: Opposed say no.

>> No.

>> Mayor leffingwell: No. That motion fails on a vote of 3-3, with council member spelman, mayor pro tem cole and myself voting no.

>> Mayor? Haven't you voted? You voted aye?

>> Spelman: I think it is inevitable there will be another substitute motion or amendment coming up. Before we take a separate vote on that one let me explain my note. It is not because I think it's a bad idea, not because I think there's a lot of merit to the general idea of the city council will keep whatever authority it currently has except for what it is we're giving to the board. I think that's a very good idea. But I need a little bit more time, a little bit more discussion with you, council member morrison, and with the data that you're relying on to do the same kind of analysis myself and get a sense for what kind of things are at issue here before I can be comfortable with where we ought to draw that line and what ought to be the board's and what ought to be the council's. So I'm against the general idea and I'm not necessarily even against the specific language you put forward but this is the first time I ever heard of it and we haven't had

the kind of conversation necessary to support it in my mind. Ms. Kennard, I have a question for you. Is there some way in which council member morrison or council member riley or anybody else who has thought hard and long about this and has something to do about it can provide information to me short of our all getting together and talking in a public meeting? I've heard that there are some

-- there was a recommendation made in the state of

-- the attorney general had discussed some means of putting stuff on electronic bulletin board which would be available to the public and available for all members of the council to take a look at.

>> You are correct about that legislative proposal. That is a legislative proposal. It is not current law, however.

[14:39:32]

>> Spelman: Okay.

>> It would be an amendment to the public

--

>> [inaudible]

>> act currently. The general principles we've been talking to you about over the last few years are still in place, making sure that you're not engaging in any activity that a quorum of the members may have had discussions outside a public meeting.

>> Spelman: And since I have considered this issue with the mayor and the mayor pro tem, may dance card is now

-- my dance card is now full and I cannot discuss this with anybody else. Unless we are all in a meeting together.

>> Yes, sir.

>> Spelman: It seems to me that if I'm going to learn more about this I'm going to have to get into another meet council member morrison and riley and martinez to find out what your thinking is on the subject.

>> Cole: Mayor?

>> Mayor leffingwell: Mayor pro tem.

>> Cole: I would like to thank council member morrison and council member riley for putting this forth, and I actually agree with the way that you have outlined it, and especially

-- I mean, because we're just

-- we need to have these discussions now, so I'm just tell you what my initial thoughts are having looked at this for three and a half minutes, and that's just about

-- it seems nonsensical to me that it would not make sense to put in place a board that was not required to comply with our policies and plans. I don't know why

-- that just does not make sense to me. So I don't even think we necessarily need to list them all out of your same fear that we might miss something, but

-- so i totally support that idea, and I don't think it necessarily matters whether we approach this from the standpoint of we're going to have a new board and we're going to release some of our powers and we're going to release everything except what we take back or we're only going to release

-- we're going to release a few things. I don't think it matters whether we start from the left or whether we start from the right. The important part is that we decide what powers we're going to release and what amount of money. And particularly I've heard a lot of testimony about our

community values and defining what that is in terms of the rate. And I think we're clear that we want to retain that, and especially consumer protections and energy efficiency. So I support a lot of what you're trying to do here. I think we just have to have that conversation and i wanted to put that out there.

[14:42:19]

>> Mayor?

>> Mayor leffingwell: Council member martinez.

>> Martinez: Mayor pro tem, I think

-- I appreciate you bringing the point up. I'd like to just add a little bit to it. Since we're only going to be able to talk here when all of us are meeting, I think the intent behind this is if you

-- if you read the original language, it's explicit in that the general powers and duties of the council both express and implied to regulate, governor and make policy

-- govern and make policy for the electric utility are transferred. So what we're talk about is policies. So once we defer all of our authority, that board has the right to adjust, amend, follow or not follow any of the policies that were stated in the amendment. So that's why

-- and I'm presuming this, but that's why I think the intention was to flip the language to say that the council retains all of its authority unless otherwise explicitly deferred or whatever the language

-- the language

-- I have it in front of me here, I'm sorry, that retains its general powers and duties, both express and pyre, to directly govern and make rules for the electric utility unless transferred to, vested it and held exclusively, and then they went on further to expressly name the policies that we want them to ensure that they comply with. I think it's just a way of ensuring, in the language that's in the backup, the original language, i, in my mind, read that as we give up all of that authority and none of those policies could apply moving forward,. [Applause] which may be the intent. It may be the intent, but

-- and it may be something we want to do eventually, but i appreciate the concept of let's start this independence

-- independent governance. Let's creed some of that authority

-- cede authority we feel comfort with and let's revisit this. This issue isn't going away anytime soon and we can by ordinance change this on any given thursday right here from the dais to further expand that authority are to the board.

[14:44:31]

>> Cole: I appreciate that. Mayor?

>> Mayor leffingwell: Mayor pro tem.

>> Cole: I appreciate that, council member martinez. I don't know if legal has anything to add to that, but based on council member martinez's explanation i would like to know if you had anything to add to that so that the language of council member

-- that member morrison has proposed basically says, we keep everything unless we give it up. And the language in the ordinance says we give away everything unless we keep it.

>> Correct.

>> Cole: Well, I would be more in favor of saying that we keep everything unless we give it up. We start from that perspective. [Applause]

>> that would require

-- i think there was a
-- a motion that just didn't pass because there was a tie vote on that issue.
>> Mayor leffingwell: That motion did not pass.
>> Morrison: Mayor?
>> Mayor leffingwell: Council member morrison.
>> Morrison: I'd like to ask the city attorney, since i voted for the motion, do i have the opportunity to ask for another vote?
>> Reconsideration of the vote generally says that any member voting on the prevailing side of an issue can raise it. In this particular case there was no prevailing side so I think anybody can raise it.
>> Morrison: I like that answer. Thank you. [Applause]
>> mayor leffingwell: So city attorney, I hate to argue with a lawyer, but i don't think that's correct.
>> Actually I went and looked at this during the break, mayor, and robert's rules of procedure are basically silent. The general rule is what i quoted, that any person voting on the prevailing side, and in robert's it says if you are on the prevailing side and an item failed, people who voted in it failed can bring it up. If you're on the prevailing side and it passed. So in trying to apply that to your rules, and this governing body, the general rules and kind of what the courts have said is that robert's is not intended to interfere with you taking action. It's meant to give you some structure to your meetings. So my opinion in this particular case is that there is no guidance in robert's on this, so any council member has a right to bring a motion forward in the absence of conflict with robert's rules. Robert's is toly silent on this issue. There is another issue that happened earlier today is the reason I was looking at it, where the item failed to pass because there was a tie vote.
[14:47:21]

>> Mayor?
>> Cole: I'd be happy to make that motion.
>> Mayor leffingwell: What is the motion, mayor pro tem?
>> Cole: I will make a motion that we reconsider the former motion of council member morrison only with respect to the change to section 15-13-30, and we would strike that section that says "subject to this chapter the general powers and duties of council, both express and implied, to regulate, govern and make a policy for the electric utility," are transferred to, vested in and held exclusively by the board. Strike that and replace it with the council should retain its general powers and duties, both express and implied, to regulate, govern and make policies for the electric utility unless specifically transferred to, vested in and held exclusively by the board as outlined in this chapter. And to me that simply means that we have to be cautious about what we actually transfer to the independent board, but it does not mean that we don't need a board or have a board for all the reasons and rationales that have been previously expressed.
>> Mayor leffingwell: Motion by mayor pro tem. Is there a second?
>> Spelman: According to robert's rules anyone can second a motion to reconsider.
>> Second.
>> Mayor leffingwell: Second by council member morrison.
>> Morrison: Well, I guess i need to understand, you actually
-- you asked to reconsider my motion, which was two parts, but then you were talking only about one part.

>> Cole: I'm only talking about one part of your motion.

--

>> mayor leffingwell: It's a new motion.

>> Cole: I'm making a motion to strike 15-13 already 30, which essentially

-- dash 30 which transferred all power to the board unless we kept it from them and to insert the language that you put forward, 4-15-30

-- for sa-13-30, which has us keep power unless we relinquish it.

[14:49:31]

>> Mayor leffingwell: That's the motion. I'm not going to support it because I basically don't agree with the philosophy. I think what we're striving

-- the purpose of this item was to create an independent board. This basically does not create an independent board. It delegates some authority to another body, but it is not significant progress towards an independent board. So I won't support it. All in favor of the motion say aye.

>> Aye.

>> Mayor leffingwell: Opposed say no. No. That passes on a vote of 4-2 with council member spelman and myself voting no. [Applause]

>> morrison: Mayor? [Applause]

>> mayor leffingwell: Council member morrison.

>> Morrison: My motion did have two parts, and so it really does take then some studying of section 15-13-31 as to what specifically are the powers under the contracts and expenditures that should be transferred over, and right now they're quite broad. They're pretty much everything except for a few very simple cases, and i hope that

-- well, I guess we'll have to

-- that definitely needs to be considered because there's no way that I can support the way 15-13-31 is written right now. So that's a comment. I do have several other smaller items that I'd like to go through. I guess I have one question for our attorney, though. If we

-- we have a motion on the table to pass

-- to pass this on first reading. If we have several amendments to this and then it doesn't

-- and then it gets a 3-3 vote, what happens to those amendments?

[14:51:34]

>> Mayor leffingwell: If the motion fails everything in it fails. Everything fails.

>> It just doesn't pass. It fails to pass.

>> Morrison: Okay. Because without

-- I guess my

-- for me I'm not really going to be able to support it without the trimmed down 15-13-31. But I do think that there are several improvements that need to be made to it. So I'm going to go ahead

-- I'm just going to go ahead with the questions I have and see where it takes us. In section 15-13-22, meetings and actions, it's made clear that the board and advisory committee shall comply with chapters

-- shall comply with chapters 551 and 552 of the government code, and i understand that that's open records and open meetings. Is that correct? And my question is, what about records retention? Is that included in there or does that have to be a separate section?

>> It's not included, and it would need to be added. Andy partnery is coming up.

>> Records retext is governed

-- retention is governed by state law, so they have to follow the state laws regarding records retention. There is still an issue i think with respect to the city's records retention ordinance. We've been looking at that and we're not

-- we haven't really reached a decision based on the wording of the state law as to whether or not records retention could be split or whether it would have to remain unified. For the time being you could certainly leave the utility subject to the city's overall retention program and we can address that later.

>> Morrison: Okay. All right. So think

--

>> I think

--

>> morrison: If this proceeds after tonight we definitely need to get that sorted out. Maybe you could help me with that.

>> Right.

>> Morrison: Okay. Let's see. In section 15-13-32, which is budget and planning, this is all about the general ger proposes a budget to the board. The board makes its recommendation to the general manager, and the council retains the authority to approve the budget. What I'd like to do is require that there be an open and transparent budget process, so I wanted to add the language under a, the board shall have an open and transparent budget process including holding at least one public hearing.

[14:54:13]

>> [Inaudible]

>> morrison: Oh, we have the second is gone.

>> Cole: The mayor was the second and he is gone. Procedurally let me ask the city attorney. I'm assuming we only have a five-person council. The mayor made the second. Council member spelman

--

>> spelman: Perhaps if we brought it forward as a separate amendment rather than a friendly amendment we could

--

>> cole: Exactly. Thank you.

>> Morrison: I'll make that motion.

>> Martinez: Second.

>> Cole: The motion was made by council member morrison and seconded by council member martinez. All those in favor say aye.

>> Aye.

>> All those opposed say no. That motion passes on a vote of 5

-- unanimous vote of 5 with council member tovo off the dais and mayor leffingwell off the dais.

>> Morrison: Thank you, mayor pro tem. My next one is also under that section. It's talking about the board and its meetings and planning, and I thought that it would make sense if we're going to have this board, that there be at least annually a joint work session between the council and the board. So my motion, and I'll just make this formally, is to add a section c, that says the council and board shall hold at least one joint work session annually to discuss strategic and generation plans, the proposed budget, parentheses, operating budget and capital improvement plan, comma, new or revised city policies, master plans and other matters. So that's my motion

that we add that.

>> Second.

>> Cole: The motion has been made by council member morrison and seconded by council member spelman. All those in

-- any discussion, council members? All those in favor say aye.

>> Aye.

>> Cole: All those opposed say no. That motion passes unanimously with council member tovo and mayor leffingwell off the dais.

>> Morrison: Thank you. Then in 15-31-40, where we're talking

-- this reads right now, rates set by the board must be fair, just and reasonable, shall not unduly discriminate against any customer class and shall recover revenues sufficient to comply with all system obligations and council-approved financial policies. One of the things that occurred

-- is applicable here and raised a flag for me here, if you'll recall, when we did our rate case, one of the important elements in that rate case was that the long-term contracts, the special contracts that we have, are going to end in 2015, and our assumption on those

-- in working our finances was that those would not be extended, and that was

-- made a difference of \$20 million in the revenue requirement for us and allowed us to do the rate case that we did. And so I want to make su'e that we maintain that assumption and that that couldn't be waylaid by the board. So I would add to that section the line

-- I want to make sure that the board wouldn't have anything to do with special contracts, that if there were going to be special contracts, that had to come back to the council. So my language there would be "per the june 2012 rates approved by council, long-term contracts with certain primary service customers expire on or about may 2015, and the approved rates will then apply. Any future proposal for a special rate contract for a primary service customers will require the approval of council."

[14:58:03]

[Applause] so that's my motion.

>> Second.

>> Martinez: Mayor pro tem. I have a question.

>> Cole: Council member morrison has made a motion and council member martinez has seconded. So now we'll have discussion. Council member martinez.

>> Martinez: I just want a clarification. You've got a typo, it's 15-13-40, not 15-31.

>> Morrison: Thank you. Gotcha. Yeah.

>> Cole: Is this motion

--

>> morrison: Actually, no, i haven't passed these all out. Sorry. [Laughter] I aogize, it's sort of a mess. It wasn't really ready for prime time.

>> Cole: Can I ask a question of austin energy because I do recall that we had this discussion in the rate case about the special contracts. Can you just give us a brief discussion about those and when they expire and make sure that we've got this language that's on the table correct?

>> I'm sorry, I didn't hear the language was on the table. The contracts expire in may of 2015.

>> Cole: Okay, and your motion is simply asking that the issue about that pricing come back to council?

>> Morrison: If there's ever any consideration of special rate contracts for primary service customers again, that it would have to come to council.

>> Cole: Oh.
>> Spelman: I'm presuming, since you're there, let me ask you. We're throwing a lot of language around here. It may not be the language which the law would prefer ordinances to be written in but the sentiment is something we need to capture. I presume that you'll have another opportunity, another bite at this apple between now and second and third readings?
>> Sure. Yeah, absolutely we will get the wording correct.
>> Spelman: Thank you.
>> Cole: So there's a motion and a second on the table. Any further discussion? All those in favor say aye.
>> Aye.
>> Cole: All those opposed say no. That motion passes unanimously. [Applause]
[15:00:06]

-- passes unanimously with council member tovo off the dice and mayor leffingwell off the dais.
>> Thank you.
>> Cole: Council member morrison?
>> Morrison: In the next section 15-13-41, comprehensive rate review. There's some really good things in here including that there will be an independent examiner and there will be a consumer advocate, and I think that's very important. [One moment, please, for change in captioners.] (cofa9-27-12.Ecl) okay, so effectively the board is making recommendation to council and council is actually making a decision.
>> Morrison: The council has to ratify it. We are not
--
>> Morrison: I was thinking about making a decision and ratifying it.
>> Spelman: I am more comfortable with the language contained elsewhere in the rate section where the board would make the rates and the rates would stand unless the council within a certain time period decided to pull up and take a look at it. Would that be amenable to your way of thinking on this?
>> Morrison: I mean if I
-- yes, let me leave it to
--
>> Martinez: Mayor.
>> Mayor leffingwell: Who has the floor?
>> Martinez: Mayor pro tem.
>> Mayor leffingwell: Mayor pro tem has the floor.
>> Cole: Council member spelman had the floor asking council member morrison a question and she just responded so council member morrison has the floor.
>> Morrison: Thank you. And I think I sensed some input from council member martinez, which I would be happy to hear, because I am a little stymied by this and want to think about it.
[15:02:20]

>> Mayor leffingwell: Council member martinez.

>> Martinez: Clarification, you are saying the board will make these two appointments and if the council didn't act to overturn them within 30 days, then they would be in effect.

>> Morrison: Yes.

>> There may be city manager versus city council here regarding the employees or contracts. If the

-- and it probably wouldn't be but if these contracts within the city manager's authority, it would be the city manager's authority to enter into the contract and if it is higher than that, there can be approval process and you can set up a system where the board's awarding of contract can be on council's approval. I suspect it would be under the threshold but something you can take into account.

>> Martinez: I think he is referring into something we have taken into consideration, special contracts.

>> Morrison: Are you talking about special contracts?

>> Mayor leffingwell: Why don't we try to get the floor before we started talking. Council member martinez has the floor. All right. Who wants to speak next? Council member morrison.

>> Morrison: Mr. Boerne, were you talking about the idea of an independent examiner and a consumer advocate that contracts for them?

>> Right. I was talking about the issue of whether or not council can confirm an appointment and so they would have to be dealt with on a contract basis on whose authority the contract fell within, so if it fell within the city manager's contractual authority, then it would be under the charter that would be the city manager's call. If these contracts were higher than the threshold, it would be to the council to approve the contract just as phyother contract. As I said, I suspect that these contracts would probably fall above those but I just want to point that out, that council would necessarily have automatic appointment power or confirmation power, wouldn't automatically.

>> So it sounds to like

--

>> Morrison: I was just assuming that the board would be deciding who the independent examiner and the consumer advocate were and you are saying that actually that's not possible?
[15:04:22]

>> With these contracts, these would be contracts that would be awarded as any other city contract is awarded, whether they are professional services or what. So, again

-- it is a simple contract award, so if

-- again, if the contract falls within the city manager's authority, that's the city manager issue. If it's above the city manager's authority, then it is up to the council and/or the board to make the determination. I would point out both of these contracts would highly likely fall within the council's authority.

>> Morrison: Okay. All right. I guess I find that sort of troublesome because it seems like there needs to be some real independence about these

-- about these appointments and for them to be merely, you know, just contracts, so

-- I am not expressing myself very well. I am tired. I apologize for that. I don't know if there is anything else you can suggest, because it is really just more than going out and doing a

solicitation and there has to be some oversight of it.

>> It's the conundrum we ran last time and we certainly can set up the process in a way that encourages independence but again it is a city contract so you run into the catch 22 where they need to be independent but at the same time funded by the city.

>> Morrison: That is a little problematic but I guess we can put in there that we want to make sure the scope of work requires a payment that is greater than the city manager's authority.

>> I think you can set a required funding label. Sure.

>> Morrison: Okay. I yield.

>> Spelman: Mayor.

>> Mayor leffingwell: Council member spelman.

>> Spelman: These contracts would be led not through an r.F.P. Process but through an rfq process, is that right?

>> Presumably, yes.

>> Which means the rules would be the council or the board or whoever had a decision as to which contractor to choose would be able to choose among qualifying high scorers on an rfq matrix rather than just the low bidder. Correct?

[15:06:31]

>> Correct.

>> So if we did nothing to leave this alone, it would come back to the city council anyway and the city council would be able to choose at least among the small number of bidders on the contract who got high scores? It seems like it's very consistent with what you are talking about?

>> Morrison: Right. So where does that leave us?

>> Mayor leffingwell: Council member morrison.

>> Morrison: I guess what I would like to suggest, then, and maybe the attorneys can help us with the language as we go forward but we could say the board shall select an independent examiner subject to

-- either subject to

-- well, let's say subject to confirmation by the council, assuming compliance with all.

>> Procurement.

>> Morrison: Procurement or something like that.

>> Since this is first reading, if you give us the general direction, we can come back with language for you to consider.

>> Morrison: That's the language I would like you to consider. So basically that there will be some council purview over the independent examiner and consumer advocate.

>> Yes, we can set minimum, I think funding thresholds and that will probably do the trick.

>> Morrison: That's my motion.

>> Mayor leffingwell: Restate the motion.

>> Morrison: The motion is that the council will have some confirmation

-- some purview over the appointment of the independent examiner and the independent consumer advocate.

>> Spelman: I consider that to be friendly, mayor.

>> Mayor leffingwell: And I do not consider it to be friendly.

>> Spelman: Well, in that case, I will second it.

>> Cole: Actually, I already second that motion.
>> That's right.
>> Mayor leffingwell: It already has been seconded?
>> Cole: I already seconded, yes.
>> Mayor leffingwell: All those in favor, say "aye." No. Passes on a vote of 5-1. I voted no.
[Applause].
[15:08:32]

>> Morrison: I have a couple more, mayor, in 15-13-42, we are talking about a comprehensive rate review, and it mentions the base energy rate and demand rates may not be adjusted by more than 2% annually which is our affordability goal and as I understandt, we have a second part of our affordability goal, and that is that we will always be in the lower 50% of texas rates overall, and my motion is going to be that we add explicitly that that's part of one of our constraints so 15-13-42, to add section a
-- to add an additional sentence at the end that says, however, such rate adjustments shall also meet the goal of being in the lower 50% of texas rates overall. That's my motion.
>> Mayor leffingwell: Acceptable. That one is acceptable to me. [Laughter]
>> Morrison: Finally got 6-0 vote here.
>> Morrison: Fifteen-31-50 was just a little bit confusing to me. Under section b, we are talking about administration and clearly we know that under this
-- the city manager is still in the same position as per the charter and it' reflective here in b, where it says the electric utility shall be managed and operated by a general manager who shall report to and may be removed by the city manager. I wanted to make explicit there that the general manager is also appointed by the city manager so my motion is to add in that phrase, who shall be appointed by report to and may be removed by the city manager. That's my motion. All right. Yes, that's 15-13-50 if i said otherwise.
[15:10:44]

>> Mayor leffingwell: Council member spelman.
>> Spelman: I wondered if somebody could remind me, why article 5
-- or this section on administration is
-- is necessary for this ordinance, given all it does is it reiterate our current practices?
>> Are we talking about the entire article?
>> Spelman: Actually, not just the entire article, just 15-30-50.
>> We put in section a, i think for two reasons. I think, one, any time you are setting up power structures, it's good to have clear boundaries drawn, even if that is the existing law, there is a place you can look and it is spelled out. However, I do think that the council's resolution
-- it mentioned pay, benefits, personnel, civil service rules. Some of these
-- of course it may not be an issue if the grant of power is being reversed but the concern here was to avoid having these powers be conveyed to the board when the council's resolution was to keep them. So it really serves that purpose as well. It is not just about the city manager. It is also about certain council powers that are being withheld with respect to the workforce.

>> If we are involving more power to the board and pulled back by the council, it is conceivable that the board may have chosen to make some of these changes?

>> Correct. Correct.

>> Sounds reasonable.

>> But that become becomes a moot point if you switch that around, though.

>> The promtion is that you

-- presumption that there is a proposal at least to change 15-30-50 at some point and there is no reason to add the words appointed by since that is current practice as well, but with the caveat that will become controversial at some point in the near future.

>> Morrison: I don't doubt it.

>> Spelman: Please accept it as a friendly amendment.

>> Okay. I mean, it doesn't change anything. That's the way it is now. So ...

>> Morrison: Thank you, mayor. That's

-- but it does make it complete and correct. Now I am in a quandary because I't know I

-- the challenge I have is that

-- the challenge that i have is that 15-13-31, now the explicit powers we've given them, I guess I am willing to

-- I could support this but I cannot support the powers that are given to it. What I would like to suggest is that if there is a quorum of council, that I could support this with the understanding that I won't support it

-- I mean, we've got work to do. I will not support all of that and I would like to suggest that, if there is a quorum of council that's interested in having a work session to really hash throug the details of what those powers should be and be able to have a real conversation, I think that could be really helpful.

[15:13:47]

>> Mayor leffingwell: Mr. Spelman.

>> Spelman: As someone who has not been a party to your conversations at this point, even without having your motion sheet, that would be a lovely thing, I think. I agree with that.

>> Mayor leffingwell: Council member martinez.

>> Martinez: I agree. I think there is still work. I will support this on first reading because I think we have done good work but i reserve second and third reading until the final product is done.

What i want to ask is, if we all thought that the tuesday work session next week would be appropriate or not. To have

-- to put some time aside.

>> Mayor leffingwell: You mean on the 23rd?

>> Martinez: The 23rd. Sorry, mayor.

>> Mayor leffingwell: Yes, I think we could do that.

>> Martinez: Okay.

>> Cole: I like that. I support that.

>> Mayor leffingwell: Council member riley.

>> Riley: I would like to offer just a couple of other items as potential amendments, and they both relate to the electric advisory panel. This is the citizens body that would essentially replace what we now know as the electric utility commission. The current draft of the ordinance before

us, the electric utility advisory panel is essentially charged with advising the electric utility board and the board alone and not

-- not the council because the idea reflected in the draft before us is that the board would have all of the authority that council currently has. We have made a change to that and said that actually the council will retain authority over the utility except as

-- as delegated and so in light of that, it seems appropriate to me that that panel still have the ability to advise council as well as the board on those matters that the council

-- over which the council has retained authority. I don't have the language to

-- to suggest but I

-- but I would

-- but what i would ask is that we direct staff to re-examine section 2-1-143, which sets out the rules regarding the electric utility advisory panel and consider adding language provideg that panel would have the authority to advise council as w as board. Not to the extent that council

-- now to the extent that the council will continue to have some authority over utility matters.

Would that be a friendly amendment?

[15:16:20]

>> Mayor leffingwell: That will be friendly.

>> Riley: Okay. One other matter, which i hope will be friendly, but i realize it may not be because I think it might be considered somewhat more significant and thatly straights to review -- that levates to review of board decisions. What we have heard from the public loud and clear that there is a strong interest in maintaining accountability. I think especially in light of the charter provisions respecting the utility, it's important that we maintain some mechanism by which the council could continue to be held accountable, those issues that austinites care deeply about. It may not be every issue. It may not be necessary for the council to re-examine every singlic that the board

-- single issue that the board considers and i hope that won't be necessary and there is good to think that much of what the board is doing won't rise to the level to of things that the council needs to take a second look but there may be issue that is the board considers that there really are serious concerns and i think the public has a legitimate gripe to the extent they don't have any mechanism to bringing those issues to the attention of their elected representatives. So I would suggest that we allow the electric utility advisory panel to initiate appeals of decisions of the electric utility board so that when they feel like an issue really does warrant attention from the council, that that issue could be appealed to the council and then the council could

-- could consider it while according

-- [applause] and of course we could have language providing that we would accord some weight to the decision of the electric utility advisory panel as is customary in any process, but it still would make the electric representatives accountable on issue that the public cares about and i think it would be appropriate for the electric utility advisory panel to play that rule of looking at the work of the electric utility board and making an assessment as to which of those decisions that the board makes ought to come to the attention of the council because the whole concept of the panel is that it provides a mechanism for if public to

-- for the public to have a continued role in

-- in the decision making goes on at the board. And so the public similarly would have a role in

bringing to council's attention certain issues that
-- that rise to that level that they really wanted the
-- that warrant the council's attention. Again, I don't have language to suggest on that. That would be a little more complicated to draft but i think it would be important especially in considering
-- considering the charter language with respect to the utility that the
-- that the public maintains some mechanism for bringing issues to the atttion of the council. I would offer that as an amendment which I assume
-- well, I don't know. I will try it as a trendily amendment that we ask staff to come back with language providing a mechanism for review of
-- of some
-- for allowing the electric utility advisory panel to initiate appeals of board decisions.
[15:19:48]

>> Spelman: Mayor.
>> Mayor leffingwell: I don't
-- I don't accept that. Council member spelman.
>> Spelman: In addition to council member riley's suggestion, I have four similar suggestions, which i am not sure would garner a majority of the council support or not, and perhaps one way we can handle my suggestions as well as council member riley's later suggestion is to ask mr. Perny or other people in the legal staff to come up with a legal recommendation that we can add or not add at some future date. I would like to see the language and I would like to have a longer conversation about that. It seems to me that it's difficult, if our workload and the council is going to be determined in part by an advisory group to an advisory or at least partially advisory board to us, and it seems there may mr. A more direct approach to take
-- there may be a more direct approach to take a look at board decisions made than that.
>> Riley: Mayor.
>> Mayor leffingwell: Council member riley.
>> Riley: I would not anticipate the council reviewing every decision that the board makes. It seems to me that there are only some circumstances which the council would need to take a second look at those decisions, and so the question is how do you figure out a mechanism that would trigger council review of some decisions. I have thought about different ways to approach that. If we had a publics position advocate could have that but we have a citizen panel that is expected to keep an eye on the work of the electric utility board and so it seems appropriate to sign to that panel to initiate appeals when they consider it
-- when in their judgment some decision of the board really warrants further scrutiny.
>> Spelman: Although I like it the idea, I wouldn't consider it to be a friendly amendment, I would like to see the legal language and have a longer conversation.
>> Mayor leffingwell: I
-- I said I wouldn't accept that as a friendly amendment but I would accept direction to explore ways to do an appeal. One obvious
-- I really don't like the idea of jumping rank there from the advisory board, which is really supposed to be advisory to the utility board
-- I don't like the concept of that, but there could be others, such as, you know, two council

members putting an item on the council to reconsider something, something that would be more appropriate and wouldn't bypass the hierarchy of the structure we've set up.

[15:22:23]

>> I would like to point out, too, there is two ways you can look at what you are proposing. One is the advisory board can advise the council that it would like an appeal to be initiated and that can certainly be done. There might be some concerns with vesting an advisory board with some sort of power to actually interrupt the board action or cause the council to do something. I think we would have to look at that but we can certainly.

>> Mayor leffingwell: I mean, obviously, the advisory board could ask

-- say we have concerns about this and it would be like an item from council. It could be like an item from council, to do an a appeal. But it would be the council that initiates it formally, not the advisory board. Council member martinez.

>> Martinez: Just, I think you bring up an interesting point. I wanted clarification. The way I understand the ordinance, unless we explicitly relinquish that authority, wouldn't we always have the ability for two council members to put an item from council?

>> Mayor leffingwell: Always, yes. Any time, regardless of whether you say it or not.

>> Martinez: I guess I am getting more specific. Would we have the authority to put an item from council to reverse a decision that's been made by the energy board?

>> Mayor leffingwell: The whole establishment of the board is by an ordinance. Council can always change or amend an ordinance.

>> Martinez: But the action would have already taken place. It wouldn't reverse their action unless we created a new ordinance that did?

>> Mayor leffingwell: Well, I

-- I would have to look at the particular hypothetical that you're

--

>> Martinez: Again, I am interested in

--

>> mayor leffingwell: The only way you can prevent that, anyway, is to say that any action by the board doesn't go into effect until it's approved by council.

>> Martinez: It is kind of what we do now.

>> Mayor leffingwell: It's what we do now. So we've already virtually made this into a new electric utility commission, anyway, so I don't know if it makes much difference.

[15:24:28]

>> Spelman: Mayor.

>> Mayor leffingwell: Council member spelman.

>> Spelman: Help me understand. What is the status of council member riley's suggestion?

>> Mayor leffingwell: Council

-- what is the status of the

-- do you accept that additional direction? I said I did not accept your friendly amendment, so I propose alternatively that we just give additional direction to explore ways of initiating appeals

to the council. Is that satisfactory?

>> Riley: Sure, to have staff bring some options before us about some mechanism for providing for council review of board decisions.

>> Spelman: I am very, very happy with that.

>> Riley: Okay.

>> Mayor leffingwell: Since you suggested it, I am happy, too.

>> Spelman: Good. [Laughter]

>> Spelman: Mayor, I have four small suggestions and the best way to handle it would be rather than friendly amendments to my own motion that I float this as direction to staff and if anyone wants to chime in and say they hate it or they love it, that will be fine. The first one, mr. Perny, if you can come up for a second. You've still a got copy of smitty's handout?

>>

>> I do.

>> Spelman: I am

-- one of the reasons I don't want to focus in the form of formal motion is I don't know if the right way to incorporate the basic idea of using that whole first section in his handout in this ordinance, but I think it is extremely important that the council in choosing board members have an idea of potential conflicts of interest and be able to flag those in advance of making suggestions to the regional specialist of the council or the council actually appointing people to the board.

>> If I can just make a response to that. Both issues one and two actually are addressed by the ordinance. The ordinance does make the board and board members section 2-7 of the c code, and -- does meet

-- and the local government provision that is cited in here would by state law apply regardless because they would be considered a local governing body. And the 30 day requirement actually does, in fact, right now apply to the board as written in the ordinance. That being said, we can certainly work on beefing up the language in the ordinance to perhaps make that a bit more clear. [15:26:47]

>> Spelman: It is my understanding the 30-day prime is after one is appointed, one had 30 days after which to fill out one of these forms.

>> In this section it says they have to provide financial information 30 days prior to being hired or appointed.

>> Spelman: My apologies.

>> We can go back and make sure it is the case but as i understand the ordinance as we wrote it to incorporate 2-7, that should apply.

>> Spelman: We could get the financial information in advance and then we would not be able to appoint someone until 30 days after we received that information.

>> Correct.

>> Spelman: Okay. That sounds like a good idea. I will look more closely at the language.

>> Martinez: Council member spelman, I have a question for you and mr. Perny.

>> Mayor leffingwell: Mayor pro tem.

>> Cole: Yes.

>> Mayor leffingwell: Do you want to wait until you get recognized before you start speaking?

>> Cole: Mayor, yes, please. Thank you. [Whistling]
>> in audit and finance, one thing we are doing is we interview potential people. You are
-- we are interviewing them in closed session, and the idea is that we are allowed do that with
employment and
-- in certain boards. So my concern is that we would get a rapid decrease in people who are
interested if they had to disclose their financial information before they had any inkling of an
idea that they might be selected.
>> Spelman: Yes.
>> Cole: In public so I want to make sure that we are saying that we know
-- we have this information but we can have that disclosed to us in the interview process.
>> Spelman: Mr. Perny, is that consistent with the practices?
>> I will be honest, we are getting a little bit out of my area of expertise on that one.
>> And that may be a little difficult. I think we will have to think about that. Because if we, the
city, have received the information, the public information act may come into play, because we
are in possession of it. There are some instances where maybe we've hired a private contractor
and we don't have the information, maybe in that case, but I think we need to look at that a little
closer before giving you a definitive answer tonight about that, but I think if we have the
information, I can't let off the top of my head right now
-- right off the top think of an exception under the public information act provide that that
information would be confidential.
[15:29:13]

>> Spelman: Criminal background check?
>> Under state law, you have to have specific statutory authority to do a criminal background
check and I am not aware of any specific provision that would allow it in this particular
instance, but I can also look into that
-- there is several exceptions, you know, when you are dealing with vulnerable populations,
certain jobs, but ...
>> Mayor Leffingwell: It is an issue that we can
-- I say let's look into it.
>> Spelman: I wasn't suggesting criminal background check for any applicant at all. I was
suggesting at least there is categories of information to which we wouldn't necessarily divulge.
>> And there is specific statutory authority that speaks to that.
>> Spelman: Got you.
>> We will look into it.
>> Spelman: If you can look more closely to that and the second part which I got deflected from,
which is at least taking a look at the pedernales electric co-ops program of helping its members
avoid conflict of interest, as somebody suggested to us. He didn't think we should take it hook,
line and sinker but there may be some good ideas for us to take a look at.
>> We will be happy to look at those.
>> Spelman: If you could, I would appreciate it. Three others, very quickly. This implies that the
general fund transfer will be determined by the city council because the city council has to pass
the budget. If there were a way of writing in, is it clear to anybody who reads it that, in fact, is
true, I think it would go a ways towards swaying people of concern that we are handing over the

general fund transfer to the board. Never was envisions that but we can make -- envying that but we can make it clear. Second is the second generation plan is always in the resolution which asks this ordinance to be written. Generation plan was going to be written by the city council and invited by the board and if there is a way somebody can look at this, the generation plan cities with the city council and the board not deviate from the generation plan, I think that will be helpful.

>> We can tighten that up.

>> Spelman: If you could, that would be good. And the third thing, and this is one of those places where I would like to get some help from legal department the right way to write this. I believe that the way we have written purchase power agreements is at least slightly wrong headed. The only purchase power agreements which come back to the council in the current version are those which are for renewable energy which is going to be showing effect on a board's willingness or interest in pursuing renewable energy purchase power agreements which is the opposite of what we want to happen. We want them easier than coal and nuclear power. Right now it is easier

-- it is the other way around. If there were a way of giving the board authority to adopt some purchase power agreement so long as they are consistent with the generation plan produced by the council and any purchase agreement that is the board would like to adopt that are not consistent with it come back to the council, I think that would be a good idea. Is that something you have enough information as to what I am looking for?

[15:32:19]

>> Yes, along the same lines, making sure they comply with generation plan. We can make sure they have

-- they don't have authority to enter into power purchase agreement that conflicts with the generation plan. We can draft that.

>> And it may require us to type up the generation plan in some small way as to what is in and what is out in the purchase power world?

>> Right.

>> Spelman: Thank you. That's all I have for mayor.

>> Mayor Leffingwell: Set to vote on main motion. First reading only. Let me just say that I am going to support it on first reading but I reserve the ability to change my mind on second, third reading if it is still this weak on third reading, I probably would not support it. So all those in favor, say "aye." Aye. Opposed say no. Passes on first reading on a vote of 6-0. That brings up item 45, which we've heard public testimony at the same time as item 11, so there are no additional folks to speak. I entertain a motion on item 45.

>> Cole: Move approval.

>> Mayor Leffingwell: Mayor pro tem Cole moves approval. Second by council member Spelman. Further discussion? Council member Morrison.

>> Morrison: Thank you, mayor. I will try to make my comments succinct. I am not going to support this motion

>> I think it's clear from this exercise we just have been through that pretty much the only thing as I understand it that this legislation, if it allowed us to trump the charter, pretty much the only thing it would do would be to allow us to transfer authority from the city manager to some other

entity, some to the board, some to the general manager and I don't get it. I don't get why that -- i don't see that there is any driving force to do that. I hear concerns about transparency and difficulty getting information. I don't think that anybody has suggested that that's because we have a city manager here. I

-- we have a

-- and your questions and answers are available online now, by the way. We just got it this afternoon. I asked staff to please give us a listing of all of the shared services with austin energy. There is a list of 25 departments, offices and divisions that we share

-- that all of the departments share that austin energy participates in. So if we are really talking about separating austin energy off, we are talking about a huge job, a huge and probably extremely expensive and duplication of services, I would expect, would be extremely expensive. I would also like to mention that this is an ordinance, and let me just say, i suspect, I highly suspect, that as soon as the campaign season starts for our next set of council seats, the
[15:35:24]

question is going to be: Do you support havingn independent board or not? If we go to an independent board, I am willing to put my money on candidates winning who do not like the idea of a completely independent austin energy and the

-- [applause] and this ordinance is then going to let us go

-- get a council in here that would change it back, and so we have the potential

-- we are looking at the scenario of waiving back and forth with huge expense, huge disruption to the city. And my last point is that we are essentially talking about changing our form of government by not having a council management forum government over austin energy. If we are going to make that kind of decision, that is a decision that needs to be made by the voters. Not by other people. [Applause]. So

-- so in sum

-- in sum, I do not support this bill.

>> Mayor leffingwell: Well, I will support the motion. And despite the things that have been said, misconstrued about the two bills, which are identical, by the way, all they do is

-- is enhance local control. They give the austin city council the ability to make these decisions instead of having somebody else at a higher level make those decisions, and that is honestly all they are about. They are permissive. They are not prescriptive, and I think we should be supporting things that give

-- that enhance local control, not opposing them. Council member martinez.

>> Martinez: I wanted to ask a question along those exact lines. So if the language that we changed in 15-13-30, if that adopts on third reading, so the only authority that the new board has is what we see to the board?

[15:37:30]

>> Mayor leffingwell: Correct.

>> Martinez: If the legislation passes, it allows us to change that structure, wouldn't that authority still be retained by the council unless we explicitly seed it to the board so we would be the body appointing the general manager?

>> Mayor leffingwell: If you are asking me, absolutely, the council still retains all the authority. The bills

-- neither one of the bills direct the council orrery strict the council from doing anything.

>> Martinez: So it could end up being that we just, as a council, end up having authority to point a sixth

-- appoint a sixth city employee.

>> Mayor leffingwell: It would be the council's decision.

>> Martinez: I am not necessarily opposed to that. Not necessarily for it. I want people to understand that that option could conceivably happen if that legislation passed and this council didn't see the authority to that governing board to appoint the general manager of ae, we would attain the authority as a council which to my mind isn't a bad thing. All those in favor, say "aye."

>> No.

>> Mayor leffingwell: Passes on a vote of 5-1.

>> Brings us to item 79, which is to conduct a public hearing and there are no speakers signed up in the public hearing, so I will entertain a motion to close the public hearing.

>> So move.

>> Mayor pro tem cole moves to close the public hearing.

>> I think it is important for me to make legal fact finding for item 79 is there is no other feasible and prudent alternative to the taking of the dedicated park land. And I also want to mention that the mitigation for this, are direct improvements to the park so it is not what we usually discuss as a dollar amount for mitigation.

>> Mayor leffingwell: Okay. Thank you. Thank you for interjecting here and mayor pro tem cole, you should be

-- the motion should be to close the public hearing and approve the resolution.

[15:39:32]

>> Cole: So moved.

>> Mayor leffingwell: And i will second. All those in favor, say "aye." Aye. Opposed to say no. Passes on a vote of 6-0.

>> Thank you.

>> Mayor leffingwell: It brings us to item number 80. And this is simply a public hearing to receive community input on needs and comments for the fy2013-2014 action plan and the community development 2013-'14 program as hired by the h.U.D. So we will

-- as required by h.U.D. We will start working through our speakers here. We have approximately 20 minutes of testimony

-- 40 minutes of testimony. Jay fielderman.

>> My name is jay fellerman and I am the path of project coordinator at salvation army. I am talking about tenant based rental assistance or tbra. The partnership between the housing authority of the city of austin, the city of austin and the salvation army passages program to provide tenant based rental assistance housing to homeless families has been operational since 1998. The tenant based rental assistance program is funded with home funds provided by the u.S. Department of housing and urban development through the city of austin and the austin housing finance corporation. Tbra is key in a vital way to keep clients out of shelter and into housing. The 12 month of housing subsidy in a sliding scale rent gives homeless clients time to stabilize and work towards self-sufficiency. Currently exauskiive is 55-65 households point in time. Number of households served in 2012 totaled 124. In includes approximately 327 people. 59 percent of these are children. Services funded by the passages collaboration include case management, subsidized childcare, limited financial assistance, life skills training, employment assistance, and referral to rapid housing, transitional housing and permanent housing. In addition, the austin

housing finance corporation provides financial assistance to housing and utility deposits and first month's rents. Every year approximately 78-80% of families participating in the passages program require permanent housing. During that time,

-- during the time that families are in tbra paying reduced rents they work on reducing debt and increasing skills and income to become self-sufficient. We would like to thank the city of austin, haka and cdc for offering housing opportunities for homeless families in austin. We would like to encourage the cdc to continue funding at the current level of 576,000, the passages improvement plan includes salvation army we grant, care tops of austin, foundation communities, foundation for the homeless, buy forks an safe place. The project has been operational since 1996. Thank you.

[15:43:06]

>> Mayor leffingwell: Jennifer mcphale.

>> I am jennifer and I am with adaptive texas and we want to be on record urging you to dedicate funds from the annual plan to projects that are going to serve people at or below 15% of the median family income. I know that's very deeply subsidized but that is the level of affordability for a person who receives supplemental security income. It comes out to about 710 a month and that's not very much. It's very difficult to find an apartment that even costs \$700 a month just for the rent. There are many places that are efficiencies tt cost 800, 900, \$1,000 and people are being priced out of the city and we have all seen those numbers. Poverty isn't going away just because we ignore it. Not everyone is going to be able to afford or have the opportunity to have a six figure income and there are people that are on fixed incomes that are grandmothers, grandfathers, daughters, sisters, brothers and we deserve a place at the table, too, and we make up the fabric of the city as well. I am fortunate to have a place that I can afford, but it's luck and I know that. An have had opportunities that a lot of people don't have and it's a shame because we believe that housing that you can afford is a civil right. I also want to talk about the barrier removal program. That program that the city administers makes it possible for people like me to have an accessible environment to live in. I was 19 years old before i had a home that I could access the bathroom myself. That's a long time to rely on other human beings to take you to and from the bathroom. It is a long time to have to hold it and wait for someone else's schedule and that's what people do every day. There are people in this city that climb up staircases to the second floor of an apartment building because that's what is available to them and that's what they can afford. People are locked away because they can't afford or they can't access housing in back rooms and suffering a great deal because we don't have enough housing stock. So we need to invest in that program as well. The other is enforcement. If you have enforcement that's vigorous, you aren't going to have as many violations. You won't have housing that's not accessible and you won't need an abr program. I want to urge you to keep those things in mind. We've all heard about the numbers. We all know there is people at 30%, median family income, and let's do more on focusing our public dollars at the lore rents, make it a deeper subsidy and get serious about it. We can do a lot of creative things. It is a shame the bonds didn't pass but we need to find a way to use local dollars to invest in truly affordability housing for

-- affordable housing for low income people. We all know someone directly or indirectly that is very low income. It is time we invest in them. Thank you.

[15:46:26]

[Buzzer alarming]

>> mayor leffingwell: Thank you, jennifer. Reverend r. Lewis.

>> Mayor and city council, i am glad to be here tonight, and as a minister, I have to speak in biblical terms. God said to moses I have surely seen the affliction of my people which are in egypt. I have heard their cry and i have come down to deliver them. When you all seized the east 12th street missionary baptist church under false pretense

-- what I mean by that

-- I already given a letter to the law department of the city. I have already given this document to the law department of the city, and due to my indigent status, i was not able to make copies for everyone, but I am going to give a copy to ms. Cole. You coerce sively

-- coercively took over the church as defining it as a civic property, under federal law, it is identified as a religious house of god. Even the department of interior told the city of austin, the history department and others, here in this town, that certain things in the black community that they were not to be

-- not to touch, and the church

-- the church is a ward of

-- is one of them on their list. You touched their church anyway. And I am going

-- I am going

-- I am process

-- and I am going to use this, ms. Cole, this letter is going to the justice department. I am going to file it with the justice department as a violation under the civil rights law, and I've got other civil

-- I mean, other legal entities that's going to work with me and I am bringing a lawsuit against the city. The church is going to become east first street missionary baptist church again. I don't care what the doctor has already done. There is a lady that's no longer on the board

-- i mean, on the council. I will never forget. She made a statement of knocking that church down and tearing it into a multifamily unit. The bulldog media brought out a statement that you have already

-- on a recent occasion, you spent \$157,000 on legal fees for something that you

-- that was, you know, an adversary to you all. This is what the black community is coming to, because we are being failed in the black community. The city of austin gets federal dollars and some of that federal dollars is there to

-- to bring economic development, and other things for the black community. I was born and raised in the community. I was born and raised in holy cross.

[15:49:40]

[Buzzer alarming].

>> Cole: Thank you, mr. Lewis, and I will see that. My colleagues get copies of this.

>> All right. Y'all take care. Have a good night.

>> Cole: Thank you. Next we have stewart her. Sh. Stewart hersh.

>> Mayor pro tem and members of the council, my name is stewart harry hersh and like most in austin I rent. I worked for the city over 30 years and have been paid or unpaid consultant for a few not for profit organizations the last four years. I help these not for profit organizations create smart to us housing under trying circumstances. I am speaking tonight about the needs assessment for the action plan. I am speaking for myself, not speaking for any of the organizations that I provide support for on either a pro bono or fee basis. I work with organizations that provide affordable rental housing for some people who can afford rents only if

the 135-dollar to 350-dollar range. Those organizations who otherwise could serve these extremely low income renters will be unable to do so if there is a city decision to decrease its commitment to housing affordability. The go bonds were marketed 2006 as a supplement to existing investment in housing affordability, not to supplant federal and local investment, but supplant is exactly what they did. The voters in 2002 approved affordable housing bonds for some of the poorest among us: Women and children who were homeless. The voters did not approve bonds for housing that lacks specific performance measures and a commitment to geographic dispersion. Please recommend funding at a level that shows austin's commitment to the poorest among us who need their homes repaired, as well as more opportunities to rent or own housing that is safe in mixed income neighborhoods, accessible for people with disabilities, reasonably priced, transit oriented and meets austin energy's internationally recognized green building standards. In this town, we used to call this smart housing at the beginning of this century, and hopefully we will invest in smart housing once again, because the trend seems to be going in the other way. Thank you very much.

[15:52:26]

>> Cole: Thank you, mr. Hersh. Next, we have sheila ryanb.

>> Hi, I am shelly ryan. I am the child protective services advocacy coordinator for safe place. First of all, we want to thank you all of your efforts in creating permanent and or supportive housing in the past. It is crucial this housing not only continue but ideally increase as the need is so great, specifically for families who are experiencing violence in their homes and/or their intimate relationships. People providing this

-- providing this type of housing not only provides a safe and sure environment where the family can live, it also invites an environment of healing. The healthiest environment for healing is a safe and stable one, where the fear of having to return to the person who has been abusive to you and/or to your children just in order to have a roof over your head does not exist. Take safety and basic stability first in order to work. By being able provide permanent and supportive housing for the families who have endured this violence, the city of austin would be giving those families a chance to experience the basic right to live in a violence-free environment. Safe and stable -- safe and stable housing from an abusive partner would take away the daily fears of living in an environment that you are afraid to say or do something because of the fear that your partner will determine what kind of force, either verbal, physical, or sexual violation of your boundaries will be made to keep you in line. This fear permeate it is entire household and living without that fear because you know you have a permanent or supportive housing to go back to can create such a basic relief for the victims and for their children. Safe and stable housing can create an environment primed for teaching and learning the skills that the family will need to create a safe and supportive relationships for themselves in the future. City money also funds the tbra, tenants based rental assistance pam, and childcare support services, such as the bridge program. There are many victims of domestic violence, that for some reason or another, don't have family support. Possibly they don't have family support because of the isolation they have experienced because of the violence in their relationships. Ongoing childcare resources such as the bridge program are also vital so the victim cans have a safe caregiver to watch their children while they are working in order to make ends meet. In working with survivors of violence in their family be able to secure housing, childcare and support is necessary in order to stay safe and stable. We thank the city of austin for providing 350 units of permanent and/or supportive housing to our

community, which you guys have already done.
[15:55:43]

[Buzzer alarming] most of those units have been provided to individuals. We encourage you to provide them more directed towards families with children. Thank you.

>> Cole: Thank you, ms. Ryan. Ann howard. After ann, we have david witty.

>> Good evening, I am ann howard the executive director of echo, the ending community homelessness coalition. My ipad just did a flip so I am not sure what I was going to say.

[Laughter] but I wanted to thank my colleagues who have been here since about 4:00 o'clock, these folks waiting to share with you and thank you for your energizer bunny ability to stick with us. This is an email I received as I sat back here between 4 and 5:00 o'clock. Does anyone have housing for a recently evicted veteran, his wife, a 13 year old, twin 4 year olds and a newborn? The newborn isn't here yet but mom's contractions are 3 minutes apart and she will likely give birth today at brackenridge. An agency is paying for them to stay in a motel until saturday but then they have nowhere to go. No money and no local support network after that. Dad wants to work. He's trained in air conditioning maintenance. He is very handy and willing to do any type of physical labor. I get stuff like that every day. We need housing. So I am glad that we are here talking about h.U.D. Money. It is fun to have money to come to the community to spend. Recently austin-travis county was awarded \$5.1 million in the pot of h.U.D. Money that echo is responsible for dishing out, if you will. That money will go to salvation army, life works, safe place, carrot tops, front steps, atcic, safe

-- I will forget somebody, and a little bit comes to echo for us to run the hmis, the database system. Another thing h.U.D. Did this cycle, this year, was ask us, if you are taking this money, you've got to do more coordination and collaboration. So I am using this as an opportunity, this h.U.D. Directive, to really challenge us here as to what we are doing and how we are doing it so that we can improve. I am just terribly excited at the response from your staff, from county staff and from the many nonprofits working together to see how we can do things better. I would like us to challenge ourselves with all of these other pots of h.U.D. Money, to line them up. Let's figure out what we need to do to end homelessness and to get the folks making the lowest amount of money into housing and use this money to drive investment for the very needy, like income target, 30% and below is something i have heard tonight. That's

-- that's sort of where the rubber really meets the road as far as how we can make a difference whether people can afford housing or not. Not so much about who might can choose a better place to live.

[15:59:06]

[Buzzer alarming] but who actually gets into housing. Thank you very much.

>> Cole: Thank you, ann. David witty.

>> Good evening, council. My name is david witty and i element with adaptive texas and I want to reinforce what jennifer said earlier. I am one of the persons that stewart was talking about. I live in accessible and affordable housing, integrated housing is very important to me. It is not always the case. I have lived in all the in many substandard housing situations for 25 years, i have been in austin, almost 30 years, and as a student, I lived in housing where i had to wait for somebody to come and take me up and down the steps so that I could go to the university of texas. And other apartments I lived where I had to get out of my wheelchair and folding chair just so I could get into the bathroom, I take care of business and sometimes i couldn't even get

into the shower so there are a lot of instances where jennifer was not exaggerating. There are people who walk up
-- or have to crawl up and downstairs. I was one of those people. So I
-- I have been able to enjoy housing assistance now for about 6 years, but it took about 3 years to get
-- for me, for the list to open up, because I got in on the end of the short end of the 8 year list and then it took a while to prioritize to get on the list and then you have 60-90 days to find housing. I looked just about every def of the 60 days and every place I went to, it was gone. This is the housing authority giving you the list. They should have the best information available for you, but it's not there. It took me
-- I had to actually get an extension. [One moment, please, for change in captioners]
[16:01:45]

>> cole: Thank you, david, council member spell mon.
>> Spelman: Mayor pro tem, i move to extend the meeting past 10:00 p.M.
>> Cole: Council member spelman has made a motion to extend the meeting past 10:00 and I will recognize council member morrison to make the second. All those in favor say aye.
>> Aye.
>> Cole: Aye. That passes unanimously with council member tovo and mayor leffingwell off the dais. Sara watkins.
>> [Inaudible]
>> cole: Albert mits.
>> Cole: My name is sparky metz. We need more accessible housing. When I was looking today.
>> Cole: When I was looking for a home I would cal up
-- I would call up people and I would ask them if they were accessible. And they would say yes. But when I got there I found out it was not accessible. A lot of times people don't know what you're talking about when you say accessible.
[16:04:13]

>> Cole: Is that it, jennifer?
>> Yeah.
>> Cole: Okay. Thank you. Next we have hila salavitz. Hiwa. Will you pronounce if if i mispronounced it.
>> You did a pretty good job. Most people mess it up. I'm with adopt texas, and just like jennifer and david and sparky said, and countless other members of the disability community and members of adopt, affordable, accessible integrated housing is not just something we chant or put on our t-shirts to look cute. It's actually a necessary thing, and it's in some ways very sad it's a necessary thing, in the year 2013, but the examples that they gave you, they're real. I was lucky, and I am lucky to have a hud section 8 portable voucher, because if I didn't, it would almost be impossible to find affordable accessible integrated housing. We also need creative options for housing and also, you know, we use the slowing and keep austin weird. Well, we should keep austin accessible too. Thank you.
>> Cole: Thank you. [Applause] freddie gonzales? Okay. Nelson pete? He also had to leave. Well, that concludes our speakers, council. Comments, discussions, motions? There's no action? Close the public hearing? Entertain a motion to close the public hearing?
>> So moved.

>> Cole: Council member spelman makes a motion to close the public hearing, seconded by council member morrison. Saul those in favor say aye.

>> Aye.

>> Aye. That passes unanimously with council member tovo and mayor leffingwell on the dais.

Next well move to item no. 81

-- 82, which is the barton springs master plan, and we have citizens wishing to speak

-- yes, council member morrison.

[16:06:37]

>> Morrison: I wonder if we could get just a real brief reminder from staff where we are and then before we hear from speakers, if I may, I'd like to propose an alternative to what is in our backup, that I've worked with staff and the community on, so that staff

-- it's just

-- there was a lot of controversy still over one item on the plan, and that was the overlook on the south lawn and the path to the overlook, and I have worked with staff and the community and we've come up with an alternative. So before we hear from speakers I want to lay that alternative out.

>> Cole: And your idea is that alternative will be on the table so speakers can address it?

>> Morrison: Yes, thank you, exactly.

>> Cole: Staff, can we have a brief overview?

>> I'm liz johnston, the environmental review staff member assigned to the barton springs general grounds improvements, which is a conditional use site plan under review right now, sp 2012-04 cs. The ordinance number is c 20 2013 001. The item is to consider and recommend approval of an ordinance granting variance as follows: To allow construction within the critical water quality zone of barton creek from land development code section 25-8-482 to allow construction within a water transition zone, land development code 258483 a and providing amendments to the save our springs ordinance to allow construction within the critical water quality zone of barton springs, which is section 25-8-514 b, and to allow impervious cover in excess of 15%, 25-8-514 a. Staff recommends approval of the ordinance with conditions as follows: Restoration of soil and site with vegetation consistent with previous uses, remove sufficient impervious cover from the site to result in no net increase in impervious cover in the barton springs zone, keep it in accordance with the agreement between maintenance and watershed protection, provide no less of 2,000 feet of restored riparian air on the south side of the barton springs area, provide no fewer than 87 bicycle spaces on the south lawn and provide not less than 15,000 square feet of additional landscape in addition to the landscaping required under code using native plants outside of the turf areas. And with that I will hand it off to kim mcneily.

[16:09:27]

>> Cole: All right, kim.

>> Kimberly mcneily, austin parks and recreation assistant director. So we are here tonight to ask you to support the amendments and variances in order for us to be able to proceed with the barton springs general grounds improvements. Basically we would like to take the

-- through these grounds improvement

-- take you through these grounds improvements, take what we currently see as barton springs and bring it back to its former glory, and this is a picture of its former glory, interestingly enough

we have a picture of that. This is what it looks like currently. So

-- by allowing those variance in amendments, we will improve and we will take care of these environmental and safety concerns as we spoke about in the briefing, the eroding of the south side trail to the pool, the runoff in the dust, the declining health of the heritage trees on both the north and south side. We would no longer have to use potable water to color nate

-- I'm sorry, no longer have to use chlorinated potable water for cleaning, and we will also be able to take care of some safety concerns with the fencing, the lighting and burying the electrical lines. The benefits of this

-- of making these improvements are improved turf conditions, improved water quality, improved dust control, improved health of the heritage trees, improved restoration of the riparian area. And improve accessible, providing accessibility on the south side, and we already talked about the increasing the potable water use so there's no chlorine going into the [inaudible] area and for the safety concerns. By improving these ordinance

-- approving these amendments and various you allow us put in an ada sidewalk on the south side of the pool and it will take you from the upper part of the south gate all the way down to the swimming pool. It will allow us to bury electrical lines and irrigation. It will allow us to put in a ticket booth, that will be air-conditioned and a little more climate controlled for our staff. It will allow us to improve the tree court and it will allow us to pave some parking, which we believe will improve water quality, not 124 spaces, only 80 spaces, and the way that it's designed will allow the water runoff to go into the vegetative filter strip, which will improve the water quality. And with that we are prepared to answer any questions or consider any amendments.

[16:12:23]

>> Cole: I think we're going to go to speakers next. You wanted to lay out your

-- go ahead, council member morrison.

>> Morrison: If you don't mind I would because I'd love to have the speakers be able to respond. I see several people in the audience I've already worked with anyway, but to make sure folks have the opportunity to see what I am going to propose, and ms. Mcneily, do we have a diagram that we could put up so that we can see what I'm talking about? As I mentioned, the controversial item that really rose to the top in the continued discussions, most recently was from the south entrance to the historical marker on the south lawn and to the

-- and then to an overlook that would be ada accessible, i was

-- I found that the staff presentation very compelling about the need to be able to provide an overlook experience for people that need ada access. On the other hand, what we were hearing was that the way that it had been positioned was

-- had a big impact on the natural sort of left-alone environment and atmosphere of the south lawn, and so I did go

-- i was lucky enough to go swimming at barton springs the day it reopened, and i went, and I'm a south side swimmer

-- I went and stood where I thought

-- pretty much where I thought the

-- where we had seen that the overlook was going to be. This is the new one. Do you have the old -- the current

-- the staff design? Okay. Thank you. So you can see where it says e on the

-- that's where we had the overlook, and the first thing that struck me when I went and actually stood there was, it's in the sun. It's going to be hot. It might not be the greatest place to be

because it might be pretty unpleasant to be there. The second thing that struck me was, you'll see how far to the right of the pool it is, and you do get a beautiful overlook. You're up nice and high, a beautiful view of that end of the pool. You're quite a ways away from the diving board, and i think a lot of people love being able to just watch the folks on the diving board being and you have no experience of the south side. So I did ask staff if they could maybe work with me and see if we couldn't brainstorm and see if there were some alternative for

-- for an overlook that was ada accessible that would be in the shade and perhaps have a better expansive view, and so we did

-- we had the parks director, ms. Mcneily, the aquatics division director, we had the arborist, public works and the design team all met down at barton springs and wandered around looking for where there might be another overlook area, and lo and behold, we did find one, and if you could switch to the

-- what you had up first, it's a little hard to explain, but instead of going off to the right and halfway across the south lawn when you come in

-- thank you

-- instead you'll just go straight forward, and if you know the south lawn, there's a gully as soon as you come in, and instead of going off to the right the path will hug the ridge of the gully on the right. And so

-- and you can see it takes you now where e is, it takes you under some trees. Basically you're going to be on a ridge overlooking the ravine of the ada path all the way down to the pool, so that's b. So it's a little hard to experience right here by looking at it or understand the experience, but basically you're almost as high as you were before. You're in the shade. You have a beautiful overlook of the ravine. You can see not only the other end of the pool but you can see the south end and the bluffs and you're close to being able to see the diving board and things like that. So the design team went back and very quickly assessed that it was feasible and we put together a community meeting after that, and to the community meeting we invited friends of barton springs, sos, adapt, people from the mayor's committee, people with disabilities, the chair of the urban forestry board, representatives from council members martinez and tovo's office, and all the staff. And my sense leaving there, and I have gotten formal notification since then, is that there was unanimous agreement that that would be an improvement. So lo and behold

-- so i will be making a motion that we move the path, the ada overlook and path, to the second one. I just want to make sure my colleagues understand that. We have

-- staff has prepared motion sheets for me, and I believe that are the technical

-- I believe you've passed them out. Is that correct? So each one of my colleagues should have these motion sheets with them, and then just real briefly, there's also going to be a tender motion

-- [inaudible] the sierra club. What are you, chopped liver?

[16:17:58]

>> Yeah. [Laughter]

>> morrison: There will be a tandem motion and that is to ask staff to

-- there's still the issue of the historical marker, and there will be no path to that so we're going to ask

-- the motion will be to ask staff to apply to the texas historic commission to be able to move the historic marker back toward where the ticket booth is. So that's what I have to say about it, and ms. Mcneily, i wonder if you could just comment on staff perspective on this alternative that you've of

-- that we've worked on.

>> It has always been the staff's desire to come to consensus, and I believe after the many, many meetings, and this last meeting we were finally able to come to consensus. The staff is prepared and happy to be able to implement this new plan, especially because we believe it meets the needs of many more people than it did before.

>> Morrison: Thank you. So mayor

-- those are my comments and I'm ready for the public hearing.

>> Mayor leffingwell: Ready to go to the public hearing?

>> Morrison: Yes, sir. Lorrai lorrai ne atherton? Hannah marshall? David king? Do you want to speak?

>> Yes, sir. My name is david king and I'm from the zilker neighborhood and thank you all for being here so late, and everyone here for being here so late. I think it just shows how much people really love and care for barton springs that we would spend this much time and effort and stay this late to do the due diligence that it deserves. So thank you to everyone here. One note I'd like to start off with, I just got an email from a reliable source, I consider a reliable source, earlier today, that apparently a hydrologist found there's a possible leak in the drainage ditch on robert e. Lee south of the southparking lot. So that's the drainage ditch that we discussed earlier in the southparking lot closer to the drainage ditch area there. The concern about the crack is that it could potentially be leaking directly into the edwards aquifer, and so runoff and pollution, things like that could potentially get into the aquifer. I only bring that up to

-- i only point that out so that we can

-- that can be known and someone can look into that and be sure we're careful about how we do any work in that area and we consider that potential problem. Now, on to some things that would, I think, help make the plan better. The plan is really good. It's got a few things that i think need to be tweaked a little to make it even better. We need a safe pedestrian crossing from the zilker neighborhood where I live across robert e. Lee to make it safe for families and people to walk across robert e. Lee to get to the south entrance to the barton springs. And maybe like a flashing red light or something where people can actually stop and let people cross safely. And we need to keep working on impervious cover, protecting the trees, preserving the south lawn, and I suggest that we add requirement to allow representatives of the public to review the work as it proceeds so that they could potentially, certain intervals, be able to go and take a tour and look at the work as it's proceeding so they can say what's happening there. And also to add incentives to the contractors to find further opportunities to reduce impervious cover. Let's not lock them into, what we're here at this point, do no more than that. Give them incentives. If you find other ways to meet whatever the plan requires and reduce impervious cover further, maybe you could give them a bonus or incentive for doing that. I say that because I just finished a remodel in my house and as I worked with the contractor, we had a plan, a good detailed plan, but as we implemented that plan we found opportunities to tweak it a little bit, made it better for the homeowner, and didn't raise the cost. So I think if we give the contractors an opportunity to do that, it will benefit everyone. And include penalties if they create, you know, damage, if they damage the location as they're working on it, so that they can

-- that can be repaired. There's also a list that we've come up with as

-- which my other team members will let you know about. Thank you very much.

[16:22:46]

>> Roy whaley. Claire deyoung. Is claire here? Marian melotk. You have up to nine minutes.

>> Roy whaley, conservation chair for the austin sierra club. And thank you all for still being here this evening, and thanks to everybody that's been involved in this process. And we have gone back and forth on it. Staff has been working with us, and when I say us I mean the community, all different sides of the community. I think in many ways this has been portrayed as one side against the other. Actually there have been maybe different sides on this, and it really is not a versus situation. Everyone wants to protect barton springs. That's the heart of the matter, for so many of us here in austin, texas, that is the heart of the matter, is barton springs, the springs itself, not just the pool but the springs itself. So thanks to everybody that's been involved with this, and we

-- as has been reported on tuesday there was a bit kumbaya sort of moment, and cumbaya followed by an expression that rick perry made famous, but I can't say it here. We

-- austin sierra club, we're ready to accept this with just a few tweaks. We're ready to move forward. I'm very happy we've always supported access to barton springs for anybody that wants to go to barton springs should be able to go to barton springs, and now that will be possible from the south side. Now then, the one thing that we do continue to ask for is to minimize the lighting, to keep it as natural as possible. No, it's not a natural setting. It has been altered by people, but let's keep it as natural-feeling as possible. Also, to look to the future, this is not a part of this plan, but to look to the future, let's minimize parking even more than what the plan calls for. We will never have enough parking for barton springs. Just like we're never going to be able to lay enough asphalt to take care of our traffic issues in austin. So let's start moving to the future now. We do not need that parking 365 days a year. We don't need the impervious cover and the runoff any day of the year, so let's reduce now. Let's start looking at having the zilker express and let's make that part of our next phase, is that we have off-site parking for those that can't bike to the springs, and that would be the other thing. Let's have more bike parking. It's definitely an -- definitely an improvement over what we have now, but let's provide more bicycle parking at the springs, and I hope to be able to ride my bike for years to come and continue to go to barton springs. But not everyone wants to do that. So let's have off-site locations so we can have the zilker express take people by shuttle during the high-use times and go ahead and start moving towards what so many of you have talked about is changing our transportation model. Let's make barton springs be a part of that and the heart and the start of that. We've always said austin sierra club that all of these amenities will be nothing but nice garnish around an open sewer if we don't take care of water quality. So let's understand that what we've done here is, as david said, reduce impervious cover. We want to set the example of. Look at what the city of austin did. We've reduced impervious cover. Yes, we're asking for a variance, but we went and reduced. We didn't ask for more. The very instances that are being asked for have to be done. I thank robin cravey and the springs of barton springs for all the work they've done over the years, and they've done wonderful work at the pool and taking care of the pool, and i appreciate the work that you all have done there. So thank you very much for that. And, robin, it may be too late for you to buy that beer for me that you promised if I'd say that, but we'll catch it another time, okay?

[16:27:49]

[Laughter] anyway, we're at that point. Let's

-- we're ready to go. I appreciate you especially, council member morrison. That was a wonderful thing that you did the other day. It gave us a chance to stop bickering and come to terms and see that we've basically been agreeing for quite a while. It's a project that has improved enormously

and it's because of public process, and that's the reason so many people come forward. Austin sierra club, over and over again saying, everything can be improved by talking and listening. And so thank you for the work that was done previous to this. Let's never forget that is the model for government in austin, texas. Thank you very much. See you at the springs. Questi questi on for you.

>> Yes, sir.

>> Mayor leffingwell: Do you have a suggestion for who would pay for the zilker express or how that would be funded?

>> You know something? There shouldn't be any problem finding that money, for something this important. I

-- you know, we find money to give everybody. Let's give something to the citizens of austin. We certainly don't have a problem offering incentive programs to other people. Let's offer an incentive to people that want to take care of austin, texas. Ride the shuttle, get in free.

>> Mayor leffingwell: So your suggestion is that the city of austin operate the shuttle?

>> Yes.

>> Mayor leffingwell: Have buses and operate it or cap metro?

>> I think it should be city of austin, but if you want to work in conjunction with cap metro that would be fine. The long center could be a place that we could use. Parking over by the mopac bridge takes place all the time. I think austin energy on the weekends. I think that this is a shuttle that would be well-received. I certainly know staff has been enthusiastic about it, and I hope that you'll ask them questions about it and find where we can come up with this money. Ms. Watson should be able to help us with it also. Don't you think it's a great idea, mr. Mayor?

[16:30:02]

>> Mayor leffingwell: I just want to know how it's going to be paid for and what the fiscal note associated with it would be.

>> Well, you know, I

-- i don't have the answer to the question.

>> Mayor leffingwell: That's okay

--

>> you all are a bunch of smart folks. You all will come up with a solution.

>> Mayor leffingwell: Did i call kieba white? Karen creps. And is adam abrams here?

>> Here.

>> Mayor leffingwell: So you have up to six minutes.

>> My name is karen creps. I was here at citizens communication and i commented that we had a list of questions that we feel went unanswered. I've been to many of the meetings and I think that we have worked out many of the really bad ideas that were originally in the master plan and made a lot of modifications. I think what councilwoman morrison did this week is astonishing, that she actually went to the pool and swims there and came up with a much better solution than the architect had done, and everybody agrees that it is a better choice. I'm not saying I like the whole package, but if it must go through this is the way it should go. But I do differ from her in saying that there was only one controversial issue. I think there are many controversial issues that are remain unresolved. Many questions about the barton springs construction plans and many good ideas, that despite four years of meetings have not been given a chance to be heard.

I'm going to ask you some of these questions tonight. I don't expect any answers. I'll read as many of them as I can and I'll give you some hard copy when I'm done or I'll send you a cleaned-up email. And I'd like you to think about whether really this plan should be approved as a whole package while there are so many unanswered questions. What will all these construction plans cost? Where are the costs detailed? Where is the money coming from and it put us in debt? What impact on public access, such as closure, blocking off areas, reduced parking will occur for each of the renovations, the tree court, the building, the ada path, paving the southparking lot, the fence replacement? When will these disruptions occur if the plan is approved tonight? I'd like to ask what more could be done to reduce the overall impervious cover? How can barton springs pool be made a shining example for everyone on how to reduce impervious cover. And since the last

-- landscape architect, mr. Larson, created one photoshop doctored image visualizing the proposed overlook path on the south lawn that laura just undid

-- or, you know, came up with a better solution from, I would like to know why he has not given us both before and after photos of the same views and not just of that ada path but of the entire ada path and of the new proposed overlook. I'd like to have seen 3d visualizations of all the cut-throughs and where the drainages goes, and we haven't seen any of that stuff. Can illustrations and photos of what the fence will look like all around the pool, over the dams. Currently the fence near the cafe is only 5 feet tall. Will it be taller? What will it be like on the new overlook near the turnstile? Will the new fence be less climbable than the old one, the horizontal mesh fence looks like it will be easier to climb. What color will it be to minimize visual impact? Can we please see illustrations of the new south side ticket booth with larger dimensions, almost twice the size as it will be viewed as you enter the pool and from the north entry. Can we see capacity figures for the narrowed entry on the north side from the tree court. How many people can sit at one time on the new planters? How many people can walk in there? What flow rates will be required? Are all of the overhead wires to be removed including those stupid gratuitous ropes on the leaning tree? Can new standards be established for cordoning off hazardous areas, simple ropes versus the bright owner mess that now assault the eyes? Will be there any regrading for accessibility of the pavement on the south side east of the diving board where it's kind of steep? Whabout preserving the nature

-- the historic nature of the concrete on which there are old dates carved? What is the ada exit on the south side used to be? It had been on our earlier plans to the east of the ticket booth. Now it's not showing anywhere. What is the rationale for fencing off the shade of the pecan trees from those who don't pay to enter the pool and depriving the public use of that area as it now is free to the pubic for picnicking and for yoga classes? How am I doing on time?

[16:35:22]

>> Mayor leffingwell: A little over a minute.

>> Okay. Do I have any donations? Okay, thank you. As parking spaces are reduced, what plans are there to manage traffic and reentry when people drive around and they don't have a place to put their car, as i was in the parking lot tonight downstairs. What parking alternatives will there be? Can there be special shuttle service added to cap metro lines, like roy just suggested, and they should come from regular routes like landmarks and hotels. Where can off-site free parking be arranged? Are the old dillos available for this zilker express? And as park attendance grows

and seasonal temperatures rise is there sufficient access to drinking water from the two drinking fountains now in the pool? Can more be added? Is there

-- are there sufficient areas of shade? Can new areas be included by planting more trees as a concerted effort as part of the master plan? Why is the entire back area not being treated as one comprehensive plan taking all three parking areas into consideration rather than just one lot? And how many more feet would the proposed reconfigured parking lot need to be in order to avoid the sos setback requirements?

>> Next speaker is kirt lash lashci.

>> I have donations of six minutes? You've already had six minutes.

>> I have two more people in the back raising their hands who signed up against

--

>> you'll have to get their names and

--

>> what are your names?

>> Pam maker is one.

>> Pam

--

>> thank you.

>> Kathleen baker?

>> Beggar.

>> Bager.

>> Mayor leffingwell: Add three minutes.

>> Thank you, would you let me know when I have one minute to go?

>> Mayor leffingwell: Yes.

>> What can be done to provide safer and easier neighborhood access on the south side? And if council wanted to double or even triple the bicycle parking on the south side from the currently proposed spaces, where would they recommend that go? We have seen no drawings of the proposed water quality features for the swales and drainage. Where can we see these before the plan is approved? Has anybody ever used a ball field as a vegetative filter strip? How are these ball fields so different as to qualify as a functional water quality control feature? Are we setting a good example here or a bad one? What plans might there be to keep the back eight open longer? And since the ada trail is not a clear necessary, why is such a trail even being conserved? The staff stated that the

-- to grant a trail to the

-- I'll skip this if we're going with the change on the overlook. I'd like to know of what material will the overlook platform consist, how deep will it be, exactly how much maintenance will be required, and if it is decontrolled [inaudible] granted, how much runoff is

[16:38:37]

[inaudible] when it storms? How will be it be replaced? How will it appear from afar, at the main entrance? It will be very visible, i think. And feet in elevation are gained by each of the two proposed switch backs of the ada trail? I'm just saying that many of the plans have not been clearly spelled out so that in many ways we're operating in the dark. Has the cultural historic significance of the old ticket booth ever been considered? When was it built? Who designed it? Is it not part of the historic district that should be protected as we implement the proposed changes? And when the vast majority of the public express preferences for no columns on the

south entry

--

>> mayor leffingwell: One minute.

>>

-- Why are they being forced on the plan. Pardon me?

>> Mayor leffingwell: One minute to go.

>> Thank you very much. What specific plans are there for changes in the signage? Where will it be placed? What materials, colors, fonts will the signs be? Will there be any changes to the landscaping placement of rocks or any seating areas on the north side? All of this is unclear. I'm going to jump ahead to my last six questions. There was an intervention survey conducted for about six months. I've never seen the questions where I could read them. You know, since I took the survey and I'd like to see the results. Where are the thousands of petitions that have been submitted from people who said they wanted to see no changes on the south side? Why are these completely ignored? And what has happened to the role of the joint committee? Why is the public now doing the work of vetting the plans with the city council? Why does councilwoman morrison have to do the work? Why would we spend hundreds of thousands of dollars

--

>> mayor leffingwell: Time has expired.

>> Okay. Why did the mayor

-- why has the public been consistently censored at every meeting about the master plan. Thank you.

>> Mayor leffingwell: Next speaker is curt lashky. Three minutes.

[16:40:50]

>> Good evening, mayor, mayor pro tem, council. My name is curt lashky. I'd like to reiterate points I made at citizen communication. Seems like that might have been yesterday. So one of the things that was discussed is making the ada trail out of a pervious product, and so I recall laura saying something about including that, and so I'd like to hear more about that as a possibility. I think that

-- I think that's something that, you know, we definitely need to look into, and then also i want to reiterate that i think a reduction or moving of the parking lot of the sunken absolutely needs to be included in this plan at this time. That's an environmentally sensitive area and we need to reduce the impervious cover. There's a lot of wasted space there, so I'd like to see that included as well in the plan and that parking lot reduced by

-- well, the length of it reduced by half. So those are two proposals I'd like to see added to this plan, and I think from that point forward it seems like it would be a pretty reasonable plan. Thank you.

>> Mayor?

>> Mayor leffingwell: Council member morrison.

>> Morrison: Could I askstaff, he did bring up the question about the material for the path, for the ada path down to the pool, and whether that could be pervious instead of impervious, and I wonder if you all can comment on that. Is that a possibility? Well, first, can you confirm we're talking about impervious cover for the path? Not for the overlook path, the other path.

>> The over

-- the ada pathway from the parking lot down to the pool deck is out of concrete. It is

-- since it is a public used sidewalk, it does not contribute towards the impervious cover

requirement. I know that's a little
-- a little strange.
[16:43:09]

>> Morrison: More technical.

>> A little technical. But as far as the path being made out of pervious material, something like pervious concrete or decomposed granite, we did look at that early in our design phase. It's too steep for decomposed granite. With the pervious concrete
-- pervious concrete is not a structural material, and the pathway going down in the south woods needs to be structural and so that's why concrete has been chosen.

>> Morrison: I see. So anything that would be pervious would not be structural?

>> Right.

>> Okay. And I guess I want to point out that tonight we're here, as I understand it, to approve the variances, and after this the site plan will go to the planning commission for approval.
Sthanch, ms.--

>> is that correct. I'm Blayne Stansberry, the civil engineer for the project, and the use is a conditional use for this project, and so that is correct, on April 23 we'll be going to planning commission for approval of the conditional use.

>> Morrison: Okay. Thank you.

>> Thank you. Jennifer Macphail.

>> I'm Jennifer Macphail. With Adapt Texas, and I want to respond to the previous speaker's question about why a pathway and trail are both necessary at Barton Springs Pool. It's very simple. You're doing more than what's the basic requirements of the law because it's the right thing to do, because beauty enriches the soul, because for too long too many of us have been locked inside, trapped in our homes, trapped in segregated areas that were designated accessible recreation centers for disabled people only. Those types of things only degrade the soul of the city. There is nothing more peaceful than being able to go out and enjoy natural resources and being denied that poetry, that beauty, that necessity of the soul has been something that weakens your heart, it weakens your soul, and it makes you something less than
-- it reminds you that you are not part of something, you are apart from. For you will a part of my life
-- all of my life, the earliest memories of my childhood people have been making excuses where I should be excluded from the playground, left out of field trips, and this is nothing less than that. This prejudice that compiles in our community is a shame. Why do I need access to Barton Springs Pool? The same reasons everyone else does. Why do I enjoy beauty? Because I'm human. Why is the earth important to me? Because we're a part of it, each one of us. In our own way. It's not just coincidence that the earth is covered by 80% water and humans are 80% water. We are directly connected to the earth. I am, you are. There's nothing about me that's different in that way. Without it I just exist. It's that simple. And for too long I've been denied access to Barton Springs Pool. It's time. I've been all over the country and in different parts of the world, and I've gone up the rocky mountains and I've found accessible pathways and accessible trails. I've been to the mountains just outside Mexico City and I found accessible pathways and trails. There's no reason why I shouldn't be able to find those same accessible pathways and trails at Barton Springs Pool. None whatever so, except fear-mongering and prejudice, and it's time for that to be wiped away. Thank you.

[16:47:06]

[Applause]

>> mayor leffingwell: Robin cravey? Is mary airtington here? Emma cravey? You have up to six minutes.

>> Thank you. I have my slide show over there. Mayor, members of the council, city staff, friends and swimmers, members of the public, I'm robin cravey, former president of the friends of barton springs pool, and

-- oh, let's see. Let me practice this for a second. Okay. Let me go back. All right. So friends of barton springs pool started in 2006 to tackling problems and finding solutions at barton springs, and this grounds improvement project is one for a healthier pool and grounds. Here we are at a design shred in 2010 talking about the grounds improvements. Since our first volunteer cleaning party in february of 2006, keeping the pool clean has been the core of our mission. We learn by doing as we volunteered at pool, we learned about the dynamic processes and about the challenges in maintaining the pool, and we appealed to the council for help, and mayor pro tem, you and other members of the council here remember when we came in 2006 with a budget recommendation, and the council set aside money and

-- set aside money for the pool and for writing a master plan for the pool. As we did, we identified problems. One of the problems was that all of the foot traffic on a tree court and crushed granite there are compacting the roots of the beautiful old pecans there, what's the solution? Remove the crushed granite, surround the stately pecans with green zone and a raised deck for visitors. One of the problems is that the trees there are aging- and they're suffering from untreated wounds, holes and hollows, and they're dropping limbs. What's the solution? Prune the trees where needed. Add irrigation to save the trees from doubt and plant young trees for the next generation to keep that tree canopy. One of the problems is that silt and debris continually flow into the pool and lifeguards use a fire hose to sweep away the silt on the bottom of the deep he said but the fire hose didn't have

-- doesn't have enough pressure. The solution is we install a new pump that will be strong enough to power two fire hoses for cleaning on thursdays and increase the cleaning efficiency. Problems, unsightly and dangerous wires are strung above the pool, cluttering the view of the sky and posing a danger.

[16:49:59]

Solution: Bury the power lines. There's one of our volunteers. She's ready to bury those power lines right now. One of the problems

-- you see beside the pool every thursday gasoline powered equipment being used to clean the pool. That brings dangerous chemicals to poolside. Solution is to install high-grade electrical service at the north and south decks and use all electric equipment for cleaning. We have a problem with the south side. It's very heavily used resulting in serious erosion, compaction and depletion of the grass and sod. Solution is to install an irrigation system to help keep the grass healthy and resilient and use spring water to eliminate use of chemicals. Here you see some of our volunteers sodding the south side. One of the problems is the attendance has transmitted in less than a decade

-- transmitted in less than a decade o

-- sometimes retires roping off areas. Another problem is the stately pecans outside the south fence, we're mulching those pecans, are stressed by a trail over their root zones. What's the solution? Expand the south lawn by moving the fence out to bring in the line of stately pecans currently outside, and and that also adds more space on the inside for people to lay out. Problems

with the south access from the upper grounds down to the people has eroded a trail, very badly eroded trail, and plus mobility impaired users cannot reach the south side of the pool to get in. What's the

-- and another problem is that heavy rains come down that ravine behind the diving board carrying runoff directly into the pool. What's the solution? Remediate the trail, build an ada ac trail and steps through the ravine combined with drainage improvements. I'm going to stop here for a second and say, and I was there at the pool thursday with

-- tuesday, with council member morrison and many of the staff and many members of the community. It was a great meeting, and I really appreciate the work that she's done, and we

-- at the friends of barton springs pool support the moving of that access

-- that overlook

-- it actually has a very nice view from there. So friends of barton springs pool, we're working for the improvements to the pool. We're the stewards of the pool and we invite everybody to be a friend, and we

-- tonight, mayor and council, urge your approval of these general grounds improvement. Thank you.

[16:52:43]

>> Mayor leffingwell: Mike canati?

>> Mick cti in exchange for you agreeing to approve the plan as proposed by staff including council member morrison's suggestion on the path, I'm going to donate the rest of my time so we can accelerate closure of the hearing tonight. Please support the plan. [Applause]

>> bill bunch? Is sara lan fear here? Pat broadnax? Lisa fit yan? Robert singleton? You have to 12 minutes.

>> Thank you, mayor, council members, I know the night is late and you all are tired. I hope you've been snacking, getting your bedtime snacks early because I know the recent science out on the physiology of decision-making tells us you've got to have fuel in your belly to make good decisions. So please snack on. [Laughter] this has been a long process. We've made tremendous progress, and I provided you all a letter earlier on behalf of save our springs alliance, giving our qualified support for this proposal. And I'd like to go over just a few points that I think are worth recalling from this. You know, this started with a master plan, and that master plan told us that the front side is highly developed urban park experience, and it's a nice experience but it's an urbanized experience, and that should be enhanced, and I think this plan does this. It also told us that the south side was a very different experience. It's more like going for a swim in the creek, you know, out in the park or even on the greenbelt. And that experience should be preserved and enhanced by making it more natural, not more developed. And I think we've come a long way to get there. With this plan. And I especially want to thank council member morrison. It's so great to have one council member who is a regular swimmer and really understands and knows the pool, and I'd encourage all of you to think about incorporating it into your recreation regime. I don't know how people live in this city without swimming at barton springs on a regular basis, but apparently many hundreds of thousands of people do.

[16:55:35]

[Laughter] it doesn't add up in my brain. But I think that personal experience really translated into the problem solving that she demonstrated this week by finding an alternative that really meets everybody's needs. What's really critical along the way, though, a couple things. There

was too much information that was not volunteered and disclosed to enhance a healthy dialogue. An environmental assessment was prepared but it was never posted on the web site. People weren't even told it was done. A geologic assessment was prepared and kept in the file and never disclosed to the public. A historic district designation document exists from years ago. That was never inventoried or referenced. All of these should have been fundamental building blocks to enhance a helpful dialogue along the way, and had they been, countless hours would have been saved. There's a 67-page large sheet site plan that exists, and it's existed in roughly the same form for over nine months. That was never disclosed. I on an ftp site on the city server. Why couldn't they have just said, hey, public, you have access. Look at these details, and saved so much time, and people asking questions and trying to guess, you know, like blindfold of what does this elephant look like? We should not be hiding the ball on things like this. But that said, we've gotten to a place where it comes back to what is most important. The biggest problem we have with Barton Springs is preserving the spring flow, the quality and the quantity of spring flow. We still don't have a good solution for him, and I urge you to pay attention. With climate change and what that means for our water resources, these springs could go dry before you know it. And your staff is doing some good work but they're not doing enough and they're not getting numgd along by you all

-- nudged along by you all and we need that help. On the quality side you need to set a good precedent here to reduce impervious cover and pull those impervious developed surfaces back and with greater setbacks from the creek and the springs. The second one is done, with the latest iteration of the parking lot, it's pulled back further from the creek. That's exactly the precedent, the message that we need to send to the private sector, that if they want to redevelop, they need to pull back from the creek, pull back from springs and critical recharge features. There was a proposal to increase the parking area and increase impervious cover. We got that withdrawn, and so now there's actually a tiny shrinkage of impervious cover, so there's no net increase, and that's provided in the draft ordinance. But we need to shrink it further, and this is where the

-- some of the directional language that I would encourage you to tag on and to your list of conditions, and it's not saying exactly what needs to be done, but it's saying that we do

-- when we go and look at the other three parking areas, there's basically four parking areas on the south side, and this proposal in front of you only addresses the parking lot closest to the gate, and it basically keeps it same size. It paves it and pushes it further back. And those are good things. But the other ones need to be pulled back from the creek as well. And we need to shrink impervious cover. Just real quickly there's a few slides here. This is sort of looking across the back of the creek

-- how far do I do this? Okay, here we go. This is looking at the paved sidewalk trail above sunken gardens. This parking lot could be cut off right where this trail is and pulled back away from the creek and have the trail go straight across the back side and match up with where it will be in your plan here.

[17:00:10]

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

>> they had all of these parking lots completely roped off because they knew

-- they weren't in the way of where they were having the festival. They could have had them wide open to serve the festival. That was the greatest demand, and yet they realize it was meeting demand for the festival, and yet they shut it down. If it wasn't paid park, people could have been flying kites here or throwing frisbees or playing, you know, with that you are dogs or picnicking.

We have a far greater need for more green space in zilker park than do we for more parking lots. So, please look at adding this as a friendly amendment to what's being proposed. I think staff would support it. It is not committing you to do anythingfic other than let's look at this and let's express our intent that yes, we are going to reduce impervious cover. And, let's look at at least two options. That's another huge lesson we should learn of how painful this process was, we kept being given one proposal and then we fought over, you know, you're even for it or against it, depending on which side you are on, you are a good guy or bad guy. All of these exercises, we need two or three options put on the table, and then let's talk about which one is the best. And, then, maybe you mix and match and you completely avoid that us verses them dynamic that tends to set in when you're just handed one picture to look at. So, thank you. Please keep in mind that the most important thing is saving the springs, and we've got saturday good example for private developers by shrinking impervious cover here next to the springs. Thank you.

[17:04:09]

[Applause]

>> rich lawson. Lauren ross. Brenda. David. Donating time is freddie. He is here?

>> He is not here.

>> So you have three minutes.

>> It's 11:05. I gave you a brief history of some of my housing over the years but I want to let you know I lived at hollow creek drive at barton hills boulevard from 1984 to 1993, so for years I was one block away from the barton springs pool. I would watch my neighbors come back and they would say, it is too bad you can't go with us, and they were right, it was too bad. I thought in 1990 with the passage of the ada and in '92 when the laws went into effect and in 2000, the 10th anniversary, and now 2013, so after 23 years, w still discussing the right of access to a public accommodation. And it is too bad you couldn't go with me to the pool because you wouldn't be able to swim on the south end side. That is why I was excited to get involved two and a half, three years ago for the planning process for ada improvements and he described that was going to be a major component to the plans, that is the reason these moneys were improved was for ada improvements. I met with more people and i understand there were problems with electric lines or tree roots, august all kinds of problems with drainage that I hadn't been able to see because I hadn't been able to go over there. I begin to appreciate there is a much, much bigger picture here. I worked with folks over the past few years and we've had a lot of agreement in a lot of areas, and some of it, the areas and issues, concerns have been contentious. Most recently with the overlook path that was, you know, i thought would be a very simple bill. It was 15 feet of gravel. That's not a lot of gravel. I began to understand why it was a concern and I felt closer to the people I wag arguing against because they were explaining it to me. They began to see my side and our side, and the disabled folk's points of very and the mayor's committee is help envelope working out some issues, as well. But, I've got to say, we more or less reached a deadlock on issues. But a hail mary pass, we had something we could all agree on we can all wanted access and back to nature moments and we wanted the pool to prosper in a way we could enjoy it. Is that one minute?

[17:07:47]

>> Your time is up.

>> Okay. I would like you to support this amendment. Thank you.

>> Nelson here? Albert? Thomas weber.

>> Honorable mayor, council members. Tom weber with friends of barton springs pool. I also come here, I'm an environmental biologist, I've been working professionally in that regard for decades. I really appreciate the solutions that have come together in regard to the parking lot. You know, we're at the end of finishing up the projects that have been involved in this short-term master plan, and i think, you know, the comments i heard from bill a few minutes ago point out to me that, you know, we're ready to turn the page. We're ready to look forward at what the plan can be in front of us. You know, some things put on the table in regards to parking. I think I spoke a few weeks ago at citizen's communication, the day you had the briefing, and i said, you know, maybe there needs to be more of a sort of zilker metropolitan park plan in regard to parking. You know, when you look at barton springs parking on the south side, you're looking at a situation where people park there for many purposes, not just to go to the pool, so it is a much broader issue as to how mobility and all those kind of factors should be addressed around and near the pool. And around the park. So, I guess I second that idea that the city ought to be looking at how we're going to plan for addressing those issues in the future, and I support the concepts of moving pervious cover back. I support the change of the overlook, as council member morrison worked out with all the stakeholders a couple days ago there was an article in one of the weekly newspapers that suggested that this was a debate between the reformers and the naturalists. Well, you are adarn tooting that we're reformers, and I think everything you've heard tonight are people that are reformers much we're looking to reform this area. We think it is very important. But, it is not verses naturalists, we're also naturalists, so I think you're kind of seeing that sort of come into play tonight in terms of the comments that you're getting that you're seeing a common theme here. I support and recommend your approval of these general grounds improvements as has been recommended by staff, and I'll conclude my comments on that note. Thank you. >>Mayor leffingwell: Gary.

[17:11:13]

>> Hello, everyone. My name is gary bier, president of barton springs pool. I would like to thank the mayor and council for having us here today to talk about this and i urge approval of the plan. I would also like to thank everyone that's been involved with this whole process over all these years. We've disagreed a lot, we've had some tense moments, and it is finally starting to come together to where we can finally all be friends and be united by all our love for barton springs. So, I would like to send our olive branch to anyone that we've ever disagreed with or, you know, whatever we made them angry or whatever, and hopefully, that we can all get along and have a good time swimming. And, by supporting this, you support getting -- having cleaner water from the pumps, we support having replacement trees for the older trees that are dying, having greener grass, just a myriad of benefits. And, when the thing comes to fruition by starting this october, hopefully, we'll all see how wonderful things will be. So, I would like to thank everybody and I'll see you later.

>> Mayor? >>Mayor leffingwell: Council member riley. >>Riley: Gary, can I ask you a question? Made a suggestion about additional work that could be done to take a look at the other parking lots on the south side that aren't currently proposed for improvements that are in

connection with the proposal before us today. Can you give us your sense of the best way to move forward with additional improvements like that? Do you see -- is now the right time to move ahead and engage in a discussion about the next steps for those other parking lots?

[17:13:25]

>> I think so. I think the time to start the dialogue, and actually, I think city staff has even proposed some things. They're not

--

>> I'll get some additional input. But as far as the friends are concerned, you all are ready to move on and continue discussions about the other parking lots on the south side?

>> Yes. >>Riley: Great. Thanks. Thank you. >>Mayor leffingwell: Mark.

>> Pronounced my name right, thank you. Council members, mayor why so serious? It is all about barton springs, we all love it. Project has been going on a long time, I suggest we get moving on it. Please. Thank you. >>Mayor leffingwell: Darryl.

>> He had to leave, sir. >>Mayor leffingwell: Nelson.

>> He left, also. >>Mayor leffingwell: Frank.

>> Thank you, mr. Mayor, council. My first time to have the honor to speak. My name is frank raider. I love barton springs. I first came to barton when i was 6 years old, and what i don't want to see is the south side be torn up like we're talking about. As mr. Bunt said, the idea is keeping the south side as it has been. It makes every sense to me. It's what texas all about, pecan wood is our state tree. The bench they're sitting at is pecan wood, it is rustic. The line stone behind me that's rustic. We're trying to show that side of our city, and yet we want to turn really our jewel, we're the live music capital of the world? Barton springs is the heart of this, live music capital of the world, and yet we, in turn, want to take the south side, the older side, and turn it into, you know, one more overdeveloped area? Personally, I really think a lot of what the engineers have done, and also what the plan is for the north side, but when it comes to the south side, we just really need to slow down because that's where the old austin shows. We forget that barton springs is a creek. Look at wikipedia. Barton springs has a wiki page. Did you know that? It says barton springs is a man made pool. I thought was a creek. When I talk to my friends, I say I'm going to the creek. I swm the creek my whole life and hope it for many years to come. When I look at development on the backside, someone is talking about air-conditioning for the ticket booth? Kid, go jump in the water for five minutes it will cool you down. That's why we go there. So, when I look at it, you know, and with all respect for those who are wheelchair bound, we have ada ramps on the north side when the back gate is closed, i have to go around to the front side, so we all have, you know, those kinds of challenges, but we're talking about barton springs, we're talking about some degree of purity, at least on one side. And, when I look at the big picture, there's so much that we can do, so much that we are doing right, but I just hate to see us overdo it. Talking about parking, for example. Big buses? How about a tram from the mopac bridge there's plenty of parking at austin high school. It would take a lot of cars to fill that up. I really appreciate the opportunity to speak. Thank you.

[17:17:44]

>> Keith.

>> Hello, mayor. Council members. My name is Steve Barnik, I'm a past president of Barton Springs Pool. I've been involved in this from the beginning, it is pretty amazing to sit here today and see

-- and experience somewhat of a consensus at the end

-- not the end, but that the stage of the process this particular project is a short-term. You know?

It was something that got initiated in 2006 and 2007, funded in 2007, and here we are. We have a moment, a census, we have an opportunity to put

-- you know, to develop the south side and to improve the pool and allow, you know, more people access to it. It's the right thing to do. It's always been the right thing to do. I've got to tell you, you know, when this gets approved and I'm highly confident that it will, that I'm looking forward to the day when I can be sitting there on that sidewalk and watching some of the handicap folks here enjoy it. I'm looking forward to seeing people just hang out in that area to the new overlook path. I think that area is going to be a center point. It is going to be a part of the jewel. It is not going to be a tarnish to the jewel. It is going to be a part of the jewel, and I really wish and I hope that you all support it. Thank you.

>> That's all the speakers that I have signed up to speak. Anyone else?

>> Yes.

>> Are you signed up? Well, you will have to go sign up, and then you can speak.

[17:19:54]>> Come on down and we can change you to wanting to speak.

>> Thank you. I'll make it quick since it is late.

>> What is your name?

>> Heiwa Salovsz with adopted Texas. Again, it is 2013, and Barton Springs is part of the beauty of Austin and of Texas. And, all people should be

-- should be part of that beauty and we all are part of that beauty. And with all due respect to the gentleman, we're not wheelchair bound, we use wheelchairs for access and we should have access to all parts of Barton Springs, the south side and north side. So I, as a member of ADAPT, wholeheartedly support this plan. Thank you.

>> Are you Hiwa Solovisz?

>> Yes.

>> Robert Corbin?

>> Well, I don't want anybody to stone me, but I think you probably all realize this, that Barton Springs makes lots of money for this city, and I think it's possible it can make a lot more money. And, increase our tax base. And I think it is one of the most wonderful assets that this city has. I met a young man there a couple days ago and he was from the Ukraine and he's here because he goes back and forth because he works with some high-tech company here, and he told me he was just blown away that, you know, as you know, here in the heart of Austin, we have this Barton Springs. So, what he's going to do, he's going to go

-- he is an outdoors kind of guy, into biking and swimming, et cetera. He's going to go back to the Ukraine like people come from Austin all over the world, he's going to go back to his country and he's going to talk about how wonderful Austin, Texas, is because of Barton Springs Pool. So, I think, you know, this city needs to

-- should realize that it's even a much more asset to the city and to our economy than Austin is

-- often, I think, it is given credit for. We're trying to keep it as natural as possible. In terms of the access to Barton Springs from around the city, I think somebody mentioned about if there is some kind of loop tram that could pick up people from all these high-rise hotels downtown and

bring them to the pool so they all, you know, at the lobby in the hotel, one of the places that the people in the hotel are going to guide people is, hey, you can go right out here, catch this shuttle, it will take you right over to barton springs. And, then, one day, I think you've seen it around town where there is some kind of, like, mobile bar and all these people get on it and they all pedal, you know, and they go down the street. Well, maybe it is possible to have some kind of boat, a little boat-like that goes from the south congress bridge down there and goes over to, like, the point or somewhere and all these 20 people get on this little boat and they all, you know, pedal. And it brings them over there. I mean, some people would talk about it, something that was really cool, get people to exercise. You know it doesn't pollute. It would get them to the wonderful barton springs pool. So, I think there is all sorts of innovations that can be done to, you know, make austin even a better place. So that's all. Don't stone me.

[17:24:16]

>> That's all the speakers i have. I will entertain a motion on item 82. Council member morrison.
>>Morrison: I would like to make motion, but first I would like to make a couple of comments. Number one, I would like to thank all the folks who stays here late tonight and all the people who love barton springs and put their heart and soul into making it a better place, even if it means there is a lot of intense discussion, shall we say. We need to thank the staff, they've put a prem amount of work into it

-- tremendous amount of work into it, so i thank you kimberly and all the folks that works with you and the design team and kept going through the thick and thin. And, then, lastly, also, we have a joint sub committee of the environmental board and the parks board and they put in a lot of effort trying to keep their eye on all that was going on. I was thinking back this morning about the day that I was

-- the evening I was sworn in in 2008 and the comments I made, i included the comment that I was pretty excited but a now swimming in barton springs was part of my job description, and I think that never more so than this week it really did come through that

-- well, first, having heard the presentation THAT miss McNeily made, having heard all the discussion about should there be a trail, an accessible trail to an overlook on the south side or not and really putting it in front of us, front and center that it is a civil rights issue. People need to be able to have access to it, so I appreciate that and I appreciate the folks that work to see if we couldn't find another solution that was more of a win/win, and I do just have to share that when we invited, after having talked with staff and invited the community members down, several of them on tuesday, and we first got there, standing around and i said, okay, here is my plan, my vision is that we're all going to go look at this space and everybody is going to love it and public hearing is going to be a love-fest. And, I got a lot of funny looks then. But it did turn out

-- it was really, it is not that I found this space, it was really working with staff and some other folks, so I so appreciate that so, I want to make a motion that we close the public hearing and approve the variance as in the ordinance, and then I'm going to make some amendments after I get that on the table and I get a second.

[17:26:55]

>> Second. >>Mayor leffingwell: Motion by council member morrison to close the public hearing and approve the variance. Second by council member spelman. >>Morrison: Thank you, mayor. If I could, my first motion is, in fact, to amend the ordinance to specify the location of the overlook at the one that we've discussed to the left of the gully on the ridge, and the technical motion is that i move

-- we have an exhibit in the ordinance, I move to amend exhibit a and part five of the draft ordinance to add a new condition requiring that the south overlook trail be located parallel to the descending ada walkway, as specified, in the new exhibit a. And, I have the exact language, I believe the clerk, do you have this yellow sheet? There is ordinance language being provided to the clerk, so I guess

--

>> motion for amendment by council member morrison. Is there a second? Let me just say, is that a friendly amendment to the second?

>> You bet. >>Mayor leffingwell: Okay. It's accepted. Without objection. >>Morrison: Okay. Two other

-- so, I have another motion. In the discussions, a couple of things came up. One was concerns about the lighting and the details of the lighting. And, I thought that it would make sense to have more conversation about the lighting and ask staff to, as the construction

-- as the design gets finalized and construction begins to talk to the design commission about it. That is one piece. The other piece of this, an issue came up in our conversations down there on tuesday that during construction of ada infrastructure, that often times it's challenging for the city to get it right. So, we talked about the possibility of visiting the mayor's committee on people with disabilities on a bi-monthly basis, so every other month they would go there. So this motion I'm going to make, motion number two, would make that happen. I move to amend part five of the draft ordinance to add two conditions, one requiring that before construction begins, staff seek input from the design commission regarding lighting design, and two, that during construction, staff present progress reports and design details to the mayor's committee for beam disabilities and that would be on at least a bi-monthly basis. >>Mayor leffingwell: An amendment by council member morrison.

[17:29:56]>> Second. Even if someone look up and verify that bi-monthly means every two months and not twice a month.

>> Yes, we did.

>> You checked it out, thank you.

>> you. >>Morrison: My last motion i will make on that

-- >>mayor leffingwell: That amendment is accepted in the motion. >>Morrison, the south lawn, the original plan we've now moved to amend had a trail over there as well as to the overplace at the overlook. So the idea is that we would move the historic marker, still inside the fence because there is probably going to be concerned about people being able to do graffiti continue to and things like that, but move it back towards the ticket booth so that it would be accessible. So, this is my third motion, to amend part five of the draft ordinance to add as a condition that staff apply to the texas historic commission, because they have to approve our moving it, to move the historic marker to a location accessible to the public as they enter the south gate and to amount part two of the draft ordinance to allow moving the historic marker in the critical water quality zone.

>> Second. Confirming hiss its historic or historical? What is the language.

>> I would ask my staff that helps me prepare this. The texas historical. Yes. Are you good with

that? All right. >>Mayor leffingwell: That's incorporated into the motion. >>Morrison: Thank you. >>Mayor leffingwell: Anything further? Council member riley. >>Riley: I have a question for staff. Kim bkimberly, can I ask you about the suggestion we received about further work on the south side for parking.

[17:31:56]

>> The parking lots that were discussed are not part of the scope of this particular project, but they understand the consideration of the reduction of impervious cover and that would be our intention make that part of the zilker park master plan, and traffic flow, pedestrian flow, mobile, the lie mobility through the entire zilker park area it would be part of the master plan. I feel pretty confident that there will be several individuals that will come to those public meetings that we will talk about their need or their desire to reduce impervious cover, pull those back. I'm pretty confident there will be some place in the master plan that will help address those issues. The future master plan.

>> And can you give us a sense of the time frame?

>> Sure. Right now in the bond cycle, the master plan bond monies would be released for fiscal year 2015, which means that the public engagement process would begin the fall of 2014.

>> Okay. So, in the fall of next year is when we would get to work on issues

-- other issues in the master plan, including these parking lots on the south side.

>> Yes. In the meantime, and I don't want to get ahead of myself, nor I do want to make any promises i cannot keep, but there is always looking at parkland dedication firms and funding, but in order to be comprehensive, we wouldn't want to do a quick fix without considering the overall picture of traffic movement. And I'm talking about vehicle, pedestrian, bikes, so I think it would be premature to say we can just do a quick fix because i don't think that takes care of the bigger picture. It would be important to us to be comprehensive. I realize it would take a year, perhaps, to get started on that, I think it is worthy of being more comprehensive instead of piecemealing something this important.

[17:34:14]

>> One request was two or more options be prepared opposed to one option and showing that. Do you expect that in connection with development of the master plan there would be multiple options considered?

>> Certainly, I think that is a lesson learned in this particular engagement process. You know forecast I might speak freely there have some times when we had multiple options. You saw the fence option, for example. We had a, b, c and d. So we had use that as the model instead of the exception. It would become the rule.

>> Thanks, kimberly. >>Mayor leffingwell: So the motion requires six votes. All those in favor, please say aye [chorus of ayes] opposed, say no. Passes on a vote of 6-0. That completes our agenda. Without objection, we stand adjourned at 11:35 p.M.