

City Council Regular Meeting Transcript – 10/17/2013

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[Gavel] >> Mayor Leffingwell: Good morning. I'm austin mayor lee leffingwell and we will begin with the convocation from lieutenant colonel henry gonzalez, austin area commander for the salvation army. Please rise. >> Shall we pray. Father, we come before you this morning with thanksgiving. Thankful that you love us, that you created us in your image, but thankful for the rain for the past few days that have fallen on a drought thirsty land. Father, we thank you for our freedom. We know that freedom comes at a heavy price. Father, I pray for our men and women who are serving this country around the world so that today we can meet here in this chamber to discuss the business of this gat city. Father, we are instructed to submit to those who have authority over us. Father, I pray for each councilmember, I pray that you will bless them, and father, as they strive to make this community better than it was yesterday and even better tomorrow than it is today. We ask that you will give him the wisdom and the judgment that is needed. And now, father, again we ask your blessing upon this meeting. We pray that at the end of the day that you will place your seal of approval upon all that is said and done. This I pray in jesus' name. Amen. >> Mayor Leffingwell: Amen. Thank you, colonel. Please be seated. A couple of items before we

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officially call the meeting to order. First, yesterday morning lieutenant clay crab, austin police department, lost his life in a car crash out on highway 290 west. He leaves behind a wife and three small children. It's a great tragedy and a loss to the city of austin, a loss to a.P.D. Please observe a moment of silence. [Moment of silence] >> Mayor Leffingwell: Thank you. We have a very brief ceremony and I'd like to introduce jim hogerson who is here to present some awards to a couple of the distinguished members of the dais, city

manager mark ott and councilmember bill spelman. Jim is a seasoned city manager with more than 35 years of experience in the public sector served with the cities of davenport, iowa, german town, tennessee, kalamazoo, michigan, san jose, california, waco, texas, and most recently in arlington, texas. He's focused on economic development, long-term planning, fiscal impact allegations, neighborhood challenges and diversity. For the international city county management association he is representing that organization today and has served as chair of the center for performance management as well as the diversity committee. Jim is currently a board member alliance for innovation. Please help me welcome jim

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oogerson. [Applause] >> thank you, mayor, members of the council, mark, city attorney. It's a privilege to be here on behalf of icma to make these awards that in fact icma is presenting to the city of austin. And we'll go through this, I think we all ought to appreciate that it's a very big world out there in terms of the international city management association. It's international in terms of not just thousands of cities and counties across the country, but it's also international. I think it's well over to 30 countries that are all part of professional managers all around the world. Icma is focused on good government. We like to call it life well run in our own business. Supporting city councils and mayors and helping develop policy and implement the dreams and objectives and goals the community has more developing staff to have implement those goals and visions that the city council has. These awards from the icma program really are for creative contributions, outstanding efforts with great results that, in fact, are worth copying in terms of other cities and communities. So icma goes through a very ornate process, there's intense competition from all the wonderful cities and counties across our country. There's a panel of 17 people, both national and international, that gets to select from the submits. This year there were 132 submittals and austin won three. That's just absolutely amazing and clearly we already know austin is a great city. This only confirms it, that even the national and international committee of icma knows great things are happening in austin and the local government really does work. That's sort of a nonpaid for advertisement about local government.

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And really I think particular note of the professio awards because those particular awards are given to only one person in several major categories

across the whole nation every year. And it's a real distinction for an organization such as Austin Energy or an individual like Mark Ott to in fact receive this award. At this point, Mr. Mayor, that's a briefing on the presentations themselves and if you would join me at the podium here, we can get on with the business of presenting the awards. And Dr. Spelman, or Councilman Spelman, could you join us here too, please? Good to see someone taller. >> Mayor Leffingwell: He's taller than everybody. >> The academic award actually recognizes special classroom effectiveness, significant contribution to the formal education of public administration students. Folks that are interesting in either management or policy making, county, city, Dr. Spelman in his role in fact helps students really fire up for the profession. He was noted specially in terms of this particular award which actually is named after the long-time Steven B. Sweeney, who was with the University of Pennsylvania Fells Institute, I'm sure you are familiar with. But his ability to understand students and the obviously as a councilmember you totally have a very inside track in

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terms of how decisions and public policy impacts the community, impacts the staff, impacts the work we have to do. Also his commitment to helping students understand the concept of public policy and understand public management. His application, as I just mentioned, in terms of real world experience, being on the city council is so valuable for his students. And in fact I'm sure you can tell a lot of great stories that fire them up see why they want to be public administrators. >> Only in private. >> Also his commitment to the future. It's so important if we're going to sustain good government that we have this good supply of young people coming into the profession, coming into elected official positions, coming into the variety of things in terms of public service communities gets even better. And his work in the classroom as well as Explorer U.T. contributed to that effort with respect to having students that come in with passion in their eyes, fire in their gut and really want to make a difference in the community. So, Dr. Spelman, or city council member Spelman, on behalf of ICMA I would like to present you the Acad Award. >> >> Spelman: Thank you. [Applause] Hubert Humphrey used to say behind every successful man stands a surprised mother-in-law. [Laughter] My mother-in-law is not surprised at anything. She gave birth to the force of nature that is my wife. But I do have a bunch of -- at least I'm presuming I will shortly have a bunch of surprised graduate students and alumni. If you are as surprised as I was when I heard that I got this award, let me give you another way to think

about it. This is not an award for me. I am just the messenger. The message I was sending icma

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is look at all the interesting things lbj students and alumni are doing in the city of austin. We've got a former chief of staff, a former assistant city manager, a slough of department heads a couple of who are sitting next to each other I noticed, lots and lots of people throughout the city of austin and the travis county and other cities and counties throughout the united states are doing really, really good work. Not because of me but if you want to give me the award so I can make sure they know about this and know about the good work that the icma is indirectly telling them -- giving them an award for, I'm happy to do this. What I should do is turn this thing into a jigsaw puzzle and hand out the pieces to all of you who actually did the hard work that resulted in this award. Thank you very much for making me look good, for making the city of austin look good every day and keep it up. [Applause] >> and next award is for excellence award for community sustainability. This is an award where it recognizes a local government program that has demonstrated innovation and excellence as well as, of course, being successful and balancing with the community economic, social, environmental and cultural needs of the community. And clear the work the austin energy green building program has done since 1990 is an amazing story and deserves recognition. I forgot to invite debbie and

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her team up here. There they are. I'm sorry. Minor detail. This particular program is recognized for its depth in community partnerships. Involved with the program which we know is all so important, civic involvement, civic engagement, community involvement, neighborhoods being involved this their community is key to success of any community and this program exemplifies that particular goal. Significant energy savings is always something very nice from a lot of perspectives. And in fact it's average about 5 million annually I understand over the years of the program since 1990. That's 23 years ago. That's -- doesn't seem like it's that long ago but it is. Of course the emphasis is also placed on ensuring efficiency. With a link to affordable housing. Not only does it save energy, reduces costs and makes housing more affordable. The numbers are amazing, 4500 single-family homes and 9500 multi-family units. That's an amazing achievement. [Applause] so if I might, debbie, if you would come forward on behalf of your team and congratulations from icma on

the program for excellence award for community [inaudible]. >> Thank you. [Applause] >> debbie, could you say a few words and introduce your team. >> I would be delighted to do that. So my name is debbie kimberly,

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vice president of customer energy solutions at austin energy and it's days like today where I am reminded that I work with a remarkable team. You talk about people who dream. This is my dream team. And I'm reminded that I work for the best city in the country and the most amazing, vibrant community. I couldn't be happier to introduce, starting here, step forward, john umpres, green building and sustainability consultant. He gets a lot of credit for significant savings to code. John gets a lion's share of the credit. Also richard morgan, my green building and sustainability manager. He leads this dream team of talented professionals. And not long ago we awarded a five star rating to the guadalupe saldana net zero community and I'm really excited to see that part take shape. Heidi casper, step forward, who is our green building and sustainability administrator. She is responsible for the multi-family segment. By her applause from over in this section of chambers, heidi and her team gets the lion's share of that. And patricia house, in charge of all the models and ratings work, it's very complicated, detailed, I couldn't begin to do it. Patricia works with our community. Last but not least leanna and she is responsible for all of the commercial green building work. And anybody who is a fairly new transplant to austin who can see all of the work going on here can appreciate the importance of working with our partners. And that's what this is all about. This is not about austin energy or individual members. This is about partnering with our planning, development and review department, partnering

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with developers, designers, individuals in the community that look to make this community truly the most livable community in the country and those are not just words on a page. That's turning a dream into a reality. So I owe it to these fine folks standing behind me, the wonderful people that we get to partner with in the city of austin and as well in the community to, frankly, if I could have stolen councilmember spelman's line, I would have turned mine into a very, very thousand, hundred thousand piece jigsaw puzzle to share with all the members in the community. So thank you so much for this tremendous recognition. [Applause] >> and now for the award for career excellence and for me personally this is an honor to present this award and I'll talk about, marc and I have known each other for a few years, but very humbled to be

here. The award for career excellence in memory of mark keen is really about outstanding -- outstanding chief elected -- or appointed official, governmental official, administrator who has fostered representative democracy working with his or her council, enhancing the

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effectiveness of the organization and the delivery of services and initiated and creative and I forgot to ask you down, marc. Sorry, and successful program. Mark keen for all of us, especially some of us who have been around a long time, some said around too long, is about passion for the profession. He was about commitment to public administration and to good government. He was about a high standard of professionalism within the organization and the way he conducted himself personally and was a role model for many, many of us of us managers over the year. To simplify mark keen, he was a class act who put others first. I say those things, all of us who know marc will see a lot of those qualities in marc. He was recognized because of this award because of an ongoing commitment to openness and transparency in the operations and one of the demonstrated tasks, of course, is the operating budget and how that was a very open process with lots of discussion, makes it kind of messy, but in fact you get more -- first you get a better quality product, you get to know what everyone is thinking about. You come up with something that's a workable, maybe not everybody agrees with it, but in fact it's a workable budget that people can be very proud of and accomplishes quite a bit. >> [Inaudible]. >> Good. Good. His commitment to fairness and equity, especially for those most disadvantaged. As all you know in this room, when the homeless issue came up marc thought I'm not sure what it really feels like to be homeless. I've read about it, bumped into a lot of homeless people, so he went out and wore their moccasins for a couple of days. Of course growing a beard, as I understand. Making you all wonder what he was up to.

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But that's the kind of manager that marc is. He wants to really know and feel what people are thinking. His strong support for youth mentoring, helping the organization in terms of developing all the wonderful talent that the city organization has. His commitments is to ethics as demonstrated by the ethics program and his passion and commitment toward municipal innovation, driving cultural innovation and change. We all know for us to succeed in a world with shrinking resources and growing demands we've got to be more creative and find more solutions. Marc was recognized for driving home that

issue and creating opportunities for innovation in the organization. But now I'm going to take a personal moment. I won't embarrass you, marc, but as we all know, life is really about relationships and opportunity. Recognizing opportunity and knowing when to seize opportunities. But it's more -- the most important is about our relationships. And for marc and i, ironically, it began with another mark keen award winner, a man named del borgstorf who one day called me up and said come on over -- he was in michigan then -- I've got someone for you to meet. So I walked into city hall and into the manager's office and he said let me introduce this young gentleman, marc ott. And I met marc and the passion that he has, the talent that he has, it just kind of emanating from him. And I sort of logged that in the back of my mind and I followed his career, and along the way a few years later, I'm generalizing here, an opportunity came, an organization I was city manager in where I was looking for a deputy city manager.

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And I thought of marc and marc came to interview and actually didn't get the job. A mistake. But I righted it because the person I hired I had to let go a year later and in fact invited marc to come and he became the deputy city manager and the rest was history. It was such a joy to work with marc, as you well know and I don't need to go through all of why we believe marc is a great city manager and a great person, but he is the kind of person that -- if you seen him when he fires up with his passion, it's right from the heart. It's all about people, all about respect, all about doing things right. So I really -- I really am so proud to be here, marc, and present this award to you on behalf, of course, the city, the community, the city council and mayor, great organizations. Marc was telling me when he was very uncomfortable with this award because he knows it's all about a team and everything coming together, but I'm going to present the award to you anyway. So marc, presenting to you the career excellence award in memory of mark keen. Congratulations. >> Thank you. [Applause] >> in my mind, that was quite overwhelming and he's right, I don't like to be in the limelight this way. Let me simply say I'm very honored to receive the mark keen award. It has incredible significance, as you would understand now given jim's description of that. It's significant to me that it comes from a professional organization that I have been a member of for 30 years plus, and it's also significant to me because I recognize that

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there are outstanding city managers throughout the country and around the world. So to be recognized by your peers in this way has really more meaning than I'm really able to describe at this moment for me. I do want to acknowledge my good friend who just spoke, Jim Hogerson, he told the story much of it I was going to tell. I would add to that telling you in the absence of having met the gentleman I was serving as an intern for, Dale, and in the absence of having met Jim, my life today would probably be a whole lot different, and in fact I probably would not be a city manager today. My inclination at the time was to finish that up, go off and become a lawyer. But they -- [laughter] they impressed upon me pretty quick that I might want to think about some other opportunities and professions and, of course, that was all about city management and through that experience initially as an intern and through my relationship with Jim over the years, my commitment to municipal service, public service only became stronger and stronger and stronger over time. It's -- you know, when you arrive at a milestone like this in your career, at least for me, I recognize that these occasions when they do come, they are really not just about you. And that's certainly true in my case. I've been in this profession for a long time and I have had the privilege of working with many, many, thousands of very talented public servants, public employees and I've had the privilege of serving with just some outstanding elected

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officials as I have the privilege of doing here in Austin with these elected leaders, the mayor and these councilmembers and other elected officials that I've worked with here. I can tell you without hesitation that in terms of this organizational and employee family, and that is how I think of this nearly 13,000 employee organization, I have never had the opportunity or privilege to serve with an organizational family any better than this. So in the course of my 30-plus years in this profession, my greatest professional joy has been to serve here in Austin, to serve these elected officials and to work with this employee family and to serve -- and to serve Austinites. You know, and also I recognize that, you know, you don't get to a place like this without very personal support. And I think you know what I mean by that by those that love and care about you unconditionally. You know, and that began in a place where I grew up with my family and my brothers and mother and father and it started there and all of the experiences that I've had since then, but especially in the course of the last 15 years during which I have been married to this woman sitting nearly in the front row here, my wife, Pam Ott, and I can tell you with absolute certainty, the absence of her being in my life things would be a

lot different as well. I would not be standing here today. She makes and continues to make many, many things possible for me and that includes this occasion today. So I want to in front of all of these people and the folks that are watching on t.v. Simply say thank you. [Applause]

[04:32:47]

so while I stand here today as the individual that's receiving this award for career excellence, I simply would close by telling you that I accept it in recognition of and in appreciation of all of those that I have worked with, both employees and elected, as well as my family because I know in the absence of all of that love and support this day would not be possible. I am truly grateful to you all, mayor, to you, councilmembers, to all of you, to you, jim. Thank you all very much. [Applause] >> Mayor Leffingwell: I'm going to add my congratulations to all three of these award winners. This is very significant. These are national awards. They are very hard to come by and many people compete for these awards. I have noticed that all three of the recents, councilmember spelman, city manager ott and the green building folks, were very quick to point out that a lot of other people made their success possible. And that's true. That's true to a great extent. I think this city of austin has been a platform for all of these folks to succeed. But at the same time, group success does not occur without leadership by single individuals and that's what you have provided to us so, again, I congratulate all you. Thank you very much. [Applause]

[04:35:19]

>> Mayor Leffingwell: So a quorum is present so I'll call this meeting of the austin city council to order on thursday, october 17, 2013. The time is 10:35 a.m. We're meeting in council chambers, austin city hall, 301 west second street, austin, texas. We'll begin with the changes and corrections to today's agenda. Items 2, 3 and 73, councilmembers morrison and riley have requested these items be set for a 6:30 p.m. Time certain. Item number 22 is withdrawn. Item number 29 is postponed until october 24, 2013. Item number 35, add as a second co-sponsor mayor lee leffingwell. Items 45 and 51 are postponed until october 24, 2013. Items 61 and 62, which are not on the consent agenda, councilmembers tovo and morrison request these items be set for 4:00 p.m. Time certain. Item number -- items number 75 and 80, at their 4:00 p.m. Time certain, there will be postponement request for these items I believe until november 7, 2013. I don't have a postponement date request on 75 for now. WE'LL SAY NOVEMBER 7th, 2013. Our time certain

items for today, at 10:30 we have no briefings. At 12:00 noon we'll have our general citizens communications. At 2:00 p.M. Zoning matters. At 4:00 p.M. Public hearings.

[04:37:20]

At 5:30 p.M. Live music and proclamations and the musicians today are the hot texas swing band. The consent agenda is items 1 through 44 with several items, which I'll go through in just a moment, that are pulled from that consent agenda, but first I want to read the appointments and waivers, which is item 30, that item will remain on consent. To the downtown commission owen snell is councilmember spelman's nominee. And lindly sokol representing the austin music commission is councilmember riley's nominee. The hispanics quality of life resource advisory commission yolanda padilla is councilmember riley's nominee and salana renteria is councilmember spelman's nominee. We'll approve a waiver of the attendance requirement in section 2-1-26 of the city code for the service of gina benner and alexandra dexca of the animal advisory commission. The waiver includes absences through today's date. Following items were pulled off the consent agenda: Items 2 and 3 are pulled from consent. They are related to items number 73 which is a public hearing. It will be held in conjunction with item 73 after 4:00 p.M. Item 14 is related to item 75, also will be heard after 4:00 p.M. Item 31 is pulled by councilmember riley. Items 41 and 42 pulled by myself, mayor leffingwell. The following items were pulled off due to speakers:

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Items 11 and 21. Those are the items to be pulled off the consent agenda. Councilmember martinez. >> Martinez: Item 41 we're requesting withdrawal of that item. >> Mayor Leffingwell: Item 41, so that will now be item 41 is withdrawn from today's agenda and item 42 is pulled for discussion. Councilmember morrison. >> Morrison: I'd like to pull item 32. I don't think I heard you say that. >> Mayor Leffingwell: Councilmember morrison is pulling item number 32. Any other items to be pulled? Councilmember tovo. >> Tovo: As I indicated in the work session on tuesday, I am adding \$250 to the fee waivers that are included in item 40. >> Mayor Leffingwell: So that item will remain on consent and we'll add that correction in the minutes. So we have two speakers othe consent agenda at this point, gus pena. Gus pena. Gus pena is not here. David king. >> [Inaudible] >> Mayor Leffingwell: Sorry, can't hear you. Come on down. >> [Inaudible] that I signed up for [inaudible]. >> Mayor Leffingwell: Well, I'll have to look for it. >> I'm not sure that I signed up

to speak on any of those other items. >> Mayor, that was item 29. >> Mayor Leffingwell: You're signed up on item 29. That item has been -- has been postponed. So you don't need to speak.

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>> Okay. Thank you very much. Thank you. >> Mayor Leffingwell: Councilmember morrison. >> Morrison: Councilmember tovo just mentioned that she was adding 250 to item 40, the aids walk, and I wanted to point out that the revised backup, I believe, already accounts for 250 additional from councilmember tovo so I didn't know if you were adding another 250, which would be great, but -- or not. >> Tovo: Not. Thank you for pointing that out. No, just one \$250 waiv. Thanks for the clarification. >> Mayor Leffingwell: So is that sorted out now at this point? Or did you just arrange this to publicize the thing? All right. >> Morrison: It was not pre-arranged, but it is nice to publicize it. >> Mayor Leffingwell: I'll entertain a motion to approve the consent agenda. Councilmember spelman so moved seconded by the mayor pro tem. All in favor? That passes on a vote of 7-0. Accessible we can go to item

[04:43:23]

31. We have some speakers, councilmember, but I understand you are going to suggest a postponement. Do that first. >> Riley: Thanks, mayor. Yes, I would suggest a postponement. At our work session on tuesday I was interested to hear our police chief he was open to consideration of identifying some particular segments of trail that could be particularly useful to keep open in spite of a curfew so that seemed like a conversation worth pursuing. Due to the tragic events yesterday morning we were not able to continue the conversation yesterday. I would sest we take another week to see if there is room to work something out. And I would suggest that we direct the city manager to work with our neighborhood connectivity staff within public works to enlist their assistance in trying to identify segments of trails that are particularly important for transportation purposes that we might leave open for 24 hours in spite of curfew elsewhere on the trails. So I would move to postpone it one week with the direction to the city manager to work with the a.P.D. And the neighborhood connectivity to see if particular trail segments can be identified that could be -- could remain open in spite of a curfew. >> Mayor Leffingwell: Motion by councilmember riley to postpone for one week, seconded by councilmember spelman. I would point out that this -- I'll support the motion to postpone, but I'll point out this will result in another week's worth of overtime expenditures because we're not going to issue -- as I understand,

a.P.D. Is not going to issue the direction for reassignment until this item is completed. So there will be a cost to it.

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>> Mayor, certainly the city manager is not on the dais right now, but we can, you know, take that time, you know, during this next week in honor of lieutenant crab, the chief and many of his staff members is going to be limited in terms of their availability in this next week between now and the next meeting, but certainly we'll, you know, try to follow council direction and do as much as we can. The only other concern I have here is I do believe the council can certainly give the city manager an opportunity -- direction to look into the matter, but I -- if I understand the motion correctly, it's one of his departments and I'm not so sure that it should occur that way. Certainly you can give us direction to look into the matter. >> Mayor Leffingwell: So councilmember riley and spelman would you accept as a friendly amendment to direct the city manager to look into possible exceptions or possible exceptions from the trail ban? Just semantics. >> Riley: That's fine. I will accept this as friendly. I realize the city manager is reluctant to consider our trails as transportation opportunities and is hesitant to engage our staff who re specifically dedicated to that effort. I think it would be very helpful to engage the assistance of our neighborhood connectivity staff in seeking to identify neighborhood connections and I think it's unfortunate that the city manager is reluctant to have that conversation, but I think it would be important to see if we could get started on it. >> Mayor Leffingwell: I don't think I interpret it that way that he was reluctant to have the conversation. It was just a legal

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requirement that the direction would be to the city manager to look into it instead of specifically your office. And I would also add that I would -- I would like to add direction that fiscal note be provided for any changes that are made. Is that acceptable? Councilmember spelman? >> [Inaudible] >> Mayor Leffingwell: All in favor of that motion say aye. Opposed. That passes on a vote of 7-0. So we'll go back to order here. Item number 11 was pulled for speakers. And we have a number of speakers who are signed up. Chris brown. Is chris brown here? Susana almanza. >> Mayor, can I make a quick clarification, are there people opposed to this ordinance? >> Mayor Leffingwell: No speaks opposed. >> Okay, we would like for it to go ahead and pass on consent then. >> Mayor Leffingwell: Well, it's -- we'll have to take it separately. Consent is already over with. >> I was trying to get, her

computer was down because they had asked me to sign up but the system was down. >> Mayor Leffingwell: We've been having computer problems. Let me run through here and assume -- anyone who does wish to speak, since you are signed up, I have to call your name. Angelica nola. Jane Rangel.

[04:49:32]

Gina Grande. >> I'm here >> Mayor Leffingwell: Do you want to speak? >> [Inaudible] >> Mayor Leffingwell: Michael Bayer. >> [Inaudible] >> Mayor Leffingwell: All right. James Crowley. Those are all the speakers. Councilmember Martinez moves approval, seconded by Councilmember Morrison. All in favor say aye. Opposed say no. That passes on a vote of 7-0. [Applause] I thought she was here at that time. Correction, it passes on a vote of 6-0 with the Mayor pro tem off the dais. Go to item 21, pulled for speakers. We'll start with Jim Hemphill. Donating time is Adam Gregory. Is he here? All right. Gary Newton is here so you have up to nine minutes. >> Thank you. Thank you for the opportunity. Jim Hemphill from Graves Daugherty representing Texas Disposal System and Texas Landfill Management. The city's anti-lobbying ordinance has prevented Texas Landfill Management and Texas Disposal Systems from learning facts about the Hornsby Bend issue that are subject of agenda item number 21. Ultimately the anti-lobbying ordinance also has prevented council from receiving information that may be critical to its decision as to whether to approve or reject this staff proposed concept. That's not consistent with the intent behind the ordinance

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but the effects of the ordinance are too often unintended and unhelpful. I'll summarize briefly the chronology of events and I believe Mr. Whalen is going to touch on in more detail. On June 17 an invitation for bid was accepted for management of 200,000 tons of fire damaged material at Hornsby Bend with a stated preference for beneficial reuse. On July 15, one day before proposals on the fire damaged materials were due, another IFB was issued, this one for land application of about 150,000 cubic yards or tons of biosolid material. TDS didn't bid on this second IFB. It doesn't do land application. It had already bid to compost 200,000 yards or tons of fire damaged biosolids and mulch material, and the second bid only contemplated the possibility of composting 15,000 yards or tons out of a total of 150,000. But TDS's sister company, Texas Landfill Management, did submit a proposal on the first IFB to compost the fire damaged material for what works out to be about \$23.50 per cubic yard or ton. The bids for the fire damaged materials were made public at the bid op

JULY 16th. Proposals for this second ifb were due on august 6th and on all 7th staff canceled the first ifb on the fire damaged material but said it would reissue the ifb so the anti-lobbying ordinance w remain in place, but that ifb has not been reissued. Became concerned that it also covered the same fire damaged material as the earlier ifb that texas landfill management had bid on and had been canceled. But tds and tlm representatives couldn't ask anyone at the city about this other than the designated contact person for the fire

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damaged materials ifb because staff had indicated that the ifb would be reissued and thus the anti-lobbying ordinance still applied and remains in force today. Tds attempted to contact the -- talk with the designated contact person to ask about the apparent overlap BETWEEN THE TWO IFBs BUT Hasn't received a response. A followup email letter which is provided today also received no response. To be heard, my clients literally had no other option but present to council today during limited time for discussion of this agenda item due to restrictions anti-lobbying ordinance, even though the first ifb had been canceled and neither tds respond to the second in front of council today. Not only were they prevented from getting clarification, they were prevented from talking to city staff our councilmembers about concerns regarding apparent lack of increased composting at hornsby bend, evidenced by the expanded land application contract now before council, despite the city's paying \$7 million to increase the size of the on site composting pad at hornsby dead. Again, neither are respondents to this if been and the purpose of the anti-lobbys is ordinance is not murder. But staff says hayed it's going to rebuild the ifb and thus has left the anti-lobbying ordinance in effect. The anti-lobbying ordinance which was intended to protect the bidding process has often been manipulated by city staff to limit policy makers' access to important factual information which harms the integrity of the bidding process. And the best practices for the city. Further, in tds and tlm, the

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effect of silencing on important issues, crary to the ordinance's intent. Tds and tlm by bidding on the fire damaged materials contract agreed to limit speech while that ifb was pending. However, they should not be precluded from addressing concerns about biosolids management in general or the b they didn't bid on particularly after staff threw it out for fire damaged materials. One moment please] again, this is the only opportunity we've had to talk to you about this. We ask that council not approve this contract and rather direct staff

to solicit proposals for composting all of the managed compostable hornsby bend biosolids youth listing the new facility that

[04:57:37]

you spent \$7 million expanding. They are not even going to use that under the contract they are asuing you to approve today. We are providing you with brief handouts which include chronology of events, corresponders to city staff without response as well as the bid tabulation for the fire damaged material. Not long ago city staff spent \$7 million to enlarge the hornsby bend concrete pads for composting biosolids to make dillo dirt. Staff stated this would decrease the need for land application. Look at the memo from city water in 2013 and save about 30,000 gallons of diesel fuel because the biosolids are not composted but are trucked to either irving, colorado or warton counties and applied directly to agriculture land. Composting saves fuel and is a more beneficial use environmentally than land application. It is more beneficial than landfilling the sludge. The contract before you triples the amount of biosolids that have historically been contracted for land application. We believe it comes up to 10,000 to 12,000 truckloads of material destined for transport to either irving, colorado or warton county and is less consistent with city policy than composting the materials to nearly dry and transporting the greatly reduced volume and weight of materials for use locally. The use of comp conserves water and enhances appearance of residential, commercial and public landscapes. You may recall there was a fire, how can you forget, this the composting operation at hornsby bend in february and march of this yes. Spent a lot of money on it. According to staff the fire resulted in about 200,000 tons of burnt and charred compost, mull. Much ban bio solids being left for composting, land application or landfilling. In june, this is the memo in your backup, in the backup we just circulated, city staff

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issued invitation for bid that gave preferential use of this material being stored in four of the five hornsby bend basins. In july city staff issued another invitation for bid, thi for land application. Texas landfill management did not submit a proposal for the second ifb and it ad a standing bid to use composting of 200 tons on the hornsby bend site and market through its sister company gardenville. More over, texas landfill management did not think the materials would be managed through the land application bid. Texas landfill management submitted what we believe is a low cost proposal to divert from landfill 100% of the compostable material and for composting all the fire

damaged materials, all the 200,000 tons. Then one day after the bids on the land application ifb were due and read publicly city staff canceled the fire damaged -- would remain in effect which is why we're here today and why I'm having to take up so much time today. However, staff stated intent to rebid within three weeks. Here we are eight weeks later and there's been no rebid and I doubt they are going to rebid because now they are going to landfill it and truck it to Irving, Warton and Colorado counties. Texas landfill management has attempted to determine whether the application which staff is asking town to approve is intended to apply to the fire damaged material which would render the need for the first ifb that Texas landfill management responded to moot and the promised rebid simply a misdirection by staff. We have directed our inquiries to the same contact person for both ifbs without response which we're required to do under the anti-lobbying ordinance and now we have that -- those queer reese in

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your hand out. You will see that the primary bid is lower than TLM. What you will not see is what disposal process that price the proposed for. In the primary procedure on the fire damaged bid was to landfill all or a significant portion of the biosolids, then that should not be considered a bid for beneficial use to be fairly compared with composting. Instead, they proposed an alternate bid for \$7 million for beneficial reuse of the same material. This leads us to believe the higher priced bid is for actual beneficial reuse like composting and the lower price bid for landfill disposal. We're not certain because we haven't heard back from city staff. The contract that staff wants you to approve is more costly on a per ton basis as well. Texas landfill management's proposal to compost then Texas landfill management's proposal to compost the fire damaged material. Our proposal of the 200,000 tons came out to \$23.50 per ton. The bid you are about to vote on to do land application of 150,000 cubic yards is \$32.90 per yard. Here because of the weight of the material per yard per ton come out to be the same. The contract before you is not the low cost option. The low cost option is to compost the 200,000, which was the original, the first bid, 0184. BOTH IFBs DEALT WITH Materials and four of the five drawing basins at Hornsby Bend so it seems the more expensive bid is being awarded instead of the less expensive per ton and per cubic yard composting option which staff canceled after they had received the more expensive bids that did not include a TDS sister company as bidder. One day before they send out another bid and see that they

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don't have a tds sister company involved in the second bid for land application and they go ahead and cancel the composting bid and haven't sent it out to rebid and go with a higher cost option. Why is staff asking you to pay more to do something less beneficial and out of line with city's policy? And the last page in the material we sent out to you has the goal of looking for composting as a way to do it and a way to save, as you can see by the city staff's own calculations, 30,000 gallons of diesel fuel consumption annually. Why is the staff doing this? Is the only reason to avoid presenting any option that could result in award to an affiliate of Texas Disposal System? Does staff dislike [inaudible] that much? Do they really hate Gardenville that? We're asking you to reject the proposed contract and direct staff to solicit proposals for on site composting of all the Hornsby Bend materials in line with the expressed city preferences that have been expressed over and over again and that the first bid would have accomplished. That's all I have. Happy to answer any questions. Got a ton of materials on this. Very frustrating process, as you can imagine. Thank you very much. >> Mayor Leffingwell: Thank you. Andrew Bosinger. You have three minutes. >> Good morning and thank you for your time. Appreciate the opportunity to be here. I represent Synergrove Texas. I would like to tell you I've been responsible for the contracting and performance of the work that we do at Hornsby Bend. We have -- as we've heard a number of times today, had -- had interactions with staff that were very, very positive and you have a -- are to be

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commended because you have high level of professionalism with your staff. The result for the city of Austin has been what are among the lowest biosolids management costs for similarly sized cities around the United States. That's a direct reflection of the leadership of this council and the professionalism of your staff. Thank you much. >> Mayor Leffingwell: Thank you. Eric Glimmer. Zimmer. >> Good morning and thank you for your time. I am the president and C.E.O. of Synagro and since 2008 our company has had the pleasure to serve the city of Austin in the management of the organic residuals created by the wastewater treatment plant here. Our goal is to create a safe, reliable, economical and sustainable solution for the city. We work with your staff and within the terms that you define so that we can come up with a program that meets

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those needs and balances those things. We've been doing this for 26 years. We do it for 600 municipalities across the country and we're the largest in our space not because we just happen to be big, but because we're good at balancing those things out. I won't give a speech as to the management of residual materials through the variety of ways to be managed. I will just state that land application has been performed in the u.S. For over 100 years and what comes from the soil and goes into food must eventually come back to the soil. And you can compost it, you can do a lot of different things, but it has to return. Our methodology is work with the department of agriculture, department of environmental quality, use it as an alternative as fertilizer. It works great, sustainable and is safe. This procurement process was a little different in the fact there were two bids that came out, but we found both bids very clear as to what they were asking for and the way that the -- the solicitations were put out. The solicitations also allowed for you to have alternatives and those alternatives we submitted a variety of alternatives and the one that balanced the best with the city's desires and our ability to provide an economical solution was chosen. That's the one in front of you. There was no -- there was no other information dealings that we had with the city outside of the straight solicitation. We are surprised that there is a protest to the way it was done because we thought it was done. Fairly and above board and in line with your processes. So we're proud to be part of your community here and serving you. We look forward to doing that this the future and look forward to any questions you may have. Thank you very much. >> Mayor Leffingwell: Questions? Those are all the speakers that we have. So we'll entertain a motion on item 21.

[05:09:54]

Councilmember Spelman. >> Spelman: Is there anyone here from austin resource recovery who can answer -- I'm sorry, austin water utility? >> Greg meszaros, austin water utility director. >> Spelman: We heard mr. Whalen and his comrades talking about -- his exact words less beneficial and out of line with city's policies. Are we going to reissue that r.F.P. That tds affiliate bid on in the first place that was canceled? >> Let me explain a little of the background here. After our compost fire, we were receiving a lot of information from outside sources about what we were going to do with the burnt material. We had burnt mater that was some compost, some raw sludge, it was mixed, wet, spread all over. We were getting all kinds of ideas. We'll take it, we'll take it for free. One of the thoughts we had is, hey, why don't we put out a best value proposal where vendors can be more creative. We'll see if we get a home run where somebody says yeah, we'll take it all for

free. We didn't know. We were getting all these contacts. We traditionally don't do that, but we wanted to see what kind of options we may get. We did that best value procurement. We got proposals in, as you heard a few. As we were reviewing the proposals, as we were evolving our own understanding of the condition of the burnt material, we determined it didn't make sense to go with any of the best value proposals. There were no home runs there. They were pretty traditional methods of composting at upwards of 22 to \$25 per cubic yard. We determined that half of the compost or half of the burnt material about well over 100,000 cubic yards was going to meet class a standards, the highest standards, on its own. That it would naturally evolve into a class a [inaudible] and

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we could manage that for much, much lower than paying somebody 22 to \$25 per cubic yard. The other 50% of the compost, burnt compost material and sludge we are going to compost on our own in a combination of the synagro contract that we have. We're going to use our existing facilities out there. So it is our intention to take all 200,000 cubic yards of the burnt material and ultimately compost that and/or have it removed as class a material. We're not going to have that hauled off to a landfill or hauled off and done land application. So for those reasons, as well as additional constraints that the best value proposals had -- would put on our operation, we determined it did not make sense for us to make a best value award and that we were going to be able to remove all this material in a way that was -- was we thought best and lowest cost on our own. We don't have plans to reissue that best value procurement in the near future. Whether or not we will do additional best value procurements or others in the future at Hornsby Bend, we probably will. A big facility out there, all kinds of things happen, but we don't have any plans in the very near future to do that. But I wouldn't say we would never do something like that again. I don't know if that answers the question about the burnt materials. >> Spelman: It's a quick follow up, about what proportion of all the materials which were exposed to the fire were actually burnt and unusable, had to be hauled off and what proportion turned into compost? >> There's over 200,000 cubic yards of burnt material, that we will get that all to class a standard. Because some of the material that was burnt was class a at the time it was burnt. It just was mixed with other sludge. You have to test it.

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It has to meet certain parameters to qualify as class a. Sometimes just natural aging will allow to meet their parameters and we're just about there with half of that material. >> Spelman: That's what compost is all about. >> Yes. >> Spelman: Okay, but some of it is not going to be class a material. >> In terms of the burnt material, we think over the next couple of years we're going to get all of that to class a quality material. Now, besides all of that material, every day we get new sludge. It comes in from our wastewater plants. We digest it and we thicken it through belt presses and hundreds of cubic yards a day come in. That's what the synagro contract that is before you today is to help us manage these -- this incoming flow of biosolids material. We have land applied that on our own facility as well as in the past used companies like synagro to help manage that. We're going to be focusing on material on site turning it into class a and we need to manage this incoming material and at least in the next year or two we'll be using the synagro contract as we have in the past and they've been a good vendor and had the lowest cost for this bid on that. [One moment, please, for change in captioners]

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>> good morning, yolanda miller, purchasing officer -- deputy purchasing officer. >> Spelman: Good morning, ms. Miller. Were you the point of contact with the best value contract that he was talking about? >> No, sir, one of our purchasing managers was the direct point of contact. >> Spelman: Was she aware that tds officials were trying to get ahold of the situation by making phone calls. >> I am aware of that. We are also working with the water department to come up with some of the answers to the questions they have sent us. >> Spelman: You don't have any answers now? >> I have some. The -- I have a draft, but we should get that to them right away. >> Spelman: If possible, that would be great, and if there is a possibility that you or somebody else in your department could have a conversation w mr. Wayland or sy else from tds to give a broad brush of what that document will contain, I would appreciate it. >> Absolutely. >> Spelman: Thank you, ma'am. Mayor, there may have been irregularities in the future that I think we should be aware of but it seems to a reasonable contract, I move approval of it. >> Mayor Leffingwell: Council member spelman moves approval. Is there a second? Second by mayor pro tem. Council member martinez. >> Martinez: Thanks, mayor. I wanted to ask staff -- the whole reason we have this item and we are having to take the substantial expenditure is because of a substantial fire that took place at horn shoe bend. What have we learned about the fire and what have we done to prevent it? Because this is the second one in this magnitude in the last 10-15 years. I was a firefighter during first one and spent several

days out there at great expense to the city. What are we learning from these fires? How are they starting and what can we do to prevent them, when we have such large contents of dingo dirt

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and mulch out there? >> That's correct. We don't want fires out there. It is very expensive. We have learned a lot about this fire. We have been consulting with the fire department and other experts in the field. One thing we are going to be doing is removing the volumes so we don't have as much storage on site anymore which reduces the risk. We consulted with other compost operations about how to arrange wind rows and piles as they face prevailing winds. Often the fires are caused by kind of wind induced, blowing on ember, the honest compost materials, so we are taking steps to greatly optimize the way the system is configured. We are beefing up our on site irrigation system -- our on site irrigation system. We have irrigation lines that run along the concrete pads but we never had irrigation systems up on the pads themselves and we are going to be beefing up our irrigation to keep the material wetter. That has been one of the conditions of the drought really dried out this material, particularly from '11 to '12 and '13. We will take steps there. We ordered water cannons, high capacity devices that can shoot water that we will have on site. Those are just some of the steps that we've taken to manage the risk of future fires. >> Martinez: Thank you. I hope we can figure something out. >> Mayor Leffingwell: Discussion? All those in favor, say aye. Aye. Opposed say no. Passes on a vote of 6-0. Council member Tovo off the dais. Item 32, pulled by council member Morrison, there are no speakers. >> Morrison: Thank you, mayor, I think our staff, Mr. Robertson might be here, this is the rainy street item and how to make the conversion to the downtown Austin plan and we had talked at work session about

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a variety of options, one was to keep the rainy street in place, we were also talking about not only make sure we had strong affordability but to minimize the changes in the different kinds of programs people were going to have to switch between, and I believe this resolution, the way it's stated right here calls it for it to transfer over, once you reach 8-1. Up to 8-1, you would lose the rainy street program. Once you reach 8 to 1, you transfer over to the downtown Austin program. The concern was we had some strengths because -- or a special situation because of on site affordability requirements, and I had and I think maybe council member Tovo requested something that

maintains the rainy street program. Offered something in between that would take us between 8 and 12 with the rainy street affordability integrated into the downtown austin plan benefits, and mr. Robertson looked at those options well as an additional one that I believe council member spelman had perhaps suggested, and that was to go ahead with the downtown austin plan once you hit 8, to get up to 15, but with the special proviso that with the affordability component of the downtown austin plan would have to be satisfied with on site. And I am not sure if you made that. I think staff may have heard that you made that. >> Spelman: It was not a recommendation. It was simply a possibility. I was brainstorming with that judgment, council. Remember. >> Morrison: Great. Great. I think mr. Robertson can speak about those options for us now. >> I can. If useful tool, I

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can hand out -- tuesday on the work session, I had a brief handout that summarized what were three options that had been discussed to that point. Subsequently I augmented that handout with one that adds the other two options that we -- that we heard when we discussed on tuesday. So if you want, I can pass those down the row here. Now, did -- -- are they coming down, I guess. >> Mayor Leffingwell: Questions? >> Morrison: My question -- >> Mayor Leffingwell: There is no motion on the table at this point. >> Morrison: No, there isn't, because I wanted to -- >> Mayor Leffingwell: Okay. Go ahead. >> Morrison: I wanted the explanation -- >> did it come down? I am sorry, maybe I should -- >> Morrison: Actually, chief mcdonald. >> Mayor Leffingwell: We are fixed up. We've got it now. >> The first couple of pages of this are identical to what I handed out the other day. They are in response to a question that had come up two weeks ago, basically summarizing the existing downtown program and the rainy street program, if you turn to the third page, it is a way of visualizing the different options on the table. If I could take a second, I won't go through all of these but just a few that gets us right to the point that council member morrison was discussing. On the far left, basically any given parcel of land in the rainy street district has cbd zoning generally but 40-foot height limit and it is represented in the

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graph in the far left. Then the green portion of the bar and the next one over represent the project that wants to go higher. The green represent -- it provides 5% affordable housing and that's how it gets 8-1 and then the green continues 12-1 and I have added hashing in there because that's where the

rainey a la carte community benefit kicks in. If I can jump over to the far right, that's the one -- that's the idea that council member spelman mentioned the other day. What it would do, as you can see, it would leave the rainey program untouched of an far of 8-1. What would it do that, above that, the yellow represents elements of the downtown plan density bonus, but it is not pure yellow because I -- and the hatching hatching indicates that it applies to the downtown plan but the one thing that it modify at in the downtown plan on 8-1 far is the requirement that instead of the applicant having a choice of providing either a fee in lieu payment for affordable housing or providing on site affordable housing, the requirement would be that the project provides -- it has a requirement of meeting its affordability housing benefits by providing on site affordable housing. I don't characterize the recommendation -- it was an idea that council member spelman mentioned on tuesday. Council member morrison's -- the idea that she expressed on tuesday, I attempted to illustrate that. The next one over option 4, whereby elements of the downtown plan kick in at 8-1 but you retain the 5% affordable housing of the rainey street of 12-1 and 15-1 is the downtown program and that's the reason why it is p yellow at the top,

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the others,, 2, and 3, are the ones we discussed the other day. >> Morrison: I believe option 3 is what is in the resolution? >> Yes, that is correct. And then on the very back page of this handout, a spreadsheet entitled comparison of options for modified rainey density program, I have added modifications 4 and 5 visually to the chart I went over to the spreadsheet to identify how a hypothetical project would be handled under the five different options. >> Morrison: Great. Thank you. So from my point of view, what we are really wrestling about -- I think it is very important that a developer only has to deal with one density bonus for the other benefits so I think that I -- that it's very important that 8-1, the downtown austin plan, other benefits kicks in, so we are talking about at that point does it make sense to convert all the way over to the downtown plan or half of that just from 8 -- going from 8-12 stick with the rainey affordability or option 5 would be essentially calculated by the downtown austin plan but on site and I guess what I would like to do just -- you know, we have had a lot of very important conversations about on site affordability, and rainey, what we have right now on the books, rainey requires the affordability to be on there 12-1 and I don't see the back slide on that and I am open to option either 4 or 5. I will make the motion, I guess, that we adopt the item, number 32, with an amendment that actu -- with the amendment that that

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would be option 4, because I know that would be the option that would at least get us the strength and on site that we have for option currently, but minimize the back and forth between different programs. >> Mayor Leffingwell: Motion by council member morrison to approve item 32 with the amendment of actually implementing option number 4. Is there a second to that? Council member tovo. >> Tovo: I am going to second it, really, for the same reasons. I think, you know, as we discussed on tuesday and in the past, the rainy street density bonus program did provide on site affordability. That was part of the compromise of rezoning the area and I think we have tremendous work to do in making sure we have affordable housing in all parts of town and it's very important not to back slide on that piece and so create affordable housing downtown, where we have so many people who work downtown and really need it, so I applaud the sponsors for bringing forward a resolution that allow for more density on rainy street and I strongly support an option that allows us to do that while also preserving the strong value I know we place on creating affordable housing on all parts of town, including and especially downtown. >> Cole: Mayor. >> Mayor Leffingwell: Second by council member tovo. Mayor pro tem. >> Cole: Yes, mr. Robertson, can I ask you a couple of other questions? Where did you go? We talked a little bit tuesday about the ease of application. Can you tell me which of these options would be the easiest for staff to apply and the developer as well? >> The -- I would say that probably two of these five are generally the easiest. One -- one of the easiest would be option 2, whereby

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you would simply not apply the downtown density bonus program, you would modify the rainy street program for 12 far and reduce it to 15 far. That way you would be applying it. You don't get some of the benefits of the downtown density bonus program in that, though, because in that, you know there are gatekeeper requirements that are essentially nonnegotiable if you want to take advantage of the density bonus, great street requirements and higher level green building and compliance with urban design guidelines. That's one disadvantage. Although two would be easily manageable. You would not get those benefits. Five is probably the other ones that are the easiest to manage. Because you do have the benefits of getting those downtown -- the gatekeeper requirements. They would kick in at an 8-1 far under number 5 and basically 8-1 far and 15-1 far, you would simply apply the downtown plan

the same as it is applied to everywhere else downtown except the obligation to provide affordable housing community benefits could be met only through on site units rather than offering the alternative of on site or fee in lieu. So it's very similar to the downtown plan with that one change, and that's why I would say those two, in terms of pure ease of application, without getting into the policy aspects of it, would probably be the easiest to administer and to be an applicant participating in. >> Cole: Well, I understand number 3 and number 5 to be very similar in that the only question is on site affordable housing. >> Yes, ma'am. And I probably should -- three in terms of ease of administration would be largely the same. I mean, as 5, although I guess 5 would be slightly easier because once you get into affordable housing, there is only one way to meet it. But it's not significantly different in terms of administration between 3 and 5. I was remiss in saying that. >> Cole: Okay. Let me also ask you about -

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we sort of are having this policy debate about on site affordability and fee in lieu and we recognize that there is benefits of both. It is generally my understanding that it is only with fees in lieu that we are able to house the homeless. Do you know any -- have any expertise on that? >> The downtown plan, when the council adopted what we characterize as the streamline density bonus program, the beginnings of it in June, I think it was, the downtown plan included language in the adopting ordinance, saying that funds collected via the fee in lieu program would be directed to -- I am not sure I am going to get exactly the right language, but it was sort of, I think, -- I -- before we landed on the on the low barrier but basically basically permanent supportive housing type option. In other words, that m would be directed towards the lowest levels of income in providing housing for those. If you don't collect that -- anywhere you don't collect that fee, you would be getting units on site, and the requirements for on site affordable units are not as -- I guess you -- they are aggressive. They are more for, you know, in the sort of 80-120% of median family income category. You would be getting affordable housing but it would not be in the form -- it would not likely be in the form of the sort of permanent supportive housing, those most in need and most at risk of homelessness. >> Cole: Okay. Thank you. >> That is a policy tradeoff between the two options, I think. >> Cole: Right. Well, mayor, I think that it's important that we maintain consistency throughout downtown and that's what this resolution is intended to do. I certainly value on-site affordable housing and this

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resolution does maintain 5% of that, but it gives builders a choice. It doesn't mandate that you can't put affordable housing in the portion that is above the 8-1 far. It just says you have a choice to do fee in lieu or affordable housing and I think it is important in our downtown plan that we made the provision that the fee in lieu fees could be used for low barrier permanent supportive housing for our homeless population, so I am going to ahead and move a motion to substitute to adopt the existing resolution. >> Mayor Leffingwell: Substitute motion to adopt the existing recommendation in item number 32. Is there a second? Council member Riley seconds. So we will vote on the substitute motion first. Is there any discussion? You can actually discuss both of them but we will vote on the substitute first. Council member Riley. >> Riley: I appreciate the conversation about this important issue. I would note -- I do think that there is some value in maintaining as simple a system as we can, and so I think from that standpoint, the option 3 has something to offer over option 4. I am open to continuing conversation about on site versus fee in lieu and I think since we are just initiating the code amendment process at this point, that the coming weeks could provide an opportunity to look carefully at this and see exactly how that would play out in the setting, so I will support this motion, and at the same time encourage us to look carefully as it goes forward to see how a fee in lieu would compare with providing on site housing in this context so that when it comes back to us for actual -- for the actual final approval of the code amendment, we can have good data on the table in front of us to see exactly what the implications of each one would be. We don't have to make the final decision now. This would indicate our

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leaning at this point, subject to continued conversation when it comes back to us, so I will support it based on that consideration. >> Mayor Leffingwell: I will just say, I also plan to substitute -- to support the substitute motion. Further discussion? Council member Tovo. >> Tovo: Thank you for saying that we can continue to have this dialogue, because I do think the data that I have seen thusfar would suggest that we are going to have the creation of more units with a different option than the one that's in the resolution and I -- we do not have a good track record when we allow developers the choice of doing on site or fees in lieu, almost always, if not always, they've opted for fees in lieu and it doesn't create housing in the places necessarily that we need it and we do have a big need for our permanent supportive housing for the chronically homeless but the homeless, one of the fastest growing populations are family

of kids and others who could benefit from the on site units if they were continued -- if there continues to be an on-site requirement for the full piece, not just for the 8-1 and, again, I don't think I need to mention that we have many, many service workers who work downtown who can't begin to afford to live down here who also could benefit from this on-site unit, so I won't be supporting the substitute motion but I do look forward to the ongoing dialogue about on site versus fee in lieu and I hope our housing department can assist the -- the urban housing and community development can assist us with real numbers about what it costs to construct units in various places so that we can get a sense of really what the tradeoff is. We've got some numbers here and some unit counts but we do need to have a real -- we need to be really clear about what -- about what that tradeoff looks like. >> Mayor Leffingwell: Council member morrison. >> Morrison: Yes, I appreciate the conversation, but I want to say I won't be supporting it and I think that in the -- one of the things that's really important to me, besides the other pieces, I realize we need to be able to have a

[05:38:26]

value of making sure that the application process is an easy process for the developers. But we have to trade that off with our value and our commitments that we made during the rainey street discussions back in the mid 2000s and that's one of the things that I am real concerned about, is that we are moving backwards from the on site requirement that was agreed back then, and so I think as -- I have a feeling this motion is going to pass, and as we go forward in the discussion, I would like to be able to get some of the conversation resurrected with the folks who were part of the of that discussion on the rainey street subdistrict and how the bonus density was made then so we can have a better understanding and a deeper understanding of why the on site up to 12-1 was -- was implemented in the code. >> Mayor. >> Mayor Leffingwell: Council member martinez. >> Martinez: I also appreciate the conversations but I want to take a slight step farther, when we begin these conversations we seem to historically refer to downtown workers, service industry employees but it is my experience that most service industry employees that come and work in downtown actually have families with children and are not single and if we continue to simply require on-site affordability, we aren't going to be serving those individuals. They aren't going to spend that kind of money to live in a 5-600 square foot flat. So I appreciate the goal of wanting to give opportunities to folks to live in downtown and all over austin, but I really want to know what the data is. If we are looking to serve those -- that particular

workforce, would they even contemplate living in one of these affordable units based on their cur family situation?

[05:40:26]

I want to still have that conversation, because if not, I want to broaden that conversation, as we try to in the stationary of plans where I try to make an amendment, where it was square footage based where a developer was required to build on site but based on percentage of square footage and not a number of units so that a developer could contemplate building two bedroom two bath, three bedroom, two bath and meeting all of the affordability requirements in a square footage basis as opposed to number of units. Therefore, targeting those folks with families and children and giving them that opportunity. So I will support the substitute motion, mayor. >> Mayor Leffingwell: And I think the real issue is to provide housing for those most in need and I think it is, the question becomes how fast can we do that, how effectively can we do that? I believe providing the flexibility in a substitute motion is the best and most effective way to accomplish that goal. The fastest. All those in favor, say aye. Of the substitute notion? Opposed say no? Passes on a vote of 5-2 with council members tovo and morrison voting no. Brings us to item number 42, and pulled for discussion by me. We have a couple of speakers. First is sharon winesaab. Is sharon winesaab here? You will have three minutes. >> (Indiscernible). >> Mayor Leffingwell: No speakers in opposition wishing to speak. >> Sorry? In that case I have

[05:42:26]

submitted written testimony, if it is not needed for me speak in favor of the motion, I will not waste council's time. >> Mayor Leffingwell: Thank you. Sharon bleh. >> Good morning, council. You all know me and if it wasn't for pesky citizens, you all could get some work done, I guess. E a little powerpoint presentation here I would like to show y'all. I guess I will have to pull it. Okay. My little boy -- a little boy was disinterment at a burial. In a couple of evenings ago I went to a cemetery and by my husband's grave was a horrible view of the disinterment. The grave site is sunken. Nearby stones are dug up. Here is a better view of the whole sunk. This work was done by disinterment services. Tracks to my husband's website. The tree was damaged, a big gouge in it. They cleaned their dirty boots on my tree -- on the public tree by my husband's site. Here is another broader view of the whole area. And more more disinterments are happening if the city has a policy of not listening to the citizens and asking them to not speak in open meetings.

There is no cemetery staff over the contractor. My grave site there will be out of compliance with the new -- with the rules, too.

[05:44:27]

They will take up those three little bouquets of flowers and nothing will be left but stone and grass. I wish the city would abide by the state law, the right to stones. This was very near my husband, had fallen over. I was taking a couple of pictures for years when it started falling over around finally it went over. And the city advised by state law to pick up the trash, old flowers and repair buildings and rows. They have no business enforcing rules on cemetery owners without public comment. Thank you very much. >> Mayor Leffingwell: Thank you. Steven island. >> Thank you, council, forgiving me this opportunity. My name is Steven Island. I am a native Austinite. I have been here all of my life. My son Heath died two and a half years ago. It has been a very difficult -- here is the Austin American-Statesman Sunday. That's my son's grave site. This is Hali, she is a culture student that died in 2009. She was 17 years old and here is Scott McComb. He was a 22 year old Down Syndrome boy who died in about 2009, also. It seems like, to me, the new city ordinance if they are targeting parents of children who have died because we are the ones who still need to give to our children and when I say children, I am talking about 35 years and younger who have died. There are many people 32, 33, that their parents still need to come see them.

[05:46:28]

And as far as the benches and stuff, there is an old man, his wife is 95 years old and he has to be at least somewhere in that age, if not older. He still drives. He is right by my son's, also. He gets out of the car, walks with a cane, very gingerly and slowly and sits on a bench and stays there about 30 minutes. He needs this time to be with his wife and to get rid every bench in a park affects the old people and the people like me who need to spend more time with their children than I do with my great grandmother. So I would like for the city to continue the same policy that they had before of picking up broken benches and bad flowers. I would like to take this time just a minute to thank the city of Austin, all the people in support of Heath. It was tremendous, comforting, the feedback I received. I would like to thank all of the citizens of Austin, especially the students of Anderson High School. Every kid I met was Heath, they were great young people. Principal Houser, Donna Houser, she did everything for Heath and our family. I would like to thank Cook Walden Funeral Home. They made this tragic moment really bearable and comforting. I would

like to thank all of the tv stations in austin, all five of them. They all covered heath. The austin american-statesman. They did, I think a beautiful job. I would like to thank them even though it was very difficult on us. Alarming] I would like to continue to

[05:48:31]

think guerddo's, bert's barbecue, a benefit with balcones little league for heath. I would like to thank them and lunchbox of the bobby bone show for his helping us getting everything organized and worked out. I would like to thank the round rock express baseball club for allowing me to throw out the first pitch in honor of heath. I would like to thank donate life for what they did to heath. They donated his organs. We met three of his recipients and we also want to thank -- >> Mayor Leffingwell: Mr. Whyland, you are over time, if there is no objection, I would like you to continue. Go ahead. >> I also want to thank austin memorial park for what they have done. I gone there, and probably spent more time there the last two years than probably anyone. And I would like to continue with their maintenance as they have had -- as they have had of picking up old stuff and broken benches but I would like to thank the city of austin for all of their support for heath and what they have done for us and my wife and my two other boys that I have. Thank you. >> Mayor Leffingwell: Thank you. Those all of the speakers that we have that want to speak. And I will entertain a motion on item number 42. >> Tovo: Move to approve. >> Mayor Leffingwell: Council member tovo moves to approve. Council member martinez seconds. I appreciate the fact that item number 41 was withdrawn. I think this item is very reasonable. I think it is a process that we need to go through and I hope as we go through the process of establishing standards, that public input is allowed and I would hope standards will be flexible enough to allow flowers as ms. Blight pointed out in the photograph she showed

[05:50:32]

us. It has to be reasonable and also respectful of others in the cemetery. So I intend to support it. All those in favor, say aye. Aye. Opposed say no. Passes on a vote of 7-0. We have only one other item that we can consider. We can go ahead and get started -- we may not be able to finish -- there are no speakers but that is item number 46. It was previously closed for speaker sign up, and do you have just a thumbnail for us, mr. Holland, real quick because we already had a briefing of it. >> Thank you, matt holland, watershed protection. I have got a very, very brief presentation. I am looking for the pointer. Actually the main thing in this presentation is going to be a list of

items that council has been asking about in the last -- since the october 3rd first reading, so today we are coming back for the second and third readings of the -- what is commonly known as the watershed protection ordinance, and we will give this brief. A little over two and a half years ago, council kicked off the ordinance with resolution in january of 2010. Since that time, we've had many -- we've had 26 public meetings. We've had -- interacted vigorously with several hundred stakeholders, dozens and dozens of city staff because the ordinance cuts across a lot of different

[05:52:32]

themes, so it is a lot to consider. We've already presented on it to council in work session so I won't present the main presentation. But basically the main elements that we are looking at, and colluding ordinance, are these 7 items: Creek protection, with stream buffers being the main provision there that we are proposing. Flood plain protection. We've got several different ems in on that. Development patterns and green ways, where trails and connectivity factor in heavilies, improve storm water controls. We have items on that. And mitigation options which are woven in the rest of the ordinance and simplifying regulations and maintaining opportunity. Those were the main council directives. We are trying to get away from the first series of slides. Here is a creek armored straightened and near total loss of natural function and then that's going to be a candidate for probably future erosion repair. Here is a channel that clearly does not have enough room. You see these all across our eastern watersheds as what are known as suburban watersheds sort of the north, east, and southeast of town. We are getting a lot of damage. We are paying a lot of money, paid more than \$30 million to repair this sort of erosion damage alone. It's unaffordable -- we are operating at unaffordable pace and are asking to take measures to basically c off the tap on the new problems from emerging. Here is a nice -- the same stream reach but at a very high cost but great projects, but let's be financially responsible. We have a system now that -- written we suppress natural function and mow and mow and mow in the future. Costs a lot of money, costs natural function and so forth. This is what we want. We want a whole host of good things happen.

[05:54:33]

When you set development back a little further from the creek, protect it. Our western creeks already have these protection. We are asking the -- the ordinance is asking for, mainly the suburban eastern black land prairie creeks to be protected at a high level, just like the western creeks, although the

western creeks also have additional improvements. So improving water quality, protecting stream banks, getting back -- preserving and especially restoring natural function and beauty of these watersheds and water ways, avoiding these costs, addressing basic public safety issues, facilitating connectivity through the trail system that would be -- that would be enabled through this. It is not a mandatory thing. Trails are not mandatory but they would be much -- much easier to have this happen in the future. All sorts of recreation and family kind of activities in these same kinds of areas.

Integration of -- of -- imagine austin plan talk -- conference plan talks about a lot of these goals, integrating nature into the city, using more green infrastructure in these stream protected areas are very much like the heart of green infrastructure, and then, frankly, improving public health in a variety of ways, including more mobility, more cleaner air and so forth. So that -- with that very brief slide show, I wanted to just present this oneslide that shows 8 areas of discussion that have been -- that we have heard a lot about from stakeholders and council the last couple of weeks since we have been meeting with you. I will leave you with this slide. We've got backup materials on all of these items, plus many, many more that might come up. We realize this is 166 page ordinance. There is a lot of detail and so I obviously would welcome the opportunity to talk more in depth about any of the items you wish. So that's all I have.

[05:56:33]

>> Mayor Leffingwell: Thank you. Mayor pro tem, if you would assume the chair, allow me to make a motion. >> Cole: I will do that. >> Mayor Leffingwell: I would like to move approval with changes that basically replace in several sections of the ordinance where the 5,000-foot trigger, with instead, 8,000-foot trigger. As you know, several advocates came in when we had a more fullsome discussion of this and were asking for 10,000 square feet and so I've discussed this with you in the interim and asked you to do some analysis, which I did in open session of what the effects of this would be. 8,000 feet is what I am going to suggest and it makes sense for lot of reasons. It is the lcra standard, 8,000 feet is. And it also equates very closely to the old 20% standard, 8,000 s feet of impervious cover, in fact, would be 18% on a one acre lot. In fact, if you get into a situation of having to provide water -- individual water quality controls on very small lots, very small structures, it becomes cumbersome and is probably something that, I think, staff would have -- at least some question about it in any instance. So if we are going to take this approach, I think -- my understanding is that 8,000 feet would be an acceptable number to the -- reasonable acceptable flum -- acceptable number

to the watershed staff so I would propose the change the number from 5,000 to 8,000. I won't go all the way through. I can pass the language out if you desire but basically what it does is change section 252-11 and

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section -- 25-211 -- this is the joint regulation that we have with travis county, section 35-211, it is just the same information but one applies to the city. One applies to the city and the county together and also in sections 258-211 for smaller roadway projects for 5,000 to 8,000 feet and 30-5-211 and 25-8-516 with its partner, 30-5-516, and finally change the impervious cover for commercial site development, also, from 5,000 to 8,000 in sections 2 -- 25-86 a 5 and its partner 30-5-65, so that's my motion. >> Second. >>

Mayor Leffingwell: Second by council member spelman. >> It's a lot of pages to look over but basically it changes everything that is 5,000 to 8,000. So we have a -- >> Cole: Mayor. >> Mayor Leffingwell: You are chairing this item, mayor pro tem. >> Cole: Mayor, I have a motion for staff or you. It's my understanding that the 8,000 is what is also being applied by the county. Is that correct? >> It's actually 10. The county lcra use 10. 8,000 is the number we use. There is a provision in the sos ordinance that has an 8,000 number that I think is the key that -- the reason for this coming up, that the 8,000 is being discussed. I can go into more detail if you wish. >> Cole: Okay. So the 8,000 does not -- I mean, it's consistent -- it is your recommendation and there is a portion of the ordinance where the county is also doing that? I guess I am just trying to

[06:00:34]

make sure we are getting -- doing something different than the county that I understand it? Is. >> Sure. Right. It would be a change from what the county is doing. We are currently using 5,000 in the watersheds but there is a provision in this sos ordinance that talks about if you have a lot that was platted before the sos ordinance was passed and you don't exceed 8,000 square feet of impervious cover you don't have to provide control, so that's what is going on there. >> Cole: So it makes sense to have a different number in the city than in the county? >> Right. The county meanwhile used lcra standard of 10,000. We can discuss that further if you wish. >> Cole: I understand now. Thank you. >> Yes. >> Tovo: Mayor. I mean, I am -- >> Cole: Council member tovo. >> Tovo: But it is my understanding based on the discussion we had at work session that it was your understanding that the county probably would adjust to whatever we did, whether it be 5,000, 8,000 --

>> and I did have a chance to talk to the county staff that are involved with that process. They basically said we have -- okay, so the reason you keep having double things is we have city limits rules and code and then etj code and then said if you pass 5,000 limit or what have you in the -- in the etj, which they share, they said we would support that. They did not, however, say they would support changing their own rules outside of our jurisdiction from 10 to 5. >> Tovo: Okay. Thank you. >> Or 8. That's correct. >> Cole: Council member morrison. >> Morrison: I believe -- did y'all provide a memo to us about this topic? >> Yes. We gave you an analysis, yes. >> Morrison: I am going to confess, I didn't have a chance to delve into that very much. I wonder if you can give us a nutshell -- it is my understanding you were raising concerns and didn't support changing it to 10, but I guess I -- and I wondered if you can go into those details a little bit.

[06:02:36]

>> Sure. >> Morrison: And then explain, also, how that's mitigated, how those concerns are mitigated by making it 8 instead of 10 and I see that it's a few minutes after noon. I want to mention that I have several motions -- I see nods that there are other people with motions, so at any point, I will be happy to table this until after executive session. >> Cole: Council member morrison is asked this item be tabled until after citizens communication and executive session. >> Okay. >> Mayor Leffingwell: Okay. Thank you. >> Cole: Without objection, it is tabled. >> Mayor Leffingwell: We will now go to citizens communication. First speaker is ronnie reeferseed, the topic is peace, liberty, and the end of tyranny here at home. >> Thank you, sir, yes, I am ronnie reeferseed. (Blowing out) and my chosen pronunciation and day is my proper tool or weapon of mass liberation of the preservation of life on the planet. Our entire world thanks our forward thinking fathers for the foresight of our gifts of the constitution and refinement of that precious tyranny shattering document people all over the world have had a great guide post for them to find liberty from tyranny. With their god given rights, ie, natural law. God given rights over natural law refers (blowing in) to those god given abilities and/or rights inherit to all of us, such as our right to speak life, liberty and the pursuit of happiness as enumerated in the first amendment, such as the right to defend ourselves as enumerated in

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the second amendment. The most recent of republican president is said to referred (blowing in) as a precious constitution as purely, quote, a gd piece of

paper. The current occupants of the white house demonstrates disdain for that document seemingly but that is not any way valid excuse for the mayor or the city council of austin to ignore their duty to prefer, protect and defend the u.S. Constitution and including of course the first amendment. Therefore, because I love all of you, I really do, and hope to help us all lead the world with liberty from tyranny, it is my duty to defend my right to speak when that right is violated -- in fact, one day, this mayor leffingwell with the city council sitting solely by chose to break decorum, violate the city code and interrupted me during my allotted time to speak. The mayor, then, had security detail threaten me, to throw me out of the chambers and ban me from setting foot on the property for an entire year. However, the city of austin demonstrated by their actions some months later that, of course, they had no authority to deny me my constitutional rights in any way by quietly rescinding the mayor and the mayor lee leffingwell, you constitutionally did to deny my basic rights, so in response, I am suing them all, to educate them and hopefully help all others express themselves now and forever and our founding father's war on tyranny keeps on keeping on and I bet that just bothers you to no end. That's a big shame because it is what we have. It is what our country gave to the world. The world history, the constitution of the united states, especially all of those amendments, the first amendment, about freedom of speech.

[06:06:45]

[Buzzer alarming] >> Mayor Leffingwell: Next speaker is paul robins. (Clapping). >> Council during the recent council deliberations I was referring to you that extra money could be changed by changing med of the current method fra fees are paid from a.J. To other cities. Currently the electric utility is paying 3% of gross revenues collected from 6 cities surrounding austin to these cities. This differs drastically from a way franchise fees are collected by people living in austin where they are charged to each customer on the monthly bill. Changing the way these fees are collected would probably yield the city somewhere around a million dollars that could either be transferred to the general fund or lower electric rates. I have been told that in executive council session an excuse was given as to why this one million dollars could not be collected. My inference informed by a statement by austin energy in a news story in june is you were told what I proposed is against the texas public utility commission rules. If this is what you were told, it is incorrect. Numerous utilities, including el paso electric, and southwestern public service company are collecting franchise fees from specific customers. In fact, if you check how the city of austin collects franchise fees from 17,000 ratepayers in austin served by the pedernales electric in blue bonnet electric cops, you will find

these fees are paid by specific customers. I see three issues here. One is probably misinformation. I propose a way to find a

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million dollars, unlike city staff, my time is donated. My idea is cut down in executive session and I have no way to defend it. Two, you are giving mostly wealthy people that did not even elect you favorable treatment not afforded to even the poorest austinians. Third, is the money itself. You are holding an election in three weeks to ask for money for affordable housing. Yet, you could have had a million dollars for affordable housing that you left lying on the table. Can any of you explain this to me? I mean don't you need money for affordable housing? My speech is labeled as budget issues so I think you are allowed to comment on this. >> Cole: Keep going. >> Huh? >> You are good. >> There is a saying that a million dollars isn't what it used to be. [Buzzer alarming] still, this is more money than most people are ever likely to see at one time. I think it's worth fighting for. Don't you? [Applause] >> Cole: Thank you, mr. Robbins. Ellen ortiz. >> Mayor pro tem. >> Cole: Council member tovo. >> Tovo: I want to thank mr. Robbins for being clear and saying in addition to discussing it in executive session, council member and martinez met with legal counsel as well and we did fully explore the issue. I don't want to talk about the reasons why we didn't pursue it but I do want to say we did spend a good deal of time looking into it. So thank you. >> Cole: Thank you, council member tovo. Ms. Ortiz you are up. >> Pro tem, council members, thank you for letting me speak with you.

[06:10:50]

I am ellen ortiz who was part of the lake cities task force that currently wrapped up its work. We currently released reservings and I am thrilled to see council has quickly implemented many of the recommendations so I thank you for your work on that. I am here today to talk about the most important function of lake austin and that is as our city's water supply. Two weeks ago, you heard a presentation from greg nazarus, president of austin water utility and you heard that in the absolute worst case scenario, they project that the city of austin's water supply could run out in approximately two years. Recently, the rains have had have not had a serious impact on our water supply so I want for you to understand that despite the flooding that we had here in austin, it was literally a drop in the bucket, a welcome drop but a drop. Lake travis, which is our primary supply -- reservoir supply upstream of us was raised by those rains from 33% full to 34% full. So we need 66 more rain

events like that to get to 100% full. The reason why we are in the situation we are in is very clear. The reason why we are in this situation is because of the mismanagement of our water supply by the lower colorado river authority. (Clapping). In 2011, enough water was released from lake travis for downstream flooding of rice patties that was equivalent to 15 year supply of water released from the

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city of austin for its drinking water. Make no mistake, the users of the water are the downstream agricultural interests. Make no mistake, also, that that practice is continuing today. Right now water is going from lake austin and downstream to fill up duck ponds for duck hunting so that hunters can go down and shoot ducks all winter. The rice patties are being flooded by this water. I don't have an actual number of how much water has gone downstream, but I know for a fact that it was at least 25,000-acre feet of water. To translate that, it is the entirety of lake austin. [Buzzer alarming] >> thank you so much of your consideration. >> Mayor Leffingwell: [Applause]. John goldstone. Topic is the affordable housing bond. >> (Indiscernible). >> Mr. Mayor, council members, my name is john goldstone and I am city of austin taxpayer and starting to get angry. Here we are one year later. I attached a copy of my 2011 speech regarding the 2012 vomit you spewed on last year's bonds. Basis of my complaint demand to you was that the information you were providing regarding financial impact of these bonds was woefully inadequate and misleading. This year I will add phrase unethical failure and possibly illegal. The only financial information that you gave voters last year was the phrase, no increase in this year's property tax rate is anticipated as a result of passage of these propositions. I was disgusted and pulled of this law by its misleading implication that it might be possible for the tax rate in 2012 to go up

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when bonds would not be sold until 2012. This year you learned a little but not much. This year sole financial impact phrase highlighted as number one in the informational flyer in front of you says no increase in property tax rate as a result of this bond influence. It stinks. I attended all four of our information panel discussions. Your mediators and panel members were careful not to answer questions that would have the lovely stench of advocacy. All of your panel members I excluding capital planning guy and the information disseminated politically to the public was designed to talk about the 2006

programs and potential successes. I asked here is advocating for a no vote? Silence. I asked are they being to amend the materials or any cushioning regarding amending the materials or change misleading financial impact statement if not outright lie, even though it is a correct statement. No increase in the tax rate is anticipated as a result of this bond issuance. Just putting the language of the statute in a flyer does not mean that you are not advocating for the bonds to pass. We asked many taxpayers the actual borrows whom we serve as agents where they stand on this bond. They all ask, how much is it going to cost me or how much more affordable will Austin be for me? I answer, I don't know. They don't care about the tax rate. They care about taxes. At the final of the four panel sessions your capital planning guy was kind enough to confirm the actual fiscal impact calculated at some hypothetical point in the future is 875 per 175 property. Thank you, capital planning guy, who is here today. Council I demand, yes, demand, you change your materials and press release this change, to show that the repayment of the bonds will cost every single taxpayer, every single owner, every single renter some amount based on the 875

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for 185,000-dollar property. Calculated up to their actual value or 1180 for 250,000-dollar home. Then, only then could a taxpayer actually make a decision to support or oppose these bonds. [Buzzer alarming]. I'll be it the 10,800 research on Monday with the Travis County Taxpayers Union, one of y'all might want to attend and -- >> Mayor Leffingwell: Your time expired. >> For more information is -- [multiple voices] >> Mayor Leffingwell: The next speaker is -- >> thank you for your time, I very much appreciate it. [Applause] >> Mayor Leffingwell: Justin Hyatt. The topic is town lake project, incorrect statements made about my company on October 3, 2013 council meeting. >> I hope I get the applause when I am done. Mayor, city council, thanks for hearing me today. I am Justin Hyatt. The owner of the G Hyatt Construction. Last meeting you awarded contract to the town lake trail head to my firm. First off I want to thank everybody to that and the previous projects that the city received for my company. >> (Indiscernible). >> Sorry. I am here to clear up innuendos and insinuations made about my company the last meeting. Before I get started, I want to be clear that I am not referring to Ms. Lara with Smbr as she, like the other people spoke stated nothing other than fact. During the meeting which I attended there appeared to be an effort by a couple of individuals to bad mouth and slander my company. Those individuals did so by saying their opinions and more so by misrepresenting some facts to you. That's why I am here to you, to clear that up. During the course of the last

council meeting, it was insinuated that my firm has a bad record of mbe participation. This contract will be the fourth contract I completed for the city. On each of the projects I have completed, as well as

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this one, we not only met the mbe goals but often exceeded them, in some cases by a factor of 4. The individuals who spoke before you last week failed to mention that fact to you. On bid day, we did not receive any bids from hispanic contractors. That's something that is largely outside my control. It was insinuated that my firm was the cause of not receiving any bids from hispanic contractors. However, if you check the mbe summary report that was prepared by the city's smbr department, you will clearly see the second lowest bidder, like i, also reported no bids, received or used from hispanic contractors. The individuals who spoke before you last week, I guess they forgot to mention that fact. I am here today just to state facts. I am sure by this time today you have heard enough opinions to last you a lifetime so I am limiting myself to facts, however difficult that is.~ since bid day, we have submitted requests for change to our compliance plan for about a half a million dollars to add hispanic contractors to the project. After the rfcs are approved by smbr, we willeed all the minority participation goals, specifically the hispanic goal by a factor of four. You know, the -- in closing, I just want to say that, you know, as a business, all I care about is that the person that gives me a price can give me a good price. That's how I win projects with the city and can actually do the work. [Buzzer alarming] I don't care about anything else. In closing, I just want to thank you folks f the opportunity and inform you in the two years I have done business with the city -- >> Leffingwell: Thank you. >> The majority of the city employees have been nothing but professional, honest and gone above and beyond to help me out, if you have any questions, I am more than

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happy to. >> Mayor Leffingwell: The next speaker is julian reyes. [Applause]. >> Hello, city council. Good people of austin, thank you all. Austin city council, mr. Martinez, ms. Tovo, mayor leffingwell, city manager, marc ott, I want to thank you for being here listening to my issue. The important issue today is the austin police shooting of dogs. Iv am sure you are aware of it. I understand that ms. Tovo and mr. Martinez has spoken to another gentleman the last session when I was prevented from coming into council to listen the security. So I missed that but I did look online and I watched that and I am

glad there is action towards getting some training for the police officers. I spoken to city council, held posters, been to several meetings, bucket meetings through multiple forms on this issue. This has been the primary issue since the shooting of my best friend shiner bock. He was a faithful german shepherd dog, my family member. If you read, lola was also killed by an apd officer on september 9. Her family is upset, cisco, lola, shiner bock, all of these are fatalities under austin police department leadership, leadership that promised the city they would train their protective peace officers properly how to have nonlethal encounters with our dogs, family members and nonetheless, the leadership of the city need to step up and speak up like I am. The problems are apparent in the austin police leadership, inadequate police policies, failed apd dog training, which is a primary issue we are looking at -- forthcoming, police

[06:22:59]

inaccountability and nondisclosure by the public information office of the austin police department including partial and misleading information to local news media outlets. I hope this message loud and clear and let you know that the city of austin is listening to you, city leaders, to make change and save this city could beless precious lives, money, charges, legal fees and loss of man hours by city employees. I hope you will contact me to continue this conversation. Thank you for helping the city save dogs lives and I have information to pass out for you for the contact information. Do you have any questions for me? >> Mayor Leffingwell: Give your information to mayor pro tem cole. She will pass it down. >> Yes, sir. Yes, mayor. >> Mayor Leffingwell: Next speaker is jo karr tedder. [Applause]. Topic is drought, central texas water coalition. Welcome. >> Thank you, mayor, mayor pro tem, council members, we appreciate the opportunity and your openness in allowing this sort of discussion. My name is jo karr tedder and president of the central texas water coalition and a packet is being passed out and we will talk about what we are doing and the overview of lake travis and the highland lakes economic impact studies. It originated as part of the lake interests group. We are an umbrella organization. We represent domestic firm customers, businesses, poas, hoas, ae spectrum of the central texas group. We wanted to thank you and greg nazarus team for addressing the multiyear drought and the efforts you have taken.

[06:25:00]

It rained and it flooded but the impact was 3-inches in like buehner and two and a half in lake travis. Rains do not solve the problem. It rained during the drought of the 50s. We had totally wet year and you didn't have one and a half million people at that time depending upon the lakes for drinking water. We didn't use updated hydrology, what we are calling the new normal. I tried not to get into the weeds on these water issues, but it's critical to fix the lcra's water management plan, because that is the plan that determines how much water goes to whom. Misallocations have been an issue in the past and we are hoping by having so many united voices we can slow that process down and change the impact so that it actually reflect what the law provides, that is that drinking water be provided first and foremost. At the lcra committee meeting, the lcra staff for the first time, actually addressed and used return ke recovery and actually talked about changing trigger points to be more reflective of what our needs are. That is no pun intended, a sea change in what has been going on. We appreciate austin speaking out, talking to tceq, who are the people who will actually approve or not or fix lcra's water management plan. Ctwc looks forward to continuing to work with austin and the highland lakes municipal and m.U.D.S' firm customer group which is forming so we have several groups forming now and we speak as a united voice. I want to thank you -- thank you for helping us to protect our water and we are happy to share all of our

[06:27:03]

data. Our website is on the sheet I gave you. Thank you very much. >> Mayor Leffingwell: Thank you. And thank you for correctly identifying what the problem really is, not really a drought problem, not really a municipal use problem, but a management problem. Thank you. [Applause]. The next speaker is maria schmitz. Not here. Jerry locke. Topic is drug and water. >> This seems to be a really popular subject today. We all know there is a problem. I want to thank the statesman for their article, that the problem goes way beyond even the statesman, and something that was not mentioned in that article was climate change, which seems to be the 900-pound gorilla that no one will talk about except scientists but it isn't seemingly getting past scientists. Dr. Hanson, the most prominent climatologist in the world, he was ahead of nasa scottard institute on space studies and he did a study on the 2011 texas drought. He found it was because of climate change. That means that we've gone over the line into climate change. That's a whole different problem than periodic droughts. That means that we are -- we are going to have a different climate in this area. A recent study reported in the new york times by cameglo laura, 21 different climate monitors used in 21 countries and

it was extensive and found the highest temperature now will be the lowest temperature in 2047, the highest temperature now will be the

[06:29:04]

lowest temperature in 2047. Imagine what that means for texas? We have gone across the line, according to dr. Hanson in climate change. The royal society of england, they are equivalent of our academy of science, they issued a report that basically said the same thing, as this group of scientists in 2047 but they used 2060 but they said we would get 4 degrees above preindustrial by 2060. 3-degrees by preindustrial, the amazon starts to burn. Imagine what that means for texas and austin. The national oceanic atmospheric administration issued a report that said changes that happened up until then are largely irreversible for 1,000 years. The problem goes way beyond the statesman article and way beyond what is being considered, so we -- we -- this needs to be an emergency in austin right now. There need to be public hearings on this. You all need to rethink the policy of growth. It simply isn't sustainable. Campo wants to put 75% of the growth ... [Buzzer alarming] -- I will send you an email with this but this is an emergency that needs our full attention. Thank you. >> Mayor Leffingwell: Thank you. Will mcLeod, the topic is ted cruz for president, 2016, austin single use bag ordinance and to be determined. >> To be determined. In response to last man's

[06:31:05]

comment, manmade global warming as a myth. Run the video, please. The city of austin is not complying with the american with disabilities act. Is that complying with the american with disabilities act right there? I don't think so. The trucks are parked over here at this texaco every friday and nobody -- nobody wants to do anything about that to comply with the americans with disabilities act. Here, right here, no sidewalk right here. What is that? A syringe. >> Let's go to lindsay wylie who spoke with a disabled woman who said the ban is making her life more difficult. Lindsay. >> Yes, most of us are used to running down to the nearest grocery store and grabbing a few items for dinner. That may be true, some people say the plastic bag ban is more than an inconvenience, it is affecting their quality of life. >> I am paying for something that to me is an accommodation for my disability. >> Lisa dayton is a mom of 5 who says paper bags are a staple for shopping. >> The person checking out, I told her I needed paper because it was sturdier around could fit on my lap and I could a wheel myself and it is right there. >> With the plastic bag banks she must pay the 5-cent paper bag fee. They say it may be

a nickel but to her, taking away a free paper bag means taking away freedom and independence. >> Now I have to ask for family members to help me if I am going to shop locally and have to use a material bag because it won't stay on my lap. I can have the clerk carry it out for me. I am not going to come home and take it out of my van and carry it into the house. >> This is what happens when lisa tries to carry in a reusable bag by herself. >> It is confusing to me that city council hasn't thought this through more thoroughly on the impact that it would have on

[06:33:06]

individuals within the community. >> Dayton works in springfield and said she now does her shopping there, too. >> So I wanted to ask that question but I don't see him around here. To all of those with disabilities who are right now getting in the mail notifications that they are losing their health insurance because of obamacare, this deal does nothing for them. We saw the house of representatives stand with courage and listen to the american people. >> Not only that, there is a constitutional amendment on the ballot called proposition 7. Would you like richard suttler to be appointed for council? If so, vote yes. We need to vote against prop 7. Thank you. [Buzzer alarming] [applause]. >> Mayor Leffingwell: Okay. City council will go into closed session and take up four items pursuant to section 551.07, under government code and the council will consult with legal council regarding following items, item 47, legal issues with open government, number 48, transition to electing the council from single member districts, item 49, legal issues regarding the austin fire department hiring process, item 50, legal issues regarding white lodge services corps versus the city of austin. Any objection of going into executive session, we will go into executive session.

[07:57:35]

>> WE'RE OUT OF CLOSED SESSION.
WE DISCUSSED 49 AND 50.
ITEMS 47 AND 48 WERE WITHDRAWN.
SO WE'LL GO THROUGH OUR CONSENT.
ZONING ITEMS.
>> I DON'T HAVE ENOUGH FOR A QUORUM.
I ONLY HAVE THREE.
>> I HAVE FOUR.
>> WE DO HAVE FIVE.
>> I DID HAVE FIVE.

>> GREG GUERNSEY.

PLANNING DEVELOPMENT AND REZONING DEPARTMENT.

I'LL WALK THROUGH THE ZONING ITEMS.

THE FIRST ITEM IS 52,

C814-2012-0160, PROPERTY LOCATED AT 211 SOUTH LAMAR
BOULEVARD PLANNED UNIT DEVELOPMENT.

THAT'S ON THIRD READING.

ITEM 53

C14-2013-0041,

THIS IS FOR THE PROPERTY LOCATED AT 1602 FISH LANE.

THIS IS A ZONE PROPERTY MULTIFAMILY RESIDENCE, MEDIUM
DENSITY.

THIS IS READY FOR CONSENT APPROVAL ON SECOND AND THIRD
READING.

ITEM 54,

C14-2013-0042, APPROVE SECOND AND THIRD READINGS OF AN
ORDINANCE AMENDING CITY CODE CHAPTER 25-2 BY REZONING
PROPERTY LOCALLY KNOWN AS 13826

DESSAU ROAD.

THIS IS READY FOR CONSENT APPROVAL ON SECOND AND THIRD
READING.

ITEM 55,

C14-2013-0043, APPROVE SECOND AND THIRD READINGS OF AN
ORDINANCE AMENDING CITY CODE CHAPTER 25-2 BY REZONING
PROPERTY LOCALLY KNOWN AS 13826 DESSAU ROAD FROM
SF6 DISTRICT ZONING.

READY FOR CONSENT APPROVAL

ON SECOND AND THIRD READING.

ITEM 56,

C14-2013-0060, APPROVE SECOND/THIRD READINGS OF AN
ORDINANCE AMENDING CITY CODE CHAPTER 25-2 BY REZONING
PROPERTY LOCALLY KNOWN AS 7101 BLUFF SPRINGS ROAD.

STAFF IS REQUESTING A POSTPONEMENT.

WE DID RECEIVE A PETITION AND THAT'S CURRENTLY BEING
EVALUATED THAT'S THE REASON THE STAFF IS ASKING FOR
POSTPONEMENT.

IF I CAN CONTINUE THE REMAINDER OF THE TWO.

THANK YOU

NPA-2013-0010.01, APPROVE AN ORDINANCE FOR HOLLY

NEIGHBORHOOD, PROPERTY LOCALLY KNOWN AS 2416 EAST 6TH.

ITEM 58, FROM

C14-2013-0083, CONDUCT A PUBLIC HEARING AND APPROVE AN ORDINANCE AMENDING CITY CODE CHAPTER 25-2 BY REZONING PROPERTY LOCALLY KNOWN AS 2416 EAST 6TH STREET

THIS IS A REZONING CASE.

APPLICANT HAS REQUESTED POSTPONEMENT OF THIS ITEM TO YOUR NOVEMBER 21 AGENDA.

ITEM 59,

NPA-2013-0015.01 - 1137 & 1139 AIRPORT BOULEVARD AND 1138 GUNTER STREET.

THIS IS WITHIN THE EAST M.L.K. NEIGHBOR PLANNING AREA AND THIS IS A PROPOSED FLUM CHANGE TO THE CIVIC LANE USE.

TO GRANT MIXED LAND USE AND THIS IS READY FOR CONSENT APPROVAL ON ALL READINGS.

ITEM 60, CASE C14-2013-0055, CONDUCT A PUBLIC HEARING AND APPROVE AN ORDINANCE AMENDING CITY CODE CHAPTER 25-2 BY REZONING PROPERTY LOCALLY KNOWN AS 1137 AND 1139 AIRPORT BOULEVARD, AND 1138 GUNTER STREET FROM FAMILY RESIDENCE-NEIGHBORHOOD PLAN (SF-3-NP) COMBINING DISTRICT ZONING.

THE PLANNING COMMISSION WAS TO GRANT GENERAL SERVICES, MIXED USE-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (LR-MU-CO-NP) COMBINING DISTRICT ZONING.

THIS THIS IS READY FOR CONSENT APPROVAL.

ITEM 61, CASE

NPA-2013-0025.01.

WE HAVE CITIZENS WHO PROBABLY WANT TO SPEAK TO 61, 62 AND 63.

SO I WILL NOT OFFER THOSE AS CONSENT ITEMS.

ITEM 62, CASE C14-2013-006, CONDUCT A PUBLIC HEARING AND APPROVE AN ORDINANCE BY REZONING PROPERTY LOCALLY KNOWS AS 5816 HARPER PARK DRIVE.

ITEM 63, CASE C14-86-077, RCA, CONDUCT PUBLIC HEARING FOR PROPERTY LOCALLY KNOWN AS 5816 HARPER PARK DRIVE.

RECOMMENDS TO GRANT THE RESTRICTIVE COVENANT AMENDMENT.

ITEM 64, CASE C14-2013-0027, KINCHEON NEIGHBORHOOD COMMERICAL CENTER, CONDUCT A PUBLIC HEARING FOR REZONING PROPERTY LOCALLY KNOWN AS 7905 BRODIE LANE.

ITEM 65, CASE

C14-2013-005, CONDUCT A PUBLIC HEARING AND APPROVE AN ORDINANCE AMENDING CITY CODE CHAPTER 25-2 BY REZONING PROPERTY LOCALLY KNOWN AS 2505 AND 2507 BLUEBONNET LANE. THE PLANNING COMMISSION'S RECOMMENDATION WAS TO GRANT MULTIFAMILY RESIDENTIAL LOW-DENSITY CONDITIONAL OVERLAY, COMBINING DISTRICT ZONING WITH CONDITIONS AND THIS IS READY FOR COUNCIL APPROVAL ON ALL THREE READINGS.

ITEM 66,

C14-2013-0084, CONDUCT A PUBLIC HEARING AND APPROVE AN ORDINANCE AMENDING CITY CODE CHAPTER 25-2 BY REZONING PROPERTY LOCALLY KNOWN AS 901 JUNIPER STREET.

THIS IS A ZONING CHANGE REQUEST TO COMMUNITY COMMERCIAL NEIGHBORHOOD CONSERVATION COMBINING DISTRICT OR GRNCCD-NP COMBINING DISTRICT ZONING.

THE PLANNING COMMISSION RECOMMENDATION WAS TO BEGINNING -- THIS IS READY FOR CONSENT APPROVAL ON FIRST READING.

IF I COULD ASK THE INDULGENCE TO PLACE THIS ITEM ON AT THE NEXT AGENDA, WE WERE JUST MISSING AN EXHIBIT TO THE ZONING ORDINANCE AND I CAN BRING THAT BACK NEXT WEEK AND WE CAN -- I'LL OFFER IT FOR SECOND AND THIRD READING NEXT WEEK AND THAT'S FOR 66 AND 67.

67 IS

C14-2013-0085, CONDUCT A PUBLIC HEARING AND APPROVE AN ORDINANCE AMENDING CITY CODE CHAPTER 25-2 TO ALLOW FOOD PREPARATION AS A CONDITIONAL LAND USE TO THE EAST 11TH STREET NEIGHBORHOOD CONSERVATION COMBINING DISTRICT FOR THE PROPERTY LOCALLY KNOWN AS 901 JUNIPER STREET.

THIS IS A CHANGE TO THE ZONING FOR THE EAST 11 TH NCCP. THIS IS TO GRANT FOOD PREPARATION AS A CONDITIONAL LAND USE.

THIS IS ALSO READY FOR CONSENT APPROVAL ON FIRST READING. I WOULD LIKE TO BRING BACK THE CASE NEXT WEEK BECAUSE THE ONLY THING I WAS MISSING IS THE EXHIBIT WHICH WAS READY TODAY.

68 IS CASE C14-2013-0995, 9405 FOURTEEN TEE DRIVE.

THE APPLICANT HAS REQUESTED A POSTPONEMENT.

69, CASE C14-2013-0096, FOR THE PROPERTY LOCATED AT 11512 SPICEWOOD PARKWAY.

THE APPLICANT HAS REQUESTED A POSTPONEMENT TO NOVEMBER 21.

ITEM 7, THE PROPERTY LOCATED AT 11300 SPICEWOOD PARKWAY.

THE APPLICANT HAD A REQUESTED A POSTPONEMENT OF THIS ITEM TO NOVEMBER.

ITEM 70, FOR THE PROPERTY LOCATED 9900 MANDEVILLE CIRCLE. THIS IS APPLICANT'S REQUEST FOR POSTPONEMENT TO YOUR NOVEMBER 21 ST AGENDA.

ITEM 72, CASE C14-2013-0099, FOR TRACTS 1A, 1B FOR 13301 TO 13409 DESSAU ROAD, TRACT 2 AT 13500 LAZYRIDGE DRIVE, TRACT 3, 14513, LAZY RIDGE DRIVE, TRACT 4, 1800 GREGG LANE AND 2100 GREGG LANE, TRACT 5, 13313 OLD GREGG LANE, TRACT 6 13321, 13405, 13419, 13500 -- 13610, 13611, 620, 621, 630,631, 13641, 13710. -- 13815 AND -- IMMANUEL ROAD AND 2201, 2212, 2215, 2300 -- 2309 INDUSTRIAL DRIVE, AND 2201 -- 2300, 2310, 2319, 2320, 2340, 2349, 2350, 2400, 2401, 2410, 2411, 2420 PATTERSON INDUSTRIAL DRIVE; TRACT 7: IMMANUEL ROAD AND 2222 GREGG LANE.

THIS IS ZONING CHANGE REQUEST TO VARIOUS ZONING DISTRICTS. ZONING PLANNING COMMISSION'S RECOMMENDATION WAS TO GRANT MULTIFAMILY -- ZONING FOR TRACT A, RESIDENCE-MODERATE-HIGH DENSITY (MF-4) DISTRICT ZONING FOR TRACT 1A, COMMUNITY COMMERCIAL-MIXED USE (GR-MU) COMBINING DISTRICT ZONING FOR TRACT 1B, COMMUNITY COMMERCIAL-MIXED USE (GR-MU) COMBINING DISTRICT ZONING FOR TRACT 2, PUBLIC (P) DISTRICT ZONING FOR TRACT 3, GENERAL COMMERCIAL SERVICES-CONDITIONAL OVERLAY (CS-CO) COMBINING DISTRICT ZONING FOR TRACTS 4 AND 7, RURAL RESIDENCE (RR) DISTRICT ZONING FOR TRACT 5 AND LIMITED INDUSTRIAL SERVICE (LI) DISTRICT ZONING FOR TRACT 6.

ALL THIS IS READY FOR -- SINCE THAT APPROVAL ON ALL THREE READINGS.

MAYOR I I'VE GOT ONE CHANGE THAT MR. RUSSELLMAN WOULD LIKE TO READ INTO THE RECORD.

>> I'M SORRY, MAYOR, I HAVE TWO.

ON TIMES 57 AND 58 -- ITEMS 57 AND 58, THEY WOULD PREFER DECEMBER 12 TH RATHER THAN NOVEMBER 21 ST .

AND ITEMS 65 AND 66, I'M SORRY, 66 AND 67, I'M GOING TO ASK YOU TO TABLE THOSE ITEMS UNTIL WE HAVE A CHANCE TO CONSIDER THE 4:00 URBAN RENEWAL PLAN ITEM THAT'S RELATED TO THOSE TWO CASES.

>> GOT IT.

WHERE WERE WE?

ARE YOU FINISHED?

>> YEAH.

SO THE CONSENT AGENDA FOR ZONING CASES IS TO APPROVE ITEM 52 ON THIRD READINGS.

TO APPROVE ITEMS 53 AND 54 ON SECOND AND THIRD READINGS.

APPROVE ITEM 55 ON SECOND AND THIRD READINGS.

POSTPONE 56 UNTIL OCTOBER 24 TH , TO POSTPONE ITEMS 57 AND 58 UNTIL DECEMBER 12 TH , TO CLOSE PUBLIC HEARING AND

APPROVE ITEMS 59 AND 60 ON ALL THREE READINGS, POSTPONE ITEM -- POSTPONE ITEM 64 UNTIL OCTOBER 24 TH , TO CLOSE PUBLIC HEARING AND APPROVE ITEM 65 ON ALL THREE READINGS, TO POSTPONE ITEM 68, 69, 70, AND 71 UNTIL NOVEMBER 21 ST .

AND TO CLOSE THE PUBLIC HEARING AND APPROVE ITEM 72 ON ALL THREE READINGS.

>> I MOVE APPROVAL OF THE CONSENT AGENDA WITH ONE CLARIFICATION.

I BELIEVE ITEM 66 AND 67 WERE READY FOR FIRST READING.

>> LET ME SEE.

66 AND 67 HAVE BEEN TABLED UNTIL 4:00.

>> OH.

ALL RIGHT.

>> SO YOU MOVE APPROVAL OF THE CONSENT AGENDA WHICH WAS NOT INCLUDE 66 AND 67.

SECONDED BY MAYOR PRO TEM COLE.

>> I'D LIKE THE RECORD TO REFLECT MY VOTE AGAINST ITEM 52. C81420120160.

THE PLANNED UNIT DEVELOPMENT AT 211 SOUTH LAMAR.

>> OKAY, SO COUNCIL MEMBER TOVO IS VOTING NO ON 52. COUNCIL MEMBER MORRISON?

>> ALSO VOTING NO ON ITEM 52 AND THERE'S BEEN A LOT OF DISCUSSION ON ON-SITE AFFORDABILITY AND IT'S TIME TO MOVE FORWARD WITH DISPIERCE.

>> AND COUNCIL MEMBER MORRISON ALSO SHOWN VOTING NO ON ITEM 52.

ALL IN FAVOR OF THE MOTION SAY AYE.

OPPOSED SAY NO.

THAT PASSES ON A VOTE OF 4-2 WITH COUNCIL MEMBER MARTINEZ OFF THE DAIS.

EXCUSE ME.

THAT PASSES -- LET'S DO THAT AGAIN.

ALL IN FAVOR OF THE MOTION TO APPROVE THE CONSENT AGENDA
SAY AYE.

OPPOSED SAY NO.

THAT PASSES ON A VOTE OF 6-0 WITH COUNCIL MEMBER MARTINEZ
OFF THE DAIS.

AND I WAS JUST THINKING ABOUT 52, WHICH DOES PASS BECAUSE
WE'VE GOT FOUR VOTES.

SO WE'LL GO BACK TO ITEM NUMBER 46.

MOTION ON THE TABLE IS TO APPROVE -- 5 TO 8,000 FEET.

AND I'LL TURN THE CHAIR BACK TO COUNCIL MEMBER -- MAYOR PRO
TEM COLE.

>> THERE'S A MOTION AND A SECOND ON THE FLOOR.

AND WE HAVE OPENED IT UP FOR DISCUSSION.

AND AFTER ADVANTAGE PUT IT -- HAVING PUT IT ON THE TABLE, SO
WITHOUT OBJECTION WE PUT IT BACK ON THE TABLE.

AND COUNCIL MEMBER MORRISON HAS THE FLOOR.

>> THANK YOU, I APPRECIATE THAT.

THANK YOU FOR STICKING AROUND.

I'D LIKE NO, SIR YOU, PLEASE -- FOR YOU, PLEASE, IF YOU COULD, TO
EXPLAIN THAT CONCERNS THAT YOU HAVE ABOUT MOVING -- WHY
YOU SET IT AT 5,000, WHY YOU THOUGHT 10,000 WAS NOT
ACCEPTABLE, AND HOW YOU SETTLED ON HAVING SOME COMFORT
LEVEL AT 8,000.

>> VERY GOOD, THANK YOU.

ONCE AGAIN, WATERSHED PROTECTION.

AND SO I'M GOING TO PRESENT A COUPLE QUICK SLIDES ON THIS
ISSUE JUST TO SHOW -- THIS IS BASICALLY REFLECTING THE
ANALYSIS THAT WE SUBMITTED TO THE COUNCIL AND POSTED ON
THE WEBSITE.

BASICALLY, WE HAD THE EXISTING THRESHOLD IS 20% IMPERVIOUS
COVER.

ANYTHING BELOW THAT DOESN'T HAVE A PROPERLY AT ALL.

WE FELT THAT NEEDED TO CHANGE.

WE COULD TALK ABOUT THAT MORE IF YOU'D LIKE, BUT WE STARTED
LOOKING AT THE DIFFERENT THRESHOLDS AND WE DID CONSIDER
8,000 SQUARE FEET INITIALLY WHEN WE WERE TALKING WITH OUR
STAKEHOLDERS.

THAT WAS IN THE SOS ORDINANCE AND SO WE SAW THAT AND
WANTED TO MAKE IT CONSISTENT.

WE WENT WITH EIGHT.

THEN WE REALIZED OUR OWN URBAN WATERSHED ORDINANCE HAS A 5,000-SQUARE-FOOT THRESHOLD, TOO, SO WE SET IT AT THAT. AND SO MEANWHILE, SOME OF THE STAKEHOLDERS POINTED OUT THAT TRAVIS COUNTY WAS GOING TO BE WITH 10,000 SQUARE FEET, SO WE WANTED TO -- SO WE WERE ASKED BY COUNCIL LAST SESSION TO LOOK AT THAT IN THE FIRST READING.

SO THE REASON WE SETTLED WITH 5,000-SQUARE-FOOT THRESHOLD, IT WAS ALREADY AN EXISTING URBAN WATERSHED STANDARD.

IT IS THE THRESHOLD BY WHICH YOU DO A FULL-BLOWN SITE PLAN FOR YOUR DEVELOPMENT.

5,000 SQUARE FEET OF IMPERVIOUS COVER OR MORE IS ONE OF THE THRESHOLDS.

WHEN YOU STARTED LOOKING AROUND THE COUNTRY, 5,000 SEEMED TO BE A NUMBER THAT KEPT POPPING UP AGAIN AND AGAIN.

THAT IS NOT PROOF POSITIVE THAT YOU HAVE TO HAVE 5,000.

THERE'S NO MAGIC NUMBER PROBABLY AND THERE'S A LOT OF DIFFERENT CONSIDERATIONS WHEN YOU TALK ABOUT WHETHER OR NOT YOU SHOULD HAVE A SMALL NUMBER OR A HIGHER NUMBER. YOU'LL NOTICE THAT PORTLAND HAS BOLDLY CHOSEN 500 SQUARE FEET AND THEY WERE REGRETTING THAT.

THE ADMINISTRATION WAS OVERWHELMING AND THE BENEFITS WERE NOT CLEAR WHEN YOU GET THAT MINUTE.

SO ANYWAY, IN CHICAGO, 7500.

SO I MEAN, THERE'S THIS GRAY SCALE FROM GREAT WATER PROTECTION AND THEN THERE'S ALL SORTS OF IMPLEMENTATION ISSUES, OWNERSHIP ISSUES, WHO'S MAINTAINING, AND HOW HARD IT IS TO ACTUALLY ADMINISTER THE PERMITTING PROCESS.

SO WE FEEL COMFORTABLE WITH 5,000.

THAT'S WHAT WE PUT IN THE REPORT AS OUR STAFF RECOMMENDATION BUT WE SAID 8,000 IS A GOOD NUMBER THAT WAS A NUMBER WE CHOSE EARLIER IN THE STAKEHOLDER PROCESS.

WE WERE COMFORTABLE WITH IT.

IT'S A LITTLE MORE ENVIRONMENTALLY PROTECTIVE TO GO WITH 5,000 WITH THOSE OTHER ISSUES I MENTIONED.

IMPLEMENTATION-WISE.

WE DID TALK TO THE STAFF OF BOTH LCRA AND TRAVIS COUNTY WHICH ARE USING THE 10,000 THRESHOLD AND THEY EMPHASIZED THAT THEIR COMMUNITIES ARE IN SORT OF EXURBAN AREAS AND

THEY HAD THESE LARGER LOTS AND THEY FELT LIKE 10,000 WAS A GOOD NUMBER FOR THEM, BECAUSE YOU HAD THESE BIG LOTS THAT COULD ABSORB IN A EXTRA COVER, BUT THEY UNDERSTOOD OR 5,000 OR 8,000 THINKING ON THIS.

ANYWAY, THIS IS WHAT THE MAYOR WAS REFERRING TO EARLIER. OBVIOUSLY YOUR SITE ISN'T NECESSARILY EXACTLY ONE ACRE BUT YOU CAN SEE JUST TO KIND OF GIVE YOU THE SCALE.

ONE ACRE OF,000 WITH 8,000 IMPOST OFFICE OUR COVER SUNDER 20%.

AND THAT'S OUR CURRENT THRESHOLD.

NOTHING BEFORE 20%.

IF YOU GO ABOVE 20%, THEN YOU NEED A CONTROL.

SO THAT'S -- THERE'S QUITE A BIT MORE DISCUSSION THAT COULD GO INTO THAT SLIDE ALONE, BUT THAT'S -- SO 10,000 KIND OF BREAKS THAT BARRIER.

SO JUST TO CONCLUDE, WE -- SO JUST TO CONCLUDE, WE CAN'T SAY THERE'S AN EXACT NUMBER.

IF YOU TALK TO DIFFERENT PEOPLE, THEY'RE GOING TO SAY MAINTENANCE THIS, YOU KNOW, PUSH IT A LITTLE HIGHER.

WELL, WATER QUALITY, PUSH IT A LITTLE OVER LOWER.

SO WE FELT A CONSERVATIVE NUMBER WAS 5,000 AND IF YOU -- THE COUNCIL WANTED TO RAISE THAT, THE 8,000 WOULD BE ABOUT AS FAR UP AS WE WOULD RECOMMEND GOING.

SO THAT'S FINE -- SUMMARY OF OUR REPORT.

>> I APPRECIATE THAT.

AND I GUESS I'M TRYING TO GET A FEEL FOR WHAT -- WHAT 5,000 VERSUS 8,000 SQUARE FEET IS GOING TO LOOK LIKE IN A PROJECT. IT WAS SUGGESTED THAT IF YOU BUILD A HOUSE IN A DRIVEWAY, YOU HIT 5,000.

>> THAT IS --

>> WE HAVE SOME ASSUMPTIONS THAT WE USE, AND THERE ARE ACTUALLY CODE ASSUMPTIONS AND ACTUALLY WE INITIALLY WENT THROUGH AND CHECKED IT WITH THOUSANDS AND THOUSANDS OF PARCELS OF GIF TO SEE IF THOSE NUMBERS WERE ACCURATE AND THEY WERE, HAPPILY ENOUGH.

SO WHAT HAPPENS IS IF YOU'RE DOING A SUBDIVISION AND YOU CUT YOUR PARCELS INTO CERTAIN SIZE, 10,000 SQUARE FEET OR SMALLER, SAY, THEN YOU HAVE TO ASSUME A CERTAIN IMPERVIOUS COVER FOR THOSE RESIDENTIAL UNITS.

2500 IS THE ASSUMPTION.

AND THAT'S ABOUT RIGHT.

MOST HOUSES, IN ABOUT 63% OR SO OF OUR -- OF ALL LOTS IN AUSTIN, THERE'S TENS OF THOUSANDS OF LOTS IN AUSTIN, ARE IN THAT RANGE.

AND SO 2500 SQUARE IS ABOUT RIGHT.

SO REALLY TWO HOUSES IS PROBABLY 5,000 SQUARE FEET BY THE WAY WE CALCULATE IT.

SO REMEMBER, THIS NUMBER IS IF WE SAY 5,000, THAT'S UP TO 5,000.

YOU GET TO HAVE NO CONTROL.

SO YOU WOULD BE ABLE TO PUT IN TWO RESIDENTIAL LOTS, NOT HAVE A CONTROL, BUT IF YOU PUT IN A THIRD LOT, THEN YOU WOULD NEED TO PUT SOMETHING ON SITE OR PAY A PAYMENT IN LIEU OF THAT IN THE URBAN WATERSHEDS.

IF WE WENT TO 8,000, THEN YOU WOULD HAVE THREE LOTS.

7500, BEFORE YOU THEN TRIGGER A CONTROL.

SO THAT'S KIND OF THE BALANCING ACT HERE.

OBSVIOUSLY THERE'S A COMMERCIAL ANGLE.

MOST COMMERCIAL PROJECTS ARE LARGER THAN FIVE OR EIGHT.

SO IT'S NOT GOING TO HAVE A MAJOR IMPACT ON COMMERCIAL PROJECTS.

BUT THAT'S --

>> OKAY.

THAT'S THE POINT.

AND DOES THAT 2500 INCLUDE DRIVEWAY --

>> YES, RIGHT, EITHER THE FULL -- ALL IMPERVIOUS COVER, SQUAWKS WITH EXCLUDING THE RIGHT-OF-WAY.

YOU'RE LOOKING AT YOUR PROPERTY, THE HOMEOWNERS' PROPERTY, SO IT WOULD BE THE ROOF, THE DRIVES, THE DRIVEWAY, SEPARATED SCWAWJ AND ET CETERA -- GARAGE AND ET CETERA.

>> WE'RE TALKING ABOUT A SITUATION WHERE SOMEONE IS COMING IN AND DOING A SUBDIVISION, BECAUSE IF YOU'RE COMING IN JUST BUILDING ON ONE LOT, THAT'S GOING TO BE GENERALLY UNDER --

>> EXACTLY.

I'M GLAD YOU BROUGHT THAT UP.

WE NO TO NOT REQUIRE WATER QUALITY CONTROLS ON A SINGLE HOME NO MATTER HOW BIG IT IS.

THAT WAS THE DIFFERENCE BETWEEN L CLA AND TRAVIS COUNTY. THEY HAVE DIFFERENT SETUPS.

WE DO NOT.

THIS IS JUST SUBDIVISIONS, JUST SITE PLANS, ONLY.

SO NO MATTER HOW YOU GUYS COME OUT WITH THIS, IT'S NOT GOING TO AFFECT A SINGLE -- A SINGLE PROJECT ONE WAY OR THE OTHER.

>> OKAY, BECAUSE I GUESS SITE PLANS -- OKAY.

SO THE QUESTION IS HOW MANY SITE PLANS ARE THERE, WHERE THE PROPERTY IS BETWEEN FIVE AND 8,000.

>> AND I WAS FURIOUSLY TRYING TO CRUNCH THOSE NUMBERS AND I DID NOT MAKE IT IN TIME FOR TODAY'S PRESENTATION, BUT THIS IS PROBABLY A SMALL SUBSET OF THE TOTAL DEVELOPMENT WE'RE TALKING ABOUT HERE.

>> DURING A GIVEN YEAR, WOULD YOU GUESS IT'S 50 OUT OF THE THOUSANDS THAT WE GET?

>> OOH.

>> OR 500, JUST AN ORDER OF MAGNITUDE.

>> PROBABLY THE LOWER FIGURE, I'M NOT SURE.

WE COULD TRY TO GET BACK WITH YOU LATER.

MIGHT BE TOO LATE, BECAUSE WE CAN TRY TO GET BACK WITH YOU ON THAT.

>> OKAY, THANK YOU.

>> COUNCIL MEMBER SPELMAN.

>> LET ME FOLLOW UP.

YOU MENTIONED THE NUMBER 63% OF HOUSES WERE 2500 SQUARE FEET OF IMPERVIOUS COVER OR LESS.

IS THAT WHERE THE 63% FELL?

>> YES.

LET ME GET MY LITTLE CHEAT SHEET OUT HERE.

OKAY.

SO WE HAD 99,000 LOTS THAT WERE 10,000 SQUARE FEET OR SMALLER.

THAT'S 63% OF ALL OF THEM IN TOWN THAT EVALUATED.

AND THEN 21% ARE BETWEEN 10 AND 15,000 SQUARE FEET OF IMPERVIOUS COVER.

THAT GETS YOU UP TO 84% OF ALL HOMES ARE IN THIS 2500 -- THAT SMALLER SIZE, 10,000 OR LESS, WE ASSUME 2500 SQUARE FEET OF IMPERVIOUS COVER.

>> OKAY.

>> IF YOU GO THE NEXT BRACKET UP, IT'S 3500 FEET AND THEN WE KEEP RATCHETING IT UP THERE.

>> SO 63% OF THE HOUSES ARE ON 10,000-SQUARE-FOOT LOTS OR SMALLER.

>> THAT'S CORRECT.

>> THERE'S ANOTHER 21% THAT ARE ON SLIGHTLY LARGER LOTS. AND THE RULE OF THUMB YOU WERE GIVING US BEFORE, 2500 SQUARE FEET OF IMPERVIOUS COVER FOR A HOUSE, IF IT'S 5,000, THAT'S TWO -- YOU GET TWO HOUSES.

THE THIRD HOUSE IS WHERE YOU'VE GOT TO PUT IN THE WATER QUALITY CONTROLS.

BUT IF YOU'RE WORKING ON LARGER LOTS AND IT'S 20% OF ALL THE SINGLE-FAMILY LOTS -- SINGLE-FAMILY LOTS ARE MUCH LARGER AND --

>> 3500 TIMES TWO AND THEN THE EIGHT WOULD TRIGGER. SO THE THIRD LARGER LOT WOULD TRIGGER THE CONTROL AS OPPOSED TO WITH THIS 8,000.

>> I'M GUESSING THAT INNER CITY LOTS ARE GOING TO BE SMALLER AVERAGE.

>> YES, VERY CONSISTENTLY. NOT ALWAYS, BUT ALMOST ALWAYS.

>> WHERE IS THAT 20% OF LARGER LOTS LOCATED FOR THE MOST PART?

>> I DON'T HAVE THE DISTRIBUTION MAP.

AGAIN, I DIDN'T BRING IN A GIS ANALYSIS OF THE DISTRIBUTION. BUT I'M NOT SURE.

SOME OF THEM, I'M SURE, ARE IN THE URBAN CORE, BUT NOT GENERALLY.

THE TREND SEEMS TO HAVE BEEN TO SMALLER LOTS.

SO WE'RE TALKING ABOUT FUTURE CONDITIONS HERE.

>> PROBABLY I'M GUESSING TALKING ABOUT FUTURE CONDITIONS EAST OF TOWN WHERE WE CAN EXPECT A LOT MORE SUBDIVISION ACTIVITY IN THE NEXT FEW YEARS, AND WHERE LAND IS CHEAPER THEREFORE IT MAKES MORE SENSE TO HAVE SMALLER LOTS -- LOTS IN THE URBAN CORE.

>> THAT'S TRUE.

>> AND THAT 20% FIGURE MAY INCREASE SLIGHTLY OVER TIME. WE MIGHT HAVE A LITTLE BIT MORE THAN 20% OF THE CASES WOULD HAVE SLIGHTLY LARGER LOTS.

>> THAT'S POSSIBLE.

YES.

WE'RE NOT -- I'M PROBABLY NOT THE RIGHT GUY TO ASK.

WHAT'S THE TREND THERE, BUT YES.

>> I'M SUGGESTING IT DOESN'T SEEM UNREASONABLE TO YOU.

>> I WOULD AGREE.

>> OKAY.

AND THE FUNDAMENTAL ISSUE YOU'RE SAYING IS 8,000 IS KIND OF A HARD FAST RULE ON YOUR HART.

WHY IS IT 8,000 AND NOT SOME OTHER NUMBER?

>> AND WHY NOT SAY 10?

>> YEAH, NOT 10, NOT 7 1/2, YOU KNOW.

>> WELL, AGAIN, IT'S NICE TO BE CONSISTENT WITH SOME THINGS.

AND SO THIS WHOLE THING GROT TRIGGERED OFF BY, TRAVIS COUNTY IS DOING 10 AND THEY'RE DOING 10.

THERE IS AN 8,000 NUMBER IN OUR CODE WITH THIS SOS --

ORDINANCE THAT WAS THROAT THROUGH AT THE TIME.

WE'RE ALREADY DOING FIVE.

PART OF THIS IS LOOK, LET'S NOT JUST KEEP SLIDING TOO FAR UP THE SKI, YOU WILL SEE INCREMENTAL IMPACTS DRAINAGE WISE IF YOU ELIMINATE THESE CONTROLS EVEN AT THE SMALL LEVELS.

SO WE FELT MORE COMFORTABLE BEING MORE ENVIRONMENTALLY CONSERVATIVE AND BEING IT IN THAT FIVE TO EIGHT RANGE.

>> THAT SEEMS REASONABLE TO ME.

THANK YOU, SIR.

>> YOU'RE WELCOME.

>> ANY FURTHER QUESTIONS OR COMMENTS?

COUNCIL MEMBER MORRISON.

>> ONE OF THE ISSUES THAT CAME UP THAT YOU HAD ON THE SLIDE WAS THAT IN RELAXES AND EXTENDS THE REDEVELOPMENT, THE BARTON SPRINGS -- THE SOS REDEVELOPMENT ORDINANCE, AND THAT'S NOT SOMETHING

THAT I CAN SUPPORT.

AND I'M GOING TO MAKE A MOTION TO REMOVE THOSE PIECES OF IT THAT -- THAT RELAXED THE -- RELAXED THE REDEVELOPMENT ORDINANCE.

AND I JUST WANT -- I DON'T KNOW IF THIS WILL BE A QUESTION FOR LEGAL OR FOR MR. HOLLAND, BUT IF -- I GUESS MY POINT IS THAT IF THESE -- IF THESE STAY IN AND MY MOTION IS NOT ACCEPTED, I BELIEVE THAT THE MOTION -- THEN THE MAIN MOTION, ONCE IT'S ADDRESSED, WILL NEED A SUPER MAJORITY.

>> THE ANSWER IS YES.

>> OKAY.

THE ANSWER IS YES.

OKAY.

SO I WILL PASS THIS OUT.

THE MOTION SHEET OUT TO EVERYONE SO YOU CAN SEE SPECIFICALLY.

IT'S MAINLY -- IT IS PART 8 OF THE ORDINANCE THAT WE'RE TALKING ABOUT.

I HOPE WE HAVE ENOUGH FOR EVERYONE.

IT'S PART 8 OF THE ORDINANCE.

AND I DO WANT TO MENTION THAT PART 8 OF THE ORDINANCE ALSO HAS SOME CLEANUP IN IT AND SO I'M FINE WITH LEAVING THAT CLEANUP IN.

BUT BASICALLY, IT ADDRESSES SUBSECTION A, SUBSECTION E4, AND E6, AND E7, AND THEN SUBSECTIONS F1 AND F3 OF THE SECTION IN QUESTION, WHICH IS 25-8-27.

SO AS YOU CAN SEE IN A, THERE WAS A PART THAT WAS EXPANDING THE REDEVELOPMENT ORDINANCE TO APPLY TO RESIDENTIAL DEVELOPMENT.

AND THEN IN E4, THERE WAS A PART THAT WAS BEING ADDED TO ALLOW FOR EQUIVALENT AREAS TO BE ADDRESSED, SAME FOR E6, AND SAME FOR E7.

AND THEN IN F1, IT WAS CHANGING TO BE ADDING ADDITIONAL DWELLING UNITS FALLING UNDER COUNCIL APPROVAL IF YOU'RE ADDING ADDITIONAL ELEMENTS AS OPPOSED TO -- EXCUSE ME, ADDITIONAL SPELLING UNIT AS OPPOSED TO JUST ADDING 25 DWELLING UNITS.

THAT'S ACTUALLY JUST A CLEANUP BECAUSE BEFORE THERE WOULDN'T HAVE BEEN ANY BECAUSE IT DIDN'T APPLY TO RESIDENTIAL.

AND THEN IN E3, IT WAS REMOVING THE REQUIREMENT FOR CIVIC USES TO GO TO COUNCIL, SO I WAS -- I'M REMOVING THAT REMOVAL. SO I'M HAPPY TO MAKE THIS JUST AS A STAND-ALONE AMENDMENT, SEE IF I GET A SECOND, AND THEN WE CAN VOTE ON IT.

I'D LIKE TO MAKE THIS MOTION THAT WE BASICALLY AMEND THE ORDINANCE AND BACKUP TO REMOVE CHANGES TO THE BARTON SPRINGS ZONE REDEVELOPMENT EXCEPTION, THAT WERE SUBSTANTIVE CHANGES.

>> COUNCIL MEMBER MORRISON, YOU DO NOT WANT TO SEE IF THIS IS FRIENDLY FIRST?

YOU'RE GOING TO ASSUME THAT IT IS NOT?

>> I'D BE HAPPY TO SEE THE IT'S FRIENDLY.

>> OKAY.

>> WE SETTLED THAT ISSUE.

>> THANK YOU FOR MAKING THAT CLEAR.

SO THAT'S MY MOTION.

>> COUNCIL MEMBER MORRISON HAS MADE A MOTION.

WELL, ACTUALLY AN AMENDMENT STANDING ON ITS OWN TO BE VOTED ON.

IS THERE A SECOND?

>> I'M GOING TO SECOND THIS AS WELL.

I SHARE THE SAME CONCERNS AND CAN'T SUPPORT THE ORDINANCES BEFORE US TODAY WITHOUT THESE CHANGES.

>> CAN I ASK YOU A QUESTION?

COUNCIL MEMBER MORRISON QUICKLY LAID OUT RAL -- MORRISON QUICKLY LAID THIS OUT WITH REGARD TO THE BARTON SPRINGS ZONE.

CAN YOU TELL US WHY YOU DID NOT CONTEMPLATE THESE CHANGES IN THE STAKEHOLDERS' PROCESS?

OR WAS THERE ANY DISCUSSION ABOUT IT?

I JUST WANT TO KNOW --

>> WE HAD TWO STAKEHOLDER MEETINGS JUST SPECIFICALLY TO DISCUSS THIS.

SO WE ACTUALLY HAD TWO OPPORTUNITIES FOR FOLKS TO SHOW US AND COMMENT.

IN THE FIRST ONE WE WERE BRAINSTORMING.

WE PROPOSED A FEW THINGS AND SAID HERE ARE -- PROPOSED A FEW THINGS AND SAID THESE ARE THE KIND OF IDEAS AND SOLICITED FROM STAKEHOLDERS AND WE CAME BACK.

MAYBE THREE WEEKS LATER, FOUR WEEKS LATER AND SAID, HERE'S OUR STAFF PROPOSAL.

LAID THAT OUT.

WILL SOME MORE DISCUSSION -- HAD SOME MORE DISCUSSION AND WE WROTE A MEMORANDUM TO YOU TO COUNCIL TO LAY OUT, HERE'S WHAT WE'RE RECOMMENDING.

SO YES, THERE WAS ACTUAL -- THERE WERE TWO STAKEHOLDERS MEETINGS ABOUT THIS.

>> OKAY.

THERE'S A MOTION AND A SECOND ON THE FLOOR.

COUNCIL MEMBER SPELMAN?

>> MATT, WHY DID YOU RECOMMEND CHANGES IN THE SOS REDEVELOPMENT ORDINANCE?

>> KIND OF -- MAINLY THERE WAS AN ACTUAL RESOLUTION BY COUNCIL BACK IN DECEMBER OF LAST YEAR THAT REQUESTED THAT WE LOOK INTO THIS ISSUE AND HAVE MEETINGS, HOLD MEETINGS WITH STAKEHOLDERS.

THERE HAD BEEN VERY FEW USES OF THE REDEVELOPMENT EXCEPTION.

IN FACT, EXACTLY TWO IN ABOUT SIX OR SEVEN YEARS.
AND SO THE IDEA WAS BY COUNCIL, KIND OF EXPLORE A FEW WAYS
TO ENCOURAGE FOLKS TO USE THIS BECAUSE THE IDEA WAS, YOU
KNOW, IF YOU USE IT, THEN THERE WAS THE ENVIRONMENT -- THESE
ENVIRONMENTAL BENEFITS THAT WOULD ACCRUE AND ALSO
COMMUNITY BENEFITS THAT WOULD ACCRUE WITH THE
REDEVELOPMENTS.

>> IN YOUR OPINION, WOULD RELAXING THE REDEVELOPMENT
ORDINANCE AS YOUR RECOMMENDED ORDINANCE DOES HERE HAVE
A NET IMPROVEMENT OR A NET REDUCTION IN WATER QUALITY IN
THE BARTON SPRINGS ZONE?

>> IF WE TAKE THESE OUT, WOULD IT BE A NET IMPROVEMENT?

>> IF WE DO IT YOUR WAY.

WHAT THIS IS DOING IS BASICALLY UNDOING WHAT IT IS THAT YOU
WERE PROPOSING THAT WE DO.

>> EXACTLY.

>> IF WE DO IT YOUR WAY, IT'S GOING TO BE BETTER OR WORSE FOR
THE BARTON SPRINGS ZONE.

SOME WE BELIEVE THERE WILL BE AN IMPROVEMENT IN WATER
QUALITY IF WE USE THESE -- WITH THESE MEASURES.

THAT WAS THE ORIGINAL INTENT OF THE WHOLE THING, WAS PUT AN
ON-SITE WATER QUALITY CONTROL ON.

PAY INTO A FUND OFFSITE.

IF YOU HAVE A HIGH IMPERVIOUS COVER AND GET THIS SOS LEVEL
OF CONTROL ON THE REDEVELOPMENT.

SO WE'VE MAINTAINED FOR -- SINCE 2007, THIS IS A PLAN TO
SYSTEMATICALLY RETROFIT EXISTING DEVELOPMENT IN THIS ZONE.

>> AND WE'RE GETTING VERY LITTLE RETROFITTING IN THE
CURRENT ORDINANCE.

>> THAT'S CORRECT.

>> PRESUMABLY WE'LL GET MORE OPPORTUNITIES TO DO THAT.

>> RIGHT.

THAT IS CORRECT.

>> PRO TEM?

>> I MEAN, MAYOR LEFFINGWELL?

>> YES, THIS TAKES ME BACK A FEW YEARS.

WE SPENT AN HOUR AND A HALF DEVISING THIS REDEVELOPMENT
ORDINANCE.

THERE WAS A LOT OF COMPROMISING.

WE WOUND UP, YOU KNOW, IN RETROSPECT, MAYBE COMPROMISING TOO MUCH, BECAUSE IT HASN'T BEEN UTILIZED AS MUCH AS WE WOULD HAVE LIKED.

AND AS YOU POINTED OUT, THE WHOLE PURPOSE OF THE REDEVELOPMENT ORDINANCE IN THE FIRST PLACE WAS TO IMPROVE WATER QUALITY.

I STILL REMEMBER THE NUMBERS FROM HART.

ABOUT 16% OF THE BARTON SPRINGS ZONE THAT IS SUBJECT TO THE CITY OF AUSTIN'S RULES AND REGULATIONS IS SUBJECT TO SOS.

ABOUT 31% IS ALREADY PERMANENTLY PRESERVED OPEN SPACE. THAT'S IN THE ENTIRE BARTON SPRINGS ZONE, SUBJECT TO CITY OF AUSTIN.

A LITTLE OVER 50% IS PROPERTY THAT WAS BUILT PRIOR TO THE PASSAGE OF SOS THAT HAS LITTLE OR NO WATER QUALITY CONTROLS ON IT.

THAT'S WHAT THIS ORDINANCE WAS AIMED AT.

UNFORTUNATELY, MOST OF THAT 50-PLUS PERCENT IS RESIDENTIAL. WE HAVE NO WAY OF -- STREETS AND SO FORTH, WE HAVE NO WAY OF GETTING AT THAT.

THIS WAS NO BIG REVELATION THAT WE DISCOVERED THIS.

THE FRAMERS OF SOS KNEW THAT.

THEY KNEW THAT.

IN FACT, THERE WAS A LOT OF DISCUSSION ABOUT INCLUDING IN THE SOS ORDINANCE A REQUIREMENT FOR RETROFIT.

BUT THEY DIDN'T PUT IN IT THERE BECAUSE IT WAS SO EXPENSIVE. I'VE HEARD NUMBERS, THIS IS JUST ANECDOTAL.

\$500 MILLION.

IF YOU PUT A \$500 MILLION ITEM ON THE SOS ORDINANCE, SUBJECT TO VOTER APPROVAL, THAT REALLY DECREASED ITS CHANCES OF BEING PASSED.

SO IT WAS TAKEN OUT.

AND THEY REALLY JUST KIND OF IGNORED -- NOT THAT THAT WAS, YOU KNOW, A GOOD THING TO GO AHEAD AND GET IT STARTED, BUT NOW THE REDEVELOPMENT TRIES TO GO BACK AND FIND A WAY TO RETROFIT FOR WATER QUALITY ALL THIS PROPERTY THAT WAS BUILT AND NOT SUBJECT TO THE SOS RULES.

SO AS MR. HOLLAND JUST POINTED OUT, THE WHOLE OBJECTIVE TO IMPROVE WATER QUALITY.

THIS IS A WAY TO DO IT.

THE WAY TO GET THOSE RETROFITS, AND HAVE IT DONE AT PRIORITY EXPENSE, NOT AT CITY OF AUSTIN EXPENSE. THAT'S THE REASON FOR THIS.

AND SO THAT'S -- THAT'S WHY WE SPENT 18 MONTHS TRYING TO DEVELOP THIS ORDINANCE AND THIS IS JUST A SIMPLE ATTEMPT TO TRY TO TWEAK IT A LITTLE BIT AND MAKE IT BETTER.

>> THERE'S A MOTION ON -- AN AMENDMENT ON THE FLOOR AND A SECOND.

COUNCIL MEMBER MORRISON?

>> THANK YOU.

I WANT TO COMMENT THAT I WAS PART OF THE DISCUSSION WAY BACK THEN, NOT ON THE COUNCIL, BUT AND I UNDERSTAND THAT IT WAS -- I THINK YOU MIGHT HAVE DONE A YEAR AND A HALF -- AN HOUR AND A HALF, BUT IT WAS A YEAR AND A HALF.

I THINK JUST -- DISCUSSION.

AND --

>> IT WAS A YEAR AND A HALF.

>> PARDON?

>> IT WAS A YEAR AND A HALF.

>> I KNOW.

[LAUGHTER]

>> AND IF IT NEEDS TO BE TWEAKED OR IMPROVED, ESPECIALLY BECAUSE IT WAS SO CONTENTIOUS AND I THINK THERE WERE A LOT OF FOLKS THAT WEREN'T CONVINCED THAT IT WAS THE RIGHT WAY TO GO IN THE FIRST PLACE, YOU KNOW, IF THERE CAN BE MORE CONVERSATION TO FIND A WAY TO BRING FOLKS ALONG TO THINK -- TO IMPROVE THIS, THEN I'M ALL FOR IT.

BUT I CAN'T SUPPORT IT THE WAY IT IS NOW.

>> COUNCIL MEMBER RILEY?

>> ASSUME WE MAKE THIS CHANGE, ARE THERE OTHER ELEMENTS OF THIS PROPOSED ORDINANCE THAT YOU FEEL WOULD STILL BE WORTH ALL THE EFFORT WE'VE BEEN THROUGH OVER THE PAST COUPLE YEARS AS YOU'VE BEEN WORKING ON THIS?

I MEAN, THIS ORDINANCE OBVIOUSLY COVERS FAR MORE THAN THE -

-

>> RIGHT.

THIS IS PRETTY -- THIS IS A MODEST SUBSET.

YOU KNOW, IT WAS SOMETHING YOU GUYS ASKED FOR SPECIFICALLY, SO OBVIOUSLY IT'S IN HERE.

>> RIGHT.

>> IT IS NOT THE CENTERPIECE OF THE ORDINANCE.

>> SO MAYOR, WITH THAT IN MIND, WITHOUT GETTING INTO THE MERITS OF THE PARTICULAR AMENDMENT, I RESPECT THE FACT THAT TWO OF MY COLLEAGUES HAVE ANNOUNCED THEY'RE NOT GOING TO VOTE FOR THE WHOLE ORDINANCE -- PROPOSAL AS LONG AS THESE ITEMS ARE IN IT.

AND SO I WILL BE SUPPORTING THIS AMENDMENT BECAUSE I THINK REGARDLESS OF THE MERITS OF THIS PARTICULAR AMENDMENT, THAT WE NEED TO GET THIS WHOLE ORDINANCE DONE.

AND IT WILL NOT PASS.

IT REQUIRE AS SUPER MAJORITY, SINCE THIS PART OF IT DOES AFFECT THE BARTON SPRINGS WATERSHED, I DON'T SEE ANY WAY TO GET THE ORDINANCE PASSED WITH THESE ITEMS IN IT WITHOUT THE AMENDMENT.

>> COUNCIL MEMBER SPELMAN?

>> I UNDERSTAND WHAT COUNCIL MEMBER RILEY IS SAYING, BUT I WOULD LIKE A LEGAL OPINION FROM THE CITY ATTORNEY ON THE SUBJECT.

IF THESE AMENDMENTS -- IF THESE AMENDMENTS WERE NOT TO PASS, THEN WE VOTED ON THE MAIN MOTION, WHICH WOULD BE INCLUSIVE -- IF -- WHICH WOULD BE INCLUSIVE OF CHANGES IN THE SOS ORDINANCE.

PRESUMABLY WE WOULD NEED SIX VOTES TO CHANGE THE SOS PORTION OF THE ORDINANCE.

WOULD WE NEED SIX VOTES TO PASS THE MAIN MOTION?

COULD WE MAKE CHANGES IN THE WHOLE THING WITHOUT MAKING THESE AMENDMENTS.

SOME YOU COULD BY MOTION SEPARATE OUT THOSE SECTIONS OF THE WATERSHED PROTECTION ORDINANCE THAT INCLUDE SOS CHANGES AND THOSE COULD BE ADOPTED WITH LESS THAN SIX VOTES, BUT THE PART THAT DO CHANGE SOS WOULD REQUIRE SIX VOTES.

>> OKAY.

SO IF WE HAVEN'T GOT SIX VOTES FOR CHANGES IN THE SOS PORTION, THEN EFFECTIVELY WE HAVE TO DO WHAT THIS AMENDMENT DOES ANYWAY, WHICH IS TO SEPARATE OUT THE SOS AMENDMENTS, VOTE ON EVERYTHING ELSE, AND THAT'S BASICALLY WHAT WE'RE JUST DOING HERE.

IS THAT RIGHT?

>> THERE ARE A FEW OTHER SECTIONS OTHER THAN THIS REDEVELOPMENT EXCEPTION THAT ARE SOS RELATED. BUT AS FAR AS THIS SECTION IS CONCERNED, YES.

>> OKAY.

AND AM I RIGHT, I HAVE -- MAYOR PRO TEM, I HAVE A QUESTION
COUNCIL MEMBER MORSE IF I -- MORRISON.

I KNOW --

>> I WILL ALLOW IT.

>> IT'S GOTTEN SUGGESTED IN THE SOS RELATED SECTIONS OF THE
ORDINANCE, THIS IS THE ONLY CHANGE THAT YOU FEEL THE NEED
TO MAKE?

>> OF THE SOS RELATED ONES, YES.

>> OKAY, THANKS.

I DO NOT -- I AGREE WITH MR. HOLLAND, THAT THIS -- THESE
AMENDMENTS ARE PROBABLY GOING TO BE DELETERIOUS IN THE
LONG RUN TO WATER IN THE BARTON SPRINGS ZONE BUT I REC
NEWS WE NEED SIX VOTES.

EFFECTIVELY THIS STRIPS THAT SECTION OUT WHICH IS GOING TO
HIGHLY CONTROVERSIAL.

I DISAGREE WITH YOU BUT I'M GOING TO VOTE FOR IT ANYWAY.

>> JUST FOR LEGAL TO BE CLEAR, THIS CURRENT AMENDMENT THAT
IS ON THE TABLE NEED, SIX OUT OF SEVEN VOTES -- NEEDS SIX OUT
OF SEVEN VOTES TO BE IMPLEMENTED.

ONLY --

>> MAYOR PRO TEM?

>> YES, MAYOR LEFFINGWELL, PLEASE CLARIFY.

>> I WAS GOING TO COMMENT ON COUNCIL MEMBER RILEY AND
COUNCIL MEMBER SPELMAN'S STATEMENTS AND I'M IN KIND OF THE
SAME BOX HERE.

I THINK IT'S VERY UNFORTUNATE.

WE HAVE AN OPPORTUNITY HERE TO MAKE, YOU KNOW, REAL
IMPROVEMENT, NOT RHETORICAL IMPROVEMENT, IN WATER QUALITY
IN THE BARTON SPRINGS ZONE.

AND WE'RE PASSING IT BY.

BUT AT THE SAME TIME, IT'S NOT GOING TO BE WORTH LOSING ALL
THE GOOD THINGS IN THIS ORDINANCE.

AND I -- YOU KNOW, I'M AS CAPABLE AS THE NEXT PERSON OF
REALIZING WHEN THE TRAIN IS COMING DOWN THE TRACKS.

SO I AM VERY RELUCTANTLY ALSO GOING TO -- IN THE MOST
PASSIVE WAY POSSIBLE, SUPPORT THIS AMENDMENT.

[LAUGHTER]

>> WELL, IT SOUNDS LIKE THIS -- IF THIS IS THE SPECIAL MOMENT,
AND I --

[LAUGHTER]

>> I WILL JUST SAY THAT I CONCUR WITH COUNCIL MEMBER SPELMAN AND THE MAYOR LEFFINGWELL'S COMMENTS AND I DO -- LEFFINGWELL'S COMMENTS AND I DO REMEMBER THE DISCUSSIONS LASTED LONG AND I WANT TO THANK YOUR WORK IN WORKING FOR THE STAKEHOLDERS FOR WHICH YOU HAVE SUGGESTED AND UNDERSTAND THE REASONS THAT WORK MAY NOT BE ADOPTED IN JUST A FEW SECONDS.

>> MAYOR LEFFINGWELL.

>> THIS HAS BEEN A LONG PROCESS AND I KIND OF -- RECOUNTED THE HISTORY OF IT.

IT'S 10 YEARS OLD.

IT STARTED WHEN I WAS ON THE ENVIRONMENTAL BOARD.

THE SO-CALLED HEADWATERS IT WAS CALLED THERE.

SO IT BRINGS BACK A LOT OF GOOD MEMORIES FOR ME AND IT ALSO BRINGS BACK MEMORY OF A MAN WHO WORKED IN WATERSHED PROTECTION DEPARTMENT AT THE TIME WHOSE IDEA IT WAS, THE HEADWATERS.

HE WAS VERY ENTHUSIASTIC ABOUT IT AND ACTUALLY ROW PROMOTE -- PROMOTED IT, SPEAKING TO GROUPS ALL OVER DOWN TO TRY TO GET THIS THING GOING.

UNFORTUNATELY HE'S DECEASED NOW.

AND DID NOT GET THE -- HAVE THE OPPORTUNITY TO SEE THE FRUIT OF HIS LABORS, BUT I'M GOING TO POSTHUMOUSLY RECOGNIZE MIKE LIDAY AND POSTHUMOUSLY THANK HIM FOR HIS GREAT WORK ON THIS PROJECT.

[APPLAUSE]

>> OKAY.

MAYOR, WITH THAT STATEMENT, I'D LIKE TO KNOW IF COUNCIL MEMBER MORRISON'S AMENDMENT IS ACCEPTABLE?

>> WELL, IF WE'RE GOING TO GO BACK AND WITHDRAW YOUR AMENDMENT, COUNCIL MEMBER MORRISON, I'LL ACCEPT IT AS FRIENDLY.

>> DON'T ACT SO STUNNED.

COUNCIL MEMBER MORRISON.

>> ALL RIGHT.

SO WE DON'T -- IT'S JUST ACCEPTED.

>> SO WE ARE NOW ON THE MAIN MOTION WITH THE AMENDMENT ACCEPTED.

ALL THOSE -- YOU HAVE MORE ON THIS ONE, OKAY?

COUNCIL MEMBER MORRISON.

>> I NOTICED THAT QUALIFICATION ON HER PREVIOUS STATEMENT.

>> THANK YOU.

I DO HAVE THREE MORE MOTIONS THAT I'D LIKE TO MAKE.

AND IF ONLY -- AND THIS IS NOT JUST TO PROVE THAT MY STAFF
READ ALL 166 PAGES.

BUT SHE DID.

[AUDIO DIFFICULTIES]

>> WELL, IS IT REQUIRED TO BE RESTORED AND REVEGETATED AND
STAFF SAID OF COURSE, AND THAT WOULD BE IN THE
ENVIRONMENTAL CRITERIA.

[08:51:48]

to add a new introductory sentence requiring that development allowed in the critical water quality zone be revegetated and restored as prescribed by the environmental criteria manual. So I guess I'd like to suggest first, I'm happy to offer this as a friendly amendment, if the body is comfortable with that.

Otherwise, I'll ask for a vote. >> Council member morrison, I have a question.

What is as prescribed by the environmental man you'll? Maybe that's a

question for matt. >> Yes. >> That's a way of basically showing in the code

that the criteria manual rules as written kind of reign supreme. You can't have

the criteria exceed the code, but if you want to, you can actually have the

code defer to the rules. So that's -- it's kind of explicitly saying, look, folks, look

at the environmental criteria manual. That's where you'll find how to get this

done. >> I just recall -- council member morsan has an -- morrison has an

amendment on the table. Can I have a second? >> Maybe she wants to try a

friendly. >> Do you want to tryake that friendly? >> Yes. >> Okay. >> I'm

reading this. And I'm saying, this is really just words. This would already be

required anyway. So if I'm correct in that sewages, I will accept it. --

Assumption, I will accept it. >> Council member spelman? >> Let me check.

Mr. Holland, is this simply clarifying what is already a requirement of the

code? >> Yes, this was our intention to put this very kind of provision in the

environmental criteria manual. And so maybe in some ways it will make it

more plain. But yes, ice doing the same thing we were -- it's doing the same

thing we were going to do and now it's in the code. >> Thank you. >> If I could

just add by way of explanation, when we were going through the ordinance

and came upon these -- it was sort of the -- the question arose, do you have

to do this, how do you have to do it. And so the answer was, well, it's all

defined in the environmental criteria manual. >> Thank you. So I understand

you have another motion? >> Yes, and I have two more. This one is quite

similar.

[08:53:50]

And that is that there is an issue about drainage teachers. And -- features. And when you've already got a culvert, for instance, if there's potential for restoration, the staff will be asking -- apparently it's sort of to some degree a subjective assessment, but the staff will be looking at whether or not they are required to preserve the potential for restoration. And so it's sar here, that is going to be described and that process in the environmental criteria manual, and again, the question, how do you know came up. And so this is another clarification that in those cases -- let's see. In those cases, we want to make it clear that it's all -- whether something can be reasonabstored to natural condition is defined in the environmental criteria manual and this is in part 17 and part 100 of the ordinance. >> Council member morrison has an amendment to the main motion. Is that acceptable or friendly to the maker and the second? >> Same thing. >> Yes. >> Same comment. It's already something tough do. You always have to go by the criteria man you'll anyway -- man you'll anyway -- manual anyway, it's codified. >> Is that agreeable? >> My last one is a little bit differently. It's significantly different. And that is we have a section in the code currently that says that if you're -- and it's been in the code for quite some time. If you're developing a piece of land, you have to account for the roadway that's adjacent to

[08:55:51]

your land in your impost office's cover calculation. And that's -- impervious cover calculation. And that's -- and it's my understanding that that was the way that the city has always managed the fact that many roadways were built without water quality. Is that correct? >> Right, there was the intent as of 1986 and approximately before. I haven't researched the very origin of it, but in the comprehensive watershed ordinance of 1986, the roadway boundary street system was instituted for all but the urban watersheds. >> And I understand that a lot of this time, this makes a very small difference in the properties' impervious cover allowance. But there have been times when it makes a big difference in basically there have been times when it's made land undeveloppable. >> That is correct. So I was concerned about just this blanket washing away of the water quality, protections that we have put in place and have had in place for some time that we are -- have addressed for our roadways. So what I wanted to do was rather than delete this, reinstate it, but with some qualifications. And so you'll see on the front part of this, part 14, the first thing to do, it reinstates 25-8-65. And it does two important things. Number one, it says that it applies only in -- in certain watersheds. In the

western watersheds basically and the more sensitive watersheds, because as I understand it, it never is an issue in the other watersheds. It's just another hoop to jump through. So to ease it up in that place

[08:57:52]

in that way, and then that's what I've got in section a, added in section a. And the also importantly, adding in section e, a new section that says -- that puts a cap, basically, on how much it would ever affect a piece of land. So that piece of land that right now is completely undeveloppable, we would say that -- that this would -- application add that -- application of this section shall not result in a reduction of allowable impervious cover over 25%. So for me, what this does is it allows us to maintain those protections that we already had instead washing them away. But it puts some very practical limits on how much those protections come in to play. You'll see that on the motion sheet, it would also require renumbering what -- section 2 5a 65 had been deleted and replaced and instead what it does is it reinstates 2 5a 65 and then renumbers what was the new 65 as 66. So that's what you see part 14 as. And then it does the same thing in part 97 and part 98. So to recap, instead just washing away those protections, I wanted to maintain them but address the issues that staff had raised. >> Instead of washing away? >> Yes. >> Okay. Council member morrisonon has an -- council member morrison has an amendment. Is that friendly to the maker and the second? >> Is this subject to sos 61 super majority? >> It is not. >> I don't accept it. >> Thank you. So we will be having a vote on

[08:59:54]

the amendment. Council member morrison, would you like to make a motion and see if you get the second on the amendment? >> I'm sorry. I would like to make this a formal motion to amend the main motion. >> Second. >> That's seconded by council member martinez. >> Because if we don't second this and add it, I have a feeling we're going to be back to that same square one. >> I just asked that question. >> No, on the oll ordinance. >> Oh. >> Let's go to the city attorney for clarification. Council member martinez, what is your question to the city attorney? >> I'm speaking to this amendment. She only needs four votes on this amendment. >> Right. >> But what it preclude her from supporting -- we've already voted on the sos portion? >> We'll have to go back to the main motion. But this -- we're going to consider the amendment separately because it does not affect sos. So it can pass on a simple four majority. Council member morrison? >> I guess I wanted to make my

intentions clear. It's my understanding that this is not -- does not affect sos. So if this is in or out, doesn't affect whether the overall ordinance needs six votes or not. I do know that the overall ordinance is going to require six votes even though we've stripped out the substantive changes, because it has cleanup items for sos. But I don't intend to withhold my vote on it for anything other than that sec that I already talked about. >> Council member morrison has said that she will stippling -- still be in support of the main motion despite the fact she's made a motion for an amendment that need as second. Council member martinez made the second. Any further comments? Council member spelman? >> Mr. Holland, you did go here. You just stripped this whole

[09:01:55]

roadway section out. Why did you choose to do that? >> Let's see. I would love to cue up a slide, because it just has a summary and it might be easier to -- >> please. >> To see something written down instead of listening to me only. This has been in the -- it's been a very difficult thing to implement frankly. We've had -- claysically, as -- basically as council member morrison noted, there are small impacts on some of the properties and big impacts on others, so they ended up coming in for variances. It affect as very small percentage of overall yi post officious cover, so -- impervious cover, so whether we do this or not doesn't have a significant impact on watershed health, which is a key thing. You can have one property with a long strip of roadway with another one behind it with a flag lot where one of them -- they both have the aim access to that same rode. One of them takes a big it hit. The other takes no hit. So we get this situation okay going on. The system is very complicated. It's hard for our own staff to understand and interpret, so this has been a -- that's one of the -- and one of the mandates of this ordinance was to the extent possible, let's make this less complicated, more sometime. And so forth -- simple and so forth. Honestly, most projects that exist today are not going to have to do -- there are going -- dinged by this. This is not going to save the watersheds of austin from roadway runoff. This is -- it's something that's already kind of -- most of these projects are locked into place. I sense that mr. Guernsey would like to make a statement. >> Mr. Guernsey? >> This section really affects small property owners. When you're sitting out on major roadway, and you have to take into consideration of the pavement in front of you, it greatly diminishes your ability to develop those shar peal sells

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or the parcels that have lart frontages but are not marge -- large projects but are not -- frontages that are not large in size. When you look at -- a lot of these roadways, a lot of those properties are impacted long ago by widening of those roadways and actually shrunk those properties in size in the past. So I just want to make you aware of that, that sometimes the impacts -- if you have a very large tract, the impact is very small. But if you have smaller tracts of land, it really harms those properties. And their ability to redevelop because you have to take into consideration the additional pavement adjacent to them. >> One really key thing on this is if you have -- the procision WAS SET UP DURING THE '80s When there were relatively higher cover levels allowed in the barton springs zones and on the sensitive areas. Later when the sos ordinance was instituted and so forth, this was just left in there. But honestly, if you're sos compliant, and -- if you guys take out the boundary street reduction as the staff report shows, the only people who benefit from that, as they get they get a little more impervious cover, are sos projects. They'll be treating the runoff. They'll will be tamped down to 25% maximum net side area, some of them 20, some of them 15. So we have -- they already have aggressive control strategies. So we think for the complexity and the limited amount of watershed benefit and the fact that these are all treated anyway, and we're rewarding not the grandfather properties. Those guys will still have to do boundary street reduction and so forth. We're rewarding folks that are come plying with sos. I think it's a common sense move to go ahead and put this in, make it simpler and so forth.

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That was -- that's the reason we put this in. >> There's no further comments, we will have a vote on the amendment. All those in favor say aye. Those opposed say no. >> No. >> The this amendment does not pass. Showing the mayor, mayor pro tem cole, council member riley and council member spelman voting no -- I mean, voting aye and council member martinez tovo and morrison voting yes. >> Close enough. >> Is that close enough? [Laughter] >> close enough. All right. That's okay. Go ahead. >> Okay. Now we're back to the main motion. Council member morrison has no further votes, we will now take a vote. All those in favor say aye. All those opposed say no? This passes on second and third reading on a 7-0 unanimous vote. Congratulations, mr. Holland. >> Thank you so much. [Applause] >> thank you. Thank you, guys. Whew! >> Okay. Thank you, mayor pro tem. I think that all we have left is zoning cases that we can address right now? Beginning with 61? >> Thank you. I'd like to present all flee, but acknowledging that we are probably only -- for first reading. >> Absolutely. We'll take the briefing and

[09:07:56]

the -- application -- applicant's presentation and all the public comment for the same, we'll vote on separately. >> Right. So 61, 62, and 63 all deal with a project near this harper park residential. Residential. On item 63, though, staff would probably offer a postponement since we're only be breaching on first -- proceeding on first reading on 61 and 62. That said, item 61 is case npa20140025.01. This is located within the oak hill combined neighborhood planning area. >> It was asked to they're he's at 4:00. So we'll have to skip these items. That was not mentioned when we read through this. So item 66 and 67 are also set for 4:00. Erpersonal in recess until -- we are apparently in recess until 4:00.

[10:07:51]

>> Mayor Leffingwell: We're out of recess and we'll begin with our 4:00 public arings, consent items only and I believe there's one discussion postponement. We'll do that last. >> The first item I could offer for consent is 74 to conduct a public hearing and consider an ordinance adopting the ninth plan modification to the east 11 and 12 streets urban renewal plan -- >> Mayor Leffingwell:75, correct? >> Sir, this is 74. >> Mayor Leffingwell: I may not be looking at the same agenda because I have 75 -- 74 as an urban -- go ahead. You are correct. >> To amend the amend to the east 11th and 12th streets to include the addition of commercial use for the property at 901 juniper. If I could get a motion to approve those, I could do the two related zoning cases on consent as well. >> Mayor Leffingwell: Councilmember spelman moves approval, seconded by the mayor pro tem. All in favor say aye? Opposed say no. That passes on a vote of 7-0. >> Briefly back to zoning, I can offer item 66, franklin barbecue kitchen at 901 juniper street. Requested change in zoning is from multi-family residents, medium density, neighborhood combining district to general -- to community commercial neighborhood conservation combining district neighborhood plan, combining district zoning. The planning commission and staff recommend approval and we have a request from the applicant to add m.U. Overlay so the requested zoning would be the gr-mu-nccd-empty t. The related case number 67,

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the franklin barbecue kitchen to request -- to allow food preparation as a conditional land use on the east 11th street neighborhood conservation combining district for the property located 901 juniper street and I can offer both cases for consent approval. >> Mayor Leffingwell: So on consent the motion would be to close the public hearing and approve first reading only item 66 and 67. Councilmember spelman moves and mayor pro tem seconds. All in favor say aye. Opposed say no. That passes on a vote of 7-0. >> Mayor, going back to 4:00 consent items, I can offer up item number 76 which is conduct a public hearing and consider ordinance amending city code title 25 to allow commercial images to be temporarily projected on to building facades during special events and establish permitting requirements. Staff is recommending postponement to october 24. Skipping down to item 79, to conduct a public hearing and consider an ordinance amending city code chapters 25-2, 25-7, 25-8 related to review and approval of variance requests for projects within 1,000 feet of the lake austin shoreline. I have stuck a amend ordinance on the dais so I can offer that for consent approval. >> Mayor Leffingwell: 79? >> Yes, 79. >> Mayor Leffingwell: We have one speaker signed up on that. >> I'll pull it then. Finally, item 80 which is consider a public hearing and consider an ordinance amending city code chapters 25-1 and 25-5 under chapter 245 ... Staff is requesting postponement to november 7. >> Mayor Leffingwell: So on consent the agenda would be to

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postpone item 76 until OCTOBER 24th. And postpone item 80 until NOVEMBER 7th. Councilmember morrison moves approval. Seconded by councilmember spelman. All in favor say aye. Opposed say no. That passes on a vote of 7-0. >> Mayor, we have one discussion postponement case on the 4:00 agenda and related item, which is item 14, which is related to item 75, which is to conduct a public hearing and consider ordinance amending city code title 25 regarding regulations related to urban farms. We have a postponement request from poder to postpone to december 12 agenda and we have folks who would like to speak to that postponement request both for and against. >> Mayor Leffingwell: Okay. We'll have one speaker to speak on each side and discussion will be about the postponement date only, not about the merits of the case. So we'll hear somebody in favor of the december 12th postponement date. >> Good afternoon, mayor and council. Thank you very much for this opportunity. I chair the govalle neighborhood contact team and we are asking for a postponement for this issue to be seeither back to the planning commission, the city manager or independent facilitator to bring back a broader representation of the city, particularly in the neighborhoods

representation, we would like to see more austin neighborhoods council representatives at this table. Along with the different boards and commissions, the food policy board, the development, the community development commission and the human rights commission as well as different departments from the health department, code enforcement, et cetera, et cetera. We would like the opportunity to come together. There are more and more questions than there are

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answers with this ordinance. Some of the reasons are the sustainable food policy board did not listen at all, failed to listen to the impacted low-income minority communities govalle johnson terrace, did not take the adopted 2003 neighborhood plan into consideration. The -- our planning team and for that were not notified about the code and ordinance subcommittee meeting that took PLACE ON SEPTEMBER 17th, Which brought forward these final recommendations. We didn't even know it was happening and we are one of the main stakeholders. There was also the city -- the city of austin human rights commission reviewed these concerns on june 24th and tabled the item and they are waiting for that to come up for them. There was an inaccurate process that result in recommendations heavily slanted to the desires of the four existing farms. Without taking into account any of the neighborhood concerns. The current ordinance lacks accountability and outreach and participation by all neighborhoods which is why we're asking for a broader representation of the anc in this process. The processing of chickens, rabbits, fish, et cetera, et cetera, present health hazard and these health issues have not been addressed. There's no language about inspections or anything that would happen in that situation. There are questions about parking that are not addressed in this ordinance. If the farms are to provide sales opportunities at their sites, adequate parking should be available to handle the traffic and also should ensure adequate park for other nonpardon me related activities. The community development commission passed a resolution

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on october 8th asking to postpone this ordinance so they could review it as well. The living wage is not addressed in this rdinance pertaining to employees. The ordinance does not address regulation or inspection -- [buzzer sounding] -- of other nonfarm activities. >> Mayor Leffingwell: Your request is postponed until december 12 and with direction to send back to relevant boards and commissions. >> Yes, sir. >> Mayor Leffingwell: I just

want to understand. >> With all the stakeholders together so we can bring a consensus document rather than a document full of conflict. Thank you very much. >> Mayor Leffingwell: A speaker in opposition -- [applause] let me just say traditionally a postponement request would be granted on first request from the neighborhood association, but we're talking about the date here. They have requested DECEMBER 12th. If you want to suggest another date or say why you are OPPOSED TO DECEMBER 12th. >> Good afternoon, mayor and councilmembers. I am paula McDermott, I chair the sustainable food policy board, a city-county joint board that recommended updating the land use code related to urban farming back in january of this year. This was based on a need that we identified in 2010 not long after the board was seated and began working. And the planning commission asked that this -- this process be initiated in february and I would request our preference, of course, is to go forward today. We've had a very well publicized and participatory stakeholder process and we are ready to go and we would also request that if -- given that it's historical and protocol to grant that postponement

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request that this go before you at your earliest possibility if not next week, WHICH IS OCTOBER 24th, AND National food day, then november 7th at the latest. And here's why. The -- the process the working group of our board facilitated over the last six to seven months before, really began in earnest in march and our board sent the recommendations forward unanimously to the planning commission in august. And then the planning commission voted with one dissenting vote to send those forward to you all after this had gone through codes and ordinances. But the -- the planning process was -- was very well publicized, neighborhoods were invited to all of the -- throughout the process. We had four very large public works sessions all on the east side and usually those were attended by a average of about 70 stakeholders. We also met independently with any community member or neighborhood contact team or environmental justice group that asked us to. We did go before members of our working group before the community development commission where they decided that there wasn't a link with affordable housing and so that's why it was tabled. >> [Inaudible]. >> That's how some people understood -- >> Mayor Leffingwell: I would ask in the gallery not to respond out loud. I'm asking you respectfully this time. >> And we did even go before the human rights commission. We also briefed codes and ordinances prior to this coming up at their meeting, and my understanding staffnt out notifications as is

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protocol. And also we followed -- [buzzer sounding] -- staff's recommendations on who to -- which boards and commissions to go before. So we felt like the process was solid and I'm happy to answer any questions. >> Mayor Leffingwell: Thank you. I have a question for staff first. [Applause] does this -- has this item been sent to all the relevant boards and commissions? Have they all had an opportunity to act on it? >> The sustainable food policy board has taken action as has the codes and ordinances subcommittee, the planning commission and the planning commission. >> Mayor Leffingwell: And the other boards and commissions -- I'm having a hard time finding the link with the human rights commission, maybe the annual rights commission, but not the human rights. >> The staff did not take it to either the cdc nor human rights. That was at the request of one of the people who spoke earlier requested those commissions consider the item. The staff was not there for those presentations. >> Mayor Leffingwell: Would there be any rationale for sending it back to th planning commission? >> I don't believe there would be. The planning commission vote was 6-1 to approve this item. We had a rather lengthy public hearing as well as a discussion in the subcommittee about it. I believe the planning commission has spoken and forwarded it on to you. >> Mayor Leffingwell: Okay. Thank you. Councilmember martinez. >> Martinez: Thanks, mayor. I appreciate those questions. I think -- well, I wanted to ask the speaker danielle a question. Since you are asking us to send it back to the exact same process, I'm not sure how we envision a different out come and so my concern is by simply expecting this, sending it back to planning commission code subcommittee not a lot is going to change and we're going to be back here at a later date with the same sides

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differing on the same issues. I do share some of the concerns that have been brought forward. I'm still struggling with the processing issue. I want to be very clear. I'm absolutely supportive of urban farms and will be in some form or fashion of an ordinance rewrite, but I get these concerns about the processing and I realize you have other concerns and each side has their own concerns. What I'm trying to figure out is if we postpone this, what else can we do other than what we've already done to achieve a better outcome? >> You can bring a broader group of stakeholders together than just farm advocates. When paula talks about those four meetings that they had, it was mostly farm -- >> Martinez: I understand that, but I think the challenge is really for you to bring

those stakeholders and not us because all we can do is postpone this and send it somewhere. It would still be up to you to bring those folks in so that -- so that they can be heard and that information brought to council. >> Well, since this ordinance has a potential to open up commercializing single-family property all over town, that's why I say that representatives from all over town through the austin neighborhoods council should be present at this. I believe that -- that everyone is working in good faith; however, this is a self-interested group that created this language to legitimize what is going on right now with particularly house buyer farms and spring dale. >> Martinez: Do you have a suggest other than going back to planning commission and codes and ordinances? >> Well, what you could do is take out the single-family zoning out of this ordinance -- >> Martinez: I'm asking about process. I'm not asking how to amend the ordinance >> okay. >> Martinez: You are asking for postponement to continue a process. >> From the very beginning we

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have had that an independent body look at that, we had asked for the university of texas or another university that could be the school of social work, the regional planning and so forth, along with other stakeholders. We did -- cdc -- and their resolution has asked to have a representative on that table. We also think the health department should be on that table. You all have put together many a working group task force that include other individuals. And this has not happened so alternative can happen and I think it does need to be reviewed. There's many people don't even know this is a citywide ordinance, they think it's just on east austin because that's where the farms are, but it's everywhere, but yet those groups have not been to stakeholders in this particular process. >> Martinez: So would you help us get the right stakeholders you're talking about into a process? >> Absolutely. I only have so much authority, but if you give me the authority, I will bring everybody together, I will. [Laughter] [applause] I will have no problems. I have no problems to do that. >> Martinez: I don't think we can grant you any other authority than you already possess. [Inaudible] at times, so I guess what I'm going to ask, mayor, is if -- how about -- I don't want to get too crazy with this, but would you all agree to sit down with a mediated discussion by the city manager's office or by -- >> that's what we want. >> City manager, but we also want the other stakeholders there. It just can't be a sustainable food policy in govalle >> Martinez: I understand but there would have to be outreach. Who shows up, we'll process it and bring it back. >> And I think the cdc has asked for a rep and we would ask for a rep from the human rights

commission also. >> Martinez: Mayor, I'm going to take a stab at a motion. We typically, as you mention,

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grant a courtesy postponement on first request. I realize they are asking for DECEMBER 12th. My fear is -- or my concern is we get to the 12th and can't get anything done, now we're TALKING JANUARY 17th. My office and many of your offices have been involved in this since march, since the stakeholder process started and even prior to march when mr. Polanco contacted our office. I know some feel there hasn't been an equal part in that process, so without the luxury of the city manager actually being here and able to participate in this conversation, I would request that we postpone this to november 21st and that the city manager try to -- through a facilitated process, try to work out a few stakeholder meetings and then bring it back to council. >> Can I add something. Since the planning commission meeting, we have had one meeting. We tried to keep the group small so we had two people from the farm advocates and suzanna and daniel as well and it was facilitated by a staff member from the organizational development. So we had a meeting from two from each sight, hrd facilitator and the staff as well. We had that meeting last week and the meeting was inconclusive, as you can tell. And we agreed to have more meetings if the item was postponed, but we were keeping it to two folks from each side. If you all want us to expand that, let us know and we would, but right now we're trying to keep it small so we can have more fruitful discussions. >> Martinez: And I certainly would welcome additional folks that -- that maybe feel like it's important for them to attend, but again keeping in mind that, you know, the bigger the group gets, the harder it is to have facilitated conversation. I also want to be clear what I think the city manager, the reason I say that is because we can only direct the city

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manager. He may direct someone within his staff to be the facilitator of this process as jerry mentioned, you know, someone from professional staff being a part of this meeting. So it may not be city manager ott sitting in between you all mediating this thing. I want to be very clear about that. >> Mayor Leffingwell: Kind of doubt it. >> Martinez: But so I'll make that motion and hopefully get a second. >> Mayor Leffingwell: Councilmember martinez moves to postpone until november 21 and that's with direction -- in the interim for the city manager to hold another stakeholder meeting, facilitated

stakeholder meeting. Seconded by councilmember morrison. Councilmember morrison. >> Morrison: Thank you, I really appreciate out stepping out and trying to make that happen. I want to help the city manager to help us investigate one other topic while we're at it. I heard an idea that I think is worth exploring. The idea being that maybe we can get a cooperative or a city sponsored animal processing center together so that it was more available to everybody and that might alleviate the need to actually have them on site. And I know that we talked about when we talked about the food economy, one of the recommendations was to build infrastructure for the food network in town and so I would -- I would ask the city manager also maybe to talk with me and my office and others about that idea a little bit more because I think if we got that discussion going and parallel, that could alleviate a lot of the concerns about whether we needed to have slaughtering onsite. >> Mayor Leffingwell: Councilmember martinez. [Applause] >> Martinez: I don't think that's a bad suggestion. The question that immediately follows that suggestion is your neighborhood willing to host this cooperative processing facility that you are suggesting. >> Morrison: That would certainly be something that needs to be considered. >> Martinez: I think that's the difficulty we're going to face, even if we come together in agreement of figuring out a

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way to process this, where do we put it. Just like we have conversations about housing homeless, all of that stuff. >> Morrison: For instance, I understand there's one that's being built right now in elgin and I think my staff is going to join some of the folks that are going out to visit that so maybe we can -- I get it totally. I get the issue. >> Mayor Leffingwell: Maybe we could use that one, the one in elgin. >> Morrison: It's not a bad idea. >> Mayor Leffingwell: We go back to a city-owned avertour, which I don't think we've had -- slaughterhouse. Aboitre. >> Some people call that city hall. >> Mayor Leffingwell: The motion is postpone until 11-21 and with some specific additional direction to look at locating a slaughterhouse or aboitre in a convenie way. [One moment, please, for change in captioners]

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>> move approval. >> Mayor Leffingwell: Postponing item 77 until NOVEMBER 21st. Councilmember moves approval on that. Is there a second? Seconded by councilmember morrison. Any -- any discussion? All in favor say aye. >> Aye. >> Opposed say no. Passes on a vote of 7-0. >> Mayor would you like to go back to zoning or 78 which is a conviction

annexation hearing? >> Yes. We can do 78. There's one speaker signed up to 78, yeah. >> Good afternoon, mayor and council, my name is virginia collier from the planning development and review department. This is the first of two public hearings for the cascades annexation hearing, the second hearing scheduled for next thursday here at 4:00 p.M. Ment as a reminder council is not scheduled to take action at either of these hearings, the area includes about 135 acres in southern travis county east of i-35 south approximately 4/10thS OF A MILE SOUTH OF The intersection of i-35 and onion creek parkway. It's developpe the city's e.T.J. The proposed annexation area includes a portion of a cascade that onion creek subdivision, approximately 41% of this subdivision is already in the city's fullpurpose annexation. In early 2013 ... Creation of the cascades m.U.D. And council scheduled to consider this request regarding the m.U.D. On november 21st which you just postponed. Conducting this annexation hearing preserves the city's option to ... This area this calendar year should council not consent to the creation of the m.U.D. In november. If the m.U.D. Is approved the ... No longer be necessary and full purpose annexation will be deferred:

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In accordance with the city's annexation policies described in imagine austin comprehensive plan, the city should annex areas in order to apply zoning and development regulations, protect and expand the tax base, more efficiently deliver municipal services as public safety and utilities and little coordinate the extension of these services to developing areas. By expanding the ter terri subject to city ordinances, codes, enables the city to manage growth and new development. In general, upon annexation the city will provide full municipal services to the area as described in the service plan, a copy of which is included in the backup of this agenda item, I will have additional copies available this evening, this concludes the staff presentation for item 78. >> Mayor Leffingwell: Okay. One speaker, richard suttler. >> My name is richard suttler I represent the owner of this property subject to the annexation, we hoped that the annexation proceedings were not going to go forward because it looked like they were initiated just because we filed for a m.U.D. If we get a m.U.D. Or not, we would pressure not to be annexed, there's really as far as I know no imminent reason to annex 135 acres of basically ag land that has an old preliminary plat on it. There's no imminent development getting ready to happen out there. The process we're in on the m.U.D. While now, we have appear old preliminary plat that doesn't really meet any of our currentinances nor any of our current planning principles. We're trying to earn your concept to create a m.U.D. By offering things like better planning, better land use, better

environmental regs and those types of things. So we're hoping that the whole annexation process was unnecessary to go through, if the staff has a particular reason why they want to get it annexed this year, then I understand why you want to have these hearings. But we look forward to having the conversation and trying to earn your concept for the m.U.D. And have a better development than what you would get even if you

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did annex it. If you do annex it you will be annexing an ag piece of property with a preliminary plan on it that some would argue doesn't meet any of your planning principles, we will continue to go through the process on november 21st. I'm hopeful that we're ready to talk about the m.U.D., If we're not we may ask for yet another more time to go back through environmental planning and those types of things to see if we can earn your consent. This one of these muds where if we don't get your consent there's no m.U.D. We have to earn it. >> So ms. Collier are we annexing this property just to preclude the m.U.D. >> As I mentioned half of this project is in the city limits already, areas where we're extending utilities have made investment in utility infrastructure [indiscernible] road access highly developable we would like to include those areas in the city. They do develop under city regulations. >> Mayor Leffingwell: So it meets all your criteria annexation for candidates? >> Correct. >> What she's -- >> Mayor Leffingwell: Mr. Suttle, go ahead. >> What she leaves out. >> Go ahead and answer. >> With the preliminary plan there, it won't develop out. I don't want to leave you with the impression that you annex it, now you get to regulate it under current codes because you can't because there's an approved preliminary on it. I just want to make sure that doesn't get left out. >> Mayor Leffingwell: Okay. Thank you. Entertain a motion to close the public hearing. >> So move. >> Mayor Leffingwell: Councilmember morrison so moves, councilmember tovo second, all in favor say aye. >> Aye. >> Opposed say no, passes on a vote of 7-0. And -- okay, we'll go back to our zoning cases. >> Are we now at 61. Thank you, greg guernsey, planning development and review department. Actually I would like to

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present three cases that all involve the property at harper park drive, noting the first two items the zoning case would be offered only for first reading today. The suggestion when we get the covenant would be postponed or the public hearing would be continued to another date. >> Mayor Leffingwell:

Well, we could hold -- we could give the presentation for all three items, hold the public hearing for all three items, and then close the public hearing and postpone 63, but that would be the council's discretion. >> Very good, we can do that. >> I guess it's the intent we're going to hear the same people anyway on the 61 and 62. So -- >> correct. >> All right. >> Thank you, mayor and council. Item no. 61. Npa-2013-0025.01 - 5816 Harper Park Drive (Harper Park Residential) - Conduct a public hearing and approve an ordinance amending Ordinance No. 20081211-096, the Oak Hill Combined Neighborhood Plan, an element of the Imagine Austin Comprehensive Plan, to change the land use designation on the future land use map (flum) on property locally known as 5816 Harper Park Drive It is a change from office to a proposed mixed Use/Office land use. Staff -- Recommended to you by the planning commission. 62. C14-2013-0006 - Harper Park Drive. This is a zoning change request to limited office mixed use conditional overlay neighborhood plan or lo-mu-co-np combining district zoning, the planning commission recommendation when I will go into more detail in a moment is to grant the (LO-CO-NP) combining

[10:40:06]

District zoning with several conditions. Last item is number 63, c14-86-077(rca) - Harper Park Residential RCA - Conduct a public hearing to amend a restrictive covenant on property locally known as 5816 Harper Park Drive The restrictive covenant amendment was necessary to incorporate conditions associated with the rezoning request. And it was recommended to you by the planning commission. The tract of land that we're talking about, is approximately 1.7-acres in size. It's located as I mentioned in oak hill, specifically in the east oak hill neighborhood planning combining area. And the tract is currently undeveloped. The property is zoned lo-co-np, limited office conditional overlay neighborhood plan. The proposal on this property is to develop it out with a condominium type of use. It has the recommendation - - as the recommendation came forward, there's been a considerable amount of -- of interest by two subdivisions that flank this property on either side. Both zoned sf 2 np. Both developed with existing single family homes. The property is in discussions with the neighborhoods with several conditions that would be part of a private restrictive covenant. There's also a petition filed in opposition to this rezoning request. That stands approximately at I think 27%. We've had names that have been put on the petition and we have names that have been removed from the petition. I mean, primarily the petitioners are property owners to the east, oak acres, and the petitioners that were originally on the

petition and some of them removed their names are from oak park subdivision which is to the east. As you are traveling down 290 to give you an idea of

[10:42:08]

where this is, if you are familiar with the ymca and liquor store, it's about halfway between. To the north of this property is a retail zoned property, but that particular tract to the north is undeveloped. The planning commission's recommendation did include the staff recommendation but had additional conditions that the property be limited to 60 or 76 units, that the development on the property limited to less than 2,000 vehicle trips per day. The construction of harper park drive would be improved to city standards and acceptance for maintenance and that it be required prior to any certificate of occupancies issued for this property. Following uses would be prohibited. Multi-family residential, duplex, two family residential and vertical d use buildings. That there would be a 50-foot building setback that would be maintained from the east and west sides of the site and those would be actually abutting the two residential subdivisions that I was just mentioning. There would also be a 25-foot vegetative buffer,ing ever green filling in the site lines that would be maintained or installed along the east and west sides of the property. They also added that no development other than wrought iron fence, underground, storm water utilities may be allowed in this vegetative buffer. All street lights on the property would be low glare and no higher than 15 feet in height. All residential units also have a maximum building height of 35 feet or two stories. All residential units wouldbe built on the property should be of single family I guess that would be in type must have at least three sides of the fast sid built of masonry which could include brick, rock, stucco, hardy plank material. Additionally impervious

[10:44:08]

cover would be 35%. Restoration of the vegetative buffer if utilities installed in [indiscernible] areas and posting for a private for a bond for a private restrictive covenant. This was recommended to you by the commissioner on a vote of 6 to 1. With two of -- with two absent so it is coming forward to you with a favorable recommendation by the commission. We would like to p out that staff has spoken with the law department regarding this. Certain items that deal with the recommendation of the planning commission staff after consultation with the law department feel that they could for the be incorporated as proposed by the commission. Those that would deal with portions of what could be placed in the vegetative buffer that no development

other than wrought iron fence, underground utilities, overheadlines, storm water utilities may not be allowed in the vegetative, that would be stricken, could not put that into a public covenant or a city co. Nor would speaking to the street lights and their standards nor their provision that the buildings must be specifically constructed out of certain types of materials and the brick, stucco or hardy plank on three sides, nor would the posting of a bond that the city required posting of a bond for private and restrictive covenant. This property was rezone back in the early '90s, in 1992. It was part of a larger parcel of land that went from u.S. Highway 290 west all the way up to -- to boston lane, which now today is southwest parkway. And I think I'll pause. I know the applicant has a presentation. You've got several individuals here from the neighborhood that would probably like to speak to this item. I'll be happy to try to answer any questions that you may have relating to the

[10:46:08]

three cases that are before you. >> Mayor Leffingwell: Questions for staff? Councilmember tovo. >> Tovo: Mr. Guernsey, I just want to ask you about the items that you said could not be contained within the overlay. Did I hear you say number 6 basically planning commission recommendation number 6 could not be included in an overlay. >> Only the latter half. Actually the beginning of that where it says a 25-foot vegetative buffer, ever green vegetation along the sidelines that can be incorporated, it's the latter half that start talking about the wrought iron fence, from that portion of that, that could not. >> Can you explain, I guess that I can see why the fence might cause you concern to put in there. But can you explain the rationale for -- I guess maybe just explain the rationale why that couldn't be included in a conditional overlay. >> Well, normally a conditionalerlay is modifying a zoning standard. Heights, setbacks. Those things are commonly within our ordinance, I don't think our ordinance really gets down to the we talk about fences in our ordinance, whether they are solid fence or open fence, those may take many different forms. Utilities. Frankl city doesn't have the ability necessarily to regulate the different type of utilities. That might go into a utility easement and all certain conditions. Storm water utilities, certainly are things that are reasonable. Water, above ground, underground, but there may be some things that actually go beyond that that -- that may not necessarily be considered. >> Tovo: I guess I'm missing the global point here. If the point that those are typically not included in the conditional overlay because they are -- [multiple voices] >> they're not related really to our zoning regulations per se. Fence does, you can certainly say there must be a solid fence that would be certainly something that we

[10:48:09]

could incorporate that would be akin to screening. But not the type of solid fence. It would be solid fence made out of wood or could be masonry material that kind of thing. But we don't really get into the type -- a wrought iron fence is typically an open fence, but could also be chain link. >> Tovo: Okay. But in terms of the utilities, are there never conditional overlays or just descriptions of buffers that talk about what you can and can't do in terms of utility lines? >> It's really not discussed as much as part of our zoning ordinances. As far as the types of utilities that could go in a particular place. >> Okay. Thanks. We'll here from marcus witfield, are you the applicant? >> [Indiscernible] >> Mayor Leffingwell: Peter sezero. Normally you would have five minutes. Do you -- do you want any time that has been donated to you? >> I could -- >> Mayor Leffingwell: Nikki bryant? So you have up to eight minutes. >> Great. >> I have a presentation. Mayor, councilmembers, my name is peter sero, I'm with graves daugherty heron and moody, I represent weekly homes which has this tract under contract. To purchase. Just to give you a little geography to where this tract is located, it's west on 290. We're here requesting zoning change today to add the mixed use overlay to the current zoning of lo-co-np.

[10:50:11]

We plan to do a condominium unit development. The units will be limited to two stories. Heights will be limited to 35 feet. As greg mentioned we'll have a vegetative buffer on the east and west sides of the property. And a building set back. Weekly homes is also agreeing to cap the height of the street lights and limit the number of condominium units that will be developed on this property. Going through this process, we've received the staff recommendation, the planning commission recommendation, the recommendation from the oak hill neighborhood contact team, the recommendation and support of the oak park neighborhood, and then also the support of the ymca of austin southwest. This is set back from 290 off of harper par drive. It will be a single controlled intersection. Heading right coming out of the harper park tract. What we're doing is we would like to be able to build a condominium project between two residential neighborhoods. There's a hotel going right next to 290. And a future biscuit brothers location which is actually replacing the liquor store that's going to be located in front. This property, for the cop condominium project is located conveniently within some of the alternative transportation arrangements here in the city of austin. So that the owners of these units would be able to utilize alternative

transportation routes. I think it also helps when you understand or when you realize why we're requesting a mixed use zoning designation. It's helpful to look back at the chronology. Originally this tract was put under contract in february by a multi-family developer to develop a three to four story apartment

[10:52:12]

project. That multi-family developer had meetings with both neighborhoods and both neighborhoods, oak park and oak acres were not supportive of that type of project and members from both neighborhoods signed the petition equivalent to 43% against that multi-family project. After that result, the multi-family developer dropped the contract and weekly ho came in and put this tract under contract. Mixed use with this zoning category would allow condominium uses on this property. And so that's why we're pursuing the mixed use designation because there are also backup offers on this contract for -- for offices or elder care facilities on this site. Starting in june of this year, ian dietrich who is also here and can spe had meetings with both oak park, oak acres and the oak hill neighborhood contact team. Now I was not involved in those meetings and was not present. We do have people here that can discuss what happened at those meetings. But my understanding is that they, weekly homes received the support of the oak hill neighborhood contact team for the future land use map change to include mixed use based on several conditions that were in the letters sent to maureen meredith that's in the backup. After that letter came out, there was a difference of interpretation about what some of the language meant in that letter regarding no development in the vegetative buffer. Did that include a wrought iron fence on the property line, did that include underwater or underground drainage that would alleviate some of the flooding in this area, which has been a major concern and which weekly homes is willing to alleviate. And work on alleviating. After that letter came out,

[10:54:13]

oak acres had a different interpretation of what that meaning was than the whitfield company and communication kind of broke down at that point. We have been working with the oak park neighborhood and have agreed to a private restrictive covenant on the property highlighting many of the items that you've already heard about today. And in process of doing that, oak park agreed to remove their names from the petition in support of the mixed austin overlay for the condominium project at this site. The proposed mix use zoning would allow condominium residential and we are also willing to exclude multi-

family residential, duplex residential, two family and group residential. I'm also, you know, no retail is allowed under lo and the site superintendent ideal for retail set back from the road. I want to emphasize that it will be condominium. It will not be retail because I know that's been some of the concern when mr. Dietrich has been meeting with the neighborhood association. Some of the additional elements that affect this property are that based on grandfathering provisions, there is 35% impervious cover allowed in this site. That is our interpretation. We will be, you know, working with staff regarding that interpretation. Weekly homes has also -- is also agreeing to do tceq level water quality. We are -- the impervious cover is calculated under the barton creek watershed ordinance. Our engineer dan brown is here and can talk about that. We are willing to do enhanced tceq water quality level, not s.O.S. Level, water quality. We are also willing to work

[10:56:14]

around all of the heritage trees on this site. And in planning the condominium project, what -- won't take any of those down. The mixed use overlay is important because we can do condominium residential and not the office promise that there -- office project there has been for this property. You will see the office project kind of when you pull into the parking lot, faces both neighborhoods for parking for entering and leaving, just to give you a depiction of what it could be like. The goals, mr. Dietrich and weekly homes has been working with oak park neighborhood and the oak hill contact team in coming up with this compromise to achieve a lot of the goals that the city of austin has regarding infill development, regarding set back and buffers from some of the neighborhood so that we can have the condominium project right between these two residential neighborhood. Weekly homes and the whitfields has agreed to element some of the undesirable uses that the neighborhoods have expressed concern about and we will also in the process of building this condominium project alleviate a lot of the flooding concerns that have happened in this area. I'm sure that you've seen some of the pictures in the backup and some of the complaints about the flooding. But weekly homes will be taking the water and detaining it. [Buzzer sounding] I know my time is running out, but we hope that you join in these additional organizations and supporting us. I'm happy to answer any questions. >> Mayor Leffingwell: Questions for the applicant? Thank you, next speaker is marcus whitfield. >> [Indiscernible] >> Mayor Leffingwell: Sure. Ian dietrich. Donating time, we're hearing from those in favor at this point. Gale whitfield.

[10:58:16]

Here. Jason rodriguez, so you have up to nine minutes. >> Thank you ladies and gentlemen of the council, my name is ian dietrich, I am land manager for david weekly homes here in austin. We have been working for several months to try to gain neighborhood support for our condominium project. Which you can see on the screen this is a concept plan we're working with right now. It incorporates miller garden product which has been very successful that fronts on to, if I have a laser I can show you, not working very well. It fronts on to parks instead of a street. So there's reduced impervious cover and also there's a new urbanism element of connectivity between the owner of the unit and nature as well as a sense of community that it generates. This, by the way, includes 76 condo units. I have up on the screen the additional sustainability implementations that we are agreeing to. We are agreeing to not just do tceq water quality, which we believe is the grandfathered water quality, which governs, but enhanced water quality and our engineer can speak to this better than I can. He will speak later. We are agreeing to three star austin energy green building, which is the building standard that we utilize at the mueller airport redevelopment. We are agreeing to save all heritage trees and to work with the current austin tree ordinance and to do on site rainwater collection. So a question that I would like to answer is how -- how is what could be done under a mixed use combining

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district different than what could be done under sf 2 or single family zoning and so the -- the big difference here with the mixed use combining district we can do this more interesting garden court approach where we have a smaller street section, we don't have to have public right-of-way. So instead of a 50-foot public right-of-way that would be required under sf 2 or sf 3 zoning, we can do a 15-foot alley loading most of the units. So that's -- so that's, you know, that's huge aesthetically and also environmentally. And also under single family zoning we couldn't build as many units. It would be more difficult to work around the heritage trees because you couldn't have gaps in the street scape. So one of the exciting things about this neighborhood is its proximity to local job centers, such as freescale, a.M.D., A.C.C. And seton and what you see here are the current bike routes, these are high comfort and medium comfort bike roads connecting the site to the area around it. And the two yellow dots are a bus lines within walkable distance. What's really exciting is on the oak hill trails association page there's a future bike trail which is going to go right through saint andrews, it's the [indiscernible] barton creek trail. I was working with in nadia in the public works neighborhood connectivity

division she was talking about maybe incorporating this trail on the northern edge of the project, which would be good for us, good

[11:02:18]

for the bike community. And, you know, I wanted to speak to the environmental concerns posed by oak acres neighbors. We are aware that this is an environmentally sensitive area. This area has -- has karst features around it. There is a neighbor in oak acres with a cave in his back yard. I have seen the cave. It's incredible. There's no cave like that on site that I know of. Nor the geologist that we hired knows of. Just to give you the history on how we -- how we made sure of that, there's a -- there is a horizon environmental phase 1 environmental assessment that was done on the property when it was first conveyed to saint andrews. The -- the area that was assessed includes the saint andrews property as well as the harper park 17-acre tract. We did -- we paid for eclipse environmental and engineering to come out and do another phase 1 assessment. I was with the engineer and the geologist during the site review and we went ahead and did a geologic assessment that would be approved by tceq to make sure that we weren't spending dollars feasibility dollars on a site that couldn't be developed. So at planning commission, the gentleman from oak acres who has the cave in his back yard spoke out about how he thinks there could possibly be some features on the site that we should be aware of. I met with him the following day. Walked the site. Took pictures. Spoke to the geologist. Made sure that he was comfortable with everything and I have a copy of the geologic assessment that I

[11:04:18]

can make public record. So, you know, I just want to assure the council that we are aware of the potential for features. There is one recharge feature on the site found by the geologist and the environmental engineer. It is in the northwest corner and we are planning away from it, a setback in accordance to tceq code. So I think just in parting, I would like to say that according to moody analytics and esry there are 50,000 new people coming to austin each year over the next 10 years and if you look on the map, these are, this is from the u.S. Census, 2011 jobs, you can see where those jobs are in the austin metro area. They are downtown, you know, a large percentage of them are downtown and, you know, we have job centers very close to the site. This is an excellent urban infill development that would keep people off highways and that's it. That's all that I have. Thank you. >> Mayor Leffingwell:

Councilmember spelman? >> Spelman: What would be the proper procedure, mayor, for that geological survey to be conveyed to us? >> Mayor Leffingwell: Well, I think that we could -- you have just one copy, maybe have some copies made and pass them out. >> He can pass them down. >> Thank you. >> Thanks, sir. >> All right. Thank you. Next is -- next maybe is marcus whitfield. And donating time to marcus is sarah hubbard. You have up to six minutes.

[11:06:19]

>> Thank you, councilmembers, for listening to this request and for the time y'all spend in reading through all of the information and trying to understand the -- the process and amount of time that's gone into putting this altogether over the last year. I've actually been involved in this project for almost six years. Our company is very small, there's just three of us, and we don't do very many deals, but we try to do things that we think are the right thing to do. Through the course of the last year we've met with and discussed this at great length with both neighborhoods, with many of the boards and decisive bodies that have been helpful in determining what is the most important aspects of this property and how it ends up ultimately looking. And ian has been great to work with. They have done geological assessment, we've obviously had tree surveys, things like that done. It's been a very stepsive process. I think the outcome where we are at right now is really a very much a highest and best use that we could get for this property. It mimics what is directly on either side of it. I don't think that an office use here would be preferable from both city perspective or ultimately the long-term property values and I could go on and on why I think the single family use is really a nice way to complement the existing neighborhoods on either side of it. I'm available. I've been through the process, so I'm available for questions. I don't want to drag this out. If you all have questions about the history or any of the things that have been discussed by others that -- who are not present prior, I would be happy to discuss them. But we've been involved in some great things. We support tapestry dance studio, lone star school of music in southwest austin. We done really good things

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in a lot of cases and sometimes people are frustrated with them at first. As the process excellent city process that we have details us, gives us a roadmap to creating the best project and I think that we've really adhered to that. I want to thank you all for providing us that platform to get to where we are today and I -

- hopefully we can finalize these last few details over the course of the -- the first, second, third readings. But if you all have any questions, I would be happy to answer them. >> Cole: Thank you. Next speaker is dan brown. You have mark simon donating time to you. Mark, are you here? You have up to three minutes, I mean six minutes. >> Thank you. I'll try to be short and sweet, my name is dan brown with lja engineering. I wanted to address a few specific engineering related items and be here to answer an questions that you all may have. The first one is the concern of flooding, the area as a whole that -- that part of town as a whole, the north side of 290, the existing oak park and oak acres subdivisions were developed prior to the way we would currently do it with underground storm sewer and the current design standards. There are - there are effectively 200 acres upstream of the harper park tract, the 17 acres that we're talking about that drains through this

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property. For discussion's sake, it's kind of split in half. There's about 100-acres. There's a -- there's an existing natural drainage channel on the south side of the property. Approximately 100 acres of that upstream flows through that. The additional 100 acres comes through oak park, oak park is the -- is the existing subdivision to the [indiscernible] comes through -- there's very limited storm water capacity, conveyance capacity within that existing subdivision. So what it's ending up doing is getting in the streets, there's -- there's kind of two areas, two designed areas within that subdivision where it's coming across harper park, but those areas simply don't have enough capacity to convey a significant storm. So the water is hopping over the curb, within the road, because there's no storm [indiscernible] and it's coming through the properties and it's coming on to the west side of the harper park piece of property in existing conditions. So so we're fully aware of that. Site planning exercises that we have done, the concept plan that we have would have an upstream drainage channel on the west side of this property to -- to accept all that water so we make sure there isn't any ponding on the oak park side of the development. And we accept all of that water, and we convey it through a channel and through some piping, if that's determined during the site plan process. Down to the existing drainage channel that's south side of the property. So I think that's important to note because basically the -- we talked about oak

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park, oak acres is on the east side. They are also experiencing some issues there. It's a subdivision that was developed again prior to the -- that will curb and gutter and underground storm sewer, they don't have, so they have limited conveyance for storm water, also. There's about 100-acres I mentioned earlier, a good portion of that is getting over -- with this development we would be intercepting that before it gets there and down into the drainage channel. We have met with -- with watershed engineering to discuss right now their -- they are at the tail end of their -- of their modeling their study of this area. Our plans and the models that we have also conducted independently are in line with those. In fact, ours are slightly more conservative meaning that we have assumed more water than what their model is showing. So I think that I can move on to the next one and we can, if there's any other questions. The next topic is what we're calling the ed water quality. This property per the preliminary plan is required to meet the requirements of the barton creek watershed ordinance. There are water quality measures within that ordinance. Namely limiting impervious cover to 35% and requiring a 40% buffer, 40% buffer zone. There -- nowadays the -- the new -- newer manuals require -- let me backtrack a little bit. The barton creek watershed does not have structural

[11:14:21]

controls for water quality. That's in terms of the city of austin. Tceq, wherever the recharge zone does -- over the recharge zone does require water quality. What's being proposed by david weekly homes is to, the tceq water quality standards are lesser than the current standard water quality requirements for the city of austin. And david weekly homes is willing to treat the water quality to the current standards, not the s.O.S. But the current standard which is an increase in volume effectively that would be treated for water quality. The third item is the downstream buffer that we talked about. The 40% buffer remains in the site planning process, it remains on the schematic site plan. >> He I can stop there or finish. Thank you. >> Mayor Leffingwell: Thank you. Marilyn rogers [indiscernible] donating time to you is peggy randolph. Is peggy here. Peggy randolph is not here. Okay. So you have up to six minutes. >> Thank you, mayor leffingwell. And councilmembers. I am mary lynn roger reibel, newly elected president of the oak park subdivision association and I'm very nervous. Our neighborhood has been blessed with 40 years of having open spaces behind our homes on oak clare drive. We have worked hard over the years to preserve the land

[11:16:23]

and protect zoning to ensure that whatever builds behind us is suitable for the neighborhood. In february our neighborhood was approached by the whitfield company and an apartment builder. We met with interested parties and advised them we would not support a three story apartment complex. On harper park. We felt this development could depreciate our property values, overcrowd our schools and increase traffic flow on an already cramped highway 290. We expressed a desire to have an office development or single family home and both neighborhoods agreed we would much prefer the single family homes that would mirror our neighborhood. The apartment builder pulled out in early spring. I believe the whitfields listened to the neighbors and came back to us in early summer with a home development project for harper park proposed bi-weekly homes. We support this project because the project is targeting empty nesters, young adult and single professionals. The traffic load is the lightest for any category of a build. The value of each home will help our neighborhood hold its property values. The project will be required to catch and handle flood waters coming from oak claire drive and helping oak park neighborhood flooding issues. Which we've had over the weekend and they would have been horrible.

[11:18:24]

In the long term we believe the property would be better maintained if an hoa involved versus a property management company. We believe that the interests and values of homeowners in regard to their property would better match our neighborhood interests than a commercial development, with changing commercial renters. Although the oak park and oak acres neighborhoods both voted in support of the flum change at the oak hill contact team meeting in which neighborhood concerns were voiced to the develop and owner, oak acres remains in opposition. In the hopes that there will be a - there will be no development of any kind. Oak park believes that in the current real estate market development that will occur. And we want a say in what goes behind our homes. So we negotiated a private stricive covenant a requested the terms as agreed to at the impact meeting be included in the zoning request as a conditional overlay on the property. This has been done. I for this reason, the majority of the homeowners in our neighborhood support this rezoning. The majority of the 18 homeowners in our neighborhood who have -- who live within the 200 feet of the project support the rezoning. Our neighborhood understands that the whitfields have a right to sell their land. We understand that eventually something will be built. We would much prefer single family homes or town homes or condos instead of a 400

[11:20:27]

unit apartment complex. Or strip shopping center. The neighbors of oak park neigod association approve and support this zoning change. And the future development of weekly homes. Thank you very much. >> Thank you, ma'am, appreciate it. [Applause] >> phil gump? Phil gump? Any kin to forest, you have probably heard that before, huh? >> Never. >> Hi, I'm bill gump, I live in the neighborhood thank you for letting me speak. I live in the villages of western oaks, I've been in austin since 1984, I'm actually involved in the leasing of office buildings and have been for over 30 quarters. I support this project. For -- for several reasons. It's a much more compatible use with the neighboring residential neighborhoods. Much less traffic. In the area than office. With office you would have I think the plan was about 100,000 square feet. And so many office buildings they are putting density of six, seven, eight per thousand so the traffic would be so much greater with office use. It seems like about the staff -- since staff has approved it, the commissioner has approved it, I live in a neighborhood where weekly built half the hems and they build a great product. Very nice product. Also with an office park you have the trucks that would come in and o some oe use are going to a 24/7 environment because of the cost. So -- so then just much more concrete with the office products. So -- so just driving in that area on 290 with the traffic I think a residential neighborhood would be a much more compatible use so I support the project, thank you.

[11:22:35]

Anne coleman, donating time is terri [indiscernible] >> thank you mayor, mayor pro tem, council, my name is anne coleman, I love oak hill, I have lived there for 25 quarters, I own a 20-acre multi-use project just south of this tract on highway 290. On our tract that my husband and I own is an office, auto repair, a nursery, an oil change, a single family and an apartment. And that's what I love about oak hil we have multiple uses. Oak hill, this part of oak hill used to be the center of oak hill. There was lots of small businesses and residential and schools and we all co-habitatted lived well together. But when the highway came through and bifurcated our neighborhood we kind of lost our sense of place, I think this is a great opportunity, not just this project, but looking at oak hill as a new urban node with capital metro nearby and keeping people east of the y rather than west of the y. We want to repopulate and revitalize oak hill. This use is perfect for it. I am a member of ohan, I sit on the board. Also a voting member of the contact team and I was -- I participated in

the process with the when it fields. The whitfields are clients are mine, have become friends over the years. They are people of integrity and that's why they are friends, they do good work. I'm a landscape architect professionally, I may have already said that. I am not part of this project but I am here to say it is the perfe compatible use for these two neighborhoods. I agree, too, about heritage trees. I have walked every inch of that site. There are heritage trees on that site and we can definitely we all know site plan with these condominiums much more effectively than we can with big office footprints. More importantly, though, is the process has worked. I think everything kind of broke down over semantics, over this vegetative buffer.

[11:24:38]

And I understand this because I'm involved in the process and often work with neighborhoods to try to reach agreements with developers. What happened here I can't say specifically, everybody can speak for themselves obviously. But vegetative buffers can either be undisturbed or be vegetated. I think that's where things broke down. There was discussion about keeping it green, I think when the utilities came in, thankful I'm in the business where we can revegetate. We have done successful revegetative buffers and different types of screening so I think that compatible buffer hopefully can be worked if this project moves forward. Either way whether it's office or this condominium use, the vegetative buffer can be accomplished no doubt. That's it. I can answer any questions because I was present at some of these meetings if need be. But thank you if on your time. >> Mayor Leffingwell: Any questions? Thank you. Those are all of the speakers that we have signed up in favor. We have about 39 minutes of testimony against. However, it's time for our break for live music and proclamations. We could take one speaker, if one speaker but that's going to interrupt your pattern, your rhythm perhaps. Unless there's objection, we will go into recess right now and place this on the table until after recess, thank you.

[11:32:51]

>> Mayor Leffingwell: Are we ready? It's time for live music at austin city council. I guess we're ready, huh? [Applause]. It's a long-standing tradition here. We do it every council meeting at 5:30. It gives us an opportunity to have people showcase their talents, local folks, and give us an opportunity to take a break and enjoy relaxing music before we go back to work later on this evening. Joining us today is the hot texas swing band. It's an original seven-piece western swing band. The leader, alex dormant, alex has played with the

likes of the ace in the hole band with george strait, jimmy day's band and many others. Their recently released second cd, which is titled about time, is in the top 10 of americana roots charts in june, july and august of this year. Please help me welcome the hot texas swing band. [Applause].

[11:35:54]

[applause]. >> Mayor Leffingwell: Okay, okay. I thought I saw some people start to get up and dance to that. That was good. Alex, here's your chance to promote yourself and tell us where people can buy your music and where you will be playing. >> You can buy it at all the record stores in town, of course waterloo, buy it on of course itunes, go to www.Hot texas swing band.Com. And we have a grand opening of wheatsville co-op this saturday, the new wheatsville store. Also playing central market

[11:37:55]

next month, playing a bunch of places. If you go to the website's the place to find out. >> Mayor Leffingwell: Great. Now we have a little something in your honor. It's a proclamation which reads be it known that whereas the city of austin, texas is blessed with many creative musicians whose talent extends to virtually every genre and whereas our music scene thrives because austin audiences support good music produced by legends, our 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 capitol of the world, do here by proclaim october 17th, 2013, as hot texas swing band day in austin. Congratulati [applause]. Stand over here and we'll take a picture.

[11:40:18]

>> Mayor Leffingwell: A proclamation for one of my favorite organizatio the austin lyric opera -- [applause]. Performances right across the river here at the long center, one of the great cultural facilities here in the city of austin. We're very proud of it and we're proud of the presentations you make for our folks. I am personally proud to have performed in the austin lyric opera on several occasions. I didn't actually sing anything. A couple ofimes I walked around up there and had a few lines, but it was a great experience. I could tell by my short time up there how exciting it is and I was almost motivated to pursue a new career, but I didn't. [Applause]. I have a proclamation for you. Be it known that whereas richard buckley has been heralded by critics across the world for

his dynamic distributions and passionate conducting style in worth orchestral and opera genres and whereas his extraordinary career includes performing with more than 40 orchestras in 28 countries and countries. And whereas the city is proud of his artistic leadership of the austin lyric opera and its contributions to our city's rich cultural diversity. And whereas we're pleased to calculate richard buckley on a decade as might astro with the austin lyric opera where he's attracted some of the finest vocal talent to perform for austin audiences. Now therefore i, lee leffingwell, mayor of the city of austin, texas, do here by proclaim october 2013 as richard buckley's 10th anniversary with the austin lyric opera. Congratulations, richard.

[11:42:18]

Would you like to say a couple of words? >> I'll raise this up a bit. I'm john nash, president of the board of trustees of the austin lyric opera and I've got a question for you. Do the arts matter? Opera is this exquisitely subtle window into the essence of what we are as human beings. We love, we hate, we are jealous, we kill, and we are kind. Opera, especially great opera, connects to us. It is not a display. It is a shared experience of the most wonderful of our emotions. Think of the art that you've experienced, the masters. Look at a picture of michelangelo's david and you will see something really beautiful. But stand in the room with david at the academia in florence and you must be overwhelmed. Opera by its very nature brings the giants of human expression to us. Verdi, donizetti are here on display for us in austin and it takes a great artist to interpret the totality of the master works for us. Maestro richard buckley is that great artist. He's performed around the globe with the best talent alive, but he lives here and brings world class talent and extraordinary productions to us right here. I want to say thank you to the city of austin, to the mayor, and to our many other donors and patrons for making austinic opera possible. And I especially want to

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thank the maestro. Because of his artistry and talent, austin lyric opera is thriving and growing. As president on behalf of the board of trustees we congratulate richard on 10 years with austin lyric opera and look forward to many more years of his art. Thank you, maestro buckley. [Applause]. >> I've lived and worked many places around the world. I chose to move here, live here and work in austin. The experience the last 10 years has been very wonderful, fulfilling, to be a part of a community, to be a part of developing a theater like the long center, to have the support of the mayor, the city council

and many of the supporters of the opera and the citizens of this city has been an extremely heart filled, wonderful experience. I thank you all for this honor and I also look forward to working here many more years in the future. Thank you. [Applause].

[11:46:50]

>> Mayor Leffingwell: We're going to talk about a subject very briefly here and issue a proclamation that has to do with a subject that is very near and dear to our hearts right now in our great city and our great region, and that has to do with transportation. I always refer to it as our most difficult challenge. And it's so big, so complex, so encompassing and requiring such complicated intergovernmental agreements and relationships that sometimes it's mind boggling, yet it is critical to our success in the future. We simply have ignored these issues for too long. We're working very hard right now to try to make some progress in improving mobility in central texas. And the university of texas is our great partner to help us solve some of these pr. They have what I sometimes refer to as kevin john's favorite toy, a great big computer. A great big one. I'm talking big here. So we're very privileged to have this kind of resource available to us and we look forward to collaboration with your organization of course in the months to come as we build out to a critical decision that our voters will have to make in november of 2014 with regard to transportation. So I'm going to read this proclamation in your honor, be with known that whereas the center for transportation research at the university of texas is celebrating 50 years of collaboration, innovation and education in the field of transportation research and whereas over the past half century the center's research efforts have tackled issues of transportation system safe and security, materials and structures' analysis,

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traffic operations and management, intelligent transportation systems and freight operations, and whereas ctr's research is designed to consider the impact of our transportation systems on the environment, which in turn directly impacts the environmental sustainability and liveability of our communities. And whereas the u.T. Transportation undergraduate program is one of the premier programs in the world and attracts top tier students from all parts of the globe. Now therefore i, i, lee leffingwell, mayor of the city of austin, texas, do here by proclaim november 6, 2013 as u.T. Center for transportation research day in austin. Congratulations, dr. Bhat. Would you like to tell us a little more about what you're doing. [Applause]. >> Thank you, mayor and

thank you for -- all of you for being here. If you'll indulge me just a bit I'll make this reasonably short. As the mayor indicated, transportation is an important part -- is an important component of society of all walks of life as we all know it, and it embodies the very essence of our lifestyles and our way of life. And ctr has a rich h in pioneering transportation research. What started as a small center back in 1963 has now become a thriving transportation center, so as we celebrate 50 years of our existence this year we are proud of what we have done in the past to improve transportation safety and accessibility and enhance the economic vitality and the social vibrancy of our region, our state and our country. And we are fully aware that

[11:50:52]

our (indiscernible) should continue to make austin not only the music capitol of the world, but also a very, very vibrant city as it already is. So ctr's vision is to serve the public through transportation research and a linking of that research with practice to promote a safer, happier and healthier society. As the (indiscernible) to research based and experience shall learning. Of course, while our research reports are critically important and contribute substantially to who we are, it's our students that truly makes ctr special. Let's make no mistake about it. Our students are tomorrow's leaders in the transportation industry. The u.T. Transportation graduate program is considered by many to be one of the premier programs in the world and we attract top tier students from around the world. But we will not rest on what we have done in the past on the occasion of our 50th anniversary we are in the process of several fresh initiatives. We understand the challenges that lie ahead and we are enthusiastic to take on those challenges. Recently we received a grant from the u.S. Department of transportation for a national tier 1 center for data supported transportation operation and planning or dstop as we call it. To form a international, multimodal and multidisciplinary center that integrates innovative developments in big data analysis, (indiscernible) networks, communications technologies and intelligent transportation. These systems will provide for more accurate and precise traffic predictions that inform transportation policies targeted at alleviating traffic congestion, improving travel time reliability and enhancing economic

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competitiveness for communities, regions and our nation. Austin will be a key test bed for testing several innovative strategies -- and you were talking about ctr being a (indiscernible) and certainly would like to work with the city of

austin. And kevin john and his staff to improve upon the transportation operations that are in place today in austin. We are excited by this opportunity and as we move forward we would ask those of you present here from local and regional planning agencies as well as general government bodies to please reach out to us. I can assure you we have experts here at ctr in pretty much all aspects of community and regional planning, transportation planning, operations, (indiscernible) logistics, infrastructure management, materials and much, much more. So we look forward to continuing the partnerships. Let me end by thanking all of you for being here and many of those not present here for the opportunity to serve the people of this great city, this great state and this great nation. Thank you so much. [Applause].

[11:55:17]

>> Mayor Leff: This is a very important, unique occasion. We're about to talk about the old days, Terry Day and I. Terry Bray and I both attended Travis High School at the same time at the time when there were only three high schools in Austin, Texas, Aus High, Travis High School on the southern edge of town, and McCallum High School on the northern edge of town. And Anderson High School on the east side. That's four. So I stand corrected. But back in those days eager to start a new tradition, we developed the tradition of the battle of the bell. This of course had to do with a football game, and whichever school won the football game got to keep the bell. And it is an actual bell and it is engraved each year since Travis and McCallum were established with the name of the winning school and the score of the football game. I won't say exactly when, but I happened to be on one of those winning teams that brought home the bell to Travis High School. [Applause]. My good friend Terry Bray was a basketball player there. We didn't have a bell for the basketball game, but it was just as important, as we all know. So Terry is going to go from here to House Park tonight to watch this reenactment of the Travis-McCallum high school football game, and I understand that Travis High School is actually favored this year. Going in with the 5-1 record as opposed to McCallum that

[11:57:19]

has a 4-3 record. So being mayor of the entire city, I of course will remain officially impartial, but I will be watching very closely, Terry, and my best wishes go with you. And say hello to all my old friends who you will see there. The proclamation reads: Be it known that whereas before 1956 Austin was home to only one high school, but that year two new schools were built, Travis High School south of the river and McCallum High School north, creating a

natural rivalry. And whereas their biggest battle occurs during their annual football game known as the battle of the bell, during which the teams fight for possession of an old mopac locomotive bell known as the victory bell. And whereas the bell traditionally spends the first half of the game on the defending school's side and at halftime travels to the opponent's side. The winning team vigorously rings the bell at the center of the field at the end of the game, and again back at their school at midnight. And whereas this year's game marks the 60th meeting of the rebels versus the knights to win possession of the victory bell. Now therefore i, lee leffingwell, mayor of the city of austin, texas, do here by proclaim the 2013 travis-mccallum football game as the 60th anniversary of the battle of the bell in austin. Congratulations, terri. Some of you may not know this, but terry used to be a cheerleader at travis high school and you can come up here and cheer for them a little bit. >> I received a call from the class secretary of then 58, my class, saying I needed to be here this

[11:59:19]

evening on a special occasion, and I was to wear red. So I pulled out the jacket from my 50th college reunion that I have only worn once for that reunion, and now I have to chance to wear it again and I'm delighted. It is such a pleasure to be here. I am in the class of 58. I started in travis at 54. Lee preceded me slightly. The school opened in 53. That was a time when all of us south of the river could literally walk across the river. There was no town lake. The rapids were right below the railroad bridge, and we frequently would walk downtown, go to the movie or whatever. A different time, a kinder, gentler time in some respects. Many things have changed and many things have changed much for the better. We are very appreciative of being part of this recognition ceremony. I go from here to the game. We're supposedly going to have a number of travis graduates that are at the game. I'm not sure about mccallum. I had expected our hoped perhaps my old high school buddy charlie betts, who I played basketball against, would be here tonight for mccallum, but I'm hoping I'll see him down there. Because I'm the designated representative, I'm also taking the mccallum proclamation to the game, so I decided I better wear blue also in honor of mccallum. So a special thanks to the city, to the council and espeally you, mayor, for recogniz this important event in our younger life as well as tonight. Thank you. [Applause].

[12:02:24]

>> Morrison: Welcome, everyone. A few years ago the city of austin started making enormous strides in becoming a zero waste city. And that has everything to do about two things, if you ask me. One is the community advocacy that was willing to dig in and help us figure out how to make that happen. And number two, the great leadership of bob geddard, who is our director of austin resource recovery. And so as part of our work on becoming a zero waste -- attaining zero waste, we are looking at a pretty exciting event coming up. And that is reuse day -- week, day? Okay. So that's what we're here to recognize. Andry becca stuch is going to tell us a lot more about it. I want to begin by reading this proclamation that we have. It says be it known that whereas october 20th is reuse alliance's national reuse day, which celebrates the values of environmental stewardship, community building, economic development, and the local organizations that bring these values to life through reuse. And whereas reuse includes reselling, repurposing, upcycling, repairing, sharing, borrowing and swapping goods, activities that will move our community towards austin's zero waste goal, as well as create jobs and promote investment in reuse and fulfill charitable needs. Whereas the city of austin, austin resource recovery and reuse alliance texas will co-host a conference next year that will bring hundreds of reuse advocates to austin for networking and learning and whereas we urge all austinites to increase their understanding and practice of reuse -- I thought I could make it all the way through. And practice of reuse for its social, economic and environmental benefits to our city. Now therefore i, lee

[12:04:25]

leffingwell, mayor of the city of austin, texas, do here by proclaim october 20th, 2013 as austin's first annual reuse day. Congratulations. [Applause]. >> Hello, everyone. I'm rebecca stuch, the coordinator for the reuse alliance texas and the board president and founder of austin creative reuse. With me here tonight are a sampling of the people who represent programs, organizations and businesses that epitomize reuse. That includes austin eco network, ecology action of texas, goodwill industries central texas, resourcery, treasure city activity, the u.S. Business council of sustainable development and the zero waste alliance. We are very pleased to accept the city of austin's proclamation for october 20th as austin's first reuse day and the beginning of a reuse week in austin. Reuse is about extracting the highest value possible from a product or material, preserving and even enhancing the integrity of materials through imagination, creativity and intelligence. We use is about sharing your yard tools with your neighbors. Car sharing, bike sharing, donating to and shopping at thrift stores, repairing an old pair of shoes or

adding a new coat of paint to an old dresser. It's about using rechargeable batteries and reusable coffee mugs. And it's also about creating a castle or a rocket ship out of a discarded cardboard box. Austin's reuse community is growing and we are grateful for all the individuals and organizations that promote reuse. We know the reuse and sharing and repairing economy provides jobs and investment in our community. We know that aggressive reuse will help austin reach zero waste faster. We know reuse supports our cultural arts and educational systems. And we know that reuse helps many people and organizations in our communities save money and meet material needs for

[12:06:25]

clothing, furniture, building materials, food and school supplies. Together we look forward to bringing more awareness to reuse and encouraging austinites to consider reuse options when they find a need for a new item or to start a new creative endeavor. Look for reuse focus activities throughout austin throughout reuse week from the city and from many of its reuse partners and make a special effort to reuse instead of disposal and before recycling. Also follow online with the #reuse atx. And as mentioned in the proclamation, we're very pleased to announce that the reuse alliance international conference, reuse connects 2014, will be held here in austin. The city of austin will co-host this conference with numerous partners in reuse, including austin creative reuse, goodwill industries of central texas, habitat restore, resource recovery and treasure city treasure city thrift. The event will bring hundreds of reuse advocates to austin for networking and learning. Thank you again to the city of austin for this proclamation and for recognition of the value and power of reuse. Have a good evening. [Applause].

[12:08:37]

>> Morrison: Welcome, everyone. Come on over. So now we are here and happy to be recognizing lgbt history month, which is going to be this month. You know, the people who identify as lesbians, gay, bisexual and transgender, lgbt, obviously have made many contributions to our social fabric, to our history, to every element of what makes us a great society. Unfortunately many times those contributions are not really talked about at home or they're not talked about and taught at school. So we are fortunate that we have recently started -- not we. Recently it has started lgbt history month. It was started by a high school teacher who thought a month should be dedicated to the celebration and teaching of gay and lesbian history. It

celebrates the courage and character of the lgbt communities, provides role models and builds community. And we have many great advocates and folks from the community that are here with us as well as carlos rivera, our director of health and human services department, which is sort of the -- we support and embrace diversity in everything that we do at the city, but I think that the health and human services department is sort of the central core of where that really all comes together. So I'm happy to be here to recognize -- to present to carlos and we also have -- tell me your name. Assistant director (indiscernible). So I am pleased to present this to you, carlos. It says, be it known that whereas people who identify as lesbian, gay, bisexual

[12:10:38]

and transgender have made countless contributions to society in the areas of health, safety, education, science, art, literature and other folds and whereas we honor the lives of lgbt people and their allies who have stood and acted without fear and without hate in the face of oppression, discrimination and violence to advance the cause of equality and justice. Whereas the city of austin serves as a model by offering domestic partner benefits and a discrimination policy that includes protection against harassment and discrimination based on sexual orientation or gender identity and whereas the city council also passed a resolution in september 2012 supporting marriage equality in the state of texas. Now therefore i, lee leffingwell, mayor of the city of austin, texas, do here by proclaim october 2013 as lgbt history month. [Applause]. >> The health and human services department is charged with meeting the health and wellness needs of the community and putting our resources in a position where they can be beneficial to promote health. In order to do that we need to be competent in a variety of areas. I want to thank my staff here for their wonderful support in terms of making the department a more competent place in terms of meeting the needs and understanding the challenges that face his community. I also want to congratulate the lgbt community on their wonderful recent accomplishments nationally. I think they were growing as a nation, definitely headed in the right direction through accepting one another in our differences. I also want to give a quick update on people who have identified or who identify as lesbian, gay, bisexual and transgender. Dr. Martha mayliott, the first woman elected

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president of the public health association and the only woman to sign the founding document of the world health organization, the who. George

washington carver, agriculturalist and first scientist to discover multiple uses of peanuts. Carlin bertozi, youngest recipient of the macarthur genius award and presidential medal of freedom twain awardee baird housto he was an unwielding advocate for dignity and rights for all and advisor to the dr. Martin luther king junior, he promoted non-violent resistance. As an openly gay african-american he stood at the intersection of several of the fights for equal rights. Once again I want to thank my staff especially for all their commitment to the needs of the population in general, but especially to the special needs of this particular population. Thank you. [Applause].

[13:01:36]

Test test test test

[13:08:26]

>> mayor leffingwell: We're out of recess. And mr. Guernsey, do you want to take up one really quick public hearing before we take items 61, 62, 63 back off the table. >> Yes, mayor, thank you, I think we had some speakers that signed up wishing to speak but they were in favor of item no.79 on your agenda this evening. They have decided not to speak and would be happy if you went ahead and considered it this evening on a quick basis. Conduct a public hearing amending 252, 257 and 258 regarding the approval and review of variance requesting projects within a thousand feet of the lake austin shoreline. Staff would offer this public hearing for approval. >> Mayor leffingwell: Is there anyone wishing to speak on item no.79? Anyone on item 79 in mayor pro tem moves to close the public hearing and approve the ordinance on all three readings. >> Second. Second second ed by council member spelman. All in favor say aye. >> Aye. >> Mayor leffingwell: Aye. Opposed say no. Passes on a vote of 6-0 with council member tovo off the days. Are you voting for? >> I said [inaudible] >> mayor leffingwell: Okay. So make it 7-0, with council member tovo voting aye. And now we'll take these items 61 and 62, 63 back off the table. We have one more person signed up to speak for, and we'll go to that person, brian reese. And again, remember, we're -- we're taking the public hearing part for 61 and 62 and 63 together. So when we get through with all the speakers I'll

[13:10:26]

double-check to make sure everybody has had an opportunit. >> Good evening, mayor and council, thank you for the time and the opportunity to

speaking on this item. I am the vice chair of the oak hill neighborhood planning contact team. Also here this evening is Tom, he's the chair of the team, and this morning you should have received an email from him with some clarification on this -- on this council item. I just wanted to mention that the contact team isn't in support of this application, but there were two or three or maybe even four conditional overlays expressed in our letter that were not conveyed in the ultimate ordinance that is before you tonight. And I'd like to point those out to you. What the letter reads that has been excluded or not included in the ordinance so far is we had agreed to approve with the exclusion of multifamily, duplex residential and two -- and two family residential and vertical mixed use. So we'd like you to consider adding that to this ordinance as well. The second item is a 70-foot building setback on the oak acre side of the property, which is the east side. 25-foot native vegetation buffer with no development of any kind and evergreen vegetative filling and sight lines on the east and west side of the property. However, understand that the oak park side, the west side, may not require that restriction still, but the east side is still in favor of that, and we would support that as well. The third item is to plant trees, hedges -- and hedges at the back of the structures as shown in the drawings provided by David Weekly to the board, and the fourth item is -- did I cover all four? Let me go through that again quickly -- exclude the vertical mixed use, 75-foot building setback on the oak

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acre side, 50-foot building setback on the -- I'm sorry, vertical mixed use excluded, 75-foot setback on the oak acre side, 25-foot native buffer on both sides, restricting no development of any kind, and then the final thing is to plant trees, hedges on the back of the structures. So the oak hill neighborhood contact team supported that with conditional overlay and the four that I just mentioned have not been included in the ordinance. So we'd appreciate your consideration to work those back in to the wording in this proposal. If you have any questions I'm here, or Tom Sair is here if you want to ask questions. >> Mayor Leffingwell: Mr. Spelman? >> Spelman: Mr. Reese you got technical when you talked about the size of vegetative buffer and so on. Do you have that in writing someplace? >> I do. Marked up. I'd be happy to share that with you. >> Spelman: If you could share it with the clerk I think she could arrange to have copies made for us. >> Okay, thank you. >> Spelman: Thank you. >> Mayor Leffingwell: Okay, we're going to go to speakers signed up in opposition. First is Paula Cox. Paula Cox here? >> [Inaudible] >> Mayor Leffingwell: Sandy Andrews, you'd like to go first? And donating time to you is

lorri willis. She's here. And sheila vivienne. She's here. So you have up to nine minutes. >> My name is sandy andrews and I'm a homeowner and resident of oak acres on the east side of the land in

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question. Before I start I just want to thank each of the council members that met with us several -- myself and a few others from my neighborhood. Those meetings were informative and helpful and we appreciate that. One of the first points I'd like to make is that the current zoning, which is limited office, co-np, was signed -- is acceptable by the neighborhood. So with oak acres, 100% of the residents that border harper park have signed the petition and are in favor of the zoning remaining limited office. The second point is that we do now have two residents from oak park on the other side who have signed a petition. We want to remind council that virtually all residents bought their property in oak acres with the current zoning in place. Oak acres residents worked long and hard for two years on the neighborhood plan flum that was adopted in 2008 and reaffirmed in 2010. So one of the things that was asked of us when we went to the council meetings with the individual council members was what was it about limited office that we prefer. So one of the things I want to mention is we believe it would be improved quality of life. For residential, you know, the expectation is that they would be occupied 24/7, whereas with office the likelihood is that there would be people occupying probably limited 8:00 to 5:00, perhaps a little bit into the evening and maybe

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some limited use on the weekend. Backyard activity in general with residential you can expect pretty much around the clock, or at least daytime hours and evening hours, but with office since there's no back yards there would be no -- probably very little outdoor activity, even during working hours, other than people kind of coming and going. With residential, my concern -- I live on the border, and my concern would be there will be three or four homes, according to the current plan that's being proposed, that would be right in my backyard, so we're looking at, you know, the possibility of dogs, which make a lot of noise sometimes. I have a dog, I don't have a problem with dogs, but some people don't keep them indoors and they keep us up at night. So with an office, the likelihood of, you know, dogs, pets, what have you, is not likely to be there. The second point that is a reason why we prefer limited office is that oak acres does want diversity of land uses in our enabled. Oak acres has worked with a shopping center that is actually on the 290 west feeder road,

and we have worked with a montesso school that's in our neighborhood, so we are in favor of diversity. We -- there are many people who have -- many residents of oak acres who have small businesses, and, you know, the idea -- we welcome professional offices adjoining our property. I myself am a psychologist. I have private practice, so I rent space, which i, you know, drive about 10 miles to. I would welcome having professional offices that I could walk to, and I think there's a few others in the neighborhood -- there are a couple other people in the neighborhood who I've spoken to who say the same. So, you know, it's not that

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we're against any development. It's that we would like to have some say in terms of what is developed there, and we do prefer the limited office. Another area is compatibility. Office, we expect, would be less dense than what is on the table, the proposal today. We expect there would be fewer buildings due to parking lot requirements. Office we expect would be less dense as well, due to the likelihood of clustering offices toward the front of the development. Homes require individual yards, which spreads the development out to the maximum edges of the property, which would encroach on more homeowners. So our hope is that with limited office it would be toward the front of the land and maybe there would be more green space in the back. The other thing about limited office is that our hope would be there would be no fence around the building. The current proposal is that there would be a fence, and our preference is for there to be no fence. A fence is a barrier to the ease of transition between our neighborhood and the adjoining development, so we're -- our thinking is that limited office would be less likely to have a fence there. Another reason that we're pro-limited office is that it would likely -- again, clustering the buildings towards the front of the development in order to save, say, on cost of infrastructure, and this could leave a potential for contiguous green space at the back of the development. So we think that would be more conducive with protecting the aquifer. So the green space could continue to feed the aquifer and receive rain runoff as

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potentially flood reduction prevention measure. We can expect with homeowners or homeowners associations that there would be more fertilizer used, whereas perhaps with limited office the landscaping would lean towards xeriscaping, which is the case amongst a number of the offices that have been developed around our property recently. One of our concerns has to do

with the lawsuit that took place in, I think, 2008, and I'm no legal expert, but it stands to reason that the chance of a lawsuit would go up if the zoning were changed. In other words, the current zoning is what the lawsuit defended and won, so we think that if it changed to mu, with the addition of that, perhaps there's a greater chance of a lawsuit and that's, you know, a great cost to the city. And the last part is perhaps one of the strongest and has to do with the unknowns, and the unknowns are we have a development proposal in front of us, but we have absolutely no reassurance that this development will go to fruition. So while the homes are, you know, beautiful homes, we went and saw the other weekly homes development up on 620, we don't have any assurance that that's actually what's going to be built there, and there are just too many uses that we are uncomfortable with that we oppose under mu. So with that I just want to say, you know, we ask that you all keep in mind that 100% of the people on the border of the property, on the oak acres side, and we now have two people as well as two people we're talking with who have signed the

[13:22:36]

petition, two people on oak park. So it's 100% of us as well as 100% of the neighbors in oak acres who oppose the zoning change. So if anyone has any questions I'm happy to take them. >> Mayor leffingwell: Thank you. Who has a question? >> Tovo: I have questions for you. There are two points I hoped you might clarify. You had a -- you made a point about infrastructure that I didn't completely understand. It was right after you talked about offices might be clustered toward the front of the site. Would you pick up on the infrastructure and repeat that, please? >> Yeah, if -- you know, with offices they can build closer together, and they're more likely to put it toward the front of a development, toward the frontage road. Number one, they wouldn't have to put in as long of a road. So they're more likely to move it forward, not have as long of a road, so that would leave more green space in the back, as well as other infrastructure such as, you know, utilities, that sort of thing. >> Tovo: Thanks, that clarifies that, because it would be closer, it might be more cost-effective to put them toward the front. And I didn't follow your argument about the lawsuit, the likelihood of a lawsuit. >> Well, we were thinking about the fact that a lawsuit took place in 2008 and they sued for sos -- pre-sos ordinances. And what they were awarded was the zoning that's in place today. You know, that zoning stayed. So our fear is if they switch over to mu, which is a new zoning, new land use, that they'd have a better argument for a lawsuit in order to gain pre-sos building standards. >> Tovo: Okay. Thanks for that explanation.

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>> All right. Do you want to speak next? >> [Inaudible] >> mayor leffingwell: And rodney baker and don glasgow is here. Duane cobb. So you have up to nine minutes. >> Thank you. I had written good afternoon. I guess I should say good evening. My name is rodney baker, and first of all I would like to thank all the council members and their staffs for hearing our presentation on this case. I would also like to thank lee heckman for all his patience in helping us understand the process, how it works. We are not against development on this property, as has been said many times tonight. We just want it to be developed as it is zoned. I ask before you make your decision, please remember that the applicant has successfully sued the city of austin in 2008, all the way to the supreme court of texas at a great cost to the city. As a result of the suit, the applicant, through the legal system, has skirted around sos ordinance to secure 35% impervious cover as opposed to the voter mandated 15% impervious cover. However, I -- however, please remember the applicant has been receiving an exemption of 65% land appraised value because of the sos constraints on the property since 2008. There has been no sos restraints on this property as a result of their lawsuit. There is 17.5 acres presently appraised at \$248,000, and they are asking 2.7 million for it. We have had a legal petition from day one. I ask that council take this interest consideration. If there's any attempt by the applicant or their attorneys to gerrymander around our legal petition. In closing, my fear is the

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applicant receives this zoning change, that they could use the legal system once again at a great cost to the citizens of austin if they do not like what they hear at the site plan review concerning the environmental or legal plat constraints on this property that now exist. It is pretty obvious that the present supreme court of texas and the present state legislature of texas is anti-austin home rule. I think if you leave this present zoning as it is, it would be awful hard, even for this applicant, to sue the city of austin again to change what they have already successfully sued for. Thank you very much. If there are any questions I'll try to answer them. >> Mayor leffingwell: Next speaker is sage walker. I've given up on laura, so -- I'm just kidding. We'll get to you at the end. Vicki knox? Is vicki here? All right. So you have six minutes. >> Thank you. My name is sage walker, vice president of the neighborhood -- oak acres neighborhood association. I'm also the neighbor with the massive cave in his backyard. Thank you for having us. Thank you for the meetings

with you or with your aides. I just want to ask, please do not forget or neglect the environmental -- the environmental restrictions and concerns that exist on the harper park track. The edwards recharge zone, the barton creek watershed, barton springs zone, the drinking water protection zone and the floodplain. If that isn't enough, there are more environmental features that prohibit impervious cover. The critical water quality zones and the water quality transition zones, and the critical environmental features located on and near this site. If I can donate the rest of my time to paula cox it would be great. If anyone has any questions I'd be happy to ask.

[13:28:40]

>> Mayor leffingwell: Okay. Thank you. >> Thank you. >> Mayor leffingwell: Paula is max'd out. Paula cox, donating is kristen bimly and jill rowe, jill rowe. Actually, jill rowe, strangely, is signed up for. So -- and you're signed up against, so maybe you don't want her donation. Delois carol is here? Michael brucevelt? So you ha 12 minutes. >> What about emily peller? She signed up and donated her time to me. She's 4. Oh, you signed -- okay. >> Emily donated her time to sandy andrews. H. If they didn't use -- >> you've got 12 minutes. [Laughter] >> okay. Thank you, I'm sorry, and I feel honored to be the recipient of so many donations. [Laughter] good evening, I'm paula cox. I have lived within 500 feet of the harper park tract for many, many years. I know this land very, very well, before any of it was fenced, before southwest parkway, my friend had horses on the land. We cleaned the land. We cleaned the creeks, we cleaned out the sinkholes. I was there several days a week for many years, and it's a beautiful piece of property and I don't begrudge anyone wanting to build something there. I believe in free enterprise. I believe everyone has a right to -- everyone has a right to make their money but I'm strongly in favor of keeping the limited office zoning. The plans for this development that we've been shown at numerous meetings and that you all have been shown tonight seem to be ever changing, and I think that's allowed. I think you don't have to look at a site plan until you build and that's when you make some decisions, but this ever-changing plan seems to be just smoke and mirrors to kind of distract us from the real issue,

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which is the authority and the power that you would be giving this property owner to build pretty much anything they want to with mixed use development. Limited office use is a good use of this land, and that's what I want to convince you of -- I hope to convince you of that. With great respect I do disagree. I

think there are some inconsistencies in the opening statements that were made, and so I'd like to address those. There are many, but there are just a few that I want to address. You heard them talking about wanting to protect this property and talking about the heritage trees and the protections, but the fact is they sued to be able to do more harm to the land than what's currently allowed under city development standards. So please keep that in mind. The concessions that they made and that they have in a restrictive covenant are really just what is mandated, I believe, by the city of austin. The setbacks, the shielded lights, the -- I don't remember what they were, but I think -- I think that according to lee heckman's a addendum to the neighborhood plan, those are -- the reason they couldn't go into an conditional overlay is because they're already part of the city of austin building standards, so there haven't been a lot of concessions made. We did meet many times with the developer and the owner, and some agreements were made, and then they were sort of backed off on that. So we did try to come to an agreement with them, and at one point we thought that we did have an agreement with them, and I wasn't a part of all of those discussions, but I was there for much of it and there just seemed to be, again, some fallout from that. Limited office does not allow for strip shopping centers. It doesn't allow for an

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apartment complex. Saying that this is better than those two things -- limited office is a good use and you would not have a strip center, no retail, no apartment complex. So the fears that some of the oak park residents have about what could have potential lignon in there, I'm not sure -- potential potentially gone in there I'm not sure what would be allowed but that's my understanding. Mr. Dietrich said that this would keep people off the highways yet the only road in or out leads to 290 access road and to highway 290. This does not connect to any current bike trails. I'm very familiar with the bike map and with the bike trails. Everything we're talking about is just projected, and, you know, talking about maybe doing something with someone is not actually having it happen, and that's just it. There's a whole lot of maybe in this plan, which is -- is scary, and it doesn't convince me that it should be allowed. Mr. Whitfield said that this development mimics what's on both sides of it, and it does not. Our neighborhoods do not allow two stories. We have half-acre lots. We don't think that that's how everything should be, but we are in a very critical habitat. We're in an environmentally sensitive zone, and we don't have dense communities. None of us are against the whitfields or against david weekly homes. David weekly homes are beautiful. I know that they, you know, make the city of austin and the state of texas a lot of money, and they're, you

know, big business here, and they're valuable. But we do care about this property, and we care about the stewardship of the property. It sits above our property, runoff comes down to us. One thing that's not been mentioned is nonpoint source pollution. We just had a flood -- I watched a barbecue pit go

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by. I watched a basketball goal go by, in addition to the water bottles and other stuff that comes by. I realize that this rain was astronomical and not the norm, but it was scary. This does seem like spot boning to me. This does not seem like a good place to build a development of this size. I do feel like these are well-known people, and I just worry that this is just something that could be approved because of the history with the owner and the developer, and I would just like you all to consider that, please. Our neighborhood character is at stake here. We've been paying high taxes for years based on our, you know, large lots, our trees, our sort of being out of town a little bit, and it would change the character of our neighborhood, and in reading the neighborhood plan, constantly it talks about maintaining the character of neighborhoods being an important part of that process. Mainly I just want to speak -- mainly I want to speak to that neighborhood plan and why I think it supports not changing the zoning. The basis for the city staff's recommendation of the zoning change is that it would allow for low intensity office and residential uses. We have no issue with low-intensity office. None of us do. We're realistic. We know something will be built there. The marriott hotel is going in on 290. It's going to be a great place to have offices. People are going to want to be there. Oak hill is growing, but we oppose dense, high-end residential, and that's what's being proposed, and again, it could be any other

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use of mixed use. We realize that's not necessarily what's going there. This area is not at all walkable, when the neighborhood plan really encourages. It leads to the 290 access road, heavy traffic, no sidewalks at all. This area is not transit oriented, as the city staff report shows. He names two bus routes. I take the bus almost every day. There is no regular city bus route anywhere near this area, and certainly -- I do travel training for capital metro. It would not qualify as an area that has capital metro access. 171 is a flyer that comes in from a parking lot, and it only comes in in the morning and the afternoon, and the other bus is strictly for area employees. Granting mixed use in no way improves the odds of a development that shows caring stewardship of the environment. That's the centerpiece of that neighborhood plan. It mentions

protecting the aquifer, the environment, the trees, having walkable areas, less cars on the road. Oak hill traffic is already horrendous, and this would just add to it. The neighborhood plan requests that designed developments -- developments are designed to maximize social resources. This would be an isolated property, one way in, one way out, which might also be a fire hazard. I don't know, or an emergency hazard, which I don't think new developments can have that, but in a private development you can have that. That's my understanding. It's incombible with surrounding neighborhoods, and again, ours are single story, all of them. This would be looking down on the back yards of many, many of the neighbors. The larger lots minimize the environmental impact, which is, again, stressed in the

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neighborhood plan. That water is allowed to, you know, sink into the soil on our lots, and if there's a dense development that won't happen, and I know that they want to handle the water and intended to anticipate the flooding, but I don't think that -- I already know from the water development commission that they cannot measure the sheet flow, and it's an enormous amount ever water -- of water that comes across that property. New development should be located where existing services and infrastructure are already present, and these cards that I'm reading, I just copied it out of the neighborhood plan. It's all there exactly. But this is not -- there is no infrastructure here. You know, it would be new septic, new electric lines, new roads. Transportation demands in the oak hill area are constantly increasing, especially during rush hour, and offices would have traffic flow throughout the day, not just in those morning rush hours and those afternoon 5:00 rush hours. No traffic analysis has been done, although it was recommended by the neighborhood plan that in the oak hill area a traffic analysis be completed because of the environmentally sensitive nature and because of the fact that there are not a lot of roads there. There's not a lot of flow in the traffic. It's pretty much 290. No single development will add 2,000 trips a day, which I think is the threshold for doing a traffic analysis, but combined it adds up. The new social security administration office is there. We've had many new offices opening recently, and the marriott, of course, will be there, and that will just be a lot of traffic also. So I don't know if that's something that you all look at, but if -- you know, the combined businesses might be a reason to have a traffic

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impact analysis. We want to preserve the identity, character, affordability and diversity of our neighborhood. Actually, we all hope for our neighborhood to be more diverse. I loved the proclamations you all did tonight. It makes me proud to be in a city like austin, you know, reduce, reuse, reliable. -- Recycle. I would say love to show that in the development as well. With lo zoning it's just as easy to do that, to have a diverse population. Lo zoning is more appropriate for low-volume streets and minor arterial roadways. The reasons that development hasn't occurred there, I think one argument is it's been zoned lo for a long time and nothing has happened there, and it might look like it's not a desirable place to have offices. But it is. There was abrupt owner, several transfers of ownership, a bank that owned it was not interested in develop it, of course. >> Mayor leffingwell: Thank you, laura. That was your time. >> Thank you so much for your time. Appreciate it. >> Mayor leffingwell: So those are all the speakers that we have on 61. On item 62, gail whitfield is signed up for. Gail whitfield. >> [Inaudible] >> mayor leffingwell: You didn't want to speak? Okay. Is there anyone else who signed up to speak on 61, 62 or 63 who has not been called upon to speak? You signed up to speak but I haven't called your name. Okay. Then those are all the speakers so we'll go to reb -- rebuttal from the applicant. You have three minutes. Peter? >> Mayor, council members, my name is peter sisero, I

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represent weekly homes. I wanted to quickly hit on a couple items. Weekly homes is agreeable to the items that brian reese brought up regarding the oak hill contact team as long as the no development occurs on the east side of the property. I believe weekly homes has agreed with oak park that specific types, agreed upon types of development can occur on the west side of the property. I also just wanted to -- I know it's been a while, but bring up once again that mr. Dietrich and weekly homes have conducted a certified geological report, have walked the property and have identified only one critical environmental feature that they have agreed to set back from. They will be setting back from. Additionally I've heard a lot about a lawsuit tonight that was filed. The lawsuit was filed to determine when the rules went into effect, what the project is defined as. That's why the lawsuit was filed. It was litigated and resolved, but that's behind us, and it addressed the hotel tract, which was also part of this overall site. But that's what the lawsuit was referencing. Finally, I wanted to emphasize that the concessions and the efforts that weekly homes has made in meeting with the neighborhood and the contact team are not sleaze off of best. The amount of time and the amount of effort to come up with setbacks, to come up with designs, to plan around the heritage trees, to come up with

alternative transportation options and to work with different constituent groups within oak hill are not just stuff that they don't have to do. They are committed to building a quality condominium project in this area that, you know, will be part of this community. And I think those efforts are a sign of someone that

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wants to be a part of the community and not someone that's trying to not work with the neighborhoods on each side. With that being said, I'm happy to answer any questions and I thank you for hearing the case tonight. >> Mayor leffingwell: Any questions? Okay. Thank you. So that concludes the public hearing portion of this, and we'll address each item separately. I believe mr. Guernsey, you say 61 and 62 are only ready for first reading. Is that correct? >> Correct, mayor, and then -- >> mayor leffingwell: So we'll take up item 61, which is the flum. And I'll entertain a motion to close the public hearing and approve on first reading or whatever your preference is. Council member riley. >> Riley: Well, mayor, I will move to close the public hearing and to approve the flum amendment on first reading. I'll hold on on anything further until I get a second. >> Mayor leffingwell: Motion by council member riley to close the public hearing, approve on first reading, second by council member martinez. >> Riley: And I would like to comment that I did meet with the neighboring residents of oak acres and very much appreciated their concerns, and as I indicated then, I take the neighborhood's position on its flum, this future land use map, very seriously, and to me this would be a different case if we had neighborhood plan contact team saying that they were opposed to a flum amendment, but when a neighborhood stands up and asks us to amend their neighbor plan, I think that is something that we need to respect, and so that is why I made the motion. >> Mayor leffingwell: All in favor of the motion say aye. >> Aye. >> Mayor leffingwell: Aye.

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Opposed say no. >> No. >> Mayor leffingwell: I believe that passes on a vote of 6-1, with council member morrison voting no. Now we'll take up item 62, which is the zoning case, again ready for first reading. And this is where if there was a choice to include any or all of the amendments recommended by the oak hill contact team. Entertain a motion to close the public hearing and approve first reading, if that's your preference. Council member spelman. >> Spelman: Mayor, I'll make that motion but I have some questions of city staff. >> Mayor leffingwell: Okay. Motion -- so moved by council member spelman. Is there a second? I'll second. And recognize council member spelman. >>

Spelman: Thank you, sir. Greg, if we were to zone this lo-mu, what mixed uses could be built on this site? In the absence of restrictive covenant to the contrary, what could they do with this? >> Well, lo certainly allows schools and churches and day cares and offices, so you have those types of uses. The offices could be both professional, administrative, business, mixed use would also introduce single-family, duplexes, two family residential, townhouse, condominium uses, and multi-family, although the co, as the commission recommended, did address, I believe, prohibiting multi-family, duplex, two-family. Also the vertical mixed use building would be things that were offered to be prohibitive, which I understand was also the contact team request. >> Okay. So in the absence of restrictive covenant pretty much any residential use would have been allowed under mu, but the

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restrictive covenant reduces the residential uses to what? Is it just condos or is there something else besides that? >> It would still allow for the single-family. I think there was a nice list -- single-family attached, single-family does still allow for the condominium use and condominium could either be vertical structure, although I think there are other restrictions that have already been agreed to, to limit to two stories would be a very short condo, as far as going vertical, but those pieces would certainly be allowed under the mixed use as proposed. >> Spelman: Okay. So the only residential uses that would be allowed because the restrictive covenant would be owned uses rather than rented uses? >> Yeah, as I said, the four uses that would be prohibited are the multi-family, duplex, two family rtial and mixed use building. >> Spelman: Gotcha. Okay. I've got a couple questions about site plan issues. This presumably would have to go through a site plan stage. >> Yes, it would. >> Spelman: Okay. At what point -- there's been some discussion among the neighborhood that there are other critical environmental features than those identified by the geologists for the applicant. If there were, and the geologist for the applicant just didn't pick them up and they're kind of subtle if they're buried under a bunch of dirt, is there a way that the city could be assured that we would identify them in advance? >> When we do a site plan review, and you have a study, actually, I don't believe that we have, but that staff has had an opportunity to look at, but most likely that would be provided at the time of the site plan review. There would also be a tree survey that would be offered, and we would review. So those documents would be reviewed by my environmental staff. They would be looked at by our landscaping, going through that review. Also be reviewed by the arborist. We could go on the site

and if there were things brought to our attention, sounds like there are a lot of neighborhood folks that are

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here that would be aware of something that maybe was missed, then we could certainly further investigate those. There is a creek system that runs across property, so we would be interested in that as well and what protections might be offered under the ordinance that apply to this tract and how it would protect the creek. >> Spelman: Fair enough. So is there a way we could ensure that you would do a field survey of either the trees or the drainage, the potential for geological features or all three? >> Well, we would review the tree plan. And the arborist would have the opportunity to go out. We would have an environmental reviewer, and watershed protection would go out and view the cars feature. We go out and verify that because sometimes there are unique features about the topography that may lead to the recharge of that feature that might be different than you would be shown on a general topo map. We'd have to say what the physical conditions are out in the field. >> Spelman: Got it. Given that this site has -- I'm not sure what date it's grandfathered to. Is it 1991 regulations? >> I think you're really talking about -- and I don't have an application in front of me, so I have not made a determination on vesting of this property. The requested use would be one that would be generally considered under the barton creek ordinance, and I'm just speaking generally, because harper park tract is right next door. In the original preliminary plan that was part of the lawsuit that came up, which would include this property as well as the one that was under litigation, that included land uses such as multi-family, office, commercial uses. I think there was a recreational use also that may have been on that property. Generally those uses, by my

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understanding of what the court ruled, could be moved around. And the -- recognizing that barton creek regulations would apply based on the tract that was under litigation. There were really only two categories that were identified in the e.T.J. Under the barton creek -- either the 81 case or two cases that have been brought to my attention. Both of those identify one and two-family residential and a classification called commercial. And as -- even though you might think of commercial as being -- under zoning being just offices and retail, in the broad sense commercial under the watershed regulations at that time, it would be more broad. Basically the definition of the ordinance was

something other than one and two-family. Basically single-family homes or duplex lots would be falling under that commercial category. >> Spelman: Okay, I'm not sure I understand how that applies to this lot given we've got a restrictive covenant. >> If you had a restrictive covenant, the restrictive covenant, certainly if it's private, that's between those two parties. If it's with the city, we would enforce those because there is an agreement between the two parties. >> Spelman: So if they brought in a site plan for duplexes, for example, the fact that there is a private restrictive covenant which obviates duplexes, would have no effect a site plan review? >> Well, we wouldn't allow the use if there was a conditional overlay that would prohibit duplexes, they couldn't come through my door. >> So that would require public action on our part, a conditional overlay, not -- >> we would come back and have another enjoyable evening here on thursday night. >> Spelman: I understand. Is there a way then that we could incorporate all the restrictions in the restrictive covenant into a conditional overlay? >> We have attempted to do that. I think the ordinance that we had preliminarily drafted, not necessarily addressed the impervious cover item in particular but

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I think I've already gone through those and I can go through those again, of those items which could be an ordinance or could not. I think the additional items spoke to additional setbacks from 75 feet from the east. We could certainly hand them through a public document, whether it's a co or covenant. The native buffer, I think we already have. But I think that was kind of outlined here. I had already spoken to the list of prohibited uses that were mentioned. I think they mimic the list that was explained to you earlier by the contact team vice president, and the -- I guess I would need to see the document -- they were talking about tree planting, hedges, being planted -- I don't know what exactly that is, but we can look at this, if council approves this before second and third g we could advise you on that. I think the applicant is agreeable about maintaining a natural buffer and disturbance as such to replant and to revegetate, I think we've made provisions for that under the city or co covenant to address that. >> Spelman: Okay, let me go back to the issue of critical environmental features because this is important to me. If you found another -- if you got one they've identified and they've agreed to set back from, how far is the setback required? >> I might punt to the environmental officer, chuck, happens to be here this evening. >> Spelman: Fortuitous. >> I wouldn't do anything else. The tceq buffer, I checked with staff during the break, is anywhere from 150 to 300 feet for a point recharge feature, a sinkhole, small sinkhole. >> Spelman: What determines whether it's 150 or

300 or somewhere in between? >> Generally what tceq considers the significance of the feature. Similar -- they do a similar kind of analysis that we do. And if -- and if -- that's a

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similar size buffer as in the city's regulations, depending on what the determination on grandfathering was when they come in with site plan, if it's subject to current code, our requirements would also be 150 to 300-foot buffer. >> Spelman: Right, and if you found other critical environmental features there would be additional setbacks from those two? >> Yeah, and depending on the size and significance, those can be reduced down to less than 150 2350e9.150 -- feet. It's not unusual to do that with very small features, but over the recharge zone that's less likely in particular. >> Spelman: That makes sense. Tell me, what kind of water quality protections would be likely to be in place? We've got two possible regimes, as I understand it, the barton springs ordinance and sos. And we don't know which of those is going to apply yet. Is that right? >> Right. You know, as mr. Guernsey mentioned, the -- you know, given the set of facts, there is some possibility that they'll be grandfathered back to the barton creek ordinance. There is no water quality treatment required under the barton creek ordinance. It's simply the water quality in the barton creek ordinance was 75% -- 35% impervious cover and a 40% natural area required to be down gradient from the development and outside what's called in that ordinance the low lands, which is a 500-foot distance from the centerline of -- I believe it's 500 feet -- from the centerline of williamson creek, but there's no structural controls required as part of that ordinance. However, tceq does require structural controls, and -- which are similar to our sedimentation filtration, and they've agreed to increase the capture volume on that to a half inch plus, which is a similar requirement to outside the barton springs zone and the city of austin. >> So they've voluntarily agreed to do that?

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>> That's what I heard this evening. >> Spelman: Well, good, thank you. So a half inch would be -- what would the sos requirement be if that were to apply? >> It's a larger capture volume, approximately double, approximately double the capture volume, and it's typically reirrigation, you know, so I's -- it's a non-discha non-degradation ordinance. >> And there's no non- -- there's no non-discharge irrigation requirement under tceq statute? >> That's right. >> Spelman: Okay so a lot of this depends on what the best argument turns out

to be? >> Yes, significant difference in environmental protections under the two possible scenarios. >> Spelman: Okay. Is there any assurance that you or the applicant could get the neighborhood, that their building was not going to increase the flooding problem elsewhere in the area? >> I can probably answer that, but actually, Andy can probably answer that on Greg's staff more accurately than I can. >> Spelman: Well, let's let him do it. >> I'm Andy Linssites, managing engineer with the planning and development department. They will have to comply with our detention requirements on flooding. I had a conversation with the creek flood department section from watershed this morning. They've been working with the applicant to look at ways that they might even be able to partner with them when they do come in to provide additional improvement. They haven't made any carrying capacity connect 57600

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additional items listed in the planning team are all acceptable. Will there be any objection to incorporating all of those that are -- can be a conditional overlay, all of the conditions on the sheet? Incorporating those for the second or third readings? Who was the second on that? >> Cole: You were. >> Mayor Leffingwell: I was, and I agree. Thank you. Councilwoman Tovo. >> Tovo: I have a couple of quick questions. I know there are some uses that are restricted. Are any of the uses are the uses that the applicant has agreed to to have restricted. All multifamily duplex. >> They're restricted. >> Tovo: Thanks. The discussion we just heard about storm weather control. Did I understand, I'm sorry, the gentleman who -- the engineer, I'm sorry, the engineer? I didn't catch your last name? I have a question for him. Thanks. >> Yes? >> Tovo: Did I understand you're engaged with discussions with developers about measures but no solid agreement yet? >> It's not. The water department through the flood folks have been talking to him. One of the methodologies that the watershed has been implementing is a partnering where we would go in, we would implementing some partnering opportunities. When a development comes in talking with them, can we join in, maybe make some improvements. They've had that kind of initial discussion, no commitments or fundings. I believe the applicants are

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open to that. When they come in and do things, we look at opportunities to partner and say while you're there, we'll do some other things to try to help you. Watershed obviously understands this is prone to flooding. We just experienced it. It's on the radar of how do we address it. It's not my

department, it's not the planning department. It would be the watershed. We had those discussions. I believe it will continue as it progresses through the process. >> Tovo: Thank you very much. The >> Mayor Leffingwell: Councilmember morrison? >> Morrison: I do have a couple of questions for staff. One of the issues that was raised. One of the small issues about why the neighbors performed I.O. Was that the landscaping and the landscaping would be more xeriveescaping if it was office versus residential. Does anyone talk about a management plan or any way to sort of minimize poisons that we might expect to be coming from landscaping? >> That's certainly something that the applicant can address. I don't specifically, I don't believe, have anything on that. But I think -- it's not -- sounds like the applicant just said they would be willing to incorporate and integrate the best management plan. Would make it a public covenant if they were offering and we would be accepting if we made that part of your motion? >> Morrison: Okay, I appreciate that. It sort of takes us back to the beginning. I'm not clear how this is going to be accessed since it's landlocked right now. And I wonder if staff might pull up a map and show me how that's going to happen. >> Right now, the access is off

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of the frontage road of 290. There'll be a road that would come off of that and come back to the property. Actually, jerry, can you put the other one up in the zoning map. Maybe that would be -- >> Morrison: Access off of 290 right now? >> Yes. Would have the ability to take access -- if you're looking at the overhead right now, where it says grco, there's a track with the hotel. Is it -- make sure we're awake. The hotel track is in front of the property. And alongside of that would be the road that would go back to this development. >> Morrison: So I'm curious about whether the access goes along the eastern side of the development or up to the middle. >> I think if we pull up the map, if you look at the -- if you see to the right, there's kind of like a circle with a line coming down. That's the oak acres subdivision zoned sf-2. >> Morrison: I'm lost. >> Let's see if I can -- jerry is pointing at the oak acres. Now, the track that's below, this is the oak acres subdivision. This is oak park. And this is a track. This is the hotel property and they would take access straight up to the - - I guess to the west of the hotel into the property and that's where he would take access to.

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>> Morrison: Okay. >> There's the possibility that there could be access from oak acres to go through here. It probably dead ends to this property. But not part of this property. >> Morrison: So there wouldn't be any -- there wouldn't be any access that they would like? >> No, they do not own or control this property here. I'm saying there's a dead end in this property, but their only access right now is coming right through here. >> Morrison: Because I could imagine if the access was through the -- I'm sorry, is that oak park on the side? On the -- >> oak acres? >> Morrison: So if the access were through oak acres, that would have a significant impact on the traffic in that area. Looks like he would have -- >> they don't own that property or control that property, to my knowledge. So there's not a way for them to provide that connection. >> Morrison: Okay, personally I'm very glad this is going on tonight. Because I don't know -- I haven't found a place to fall in terms of where my position would be on this. So I do -- you know, I heard quite clearly that the neighbors say they were against residential changing from office to residential. I don't know if on the other hand residential doesn't seem completely unreasonable there. It is quite a bit of density added, significantly more density than on either side. That is a big difference. So I don't know if there's any room on either side to talk about would it be acceptable if the density was different, due to people that are opposed to changing from office. Would it be acceptable if it was

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less dense to being proposed to residential. And I don't know if there's any interest on the part of the applicant talking about the decreasing density. This goes on four votes on going on frustrating. I'm going to vote no. But I hope there might be some way to pull something this size a little closer together. Because there's some reasonableness here on all of the arguments. >> I do have a decision from the applicant. It might help you see -- this is on highway 71. That's actually 290 where the hotel is immediately to the right where you come off of that. That's the access that goes back. >> Morrison: Thank you, that's very helpful. >> Just to clarify, it only requires four votes. >> The only first reading. We do have one. So when the consideration comes forward to have six affirmative votes by city council to override the petition as it's been filed. >> Cole: Mayor? >> Mayor Leffingwell: Mayor pro tem. >> Cole: It is just first reading tonight, it would be important that the appli continue to meet with the neighborhood so we can come to a little closer consistency. >> Mayor Leffingwell: Those in favor, aye. Opposed say no. Passes on a vote of 6-1 with councilmember morrison voting no. >> The final item there is item

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63. >> Mayor Leffingwell: Change in the existing covenant. >> Staff would ask for that to be postponed until november 7. >> Mayor Leffingwell: We had the public hearing on it. If the council's desire, we can close the public hearing and postpone until november 7. Seconded by councilmember martinez. All in favor, aye. Those opposed, no. It passes on a vote of 7-0. >> That concludes our zoning for the night. >> Mayor Leffingwell: Item number 81 will be next. >> I believe we had 79 we put off? We had a single speaker and she's gone home for the evening. Told us she no longer wishes to speak. >> Mayor Leffingwell: I thought we did that. >> Never mind, I'm sorry. They did it while we were out of the room. This is to conduct a public hearing and ordinance amending and use classifications for offset accessory parking for the limited zoning district. This item was present as a result of a response to an item passed by city council. The staff recommendation is to amend the code but to allow offsite parking as a conditional use. The planning commission is in agreement with that recommendation and I'm available for any questions. >> Mayor Leffingwell: We have one speaker? Tim? >> Thank you. I'm here tonight on behalf of the long-time dentist, dr. Linda smith here in the audience. As long as she's been my dentist, she's owned the property of 4100 block known as

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the draft house. The draft house is a very popular local pub that's been there for about 40 to 50 years, I believe. And it's so popular that we often have problems with our patrons parking on the street a lot. And that makes the neighborhood mad and we don't like that. Because we feel we're part of the neighborhood after all of these years. And we've been looking for a long time for a place to lease the off site, off street parking. You think with all of the office buildings on medical parkway, that would have been easy. It's proven after years of trying to be almost impossible. And one of the big deterrents for that, not only for dr. Smith but I think for a lot of people, one of the deterrents of that is people who just have some excess parking area to lease, they just don't see enough in it for them, enough revenue in it for them go through the rezoning or the conditional use permit process which is almost like going through a rezoning, yet you're familiar with it. That has been a problem for a lot of people. But nevertheless -- that probab eased the restrictions in the first place. But nevertheless, in many, if not most of the instances, it's appropriate to have a reduced permit review, offsite parking can be as much as 1,000 feet away from the primary use. So you could have a lot of situations where you

have the parking way over here. Serving and use way over here. People tramping through the neighborhood in the middle. For that reason, it's good -- it's probably most if not all -- in most instances to have the permanent use process to afford. But we would ask to consider

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whether it would be appropriate to make an exception for that and allow offsite parking and offstreet parking as a permitted use when the offsite parking is directly adjacent to the primary use. It's right there. You'll have to go through a neighborhood. It's right next door. And it's on an existing surface parking lot with the existing use on that property. I think that would raise the concerns about not having to go through the conditional use permit process and would strike a better balance in these addressed in both of the public policy concerns. Both of which are important. Thank you for your time. We hope you consider that. Thank you very much. >> Mayor Leffingwell: Thank you. >> Mayor Leffingwell: Those are all of the speakers that we have.

Councilmember morrison? >> Morrison: I would ask staff to speak to the -- explain for us the process for getting the fee. >> In this particular instance, if you have an existing parking lot that wanted to be used for offsite parking for another use, it would be a simple application. Would not require an engineer seal or pages and pages of a large blueprint. It just shows us on a single sheet of paper the location of the existing parking, the location of the proposed use that would have to be drawn to scale so we can make sure it's no more than 1,000 feet away and show the schematic of the parking lot to show us how many spaces they were including in the offsite parking. >> Morrison: How much does it cost to apply? >> I'm not sure of the exact amount. But I believe it will be in the hundreds of dollars. >> Morrison: What about timing? Notice is required. >> Notice would be required. It would get a review by the staff. It would be limited. The review or the transportation

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reviewer as it's known as an environmental or drainage issues. It would take us -- it would take a couple of weeks. We need 11 days for the notice. I would guess it would be done in a couple, two months at the most. >> Mayor Leffingwell: Councilmember tovo? >> Tovo: We've gotten a motion sheet that speaks to the amendment that Mr. Niass just addressed. I wanted to talk for a minute about the amendment we have for us today have gone through a public process. Did this discussion ever happen in any of the other venues? >> No. >> Tovo: What was the planning commission's consideration of this

ordinance? >> Planning commission recommended the staff recommendation that it be conditional in all situations. We did not consider an alternative because the idea was not brought forward at that time. >> Tovo: And codes and ordinances consider -- >> codes and ordinances before the planning commission, the same result. >> Tovo: Codes and ordinances considered it as we considered it today. Planning commission considered it as it's posted and came before us today. And now we have an amendment that would introduce a new statement that was not discussed by either of the board or previous public processes. >> That's correct. >> Tovo: Does staff recommend this amendment? >> We did present the idea at the last council meeting and we cannot recommend it at this time. We feel that the conditional use would allow if he did have a situation, it might be for him to speak to this situation, you could have a single family adjacent to zoning which could be used for offsite parking for possibly a bar.

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Today someone in that situation would understand when the doctor's office closes and the building closes, the parking lot is empty and you could be parking for a bar that would have a lot of activity in the evening. So we feel this provides a public notice and let people speak to that if they so choose. >> Tovo: So there are -- there probably are scenarios around town where we might have a -- we might have a limited office. We might fit the conditions of this. But that parking lot, while it is a surface parking lot and fits the other conditions could also be bordered by single family residences who do not -- who could be impacted by the lights and the kind of noise that's generated by parking after hours? >> It could be, yes. >> Tovo: Conditional use process would allow for a public hearing. This is proposed in terms of the amendment would be a strictly administrative one and not one that has any discretion. It would have to be approved. >> Right. If it met the distance requirements, we would be obligated to approve it, yes. If it met the distance, we would be obligated to approve it, yes. >> Tovo: Okay. >> Mayor Leffingwell: So you're saying the conditional use permit would have to be approved? >> No, if the amendment were to pass, we had a situation where someone had a piece of property immediately adjacent the parking of one of the parking, we'd be obligated to prove it because it was greater use. Yes. >> Mayor Leffingwell: Otherwise, if this doesn't pass, you go through the entire ball of wax. >> If it goes through the planning commission and the decision would be appealed from the city council. >> Mayor Leffingwell: Councilmember Riley? >> Riley: I do support this code amendment. And so before we even talked about the

suggestion, I would like to go ahead and move approval of the amendment as recommended by staff.

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>> Mayor Leffingwell: Motion by councilmember riley to oppose and approve the amendment. Second by councilmember spelman? That's on all three? >> Spelman: It is. With that on the table, I would like to go ahead and offer the amendment that mr. Niass suggested. That's what the yellow sheet that I passed out on the dais. And you could well have a bar, for instance, where people may not expect parking to take place near the bar. The greater risk is what happens if we make a conditional use permit process at any time that that adjoining lot is to be used for offside accessory parking, many times, the - the property owner just won't go through the trouble. And what happens -- what will happen is that parking won't just evaporate. It will go on to the nearby street. There's a far greater likelihood that will be more intrusive to the nearby residents to have people late at night parking in front of their houses on the street as opposed to making use of the existing surface parking lot. Generally when you have parking in -- in the residential area, adjacent to houses, parking on surface parking lot will be less intrusive to the neighborhood than having people go in the neighborhood and parking on the street in front of people's homes. So with that in mind, based on the input we've gotten, I would suggest that we would -- I would move that we would adopt the amendment that mr. Nias suggested as reflect in the yellow sheet that I passed out. >> Mayor Leffingwell: Amending your own motion? Is that acceptable to the second? >> Spelman: It's highly acceptable to me, but I think we should take it to a formal vote. >> Mayor Leffingwell: So proposed as amendment by councilmember riley and seconded by councilmember spelman? Councilwoman tovo? >> Tovo: I would like to speak to that.

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I agree it's preferable to have the cars off of the street and in a parking lot and many, many circumstances it will make great sense. And in fact maybe that is an example of that. But I think we've told by the staff that the conditional use process is easy one. It involves appearing before one board. Appealable to council but don't think they'll get appealed very often. T it's a fairly easy process to go before the planning commission. It's a fairly inexpensive one. And it does allow for those decisions to be made in their neighborhood context with some attention to what is around that parking lot and how that might play into people's quality of life. I would close by saying and our staff don't

recommend it. And that in and of itself I think bears serious recommendation. The staff won't permit it. None of the issues have addressed this issue. It wasn't in the posting language for this. I know that's not -- that didn't pose any kind of legal issue, it's just a public information point for me that it substantially changes the decision for us. That was indicated for people who might be interested. Thank you for allowing us to vote on the sponsors. >> Mayor Leffingwell: I'm going to support the amend for all of the reasons mr. Riley stated plus I don't want mr. Niass to have to change dentists if he loses this case. Councilmember martinez. >> Martinez: I actually am supportive of the amendment. I wish it would go a little further. I wish it would allow for conversations about if it were to occur adjacent to the existing establishment that neighboring streets that have single family residential structures would then be allowed something like residential

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permit parking so that each side gives a little and has to give a little if you will. If we're trying to alleviate cars from parking in the residential areas by granting this amendment, then maybe we truly enhanced that relief by providing residential on street parking. But at the same time, it even goes further. This is simply talking about I.O. And g.O. But what if there's g.R. Or cs next to a similar establishment that's only open from 8:00 to 5:00 and has massive surface parking lot during evening hours where it can be utilized. Why aren't we talking about those instances as well? Or have we talked about them? >> No, councilman, you're right. In that situation, that parking would be allowed by rights. There would be no cup. What's different to us is in in this case, it's changing. Someone may live next to another property and have the expectations that this would not be allowed. So today we're changing the code to make it allowed. And so on the staff side, we're a little more cautious in that situation because of maybe existing expectations. >> Mayor Leffingwell: Councilmember morrison? >> Morrison: It's interesting because we probably all got a letter from michael curry when it was first up and I think it's in the backup. In his concern about the unamended thing without what councilmember riley has added. One of the concerns is if you have I.O. And say gr or go, near a neighborhood that when you allow the parking to be done offsite for the g.O., You allow the intensity on the g.O. Site to be developed more. Whatever is there on the g.O. Site to be developed more intensely because it no longer

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has to absorb the parking so that that could have an impact. His point was that could have an impact on you know what the expectations of nearby residential would be. And I sort of thought, well, you know, maybe that's true sometimes. Maybe that's more of an averaging situation you're talking about. We've got parking over here that's not being used. We've got the average in any case. If that is an issue going on that you have an increase in intensity at the g.O. That's more sustainable because it's moving parking offsite. You can discuss that as the cup. And so I sort of came to terms with the amendment and staff was recommending it. Removing the c.U.P. Takes away the protection I was getting comfortable with. The draught house, that's a fabulous place. They want to be able to increase their square footage. They are a popular place. The neighborhood has been working with them very closely. They can't use extra square footage until they have more parking. But this is a, I believe the bar backs up to single family right behind it right across from the park. So in this situation, we're talking exactly, you know, a situation where we really would want it to go to the c.U.P. Process to make sure that it's going to be a compatible use. And the argument I hear about, you know, if it's adjacent, we would rather have them parking in the adjacent lot than in the street, that's not what's going on here. They can't increase the square footage until they have parking, additional parking is my understanding. And they want to be able to increase the square footage.

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The neighborhood is supportive of it. But we don't think it's fair to go ahead and allow that to happen without having some kind of dialogue which would happen through the c.U.P. Process. So, you know, maybe I hear councilmember martinez saying it doesn't go far enough. Maybe we should add some protections. I'm going to vote against this amendment. If it passes, I would hope that maybe there could be some additional restrictions, for instance, making the rp available or having a situation where if there is, it might be adjacent -- the l.O. Might be adjacent to the more intense use. But look at special situations where if there is actually going to be bordering -- any bordering, single family, something like that, then kick it back to the c.U.T. -- C.U.P. So to sum up -- the exact situation that's prompting the discussion to actually have this amendment, it's exactly when we shouldn't be -- when we should be ensuring that it's a c.U.P. So I don't -- I don't think it's the right way to go. >> Councilmember spelman? >> Spelman: I have a question for you. I'm looking at the content of both of the coordinates which is changing the original code and the original code. I want to understand now what the code now says. It says the director may approve the location of all or a portion of

the excess parking on a site other than the site for use is located as provided in this section. Then said offsite accessory parking is affirmative use if -- does this mean that somebody wants to allow parking on the I.O. Dentist office next to the draught house? It has to go to the director and the director has the opportunity to say no? Or is it plain permitted as right? >> It would be permitted as a

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right. >> What's the meaning of the first clause? >> It would review the site plan for it if you want to call it -- if this were the only issue, what we call a site plan, transportation site plan, they're pretty rare. What we'd have to do is still check to make sure it was within 1,000 feet of a primary use. And there was a situation where there was required parking for the primary use, they make enough spaces that they needed at the primary. If it's overflow or above the code requirement, that's not much of a concern. >> So first, you would not be in a particular situation. You would not be in a position to disapprove it. You would not be able to approve it so long as it met the basic requirements. >> Yes. >> Spelman: You would not be in a position to revoke that approval downstream if it turns out to be complaints. >> Absolutely. Not a compliance issue as far as the nature of the complaints were. If there were a nuisance, if the police could go after it for a nuisance. But as far as land use goes, no, they could not revoke that. >> Spelman: Okay. Well, I would be happier with doing this if that director may approve also suggested that the director may not approve or could revoke. But it seems to me this is still a worthwhile -- I think we should try it. If it turns out it causes more trouble than it's worth, we can change it later on. I would hate for that to happen. I don't like experimentation in that sort of thing. But this is a reasonable gamble. >> Mayor Leffingwell: In favor of the proposed amendment, say aye. Opposed, say no. Passes on a vote of 5-2 with councilmember tovo and morrison voting no. Brs to the main motion as amended. Those in favor of the motion,

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say aye. >> Aye. >> Mayor Leffingwell: Aye. >> Aye. >> Mayor Leffingwell: Opposed say no. Passes on all three readings on a vote of 5-2 with councilmember morrison and tovo voting no. Brings us to the last grouping of items, items 2, 3, and 73 will be heard together for purposes of the presentation and public hearing. We'll vote on the items separately. Is there any -- any presentation from staff or are there any questions from councilmembers from staff before we start the public hearing. >> I could make

a brief introduction, narrate something briefly if you'd like. >> Mayor Leffingwell: I never heard you do anything brief. Give it a shot. >> Items 2 and 3, impact the update. We do impact fee updates. Item three on your agenda is approval of our impact fee land use assumptions, cip reports or the maximum allowable impact fee. Item two is what we term a collected fees and our budget amendment. That's based on our staff recommended eye from the work session. If the staff directs us differently, we get the actual fees that you charge based on any incentives that you have. As proposed, the fees will go into effect january 1, 2014. We would note for you that by state law, requirements would have to complete the approvals by october 27, 2013. Which takes you to the end of the council meeting or do a

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repost and a public hearing. With that -- >> Mayor Leffingwell: What's that date again? >> The end of october 27, 2013. >> Mayor Leffingwell: Public hearing -- larry graham? You have three minutes. We're speaking on all three of these items. >> Thank you. Good evening, mr. Mayor. Member of the council. Larry graham, the downtown chairman of the boston alliance. D.A. With 75 property owners downtown. I wanted to say briefly we support the impact fee option recommended by your staff at the water utility. That's option number 4-i. While the water and waste water impact fees alone were not direct how our city grows, we believe all policies, fees, and regulations support the imagine austin principles of creating a compact and connected city. The cumulative impact of these policies does influence the development patterns. It turns out the discounts have been part of a policy has worked to encourage new development in downtown and along transit corridors. We want to be clear option 4-i is still a dramatic increase of about 245% for the development downtown. But we are willing to support this option that resulted from months and months of discussion, public input, and public collaboration. Some have recommended option five. But that would be a much larger 591% increase for downtown. Earlier, the d.A. Supported a

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much smaller fee increase that was option two. At that time I think last winter we met with the water utility staff and we suggested that they meet with the planning department to talk about how fees can use -- can be used to support growth in the preferred corridors that were outlined in imagine austin. We did the same things. So when option 4-i was presented, the d.A. Offered a compromised position, again, 4-i. For that reason, we were willing to support

an option that requires downtown development to pay 2 1/2 times what is required today. We asked you to join us and several of the business organizations. Such as the austin chamber, the board of realtors and some others to support the staff recommendation for 4-i. Thank you very much. >> Mayor Leffingwell: Next speaker is david king. >> Thank you, good evening, mayor, mayor pro tem, and councilmembers. Low and middle income councilmembers are struggling to afford to live in austin. They can't pay one more dime to subsidize waste water fees for new development in austin. The incomes are stagnant even as the cost of living continues to increase. The austin american statesman presents that they pay high property taxes because the state system shifts its tax burden from commercial property owners to residential property owners. Low and middle income families pay higher taxes to make up for taxes and subsidies to companies like amd and f-1 and apple.

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The developers, the austin board of realtors, the austin chamber of commerce pushed for these incentives subsidies and discounts on impact fees to encourage growth and impact jobs. It would create good and living wage jobs and keep taxes low. The results are in. Austin is less affordable to low and middle income families. Taxes keep rising. Most of the jobs are low paying. Many of the jobs provide no health insurance and pay so little that workers qualify for medicaid and food stamps. Last year, the austin business journal reported that austin moved into the top 100 cities in the u.S. With the greatest economic inequity. Austin is number nine in the u.S. For median rent prices just a few notches below new york city. It also noted that housing costs are so high in austin that low and middle income families are moving to the suburbs and other nearby cities where housing is more affordable. The same developers, board of realtors, chamber of commerce threaten economic gloom and doom if you make the developers pay the full cost of new waste water connections and eliminate the discount zone. The fact is these subsidies, incentives, and discounts help developers, corporations, and high income families but hurt low and middle income families. Is it fair for low and middle income families to subsidize the fees for condos and big homes. Please charge the developers the maximum allowable amount for impact fees and eliminate all discount zones. Thank you. >> Mayor Leffingwell: Paul robbins. Not here. Carol lee is not here.

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Sandra -- . >> Good evening, Roger Borgelt. I'm here on behalf of the real estate council of Austin. I'm here to ask for your support of 4-i which is in fact a compromised position that's been worked out over many weeks and months of negotiation. It shifts substantially the existing system and puts more of the burden on developers and less on rate payers. It's a significant move as was previously stated. It's still an increase of over 200% in the impact fee for development. If you go with other options that have been suggested, it would be a 671% increase. And I might add, it would add \$3700 to the cost of a new home right off of the bat. So if we're looking for affordability, you need to consider what we're doing increasing the cost of the new development within the city of Austin versus the development outside of the areas. Recent "Austin American Statesman" said that AISD said they've seen for the first time ever a drop of enrollment this year for 1100 students. Families with children are already moving from Austin into outlying areas and I think that the true affordability issue for the growth that we're seeing here is we don't need to be doing things that increase the cost of a new home by \$3700. You have laudably put a DSHS 65 bond issue on the ballot which we're supporting to address the issues. That as you well know is a drop in the bucket in terms of meeting the affordable housing need. It does not address the needs for the median and close to median income families that frankly can no longer afford to live here and are moving away.

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And so I think that you need to take the compromised position, which is the option 4-i. It's a significant increase in the share of the waste water assessment borne by the community. It's a fair thing to do. You're going to cause shock in the building and economic system if you go with the maximum allowable and I would just really discourage you from doing that. Thank you very much. >> Mayor Leffingwell: Next speaker is Brian Rodgers. Donating time to Liz Corozco. Dale Singleman? Steve Koch. Linda Curtis. You have up to 15 minutes. >> Thank you, I'm Brian Rodgers with the Change Austin.org. I served on the impact fee advisory committee and served on the joint committee for the financial health. I'm a real estate investor and a developer. So what we just heard from our Republican friend is they can -- home builders can just add \$3,000 on the price of a home. Well, that's not -- he needs to go back to capitalism 101 because home builders don't get to decide what they can charge. The market decides what you can charge. The real estate industry is the heaviest loaded with incentives than any other industry is. Interest rates are low. The Fed is pushing down interest rates to bail out the home industry because it put us -- the whole nation in general in their financial system. I

can go through a list here. We get tax-free exchanges. I can sell a property, do a 1031, trade it to another tax free. Mortgage interest deduction for multimillion dollar homes. Investors in -- building off of

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real estate partnerships pay no social security taxes. Huge depreciation losses allow investors to pay little or no property taxes. Hot land is undervalued. High end homes. Land speck tailors hiding behind wild life and ag exemptionings. They're funded 77% by the city residents. Now we have the impact fees. I guarantee you, poulte and centex charge 100% of what the market can bare. Because if they don't, the chairman -- the chairman -- the president of the company would be fired. That is what they do. That is in their corporate mission statement. The reason the home prices have gone up so much now is because lot prices has gone through the roof. Lot prices are up 42% over the past three years. I talked to the people in metro study. If -- home prices are going up because the people speculate on the land and do the land development. If home builders have a problem with lot prices, they should turn and the people who populate the speculators and the big land trust around the country who use austin as a -- as a market. They should turn to them and go, you guys are killing our business as a poem builder. But there are two sides to the same coin. This is what is success in one industry is driving up the price of houses. But let me carry on here with my -- so why even -- why do we -- why even entertain the idea of selling our precious water infrastructure assets in a drought? It -- I mean, why would you want to incenize more water usage. It doesn't make sense. You see this chart here. Austin weighted average -- we've been selling our impact fees at a huge loss for 15 years. Now, you can see the center line, the yellow in austin in

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2007. If we had charged the maximum allowable for the past five years, we'd be sitting in the middle of the pack. No, now because you add water treatment plant four and, boom, we're on the far right. That's the new max allowable. Guess who supported water treatment plant four? Chamber of commerce. Downtown home alliance. They all wanted it. Nobody wants to pay for it now. It's all for newcomers. It's not for us. New development, specifically. They don't want to pay for it. They want the rate payers to pay for it. Look at the national impact fee summary, 2012. The national average happens to be on the dot of what austin is. So if you're going to talk about what's the competition. How doe size up with other cities? We're the same, nationally.

900,000 people who live in the water utility area. Some reas rica and the home builders and they have the outsized ability to shove the cost on to the rate payer. The rate payer is already inundated now. We've got 70% since 2004. Another 5% coming up. The rate payer is taking it over and over again. This is the way the options started out like, yeah, the -- downtown austin alliance wanted option two which shoved \$250 on the rate payer. They got pushed to four and shoved \$465 million on the rate payer. But the thing about the maximum allowable is that it's that one point that growth pays for itself. It's only called a max. It's a misnomer because the city can't charge one dollar more. It's illegal to make money on impact fees. But we can charge the maximum allowable. That's the law in 1987 that the legislature passed that allows the developer -- developers wanted this law back in 1987. So let me carry on here.

[14:50:23]

The city staff has a different number. This is a city staff piece of paper this, is their number. Sometimes they talk about \$285 million. It's actually \$444 million if you look at the entire cost. What happens the impact fee goes with the plat. If you plat in 2007, you're tied to 2007 rate schedule for perpetuity. You can imagine right now there's a big rush going in to -- at the -- at the city because you have all of the developers trying to get the plats in by the deadline and it's 10, 15, 20 years out when they come cashing in on the impact fees. Who are the top home builders? They're all national, the top eight. They're not from austin. Quarterly revenues, over \$1 billion. You look a the statements, the homes have gross margins on home sales of 20.14%. Taylor morrison, 20.5. Pulte group, up by 9%. They operate in 60 markets throughout the country. Austin is just a market number to them. We're one of 60. So if we discount these fees, where does it go? Who gets that money? The stockholders of pulte. Where does your loyalty lie? To the stockholders of the rate payers or the taxpayers. San marcos, cedar park, georgetown. What do they share in common? They charge higher impact fees than the city of austin. So higher impact fees do not slow growth. I can't imagine why imagine austin is going to get a black eye out of this. Imagine austin is really just a trojan horse for developer subsidies. Every time I hear magic austin,

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I'm going to hear subsidies, subsidies. The subsidies for the green areas here are \$115 million. That's what 4-i wants. A few lots that have not been -- already been platted. Not single platted lots. This is not a single family lot

area. Family lots are on a different fee schedule. Ask downtown austin, what's a fair number for the austinian. Let's calculate it. Here's how a .5 inch meter for one half. You might think there's 178 condos so you added 178 meters. That's not the way it works. The austinian is done by a larger meter. Peak demand is spread on the system. The austinian only needs 25 service units. They only need a four-inch meter. One four inch because not everybody is flushing the toilet at the same time. They paid \$20,000 for the water and waste water taps. Divide that by a condo. And, yeah, it's \$70 for the price of water taps for the austinians. 58 for the condominiums. The austinian, section five, it goes up ten times. Yeah, they can bantay all of the high percentages. This goes up 1,000%. This goes up from \$70 to \$761 which is still a bargain. So the green areas, the imagine austin areas are meter based, larger meters. What's going happen is they' going benefit from the fixture-based system that allows

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meters. Okay, here's a beautiful building that is under construction. Ibc bank plaza. 30 stories, 125,000 square feet. It's probably only a \$30 million building. They only needed 16 service units because they have restrooms for office use. They paid \$12,000 for water and sewer. That is .0004 of what the building probably costs. 04 of 1%. Let me go on to -- the slodser development is on the impact fee advisory committee. Schlosser is responsible for much of the vibrant fifth and sixth lamar corridor, whole foods, home away, pure austin, and the new building at fifth and lamar. A ten-story class a office building on bowie street. He stated he and his partners make development decisions based on location, land prices, and market risks. Be uh impact fees are never part of that decision process. They were unable to attend this effect. But has granted me his time and asked me to convey the following -- over the year, we have requested fee waivers with impact fees and others with the idea that we could put the money back into the project. Our intention is only to save costs on these very expensive projects. But not having the fee offsets has not discouraged those from developing downtown. Nor would the waiver of those fees be an incentive for us. Knowing what I know now about the importance of the impact fee, and its role in maintaining equity for the rate payers, I would not want to have our developments taking advantage of reduced impact fees if it burdens the rate payer. We're willing to pay the true

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and fair costs of supplying water and sewer infrastructure to our developments. Two more sentences. I'm more concerned with the fluctuation in the price of concrete and rebar than the magnitude of impact fees. He went on, the one exception is low and modern income housing which is a serious concern in austin. My support of option five is subject to all of the affordable housing measures that are in place and new ones that could be put in place to further the community's affordable housing goals. So thank you, david. It's -- I don't know why hearing -- why it's good citizenship when you hear it. It's so refreshing and rare and brave when he's telling it the way it is. I want to sort of head toward closing here because I want to thank city staff. City staff worked on the impact fees with us with the committee. Here's a two-year process. And they did a thorough job. They were helpful. They cared about the quality of their work. They cared about getting it right. They did an excellent job. Brian long, michael castillo, jennifer fenton, jennifer, david shannon, add ellison who's now retired. But I saw him at the hardware and he had a big smile on his face. Also, a special thanks to mickie fishback who serves on the water commission. She has 29 years' experience in impact fees. And has proven invaluable with her experience and analyzing the different options and coming up with both option five. And closing, I want to give the mayor a little shout out here. My sense, mayor, you may vote for option 4-i, I could be wrong. My hope is you end up on the short end of the stick on this

[14:58:27]

one issue. If you do, I didn't want to go away empty-handed. This is a present I'll mail you, it's a bumper sticker that says I love impact fees. We should all love them because it's the one mechanism the state has allowed to enable us to have growth pay for itself. This is the one issue here. I only have one bumper sticker to give out. So the other six of you, I hope, in support of the 900,000 rate payers and citizens of austin will also support option 5. So, please, welcome to austin. But pay your own way. Thank you. >> I don't know where you got the idea that I supported one option or the other. I don't know what 4-i is. >> Okay, we'll see. Thank you. Next speaker is annie arbrust. >> Good evening, mayor, councilmembers. Annie armbrust with the real estate office in austin. I was in voicing the organizational support of austin 4-i, the staff recommendations. Many of the reasons we report option 4-i have been shared with you by our colleagues. But to go back to a brief history, when we first saw these options, we did support option two, which at that point was a significant increase from where we are right now in our current scheme. After the conversation involved the planning and review department, many of our stake holder organizations we do feel comfortable with option 4-i. We're not

trying to keep the status quo. We understand the financial situation of the austin water utility. We're not saying growth shouldn't pay for itself at all.

[15:00:28]

So please don't misunderstand our message on that front. We feel that 4-i is an option at this point for where austin is for a couple of different reasonsf. >> Good evening, mayor and council, my name is harry savio, I work for the greater austin builders association. We build the large amount of homes in the central texas area. The largest segment of that are entry level homes or first time move-up. Should the council decide to approve option five or the amount spoken to previously, the maximum amount that can be charged for water and wastewater impact fees, that cost will increase the cost to east austin or desired development austin smart home by \$5,000. Based on data provided by the national association of home builders that will take the 7,500 potential households out of the home buying market. What makes this a special concern to us is this is one item piled on top of another, all of which we

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have opposed in the past. In total should the council approve the maximum rate we can document \$10,000 in increased regulatory across improved in the months september through november. Now, I know that even though it's difficult to argue details of impact fees from here at the podium let me say that hva has are from the beginning challenged impact fee increases and some of the fundamentals I those calculations that was my hand out that is being passed out. What the maximum fee does is it requires all home buyers to pay for all of the water and sewer lines within their subdivision, all of the (indiscernible), an additional impact fee for all site improvements and then pay in their rates for the infrastructure used by you and me. The utility rates include what is called times cove and those of you, if you think back in the rates that that's forced by the bonding agencies to ensure that the utility is reinvesting in its current infrastructure. It includes capital projects, maintenance and repair, items not incurred by the new home buyer. It does not include impact fee projects, but that is a point in the current rate's new customers end up paying twice. When the impact fee bill was crafted much of the texas legislature and the texas association of builders thought that the times coverage calculation would assure that the offset that was applied would be a 50% offset or a 50% credit. Not surprisingly there are individuals who are prejudiced against entry level buyers. Most of those -- many people who move to austin did so with their infrastructure, quote, subsidized and now

wanting not only that benefit that they have achieved, they want to ensure that it's not provided to any other new

[15:04:30]

home buyers, plus the new home buyers help subsidize their existing rates.

No matter how you look at it -- [buzzer sounds] option five is wrong. We encourage you to oppose the maximum rate. Thank you. >> Mayor

Leffingwell: Thank you. Those are all the speakers that we have signed up to speak in this public hearing. So I'll entertain a motion on item 73, which is just to close the public hearing. Councilmember morrison so moves.

Councilmember riley seconds. Discussion? All those in favor, signify by saying aye? Opposed say no? It passes on a vote of seven to zero. We can now take up item number 2. >> Cole: Mayor, I have a question of s. Greg, there was a

comment made about the impact of water treatment plant 4 on impact fees. Can you give us a little background on that? >> Impact fees are composed of

capital improvement projects that are attributable for growth and development. We go through the capital improvement plans, projects that we have planned

or will do over a 10 year planning horizon and find out which are attributable to growth and development. Certainly planned for is in that mix as well as any other projects. Any time we do oversize water line, a sewer tunnel, a plant

explosion, those costs are incorporated into our impact fees. So certainly a significant portion of plan 4 is in the impact fee revisions before you today. >>

Cole: I'm trying to understand moving forward if we increase the amount is the argument that water treatment plant 4 is going to be a reason that new

[15:06:31]

users will be paying additional amount of that cost? I'm not completely following the logic other than it's lumped in with infrastructure. >> Well, we pay

for infrastructure in two primary ways. One is our rates we charge every month for water and wastewater users. The other is any fees we get up

packet, vis-a-vis fees from new development. The combination of those two form the basis of the revenue that we use to pay for the fees. So if you charge

more upfront for impact fees when developers hook up, you charge a little bit less for that growth investment from ratepayers and vice versa. It's that

intermixing of the two will pay for plant four through a combination of those.

It's how much of it is through impact fees and how much of it is through rates.

The more you incentivize or reduce impact fees, the more of the costs you would cover through the rate base and vice versa. It's that interchange. >> Cole: It's

just a cost and how we allocate between the developers upfront and the

ratepayers. >> Yes, for the growth related capital. >> Cole: Thank you. >> Mayor Leffingwell: Actually, we're talking about total debt, right? And could you tell us of our total of the waste and wastewater utility total distribute touch of that is attributable to plant 4 approximately? >> In terms of total debt, mayor, it would be -- david anders is here and could come up. Plant 4 is roughly 80 percent of 500 million. Say about 400 million in debt. I don't know what a percentage of that would be. It would be a small percentage of our total utility debt. >> That's what I'm driving at. To insinuate that plant 4 is driving up these fees and rates is actually misleading. And a distortion of the

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facts. All debt plays a small part in that. The fact of the matter is the water utility is a debt machine. That's what the fees and rates that you charge -- in addition to that you've got to pay some employees, but it's not like the electric utility where you pay to generate your product. You don't. The water that you get is free. So all the fees that you have to charge go to pay for the infrastructure, which is financed by debt and a small part to pay off -- to pay the employees who work for the utility. So the point I'm trying to make is again, if you're insinuating that plant 4 is driving up rates and water rates and impact fees, that's a distortion of the facts. It's a small part of it, like many other debt instruments. >> Spelman: Mayor? I understand -- I think everything that you've said is -- the facts are accurate that water treatment plant 4 is a very small percentage of the water utility's entire debt. I think that's just a fact. But we're not talking about the -- as far as impact fees are concerned, we're not only talking about the entire debt of the water utility and the water treatment plant 4 role in that. What we're talking about is, as I understand it -- please feel free to correct me anywhere I go wrong, greg, because this is virgin territory for me. I'm likely to put my foot on a land mine of one sort or another. But my understanding is that the impact fees are based on a portion of the capital improvement plan that we will be spending between 2012 and 2017. And some of that 2012 to 2017 cip is going to be identified as being to fund

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improvements necessary for continued maintenance of the system with current residents. And some of it is to produce infrastructure which is necessary for future residents, for growth in the system. And those are roughly equal in size. Is that an accurate statement? Just looking 2012 to 2017. >> The planning here roadway son for the cattles is a 10 year planning

horizon. It's a little broader than that. I might ask theresa to come up. We only apply the capital improvements that are attributable to growth and development for impact fees. It's against the law to try to cover impact fees to pay for replacing a water main that's in the ground already. >> Exactly. >> So we only use those fees. In terms of the percentage of our -- >> I would say probably on the order of 20 to 30%. >> Probably 20 to 30% of our cip would be attributable for growth and development. >> Okay. And that's going backwards considering the debt we've already incurred for projects we've already completed or going forward for things that we're willing -- going in the future? >> Both. Because the impact fees are based on both, both on projects we've done already, maybe even projects we've done a long time ago because things like plants are for decades and decades. Some of that persist into the future as we calculate impact fees and then there's new investments that are fresh that we've made or investments that we're going to make in the very near future. All of that is homogenized into the impact fee. >> Spelman: So the impact fee is only going to be paying for the 20, 25 percent of our total capital improvement program that is for growth, the vast

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majority of it then -- I'm surprised to hear that actually. I'll take it on faith. Again, I'm the one who has tried to avoid stepping on land mines. You have the data. The vast majority of it is to pay for maintenance on the system we've already got for users we've already got. >> And I'm generalizing. We would have to compute some numbers and the percentage of cip for growth in any one year will vary a little bit. When we're at the peak of plant had, the percentage that goes to cip is higher, versus in the next five years the percentage that goes to cip growth is very small. We don't have a lot of growth-driven projects in the next five years. The previous five years we had a pretty good chunk. So when you -- when you balance that over a 10 year horizon it probably works out to a quarter or a third of our cip is directed for growth and development. Because we are a growing city. Other communities would have much smaller percentages. >> Spelman: If we're looking only at the section of the cip which is for growth, between a quarter and a third, would it be fair to say that water treatment plant 4 is a big chunk of that 25 to 30%? Theresa is nodding her head. >> [Inaudible]. >> Spelman: Okay. And if for whatever reason we've already made that decision, don't panic. If for whatever reason had with a few years ago said not built water treatment plant four, not incurred those costs, then the total cost of -- attributable to growth would be smaller than it is now. Is that accurate? I think if we would have done something you would have found some other means of producing

treated water, but at least looking at the stuff we're dealing with now, water treatment plant four is a fairly large chunk of the decision in front of us right now. >> It's a fairly large piece

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of this current impact fee I am date. >> Spelman: I think that was all mr. Rogers was getting at is water treatment plant four was a large chunk of the impact fee basis, what we were trying to pay for with the impact fees and I think that's an accurate statement. I've got a whole lot of technical questions and I don't want to -- first, I don't want to bore the rest of the council with questions they may or may not find interesting. Second, I would like to be sure that I'm giving city staff plenty of time to answer the questions because they're getting sufficiently technical. They're talking about different kinds of turbine meters and whether a class one or a class two meter is the proper basis for determining what a service unit ought to look like. And I understand just enough of this to be dangerous. So everything I'm about to say is conditional on the fact that we're only doing first reading tonight, I hope. And before I go further I would like to know when we did second and third reading. Did you say at the next meeting we need to do second and third reading? >> Yes. If you don't did approve the two items by the next meeting we will have to repost the report, hold another public hearing, have another certain period of time. So it's certainly doable, just that much more effort we have to go through. @ there's prescribed time limits for when we issue the report, which we did in august, to when we have to complete the process before it, like, gets stale and state law requires us to reboot that again. So we could come back with the same proposals, but if we didn't complete it by the next council meeting we would have to start the clock over again. >> Spelman: I understand. I would certainly not want to put the rest of the council through another public hearing and have this whole discussion all over again, but I would like to have my questions answered. So mayor, I would take it as a personal favor from my colleagues if we could do this on first leading and hold over second and third reading for next week. The other reason I would like to do that is because I'm not exactly sure where I want to land, but I'm sure

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philosophically where I feel comfortable and the philosophical statement I feel comfortable with is that growth should pay for itself, as we've heard mr. Rogers and his friends say for many, many years now, and the only way I can be sure that the growth is paying for itself and is not being subsidized by

current residents is with the option before us, option 5. There are at of threshold objections to option 5. It is going to be a very large increase for the development community to bear. It is uncertain what effect this is going to have on the price of a single-family or of an apartment or of a condo and I would like to know more about that. There is substantial evidence that it won't be a big effect but I would like to know more about that before I make a final decision. There is substantial evidence again that it will not have a substantial effect on location decisions of developers. And therefore that it's probably not going to be worth the trouble for us to discount it in some areas and not in others as an incentive to build in, for example, the centers identified by imagine austin or in the desired development zone not in the drinking water protection zone. There seems to be a consensus among people who have looked at it closely that that's really not going to do much good, but I would like to know about that. And there are a lot of technical questions about what is the proper measure of the service unit, which I again only dimly understand, but would like to know more about before I make any final decisions. There is an argument which I am given to understand makes a lot of sense to the person who made it and he's a smart person, that we're measuring service units in a way which is systematically biased and may overcount the number of -- underestimate the number of service units inside the city of austin, there by having the effect of charging developers systematically more for their service units. That's about as far as I can say without knowing

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anything -- without tripping over my feet, but I want to be able to say something definitively about that argument next week. So mayor, just in the interest of putting this ball in play, I move approval of option 5. >> Mayor Leffingwell: Item 5, move approval of option 5 on item number 2. That's on first reading only? >> Spelman: Yes, absolutely on first reading only. >> Mayor Leffingwell: Is there a second for that? >> Cole: I'll second, mayor. >> Mayor Leffingwell: Mayor pro tem seconds. >> Cole: I'd like to make a few comments. >> Mayor Leffingwell: Go ahead. >> Cole: I thoroughly understand the potential. I think a speaker says shock to the system of changing these impact fees, but I agree with the idea that growth has to pay for itself and we're doing a balancing act between the developer and all of the ratepayers and we want to try to implement fairness. And in the interest of being fair and taking this only on first reading, I would like to explore some type of potential phase-in of the impact fee increase in going from 4-i to 5 for the potential -- for the developer and to also make sure that we thoroughly look at the costs that we are allocating in the impact fees and fully realizing that the state is very

strict about that, but making sure that we're not having any buffers on that that could potentially be reduced so that the impact on the development community is not so intense. >> Mayor Leffingwell: Any other comments? All those in favor, signify by saying aye? Opposed say no? It passes on a vote of seven to zero. First reading. Item number 3.

[15:20:57]

Anyone? Mayor pro tem. >> Cole: Again, mayor, move approval on first reading only. >> Mayor Leffingwell: Mayor pro tem moves approval on first reading only. Seconded by councilmember spelman. Comment? All those in favor, signify by saying aye? Opposed say no? It passes on a vote of seven to zero. And that completes our agenda for tonight. Without objection we stand adjourned at 9:21 p.M.