

# City Council Regular Meeting Transcript – 11/21/2013

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[04:05:03]

>> Mayor Leffingwell: Good morning. I'm austin mayor lee leffingwell. We'll begin today's meeting

-- [gavel] we'll begin today's meeting with the invocation from apostol marivel reyes, pastor, iglesia el shaddai. Please rise.

>> Good morning. I'm going to read ephesians, chapter 1, verse 8. I pray that your heart will be flooded with light so that you can see something of the future he has called you to share. I'm going to be praying in spanish and english. [Speaking in spanish] father, in the name of jesus I come before you to present the mayor and the city council. Father, this is the leadership you have been raising for this time. I ask you to give them, father, the anointing of the holy spirit to lead us, father in truth. Give them wisdom, father, and understanding. Give them peace, protect their families and bless this city. In the name of jesus christ, amen.

>> Mayor Leffingwell: Amen. Thank you. Please be seated. A quorum is present so I'll call this meeting of the austin city council to order on thursday, november 21, 2013, at 10:07 a.M. We're meeting in the council chambers, austin city hall, 301 west second street, austin, texas. I'll start with the changes and corrections to today's agenda. On items 3, 26, 29, and 31, add the phrase "recommended by the electric utility commission." On items 4 and 5, add the phrase approved by the water and wastewater commission on a 4-2-0-1 vote with commissioner spouse and ohurry voting against. Items 12 and 69 are withdrawn. On item 17, strike the amount, 600,000, and add the amount 500,000. On item 26, add the phrase "recommended by the resource management commission." On item 30, add the phrase "approved

by the zero waste advisory commission on a 5-0-0 vote with commissioner jeff payne absent." On item 55, strike the word "whole" and add the word "world." On item number 56, add as a second co-sponsor councilmember chris riley. On item number 59, add as a second co-sponsor councilmember mike martinez. Item number 67 is withdrawn. And just an advisory, at its 2:00 p.M. Time certain on item 85, there will be a request from councilmembers morrison and martinez to set this item for a 3:00 p.M. Time certain. Councilmember martinez.

[04:09:07]

>> Martinez: Due to circumstances that may prevent me from being here later on today, I'm going to withdraw my support for a time certain of 3:00 and would prefer it come up as soon as possible so I can be here for the item.

>> Mayor Leffingwell: All right. Disregard those comments on item 85. It will be heard normal order. On the ahfc agenda item number 2, strike the amount \$550,000 and add the amount \$500,000. Our time certain items for today, at 10:30 there will be a briefing on the online message board system, the project connect central carter update is withdrawn. At 12:00 noon we'll have our general citizens communications. At 2:00 p.M. We'll take up our zoning matters. At 3:00 p.M. We'll recess the meeting of the council and call to order a meeting of the austin housing finance corporation board. At 4:00 p.M. Our public hearings. At 5:30 p.M., Live music and proclamations. The musician for today is

-- musicians for today are the night owls. So the consent agenda for today is items 1 through 66, plus item number 111. Item number 44 will remain on consent. These are appointments and waivers for boards and commissions, but I will read that item into the record. To the commission on immigrant affairs, nancy lira is councilmember martinez's nominee. To the community development commission, roberto perez, jr. Is councilmember martinez's nomi to the electric utility commission, brent hadabreck is mayor pro tem cole's nominee. To the hispanic quality of life resource advisory commission martha cotera is councilmember tovo's nominee. To the travis central appraisal district board of directors, approve a resolution reappointing christopher lands to the travis central appraisal district board of directors. There are no waivers on today's agenda. The following items have been pulled off the consent agenda. Item number 18 is pulled by councilmember morrison. Item number 20 is

related to item 105 which will be heard after 4:00 so that will be pulled and heard at that time. Item number 38 pulled by mayor pro tem cole. Item 49 pulled by councilmember morrison. Item 51

-- councilmembers morrison and martinez request this for a time certain of 3:00 p.M. Okay, that was the item 85 you withdrew your request on.

[04:12:24]

>> Morrison: Mayor?

>> Mayor Leffingwell: Councilmember morrison.

>> Morrison: I just want to get clear, it's also item 51 the request for time certain?

>> Mayor Leffingwell: That's what we're trying to figure out now. Councilmember martinez is withdrawing that request.

>> Morrison: If I may, we have several people that were planning to be here at 3:00 so maybe what we could do would be to possibly keep it open until then so we could still hear them, if that would be all right.

>> Mayor Leffingwell: So what that amounts to is this request for time certain at 3:00 p.M. Is still withdrawn.

>> Morrison: Right.

>> Mayor Leffingwell: We'll try to accommodate unusual circumstances.

>> Morrison: Thank you, mayor.

>> Mayor Leffingwell: Item 53 and 54, items 53 and 54 pulled by councilmember spelman. Item 61 pulled by mayor leffingwell. Item number 71 is pulled by mayor leffingwell to be heard concurrently with item 106 after 4:00 p.M. Several items were pulled off the consent agenda due to speakers. Those are items 13, 46, 47, and 48. So that is our consent agenda. And we will go to our speakers on the consent agenda. The first being kathy green. Kathy green. Is kathy green in the chambers? Apparently not. Scott johnson. Is scott johnson in the chambers? Apparently not. Those are all the speakers that we have. So on item number 51, since it is no longer requested for 3:00 p.M. Time certain, that means it remains on the consent agenda, so I am pulling that item off the consent agenda. So add item 51 is just pulled from the consent agenda and we'll hear it at the appropriate time. So those are all the speakers that I have to speak on the consent agenda. And I will entertain a motion for approval. Mayor pro tem cole moves approval. Seconded by councilmember

spelman. All in favor say aye. Aye. Opposed say no. That passes on a vote of 7-0. And could I ask those leaving the chamber to hold the conversation down until you get outside so that we can continue with the meeting. Councilmember spelman.

[04:15:49]

>> Spelman: I was going to ask before the consent agenda was approved but I forgot. Will the project connect central corridor update be given at some later date or

--

>> Mayor Leffingwell: It's going to be scheduled for december 12th or

-- let me check that date. DECEMBER 12th.

>> Spelman: Thanks very much.

>> Mayor Leffingwell: So we'll take up item 13 which was pulled for speakers. The first speaker is gus pena.

>> Mayor and councilmembers, good morning, gus pena, proud native east austinite, proud marine corps veteran. Item 13 has to do with funding for the african-american men and boys foundation. Michael laughlin was a good friend of mine. I was appointed in 1998 to the austin independent dropout prevention task force and this item came to our attention to dr. Pat forgione, the superintendent at that time. We had at that time as we do now a high dropout rate. And I would

-- I know everybody supports the funding for african-american men and boys foundation. It keeps kids in school. It bridges the education gap and it has been a problem back then as it is now. I taught it in aisd as the student teacher when I was discharged from the marine corps. I also taught in acc, I taught esl for the 1986 immigration and reform act. Any funding to go to this initiative is right on target, we support it and I hope we have more money to start our programs like this. Michael, thank you for what you do for the kids. We have a lot of kids wanting to join organized crime and I think you people better listen to what we have to see out in the community. We are involved in keeping kids off the streets, out of gangs and whatever and there is a lot of temptation out there. Anyway, kudos to michael lofton and more funding, thank you, michael, good work.

[04:18:13]

>> Mayor Leffingwell: Thank you. The next speaker is jim taylor. Jim taylor. Strangely, jim taylor is not in the chambers. I'll entertain a motion on item 13. Mayor pro tem moves approval. Seconded by councilmember spelman. All in favor say aye. Aye. Opposed say no. That passes on a vote of 7-0. That brings us to item number 18 pulled by councilmember morrison. No speakers.

>> Morrison: Thank you very

>> Morrison: Thank you, mayor. I want to thank the applicant for their openness and conversation and their interest in really benefiting the community in ways that this vacation happens. What I'd like

-- the conversations are ongoing and there are a few things that need to be memorialized and for folks interested, the issues that we're talking about is exact language of the affordability commitment they are making, the potential for them to pave of the rest of the alley, an of@er they've made. They are interested in certain design issues on the access design that would be part of the site plan anethene there's questions about how the actual appraised value was done. With that, mayor, what I would like to do is make a motion we approve this on first reading and ask that it come back on the 12th of december.

>> Second.

>> Mayor Leffingwell: Motion by councilmember morrison to approve on first reading only, seconded by councilmember spelman. Further discussion?

Councilmember riley.

>> I will be happy to support that and I want to thank staff and the applicant for coordinating on that. That would lead then to the prospect of vacating the alley when

-- in the past there have been some occasions, at least one where council vacated an alley for a particular project and with passage of time come to find out the project didn't actually materialize and we vacated an alley when we really probably should not have. So we've been working with the applicant and staff to figure out a way to address that and in this case we've added language to provide temporary access until the utility and drainage easements are removed. So that means we will have continued access to the alley until construction actually begins on this project. I'm not sure that's the way to address it in the long term, but the important thing we've recognized the issue and working on a way to address it in every case going forward to make sure that whe we vacate an alley for a particular project, we have

considered the possibility and that the project may not actually materialize and we have built in measures to ensure we will continue to have access in that case. So I want to thank everybody involved and again I'll support the motion.

[04:21:19]

>> Mayor Leffingwell: All in favor say aye. Aye. Opposed say no. That passes on a vote of 7-0. So we have a number of speakers signed up on 46, 47 and 48. These are related items so if there's no objection, we'll combine the speakers on those three items. Councilmember riley.

>> Riley: There's another item related to these items, 53. If council is willing, I would like to suggest we consider item 53 concurrently with these three items.

>> Mayor Leffingwell: Let me take a look here. If there's no objection, we will consider all these items together for purposes of speakers. We'll vote on them separately. And so I believe that item 51, councilmember morrison, you expressed a wish to hear that at a later time.

>> Morrison: It's just that I know that there are some people that won't be able to get here until

--

>> Mayor Leffingwell: So not at 3:00 but later.

>> Morrison: Yes. But I'm certainly understand if councilmember martinez wants to be part of the conversation at least to get it started.

>> Mayor Leffingwell: Let's take up item number 61, which I think will be very short and we can go to our briefing. Councilmember tovo.

>> Tovo: I'm lost track.

>> Mayor Leffingwell: Item 51 there was originally a request that set a 3:00 p.M. Time certain.

>> Tovo: I understand that piece.

>> Mayor Leffingwell: So it would be next in order normally, but councilmember morrison stated that in anticipation of it being a 3:00 p.M., Several people aren't here that might want to speak so I'm going to honor that request and hold off on addressing it right now.

[04:23:21]

>> Tovo: I think that makes sense. I thought I heard you call up 46, 47, 48.

>> Mayor Leffingwell: No, I just mentioned we were going to combine those items.

>> Tovo: Got it. Thank you.

>> Mayor Leffingwell: So item number 38

-- yeah, 38.

>> Cole: I have a quick question of staff about this item. This is an item to approve the ordinance amending the minority

-- the minority owned and women business enterprise procurement program and extending the sunset date. I noticed in paragraph b that it stated that the city has hired consultants to study and conduct an analysis of the availability of m.B.E. Businesses. And I'm wondering because there's been some discussion in the past about partnering with aid and the county in this disparity study, what is the status of those discussions?

>> Good morning, council, director of small minority resources department. There have been several discussions partnering with other entities in the area including both the county and aid. Both of those particular entities have taken action to move forward in partnering with the city. They have been having discussions with the consultant that the city has contracted with which is the nera organization and as recently as this week the county took action on their county agenda to move forward with the consultant.

>> Cole: And I'm assuming that our partnership will result in reduced costs of the study.

[04:25:26]

>> Our assumption in approaching the other entities was if we as a city were going to prepare for the study in the bulk of the costs, the other entities would see a reduction in costs as a result of that participation. So the consultant is this the process of working out the fees with each of these entities, but that is our attempt and hope.

>> Cole: Okay, thank you. Move approval.

>> Mayor Leffingwell: Seconded by councilmember spelman. All in favor say aye. Opposed say no. That passes on a vote of 7-0. Now item 61. And there

-- that was pulled by me and I would like to ask for a postponement until our next meeting. If there's no objection.

>> Spelman: Why?

>> Mayor Leffingwell: The list was quite lengthy and I just have not had time to look it over. In addition to that, there is no hurry, I've checked and just so we get it done by the end of the year, there's plenty of time.

>> Cole: I'll second that motion simply because I received a  
-- mayor?

>> Mayor Leffingwell: Why don't you make the motion.

>> Cole: I'll make the motion, and I'll make that motion simply because I received a couple of emails regarding participation. And I know that the emerging technology committee has been working hard on this and I applaud their work, but I do think that a little bit of a postponement may help.

>> Mayor Leffingwell: And I realize the deadline for applications has already passed, but I've had similar thoughts and inquiries and I think we need to have a little bit of discussion about how

-- how substitute entities are going to be handled in the event and we anticipate that it will happen that we won't be able to handle all the specific applicants, how we're going to allow for additional entries into that pool. Councilmember morrison.

[04:27:38]

>> Morrison: Is it all right if I make comments?

>> Mayor Leffingwell: I will second.

>> Morrison: I would like to make some comments if I may because we

-- we just have a commitment to google to get this in by the end of the year so that's fine if we postpone it until the 12th of december. I would like to at least take a minute to get some background on how we actually put this together so that you all will understand sort of what the

-- what the intent is and what the approach is and what the framework because I think it will help understand what's on the list. I am perfectly over if someone wants to start over or add a particular organization, just remember we have a limit of 100. So you might also want to make a suggestion as to what does it cost unless you are starting all over. But I do want to mention we had over 300 applications for



-- for 100 spots. In addition we also have city hall and the new central library. So those are in addition to the 100. So what we did was staff did a lot of work categorizing the applications because if you'll remember we adopted a resolution that said we want to make sure that we have the organizations geographically dispersed as well as addressing and targeting and serving many different components of our

-- of our community. So whether we look at it ethnically or agewise or geographically or whatever, we were trying to achieve a spread like that. We were also trying to achieve a spread across different arenas, so, of course, we have education, but we have arts and even within arts we wanted to spread it across different arenas in arts and different technology, social services and things like that. So staff went through and did a categorization and looked at all the

-- looked at all of the applications and our commission, community technology and telecommunications commission, looked at that and provided a recommendation to the emerging technology and telecommunications committee on not necessarily exactly what organizations but sort of how to allocate them between the four categories that staff ended up with. One is arts and culture. You'll see the list is broken down in that. One is education and workforce. The third is public facilities. And the fourth is social services. So we adhered mainly to the allocations. They also said but absolutely priority of a couple including channel austin, still point alliance and perhaps one other. We can get that to you. So with that, one of the big challenges was, of course, our school districts. To get google fiber in schools is a great opportunity. We have I think five school districts in the city with school in the city of austin, five or four. So what we did was we made sure that with schools within the city boundaries. The facility has to be within the city boundaries. So we made sure that we selected one school from each of the school districts that applied besides aisd, we treated them separately. We also included in our list every high school from aisd. And we would have liked to have included more, but we also included every library that we have in the city because we wanted

-- that is a great way to make sure that it's spread across geographically just to start. And that every person in the city of austin will have access to google fiber. So we had 12 aisd schools. We have 23 libraries. We have, you know, a handful of other things, so that very quickly gets us up there. So it was a

-- there are many, many quality applications. But we also wanted to hit, for instance,

as many different public agencies as we could so we have a central health, we have a [indiscernible] site, we have a htcic site so with regard to public facilities I think it ended up being half public facilities and half spread across those other ones. And then for instance within social services we were trying to spread across many different sites of services and same with the arts and same with what we call education and workce. I hope that gives you a little background as you go to look at it and if we want to start over that's fine. Trading things in and out, that makes a lot of sense too. Just be aware that we have that 100 limit and I look forward to working with everybody and getting their ideas. Maybe we could think about talking about it at our work session on the 10th if people want to start discussioning these issues.

[04:32:48]

>> Mayor Leffingwell: Mayor pro tem cole.

>> Cole: I would simply like to request that staff make a memo about the process that the emerging technology committee has went through that councilmember morrison has just outlined and any more details about that because I think we all need that information as we get questions about what [indiscernible]

>> Morrison: Great. And mayor, if I may.

>> Mayor Leffingwell: Councilmember morrison.

>> Morrison: I would like to mention you brought up the issue we need to figure out like what if one of them drops off the list because the bottom line is that, you know, when google goes forth on their installation, they are going to be looking at interest and demand in each neighborhood and each neighborhood

-- fiberhood as they call them will have to meet or exceed a threshold. So it's possible that some of these might show up in fiberhoods that don't show the interest. Just to let you know, I know they are very interested in trying to make sure that every fiberhood actually shows the interest. What we've put in the resolution was that we would ask each

-- if there are other spots that each would look at coming up with a recommendation and council would have a final

-- a final opportunity to designate what fills the holes. But it doesn't really

-- it's not a simple matter of just scoring all these applications and pick the top scores because as I mentioned we really want to make sure we have an array looking at

many different dimensions. We would like to make sure that we look at what would fall off and we might want to target another organization that sort of serves the same folks that is in the same geographic area. And one thing I did forget to mention is that

-- is that two key sort of things that we were looking at in the applications were what the

-- how they intended to use it, was it

-- we were looking for a lot of innovative applications and ideas, and the second thing is that we were looking at services that really would help bridge the digital divide and help promote the [indiscernible]. There's at least one facility that I'm aware of that is a fit city facility that didn't submit an application, and I really, really wanted to put them on the list, but we did, I can tell you, have a conversation about at least then that we wanted to probably just out of fairness because we all adopted a resolution on what the process was, that we wanted to stick at this point with organizations and agencies that submitted an application. If something falls off the list, I feel like

-- and some may, we'll have some opportunities then to go back and be more targeted. Thank you, everyone.

[04:35:55]

>> Mayor Leffingwell: All in favor of the motion to postpone until the next meeting? Councilmember tovo, did you want to say something?

>> Tovo: I wanted to thank councilmember morrison and the other members of the committee for going through such a careful process and for outlining that today. The list looks great, but it wasn't completely apparent how the priorities were made and I think especially the weight of making sure that as many schools are included within that makes a great deal of sense. I also wanted to say that I am recusing

-- I'm voting on the postponement, but I'm

-- now and when it comes back I'm recusing myself on

-- the proper paperwork is on file.

>> Mayor Leffingwell: Right now we're just voting on the postponement until next meeting. All in favor say aye. Opposed say no. That passes on a vote of 7-0. Mayor pro tem cole.

>> Cole: I'm going to need to make a motion to reconsider the board and commission nominations and waivers because I've noticed that my appointee is not been included.

>> Mayor Leffingwell: Motion by mayor pro tem cole to reconsider

-- what is that, item 44?

>> Cole: Yes.

>> Mayor Leffingwell: Item 44. Is there a second? Seconded by councilmember spelman.

>> Cole: I would like to move alicia del rio be added as a nomination to the hispanic quality of life.

>> Mayor Leffingwell: That's alicia del rio.

>> Cole: To the hispanic quality of life resource advisory commission.

>> Mayor Leffingwell: Okay. So new motion is to approve the list with the addition of the nomination of alicia del rio by mayor pro tem cole to the hispanic resource advisory commission. Seconded by councilmember morrison. All in favor say aye. Opposed say no. That passes on a vote of 7-0. So we will go to our briefing on the online message board system.

[04:38:16]

>> Mayor, council, mayor pro tem, we're going to give an update on the online -- the council online message board. I'm going to give an overview on how we got here. Matt, manager from our web services team, is going to give a briefing on the process and then jeanette from the clerk's office is going to give the summary and the recommendation. And so with that, that

-- so just recently the state legislature amended the texas open meeting act authorizing the use of online messaging for municipal governments. Shortly after that the council passed a resolution directing the city manager to implement an online message board that meets the requirements for the austin city council to be used by december 1, 2013. And city manager at that point put together a cross functional team made up of the technology group, the city clerk's office as well as the law office to collaborate on what the best solution for that would be. So I'm going to have matt kind of talk through that process.

>> Thank you. Good morning, council, matt escobel, division manager at ctm. I want

to go over a little bit of process that we went through. Our assessment created a survey of options that was taken into account several things. We were definitely looking for something that was cost effective and met all the requirements set forth in the retention. Our goal is provide a list

-- provide a recommendation for you today that will give you the ability to communicate online and meet all the requirements of the Texas open meetings act and provide the transparency to the public. Our key areas of focus, and basically this translates to the requirements that are listed in the resolution, were to find a solution that would give the ability to administer authorized council members and designated staff to participate in the forum. It's the ability for the public to access from the city home page easily and to be able to search forum posts. We also wanted to make sure that the solution we found met all the data retention requirements. And I think that was a key distinction from general forum software. We also wanted to make sure that we were able to comply with all the items of the open meetings act. So to meet the requirements, there are literally dozens of solutions that could fulfill those requirements. But we wanted to focus on these three categories to help us make the decision. One, we want to look at subscriptions solutioned hosted by third party vendors and in-house solutions developed by the city. In both cases we wanted to make sure we were expecting if there were products specifically made for this purpose. So that was definitely part of our evaluation. Through that process, we've kind of come up with the recommendation or leading towards the idea that we would go with an externally hosted subscription service. The reasons we are recommending that path, they provide the most flexibility and management tools. Very easy and intuitive to use for the administrators of the system and users of the system. With a subscription service, there is availability of training and support included with the subscription. Found it to be also cost effective in that it's pretty much out of the box delivering what you need without having to do a lot of customization which would add time to the project. And we did find that there were some solutions available that focused on government and government issues in particular which we felt, again, was an important distinction. The actual product that we are recommending today is called City Town Hall or GovLog. It's a forum software that is built specifically for city council or government entity discussions and forums. There's over 75 cities currently subscribed to this. As you can see, Portland, Oregon, Salt Lake City, Arlington, Virginia and Tempe, Arizona. They have

built-in tools for management of the forum topics and the groups, you are able to contribute to the forum. I mentioned they are specific to government in that they provide data retention tools. All of the conversations and topics posted within the forum are downloadable in both pdf format which would comply with retention policies. The cost is very effective. It's under \$2,500 per year subscription and includes support. And we feel that that's a big advantage especially when talking about the time line. I think the original time line in the resolution is for DECEMBER 1st, WHICH IS VERY Close, but we'll talk about that a little bit later. And when we originally were presented with this

-- with this assignment, we have about a month to look at it and within that time it was clear to us that a third party solution would be the quickest way for implementation. And lastly, peak dempsy and the lines for communication member which the city is also a member and also part of the code for america commons group which we felt that was a nice alignment. So with that I'm going to turn it over to the city clerk to talk about the next steps.

[04:44:12]

>> Good morning, mayor and council. Jeanette goodall, city clerk. As matt kind of indicated, the project isn't moving quite as fast as we had hoped so I'm here to tell you that we don't think we're going to meet the december 1st deadline considering it's about two weeks away. But in conversations with the vendor, we believe we can get everything purchased and installed from the vendor's point of view by the first of the year. And then potentially another 30 days to get it configured and get users and everyone set up into the system so that hopefully we would be up and running fully by the first part of february, if not sooner. This allows us to kind of work out the process that we will use eventually to gout and grab them for retention requirements, and then once we get it implemented, depending on the workload that it involves since this is a new project, we will come back later, possibly through the budget process, to indicate if there is any additional staff requirements depending on the workload. And we're hoping that we can accommodate most of it without any budget requests, but it's a new system and so I really don't have any idea how much work is going to be involved in maintaining the system. We will need to set up some procedures for entering and adding users and going out and grabbing

the data and figuring out when we're going to grab it, and so those are some of the procedures we have to work through. And we will  
-- the system should meet all of our compliance requirements with the open meetings act as well as retention requirements so this is why we're recommending it.

[04:46:13]

>> Mayor Leffingwell: Okay.

>> That's it.

>> Mayor Leffingwell: Questions or comments? All right. Thank you very much. Councilmember Spelman.

>> Spelman: I had a question.

>> Mayor Leffingwell: A late question entry.

>> Spelman: Slipped under the wire. If we wanted to get a sense for what the system looks like, what it's going to be like to actually work with it is there something I don't know line which will give us a sense?

>> You can go to peak democracy.Com and they do have several samples of the product in use. I think there's 32 different cities featured on the website. The distinction about those products that's different from what we're doing is that it is public focus. It's trying to get discussion of constituents as opposed to elected officials. Through the ability to control groups, we'll be able to have a controlled group which would just be for this government body.

>> Spelman: Okay. And there will be no mixing on this website of conversations among us with conversations with the public.

>> That's correct.

>> Spelman: Okay. Have we given

-- well, we already have opportunities for the public to interact although that's another discussion I won't worry about. Is there a possibility that we would have an opportunity to test this between when it actually goes up and when it goes live at the end of January?

>> Certainly. We can definitely arrange a demonstration with the vendor to take a look at the actual interface and how it works. And definitely the other part about it going up on January 1st is we do have pretty much a 60-day period with the vendor

to do all the configuration and management, but that would also be an opportunity to take a deep dive into what the features are.

>> Spelman: Okay. Thanks very much.

>> Mayor Leffingwell: Councilmember riley.

>> Riley: I think what I hear you saying is that this vendor has not previously set up a service like this that would be geared more towards elected officials than towards interacting with the public?

[04:48:16]

>> Correct. That's how it's used most commonly.

>> Riley: Are there other texas cities that have moved forward on the legislation you mentioned to set up their system?

>> I'm not certain about that and I may refer that to our legal representative if there's other cities. I know there was case studies done in terms of what types of products could satisfy the requirement but I don't know specific cities that have gone down the path. Do you?

>> Mayor and council, j.K. Gale, law department. From what we understand we will be the first texas city that estab online system.

>> Riley: That will be interesting.

>> Mayor Leffingwell: Any other questions or comments? Okay. Thank you. So we'll go back to our consent agenda items. There are a couple that we could take out of order that are short, if there are no objections. The first is item 49, special events ordinance. And we do have two speakers. David king.

>> Thank you, mayor, mayor pro tem and councilmembers. And I just want to remind everybody that the flood victims from the halloween flood still need our help and I thank the council for making it a priority to do all you can to help them, but from the public perspective, they still need our help so please don't forget about them and please help them. And it's getting close to thanksgiving so this is an important time for them. Let's be thankful for what we have and help those who are in need right now. And one last point, I would like to thank you all in the spirit of thanksgiving for all the hard work that you do for this community. I know we don't always agree on things that come before the council, but there's no disagreement that you all work hard and you are committed to making this city a better place to live. So I am



thankful for you and for what you do. I'm hear to sk on the resolution, special events resolution. A representative from the austin neighborhoods council. And a copy of that resolution was sent to you by mary engel and I hope you all have had a chance to read that. I won't repeat all of the details of that, but I appreciate that you are creating a special committee composed of councilmembers to look into this and the anc would just respectfully request that allow a represent forgive the anc to participate with that group or at least to provide input and be able to attend meetings and provide input and suggestions to you. And some of those suggestions are outlined in the resolution so I won't take the time to repeat all of that, but thank you very much for your consideration.

[04:51:14]

>> Mayor Leffingwell: Thank you. Next speaker is mary arnett.

>> Good morning, council. I want to make sure that also included in that committee that you have someone representing the budget department. I think it's really, really important that as you make these decisions about how to make things efficient that we have confidence that fee waivers and things that have been of high importance to the community are accounted for the right way and transparent so that nothing is hidden with waived fees just disappearing into thin air and that our police department is getting reimbursed for their time in an appropriate way. That's the only thing

-- the only point I wanted to make about this and I do agree with everything david king said. Thank you.

>> Mayor Leffingwell: Councilmember tovo.

>> Tovo: I wanted to be sure you are aware of a resolution that we passed several meetings ago that I sponsored with councilmember morrison to look specifically at -- councilmember spelman, as well, to look at costs associated with special events and really try to get our handle

-- a handle on what the full range of costs are, what the full range of revenues that the city takes in through feesare and really better understand the financial picture underlying our special events. This, by the way, is a provision in our code to provide such a financial analysis on an annual basis to the council, but to my knowledge it's never been done, so this resolution just sets that process in motion again.

>> Thank you.

>> Mayor Leffingwell: Sketer miller.

>> Mr. Mayor and councilmembers, my name is skeeter miller, owner of the county line restaurant and I also am president of the greater austin restaurant association. I approve this resolution. I think that

-- I think that it's a great move to create

-- it's really a good move. I think there's just a few things that are

-- that are vital to our organization and event planners as far as when to

-- when to have your permit approved you know, being approved the day before the event is just something that can work in our industry so I think it's great for you to reach out and want to create the committee to find out the essential things that works for all businesses and I think it would be a great thing if you could have somebody in the restaurant industry or the special events industry that can be a part of that committee. Thank you very much.

[04:53:53]

>> Mayor Leffingwell: Thank you. That's all the speakers that we have.

Councilmember morrison. You pulled this from consent.

>>

>> Morrison: Yes, mayor, I think I mentioned at the work session that I was interested in

-- I appreciate the councilmembers willing to dive into the special events. I am interested in apparently councilmember tovo is willing to add councilmember tovo to the committee because she was on the [indiscernible] task force and there were lots of very delicate compromises that were made, specific issues addressed, and I think to carry over that into this discussion is to really help enhance the outcome. So if one of the sponsors would like to make a motion to approve this resolution, I would just add that as an amendment.

>> So moved.

>> Mayor Leffingwell: Motion by councilmember martinez, seconded by councilmember riley. I will just say, first of all, I was the sponsor of the task force for street closures several years ago so I'm somewhat familiar with the issues too, but my concern here, I'm obviously in favor of the item itself, but my concern here is

going to four members raises several red flags. That is a quorum of councilmembers. There have been three councilmembers working on this for some time. I've consulted with the city attorney and

-- on this and my decision is that if this is approved with the amendment of adding councilmember tovo, I will remove myself so we'll be down to three members.

Councilmember martinez.

>> Martinez: Thanks, mayor. It's unfortunate because I think, you know, we wanted to have the three of us work on this. I agree with you that, you know, councilmember tovo and any other councilmember can attend any of these committee meetings and provide any input that's necessary. So I would prefer the original sponsors of this motion and the original three that were working on this issue remain the committee and everyone else is more than welcome to participate. It is a

-- it's a public process and it's open. And I think we can

-- I certainly can feel like I can work with councilmember tovo with what the committee is discussing and take her input and bring that to the committee level. So I would hate to lose the mayor on the committee so I won't be supporting that.

[04:56:32]

>> Morrison: Mayor?

>> Mayor Leffingwell: Councilmember morrison.

>> Morrison: Thank you. I appreciate everybody's input. I do recall the last special committee we did as council as that was economic incentives committee and in that case there was one member of our council that wanted to be added and we were very open to adding them and we have four and I certainly hope there wasn't any issue with having a quorum. I don't think this is any different so frankly I feel that certain

-- I would consider it a very reasonable courtesy to actually integrate councilmember tovo. She has a different perspective. She was in the trenches on the street closure task force. I think that with regard to the requests that we've heard from amc to essentially representing amc on that task force so this would be a really good way to also be able to integrate some of their requests. So I

-- I guess I'll leave it at that. I think it would be entirely reasonable to include

councilmember tovo and I find it unfortunate if that then would lead to someone thinking that that could be a problem of having four.

>> Mayor Leffingwell: Well, it's not simply

-- you know, I commented before why I thought this was especially a problem on this issue, the fact this item has been before the council before and it had three co-sponsors and there have been extensive discussions among the three so I'm going to leave it at that. I'm not going to argue about it. I'll just say for me it's an area where I don't want to go so I'm assuming that the motion on the table by councilmember martinez as far as the original proposal and that second is by councilmember riley. And then councilmember morrison wants to propose an amendment, now would be the appropriate time.

>> Morrison: I would like to propose an amendment, but frankly I also need to

-- I would like to hear from our city attorney because I certainly don't want to move anyone into a place where it might be a level of discomfort.

[04:58:36]

>> The issue, councilmember morrison, is not that it's a quorum. The issue has to do with some previous legal advice which we're happy to talk to you about today under our open meetings posting. It has to do with conversations that occur, you know, among less than a quorum outside of posted meetings and just some concerns that I think we've expressed before about how those committees should conduct themselves when they are not, you know, meeting. So it's not necessarily that there's a quorum of the council that's going to be on the committee. And so I'm happy to go back over those executive sessions we've had before about committees and how they should conduct themselves when they are not actually in the meeting. So

--

>> Morrison: So

-- well, I guess I really don't understand and I hate to be making a motion that could suggest that there could be a problem, so I wonder if we could table this and talk about it in executive session because I don't want to make a motion

--

>> we'll pull up those previous executive sessions we've done and talk to you about

that.

>> Mayor Leffingwell: So I'm happy to table this and discuss it in executive session, but my decision as a consequence of approving that amendment would remain the same. Because I think there's sufficient gray area. So the motion is on the table. We anticipate taking it up later this afternoon. So now we're kind of running out of things to address here that are short so we'll go to -- we'll consider items 46, 47, 48, and 53 together. For purposes of citizen input. And I'm going to start with the list. We may not get through this, but we can begin it. I'll start with the list on item 46 and the clerk will fill in others along the way. First speaker is Stewart Hirsch.

[05:01:05]

>> Mayor and members of the council, my name is Stewart Harry Hirsch and like most in Austin I signed up for all four items, but my comments will pertain to all four. First I asked to you disapprove any of the suggested pilot rental registration ordinances for all the reasons we've been discussing for months. We don't need to go over that ground again. You understand clearly that we have different perspectives on that and why I'm asking you to reject those ordinances. Secondly, I'm asking you to approve the proposed occupancy resolution so that the good work that's been going on with the task group that was sponsored by the planning commission codes and ordinances committee I believe at the beginning will be able to address both the enforcement challenges we have with the current occupancy laws and the challenges we would have if we were to change any of our occupancy laws. I think the resolution that's before you would give us an opportunity to have both of those conversations so I support that. Finally, I ask that you get staff and the boards and commissions to move forward with the suggestion on the building and standards commission panels and the expedited permitting for building repair so that the problems in Rundberg and NACA and Iraq can get corrected sooner rather than later. That we can create the potential for those panels actually meeting in those neighborhoods and getting those problems resolved much sooner, and the longer it takes to get recommendations back to you from those respective boards and commissions that have jurisdiction, the longer it will take to get those rental properties into compliance. Again, please reject the pilots, approve the occupancy resolution. Thank

you for your time.

>> Mayor Leffingwell: Thank you. Bob thompson. Bob has a couple of folks donating time. Is bob stewart here? Okay. Victoria dries. You have up to nine minutes.

[05:03:13]

>> Mayor, city council, my wife and I are good owners of smaller, older multi-family, affordable property. Our property is 40 years plus old and we're squarely in the cross hairs of blanket from registration programs and so we're opposed to those. We're opposed to any program which puts good actors into bad actors such that we're all guilty until proven innocent. And I'm primarily opposed because I think it would be house affordability. They are massivy intrusiveand burdensome particularly to smaller older properties such as we possess. Inspections such as this are also very costly. And again, particularly to smaller property owners. And regarding the cost, the small or even zero registration fee which might apply in year 1 is the least of the costs that I'm worried about. Smaller owners such as us have no staff. We are the staff, and we are the ones that personally must squire the code inspectors around the property and cope with problems that arrives and coordinate with tenants. I'm sure some of you have probably had previous renovation experiences where you've had projects going on that required approvals from city inspectors, and it's not an easy process in this city. They don't tell you that they will show up at 3:00 on thursday. If you are lucky, they will come on the day they say they will come and you just have to sit around and wait for them. Older property is particularly vulnerable to code enforcement abuse. And by that I mean knit picky violations unrelated to significant health issues. And I would remind thaw the median age of property in this city is over 30 years so there's a lot of property in that category. Such blanket registration and inspection programs cannot help but drive rental increases and reduce housing affordability. There was an article exactly one week ago today, front page article in the american-statesman on the rise of poverty in our suburbs. That article commented that the austin metro area has the nation's second fastest increase in the number of people living in poverty in the suburbs between 2000 and 2011. It went on to say that a lack of affordability in austin is pushing people on low incomes to move to the suburbs to look for cheaper housing. Quote from vanessa from the community action network. It's not surprise to me that we have an

affordability crisis here in austin. The heather way report from the u.T. Law school in favor of rental registration devoted entirely one page out of 100 plus to the issue of affordability. They seem to think that there's a free lunch, that you can impose these programs with no impact on afford biological. There is no free lunch. The smaller older properties are the main source of affordable housing in this city. I would ask you not to kick us in the teeth with a blanket rental registration program. And the geographic restriction of such a program or pilot program is no consolation to those good actor owners who happen to be located in the stigmatized area. So I'm opposed to items 46, 7 and 8. I also support item 53. Thank you for your time.

[05:07:32]

>> Mayor Leffingwell: Councilmember tovo.

>> Tovo: I want to thank you for your comments. We don't agree but I appreciate you being here. One issue that you raised was whether rental registration programs drive rental rates up. And I want to call my colleagues attention to the fact we have received an affordability impact state from the staff and they have indicated that they have listed the impact of this in terms of affordability as neutral in all of the categories, impact on cost of development, impact on production of affordable housing, impact on regulatory barriers to housing development and on land use zoning opportunities for affordable housing development, although that is listed as neutral. And they have added the additional consideration, I'll just read it, I don't see anybody right here and in the interest of time I think that would be faster. The rental registration program is property maintenance based

-- is a property maintenance based pilot program targeting specific areas with known code violations. The program does not increase the cost to develop, but will provide additional resources to enforce existing property maintenance codes. And hed support policies, programs and tools that promote safety and affordable housing. That's the opinion, again, I know we don't all agree on that issue but that is the opinion of our neighborhood housing in terms of assessing affordability from these ordinances.

>> Mayor Leffingwell: Councimember spelman.

>> Spelman: Since this issue has come up, I want to see if there is anybody here from neighborhood housing who could speak to this issue.

>> I think there is.

>> Spelman: Sure enough. Hi, betsy.

>> Betsy spencer, director neighborhood housing community development special springfield, missouri I understand this is a double edged sword. If a building unit is not up to code, it needs to be brought up to code at least with respect to health and safety issues. If it's a dangerous condition, it needs to be abated right away. On the other hand that is correct abatement is going to cost money. And under general circumstances, my micro economics 101 class would lead one to suspect the landlord would ask at some some portion of that expense on tenants. Is that something which we're taking into account when you say the effect would be neutral or is there something else going on?

[05:10:04]

>> On the impact statement, it goes on cost of development. So that was why our position on the cost of development is neutral because that's on the creation of new.

>> Spelman: That makes sense.

>> To the responsibility of a landlord to maintain a unit up to code, it's the contract that they sign and so that is their responsibility. So if they fail to do that responsibility, it costs them more to have to maintain what they should have done. We don't see that as a cost of development, that's a cost of maintenance.

>> Spelman: Okay. So I understand as completely as most of us do the responsibilities of landlords to maintain their property at a safe and reasonable level. On the other hand, what you are saying when you were saying the effective this was going to be neutral, you were not taking into account the possibility that an increase in maintenance costs might be passed on to the tenants. That wasn't something you are considering.

>> That is correct.

>> Spelman: Thank you.

>> Mayor Leffingwell: So councilmember, colleen brawn and donating time is rachel fisher is here s you have six min.

>> I promise not to use it all. My name is colleen grawn, current president of the austin apartment association. As you remember, the last time we provided



testimony on these pilot programs, many association members were here in the chambers to voice their concern. Today not as many were able to attend, however our level of concern and dedication is today every bit as it was before. I will not stand here today and repeat every detail of our opposition over the last several months, but will go over a few new items to consider. Unlike when we last discussed these items, a repeat offender program has passed in the early stages of implementation. The austin apartment association looks forward to meeting with code compliance in coming weeks and we'll do all we can to help take swift action to address problem properties. We believe that austin will have its hands full addressing the situation as it exists and additional duties and programs stand to distract from the process. In the longer term, we see the best way to present these problems is to set and follow a zero tolerance policy for irresponsible behavior. We should not presume properties will misbehave, but rather send a swift and serious message that bad behavior will not be tolerated. Apartments and rental housing are a strong partner in the growth and prosperity of austin and should not be treated as though we are in bad faith. Many supporters of rental registration programs despite the fact other cities have such programs however they are not austin. Austin apartment association recognizes that these programs now do not intend to run renters out of town, but the truth of the matter is being forced to register and pay simply to operate and provide housing is not a welcoming signal. I remind this body that as pointed out before, our properties are already subjected to numerous regular inspections with other entities. And that austin code officials are at liberty to initiate their own inspections at any time they have reason to believe a property is not in compliance. The austin apartment association understands the issue and has been woven into the issues. The austin apartment association has been part of that. The working group along with that is stakeholders and concerned individuals is ready to take these concerns to the next level so the issue of stealth dorms can be properly addressed. Just as the registration programs before us today could interfere with swift implementation of repeat offender programs, they could distract from the stealth dorm process. The austin apartment association asks the council and the stealth dorm contingency to recognize this very important issue as related but ultimately separate from health and safety concerns we face in some austin homes. Both issues are serious and both should be addressed as efficiently as possible. In closing, the austin apartment association maintains strong opposition that toes pilot

programs. We want to move forward with what the community has already agreed upon. We asked the council to oppose items number 46, 47 and 48 in favor of a more cooperative and effective program.

[05:14:39]

>> Mayor Leffingwell: Thank you.

>> Thank you.

>> Mayor Leffingwell: Paul hilgers. Is paul hilgers here? All right. How about emily chenovrk

-- jenevere. French. Okay. Andrea lumoboudro. You had donated your time to paul and now have you six minutes.

>> Great. I'm the director of public affairs for the austin board of realtors. We're a 9,000 plus member organization spread over 15 counties. I feel sure that all of you know the position of the austin board of realtors on the issue of blanket registration programs. I will reiterate just to refresh your memory that we are opposed to blanket programs even in the form of limited pilot capacity. And limited specifically to three certain neighborhoods. We don't think that it's a policy tool worth using. We think that you've made a lot of really good strides and have taken some serious action to address the problems with some rental properties in this city. You've passed the repeat offender ordinance that we would love to be a part of implementing and we look forward to corking with code compliance on the implementation of on that ordinance. You've passed the expansion of the building and standards, we look forward to the full use of that administrative tool. You've also in the same resolution where you asked for expanded bidding and standards commission asked for more explosion of tools at the disposal of the city attorney's office and we look forward to hearing the feedback from city staff. Again, we would just reiterate that the tool, the policy tool of a blanket registration program in our eyes will not support the efforts to solve the issues associated with some rental properties and the mismanagement of some properties in the city. With regards to the issues of stealth dorms, we do believe there are issues there. We do believe there are issues associated with both overoccupancy and nuisance and we've participated in the stakeholder, the work group, I should say, that's been meeting regularly over the last several months. There's been some good work there.

Unfortunately that work group has not been well resourced. I haven't seen a planning and review staff member there yet. I've got several questions for the city attorney's office about the legal implication of some of the solutions and so I'll look forward I hope to a formal stakeholder process will be resourced well where we can have answers to those of those questions because we believe it's an issue worth considering. If you have any further questions for me, I'm available, but again, we would ask you to oppose the three blanket rental administration ordinances. We would ask you to consider support for a formal stakeholder process initiated to consider the items in the resolution associated with this group. And thank you for your time.

[05:17:36]

>> Mayor Leffingwell: Thank you. Lisa Masana. Lisa is here here. David King.

>> Thank you, my name is David King and I'm here from the Zilker Neighborhood Association. The neighborhood association executive committee unanimously passed a motion to support all three of the rental registration programs and the stealth dorm and occupancy stakeholder group. We believe that those are good ways to vet the strategy of proactive, you know, enforcement of our city codes to help make our rental properties safe, safer, and you know, I'm reminded in my own neighborhood of a recent problem that we were alerted to about a bed bugs issue and the tenant reported that problem and that problem has been suppressed by the manager of that property. Now, this is what I've been told. I haven't

-- it's not a court of law or anything, but this is what we were informed by

-- from the person that represents the individual whose suffering from bed bugs. And so that's a problem that has been suppressed in our neighborhood and the only way it got out was somebody alerting us on our website that this problem existed and asking for our help. Those problems do exist. And they are in front of us today. And we believe these programs will help uncover those hidden suppressed problems. And will make the rental apartments safer. And with that study, U.T. Study that was referred to earlier, there's evidence already on the ground where this has been tried in cities, that it does work, it cuts down on fires and death and injuries from properties that don't comply with the city codes. And not only that, it's not a cost burden either. It's very inexpensive. It's a minimal impact on costs. So the benefit

that we have from doing these pilot studies I believe and we believe is well worth the time and effort. And what we learned from those pilot studies can learn be used to decide where we go next. So we're very supportive of these pilot studies and hope that you will pass these. The stealth dorm occupancy issues, those are important as well. We have problems with rental properties in our neighborhood as well over occupancy issues with short-term rentals and code compliance has a difficult job enforcing that. The stakeholder group looking an other cities would be very useful and well worth the time and effort so we support all of those and thank you for your support on those as well.

[05:20:27]

>> Mayor Leffingwell: Mary arnett.

>> Thank you, councilmembers, for listening today. I am in support of the pilot program and I thank councilmember tovo for leading us through the battle of getting us to this point. The number one reason that I believe that we need to pass this is because of retaliation against an existing tenant who complains. This is a proactive approach. I can tell you I've rented almost the entire time I've lived here in austin since 1974 and I've lived all over town so I've mostly lived in older apartments. I've been aren't block a few times with planted lord issues. I've attended the commanders forum since 2005 and out in the rundberg lane area you are not going to clean up that area without this pilot program. You are not. What my main concern is that we have the resources. I know that cost is a big concern. Everyone has a certain level of fear that this is going to turn into a frankenstein issue for a landlord. I don't think it will. What I'm concerned about, I heard the council work session I guess it was yesterday or the day before, councilmember tovo has drawn down the scope of the pilot program to where the costs are more under control. I heard that carl smart said that he felt that he had the code enforcement resources to address the program. I would like to also know that whatever resources at a.P.D. Are needed to enforce this program, I read in heather way's report they were down in one person to a department that used to have several. I want to make sure a.P.D. Is on board with having the resources to help with enforment. Also I had expressed concerns earlier in the year about the legal department having the resources and the will and the know how and the knowledge to take it to the level of enforcement that some of

these landlords initially are going to push our city to do. I think once you've made some examples of a few people it's going to roll along more smoothly, but I strongly believe in the pilot program being a proactive approach in certain parts of the city and we really need it. Thank you for your time.

[05:22:52]

>> Mayor Leffingwell: Thank you. Margaret Flanigan. Carol Badrecki.

>> Thank you, Mayor Leffingwell, councilmembers. I am a member of the loosely knit Austin Women and Housing Group and I'm here today to support all of these items. First of all, I have been impressed with this whole process because it's based on really solid research. We have the university study, we have experts that have come before you that have looked at programs all over the country and provided what I would say one of the most rationale proposals that I've seen before this council because it is based on a the look of information. There's not that much guesswork involved here. If these

-- if these pilot projects do not pass today, we're basically saying yes to a complaint based process. And the previous speaker talked about retaliation and that's one of the things I would like to stress that if we don't have a proactive inspection process, then we need to do something in the city to protect people who file complaints about landlords because there is a real problem out there where people will not have their leases renewed and they will be retaliated against. So if you say no to this, then I think there's a very real need to take a look at some measures to protect those people who file complaints with code enforcement. And just some ideas that, you know, I mean can people file anonymous complaints because they can't do that now. Landlords do not have to state a cause for not renewing a lease. That's another thing we could look at is requiring the landlord to state the reason they are not renewing a lease. We could also levy fines against them. So I would like to see the apartment association and labor and other members of the industry who think this is a bad idea come together and figure out how we can protect tenants who have problems in their apartments from being retaliated against if they file a complaint. And that concludes my remarks.

[05:25:31]

>> Mayor Leffingwell: Carol, you make some good suggestions there. I think have you vetted all these suggestions for legality, things like that?

>> No, I have not. No, I'm not a lawyer. I'm just a policy person. But

--

>> Mayor Leffingwell: I think they are suggestions worth looking into.

>> Okay. Thank you.

>> Mayor Leffingwell: Ann tyke.

>> Good morning. My name is Ann Tyke and I'm vice president of the North Austin Civic Association which many of you know and I'm also the AISD District 3 trustee, AISD board of trustees. And I am speaking on behalf of my neighborhood association, but I'm speaking only as a trustee, single trustee, not on behalf of the entire board. I want to make that clear because I don't have permission to do that. I live one block south of Rundberg for 28 years. Many of the students in the schools in my district live in the Rundberg area. Many of them live in substandard housing. That's a concern to me. I've come to speak in favor of items 46, 47, 48, and these are not blanket programs, these are pilot projects. I just want to be clear about that. I know the devil is in the details, the devil is in the cost of all this. I think we can work that out. I think there are enough smart people in Austin to work out this so that everybody gets their needs met to a certain degree because after all we're talking about the common good, not the individual good. The North Austin Civic Association believes all Austin residents, not just residents of Caca, a Naca neighborhood or people with -- people with lots of resources deserve to live in safe environments. The elderly, immigrant, the addicted, the homeless. We also believe that people with many resources deserve the same kind of environment to live in safe, healthy and attractive. We believe that landlords have responsibility to make living conditions of their property safe, healthy and attractive and most landlords take this seriously just like most people. However, there are a minority of landlords who don't do that. Who contribute to unsafe, unhealthy, unhygienic living conditions through oversight or neglect because it's cheaper to do that. We have laws against murder because a minority of people hurt their fellow human beings. We have laws against stealing because a minority of people don't take seriously property shouldn't be stolen. Why can't we have a law forcing landlords to make dwellings safe, healthy and attractive for renters. Self-policing by landlord organizations hasn't been working and the city of

austin bears some responsibility. Austin has gotten big and complicated enough that it needs more rules to make sure a minority of people do what's right by austin residents. That more people you have, the more complicated accountability becomes and that accountability sometimes requires more money to implement. If our councilmembers, and I believe you are, truly -- if you truly represent all austinites, even the least among us, it's worth the cost to serve the common good. These rental registration programs won't cost as much as some people fear. I want to emphasize fear.

[05:29:08]

[Buzzer sounding] and opposition to these ordinances are being fanned by promotion of fear. If I may finish, may I finish or should I stop?

>> Mayor Leffingwell: Please stop. Your time is up.

>> Thank you. Appreciate your time. [One moment, please, for change in captioners] pena.

>> Thank you.

>> Mayor Leffingwell: And

-- and if you've got just a second here, I want you to understand the reason we have the limitations is to be fair to everybody.

>> I understand.

>> Mayor Leffingwell: And people prepare their remarks to fit into the known 3-minute slot and so it's kind of my job to make sure that everything is fair.

>> And I appreciate that because I serve on a board that has the same rules so I understand that.

>> Mayor Leffingwell: Thank you.

>> I had two more sentences and I wasn't going to go on forever but I appreciate that. Thank you.

>> Mayor Leffingwell: Thank you. Maria saragosa and donating time is mike herbert. Is mike here? He is here? All right. You have up to 6 minutes.

[05:31:16]

>> Good morning, my name is meria saragosa and I wanted to specifically talk about

the pilot in the camp back area but after having heard the discussion I will have a hard time with that so I will talk about the three items. I live in the west university neighborhood and if you have not run out of your house in the middle of the night, barefoot in your pajamas trying to crazily follow the sound of the thumping drums opening your kids or the bmw who tore her car in the front of your yard or you have not parked a block away because the trash and piles on the street make it impossible to walk, you may not know why this ordinance is so important to us. I am hopeful this morning you will sign a camp act project area for our specific area over what we have been fighting for many years. We have a code compliance department has unable to enforce many of its ordinances because they do not have the proper tools. Some of you are rightly concerned about diverting funds from one need to another. However, giving code compliance staff the tools they need to do their job would be a cross effective measure. Right n investigations are incredibly time consuming, inefficient, sometimes with no resolution and often when there is resolution, it is temporary. This is

-- this pilot, if it passes, will encourage most investment property owners to follow the rules simply to keep the city out of their business. However, there will also be consequences to hold accountable those who choose to repeatedly break the law or allow their tenants to repeatedly break the law. And what is new in this ordinance that code compliance does not currently have? It may sound simple but it is important. It is a local contact. When the owner is not known or there is an out of town owner, officers are work to work only through the tenants. They may get them to comply but that only keeps temporary compliance until the new set of tenants move in. If we want better use of code compliance dollars, the goal should not just be compliance. The goal should be long-term compliance. For that the investment property owner needs to have the responsibility. Second, this gives them the ability to inspect. I keep hearing, I am a good actor, but how do you know that until you go into a rental unit? I own five rental units and they are well painted outside but for all people know when they come in, there could be serious issues inside. The possibility of an inspection will determine many from pushing limits of the code either with unpermitted work, overoccupation or occupation of unlivable spaces. You would surprise how many places gain bedrooms, bathrooms and parking spaces after they get their final building inspection. Third, the affidavit of occupancy is important. Landlords can be asked under penalty for perjury to report



-- for the occupation of their property and fourth a collaboration for code compliance and the austin police department from drawing refractors from the austin police department and code compliance will this help them corroborate a structure on problem properties. Lastly revocation. Ultimately there is at least a potential for suspending or revoking registration for investment property owners who did not respond to notices of violation, citations or fines. The potential rental profit from these overoccupied structures is so significant that we cannot rely on the honor system. Need to give investment opportunities the reason to stay within the limits outside of our land development code and the problem of continued perpetuating while families move to the suburbs to regain some quality of life. We have looked at what other towns and cities with similar problems have done, and we have worked very closely with our sponsor to create a program that has a good chance of successfully addressing the chronic problems produced by high concentration of poorly managed and overoccupied rentals. And, lastly, I know that there are different efforts going on right now, different workgroups going on at the stealth dorm problem and I ask you today having been part of the stealth dorm workgroup, we have met for many months, came up with some recommendations that were reported to the planning commission, and today they will

-- we will look at whether ordinance

-- at a resolution looking at whether the occupancy should be lowered and that workgroup is going to pick that back up. We don't know what is going to come out of that process and what I tell you is that today, we have a commonsense pragmatic sensible solution at dealing with the problem

-- the chronic problems we have in our area tailored to the specific needs of my area and they are different throughout this city and I hope there great value in that and I hope you support that today. Lastly since I don't hear a buzz, I wanted to speak to the northern pilot and the east riverside pilot. I am a social worker and I have been in those apartments. They do not call their landlords. They certainly don't call 311. They don't have the resources that ma mr. Hersh has if they get evicted or retaliation. They may not have the deposit money. They may not be documented

-- there is the beep.

[05:37:20]

[Buzzer alarming] but I hope you will pass all three pilots. Thank you.

>> Mayor Leffingwell: Thank you. Rube biroa. Ruby roa.

>> Thank you for allowing me to speak. I support the three pilot programs on the rental registration, and I also want to say that retaliation in austin, texas is real. And people will not call 311 because they are afraid of their landlords. Just last week, in dove springs, I visited a family

-- two families that were affected by the flood. The landlord refused to help these poor people. And told them that if they called, that she would evict them and she is evicting them, and so we've got legal aid

-- not legal aid, but a pro bono attorney to help these poor folks and we hired

-- we, as city

-- carl smart to do a job for code enforcement; the same job that he did in fort worth and it works. All we want is for the council to please approve these resolutions, these ordinances to give him more tools to do his job. We hired this young man and we spend most of our time here at council trying to figure out what is best. Well, do you know what? He came from fort worth. He knows what he needs to do and I ask you to please pass these 46 and 47. Thank you.

[05:39:33]

>> Mayor Leffingwell: Thank you. Betsy greenberg.

>> My name is betsy greenberg and I live in the heritage neighborhood in central austin. I support all of these items. The heritage neighborhood is an older neighborhood near the university of texas. Over the last few years, I have seen many perfectly fine, historic homes demolished simply for the purpose of building 6 bedroom stealth dorms. Unfortunately one demo typically follows another, just like dominoes. I personally don'tt to students. I am on the faculty at the university of texas and I wouldn't live so close to the university if I didn't want to live near students. However, when 6 students live together in a house, they seem to bring along at least six cars. They bring loud parties, lots of trash and a disregard, unfortunately sometimes, for their neighbors. I think that lowering the occupancy will do wonders to address the problems. Demolitions will stop and we won't see developers building 6-bedroom houses that are obviously intended for unrelated students. My opinion is this will preserve affordable housing. The developers of new

stealth dorms charge much more, often twice as much per bedroom than the owners did in the older, smaller historic homes. Lowering the occupancy itself will not help. Any lowering of the occupancy must be followed by enforcement. Code enforcement staff has been very clear, they cannot enforce occupancy regulations, even those in place now without rental registration. I urge you to pass the resolution to lower if occupancy and the pilot registration programs that are necessary to enforce the law. Thank you.

[05:41:40]

>> Mayor Leffingwell: Thank you. Joanne barks.

>> Good morning, council, joanne barks, university hills neighborhood association vice president. I will state right off the top, I am in support of every one of these items. I signed up to speak for 53 but I will go beyond that to the 46, 47, 48 -- or I believe those are the numbers. In listening to everything that I have heard, it struck me how amazingly similar the concerns about these items are compared to our road home issue which the city has now canceled. They are through with it. Made that clear. They aren't going to address it anymore. Everything I heard, everything that these people have said is exactly what we said to you at that time. It just has a different category of person involved. There is a need for rental registration, very much so. There is a need to give code compliance more tools, and I can't emphasize that strong enough, as the previous speaker mentioned, mr. Smart was brought in to do a job. For goodness sakes, let him do it. Give him some more money and people. Above all, change the city code that allows the code compliance department be proactive instead of reactive. It used to be it worked beautifully. It was canceled because of budget concerns. You are cutting off your nose to spite your face and quite frankly, I think there is a number of citizens in this room right now and probably within the sound of my voice wherever that getting a little bit of tired of getting the shortened of the stick in that regard. So let's support our department, our code compliance department and let them do the job. I know you are not addressing our concern with the rogue homes. I just want to put you on notice that while you have canceled your efforts in this regard, you aren't speaking to it anymore. You were told by staff there is no need, there is no need for that at all. The university hills neighborhood association task force is not going to stop. We will not

be stopping. We can't deal with you all anymore. You have made it clear you aren't going to listen so we have taken it to other governmental agencies, and as you know, we have a good reputation in this city, that we do not speak to anything we cannot prove, and that our proof is based on research and documentation and I thank you all for providing oodles of documentation of our efforts and I will get a dvd of this particular city council and it will be archived with the rest of our documentation. But in the meantime, please do, please do approve these strange programs, these pilot programs, the stealth dorms, definitely, they need to be controlled. And the statement made by somebody

-- I am not sure who

-- that it's very difficult for a home

-- for a property owner to have to absorb the cost of doing business, great day in the morning, isn't that what every business in this city does.

[05:45:05]

[Buzzer alarming] thank you.

>> Mayor Leffingwell: Thank you. F. [Applause]. Scott townsend.

>> Good morning mayor, mayor pro tem, mr. Ott, council members

>> , I strongly support, 46, 47, 48, and 53, with 48 directly affecting my neighborhood, north field neighborhood between 51st street and koenig lane. Item 53 is very well researched, very well reasoned and it is greatly needed. My neighborhood is the one where perhaps more houses have been scraped and more stealth dorms have been built, at least in the last one to two years and one of the benefits I hope accrues from this is those houses that are already there that could be historic or are smaller and more affordable and provide kids for the local neighborhood elementary school will remain and can remain if this is passed, item 53, along with 46-48, and enforced by code compliance and other city entities. It is well needed in this case and I hope the terms of writing the code, the new code will be a transparent and a collaborative process between those folks that are on the planning commission subcommittee as well as the neighbors who have been working towards this goal. I echo the comments of many of the other speakers and regarding item 60 that I was planning to speak on earlier, regarding climate change and the

--

>> Mayor Leffingwell: We aren't considering item 60, so you can only speak on 46, 47, 48, and 53.

>> Okay. Thank you for your time. I hope these pass on a 7-0 vote.

>> Mayor Leffingwell: Thank you. Is there anyone who signed up to speak on any of these items, 46, 47, 48, or 53 whose name I haven't called? I thought you donated time?

[05:47:06]

>> (Indiscernible).

>> Mayor Leffingwell: Herber?

>> (Indiscernible).

>> Mayor Leffingwell: Well, we are considering all at the same time. So those are all of the speakers we have on these items. If there is no objection, council, I think we have a limited amount of time here. I suggest that we take up item 53 first and we will consider all of these items separately, of course, but item 53 is on the table now. Council member martinez moves approval.

>> Second it.

>> Mayor Leffingwell: Second by council member riley.

>> Riley: Could I ask

--

>> Mayor Leffingwell: Go ahead. Actually, mayor, I noticed mr. Abair was interested to talking about item 53. I no ehe has been very active on the stealth dorm issue so I would like to ask you a question, mr. Abair, if you wouldn't mind approaching and the question is simply I know that you are eager to convey something to us about item 53 and I would just like to know what that is.

>> I f my just comment

-- mayor, I signed up

-- these items were combined

-- I didn't know they were going to be combined when I signed up but I don't need to speak on them.

>> Mayor Leffingwell: Go ahead

-- I assume this takes care of the problem.

>> Please to answer the

--

>> Mayor Leffingwell: Do you want to speak into the mic.

>> I am pleased to answer your question.

>> Riley: I am inviting you to convey to us whatever you were hoping to share.

>> I could not hear you.

>> Riley: Inviting you to share with us whatever you wanted to convey.

>> Thank you. And I will try to be as brief as possible. My wife and I live in the hancock neighborhood. We are members of a coalition named stop stealth dorm coalition. It's got over 8 neighborhoods

-- 9 neighborhood associations that pass resolutions asking you to take urgent action on the issue of stealth dorms. We have a petition signed over 700 citizens of this town. We have resolutions passed by a and c and canpacket asking you to take action, anybody who needs action look at stealth dorms.Com, on our website and you will also be able to take a look at the website maintained by north field neighborhood association. Scott johnson is the neighborhood

-- is a member of the neighborhood association. If you do nothing but look at the photographs, they the photographs tell the story. I am here to urge you to strongly support item 53. If you look at lead editorial in today's austin americans statesman. It acid current stealth dorms

-- this is the second editorial by the statesman. Similarly there was a headline by the texas tribune that says stealth dorms move in, families move out. It is a problem that the city has been looking at for many, many years. The timing is right. There have been collaborative effort by the stakeholders to solve the problem. This resolution in front of you is a good resolution. It has two parts. The first is to take immediate action to stop the bleeding in these neighborhoods, the teardowns that scott johnson was talking about. North field is losing 6 homes a month. These are affordable homes that provide affordable starter homes for families and they provide affordable rents for students so it is not a question of having negative impact on affordability. The second part of this resolution addresses the nuisance, the public health, public safety issues. There is a collaborative process that we have been participating in. We've heard reference to it already under the planning commission. That's going to continue if this resolution passes today. We are working very closely with all stakeholders, including representatives of the commercial real estate interest. I believe that rational minds can take a look at what other cities have been

doing through a peer analysis and come up with solutions we can all live with. I want to thank the council for all of the hard work you and your staff put in on this, I want to thank the city manager's office and thank the planning commission. We just urge you to take action on this and we hope that we can end up with some very robust solutions.

[05:51:19]

>> Thank you. ayor Leffingwell: Council member riley.

>> Riley: I appreciate mr. Abair's comments and the input we have received from many people in the community about the problem of stealth dorms. This issue has been a pressing one for some years now and we have been talking with many folks in the community trying to identify a solution. The resolution before you incorporates the ideas that we have discussed. I would note that

-- that simply we are using the occupancy

-- reducing the occupancy limits is not an answer to all of the problems before us.

The reason we are continuing to see continued issues with stealth dorms is because there are great development pressures. In some ways, those are pressures that the community would like to be able to embrace, because many

-- much of that is a matter of students wanting to live closer to campus, which is consistent with the goals of the imagine austin comprehensive plan. But in trying to become a more compact and connected city, we also recognize that we need to respect a number of goals, including the preservation of existing neighborhoods, and so with that in mind, there is language in the resolution that instructs the working group to consider potential adjustments to development regulations so as to accommodate development pressure in ways that are consistent with the imagine austin plan so I think this resolution provides an opportunity to work cooperatively with stakeholders to find solutions to the development pressures that we are seeing in central austin, that we will accommodate development pressures while still respecting established neighborhoods. Part of the issue that we see with

-- with the

-- with the neighborhoods around the university campus that have turned up in stealth dorms is

-- well, part of the frustration of dealing with that has resulted in that continued

interest in rental registration, and I certainly respect all of the work that has gone into trying to see if a rental registration program could address the problem of stealth dorms effectively. I think the process that we've set up to deal with reducing the occupancy limit actually provides a very good opportunity to continue the conversation about dealing with stealth dorms and so the

-- I just distributed an amendment on the dais that would amend the resolution, the stealth dorms resolution, to direct the stealth dorm working group specifically to consider among the issues related to stealth dorms and best practices for enforcement, to consider expanding the city's repeat offender program to include violations of city code section 25-2-511, questioning occupancy limit and dwelling laws affecting quality of life and also requiring affidavits of occupancy. Both of those are concepts we see in item 46

-- rather, yeah, in item 48, which deals with the

-- the central austin, the canpacket area so I think there is a way to realize there are waying of deals with stealth dorms that we need to address and that includes the quality of life violations and occupancy limit violations and so the idea is to bring those into the fold as we work on the

-- on dealing with stealth dorms. As I've said before, I have some concerns that

-- about

-- a blanket registration process. We can speak more to that when we get to those items but I think that

-- that item 53 actually provides very good opportunity to address the concerns with the cooperation of the stakeholders with the continued effort in the stealth dorm working group so with that all of that

--

[05:55:17]

>> Mayor Leffingwell: Do you want to pass the amendment?

>> Riley: Yes, I did, the llow document here.

>> Mayor Leffingwell: Right here?

>> Riley: Yes, I hope it made its way all the way on the dais. As you see, on page 2, I lifted language from item 48, relating to the stealth dorms issue and inserted it into this effort so that we can continue that conversation with the stealth dorms working



group.

>> Mayor Leffingwell: Okay. So you are adding, in the second resolved, the language in red? And you want to read that for the record, please?

>> Riley: The paragraph will now read oad, the code compliance subcommittee stealth dorms working group is scheduled to convene additional meeting promoting additional feedback from the stakeholders and continue its review of isss related to stealth dorms and best practices for enforcement and here is the language we are adding, including number one, expanding the city's repeat offender program to include violations of city code section 25-2-511, the dwelling unit occupancy limit and other laws related to quality of life. And, two, requiring affidavits of occupancy. So the idea is just to bring those concepts to the attention of the stealth dorm working group and get their input.

>> Mayor Leffingwell: Sounds like a very beneficial addition to the resolution. Council member tovo.

>> Tovo: I have a question for you. I don't disagree. I think these are beneficial additions to the working group. However, these would ask the stealth working group to consider those issues when we have on our agenda today an opportunity to actually implement exactly this, expanding the city's repeat offender program to include violations of city code and also requiring affidavits of occupancy, so this -- we would have an option today of actually achieving those aims rather than asking a group that has been meeting and discussing to continue to meet and discuss and include this within it so I want to be very clear on the intent here. Are you -- I think I heard you use the word "alternative." Are you proposing this as an alternative to actually implementing a rental registration program with some of the benefits we believe would slow down the construction of stealth dorms?

[05:57:53]

>> Riley: If I may, mayor.

>> Mayor Leffingwell: Council member riley.

>> Riley: Yes, I do consider this an alternative. I do not expect to support item 48, for reasons I will be glad to go into. But I think we've got our work cut out for us, dealing with all of the issues related to code enforcement as many of us identified in the recent report from the university of texas. I was glad to support the item on october

24, directing the manager to undertake further efforts to examine best practices and make adjustments with respect to code enforcement processes and I think we will have our hands full in dealing with all of those issues and getting ourselves -- getting ourselves up to those best practices. And I think that it would be a -- I think it would be a mistake in the midst of all of that to focus our attention to blanket stration to multifamily properties who have v not had history of violations. I think the first priority should be identifying known problems and getting our processes in order. I certainly respect the point that -- that we can't rely solely on -- on complaints, because a problem of retaliation. The concern I have is our systems right now are such that even if someone makes a complaint, we don't have good systems for responding those complaints, so you face the tragic situation where someone may get retaliated against and yet we still are unable to fix the problem. We have a lot of work before us to get our code enforcement practices in order as discussed at length in the u.T. Report. And so I am -- I am glad we are finally making progress on all of those issues and I think whoa should remain focused on those efforts for now. And as I have said before, am open to revisiting those in the future but for now, our first priority should be to get our house in order before we undertake blanket registration of properties with no history of noncompliance.

[05:59:56]

>> Mayor Leffingwell: Thank you, council member. And we really don't want to get into the discussion of the other items. I think this stands on its own merits, this amendment that you have added. Council member tovo.

>> Tovo: Mayor, thank you. Well, clearly it is very relevant. The introduction of this language is very relevant to the success so thank you for being candid about your position on number 48. I want to say that I did

-- I am a cosponsor of this item. I am supportive of it. I believe and I trust that the stealth working group and the others who address the question of occupancy will do so

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>> Mayor Leffingwell: Stealth working group?

>> Tovo: Stealth dorm working group, will address the question of occupancy in a broadway because not all areas of town have expressed an openness or an interest in reducing occupancy limits within their neighborhoods so I think that should continue to be apart of the discussion of whether this should be a tool open to planning areas rather than a requirement throughout the city to reduce those occupancy limits. And I also just want to hearken back to what ms. Greenberg said, you know, when we sat down with staff, planning and review development staff as well as code compliance staff and we said hey, the members of the community came to us to consider reducing occupancy limit as a way to begin combating the issue of stealth dorms. Mr. Smart, I hope I am summarizing your comments correctly. I left with the impression that staff didn't feel that in and of itself was going to be sufficient to addressing stealth dorms and that coupling it with a rental registration, when we said the next

-- the next question, what do you think would be effective, the answer was a rental registration program. And so I know we will have an opportunity to talk about that more here in a few minutes but the rental registration programs were offering staff a way of existing our existing occupancy measures, so I am supportive of considering reducing our occupancy measures but know that we need to provide our staff with the tools to enforce as a start the ones we have, so anyway, I am supportive of this. Thanks to lead sponsor, council member martinez, for bringing it forward.

[06:02:07]

>> Spelman: Mayor.

>> Mayor Leffingwell: Council member spelman.

>> Spelman: I have a series of amendments I would like to propose to agenda item number 53. I note it is 12:00 o'clock. Would you like to go to citizens communication first?

>> Mayor Leffingwell: If you have a lengthy series, I think we should put this item on the table.

>> Spelman: I have five.

>> Mayor Leffingwell: Without objection, item 53 is on the table, along with 46, 47, and 48 and we will go to citizens communication. Get this started, please, mayor pro tem and I will be at an event upstairs. Note, add paul robins to your list of speakers

at the bottom. The first speaker is gus pena. With a very lengthy list of topics that have to do with veterans day, the marine corps, vets in general, and homeless vets.

>> Good morning

-- good afternoon, mayor, council members, gus pena, native, east austin proud united states marine corps veteran. Happy belated birthday to the united states marine corps 238th birthday but I am on to what I want to speak about today and council member martinez, I was attending at the subcommittee of health and human services and I do echo your comments about people, please help the flood victims. I have family over there, mike. I also have four veterans that were living in veterans camps out there. I couldn't find

-- thank god we found them already. They are alive but I also have friends over there so we need to help out that quadrant over there, really, people, if you listen to what gus pena has to say, please help the flood victims over there and also call your elected federal officials. Anyway, one of the things I wanted to say right now, I want to keep it to one issue, one issue only. You have veterans that are transitioning from homelessness into either transitional housing or rental properties and it could be but the h.U.D. Based voucher or by carrot tops or salvation army, other housing. You have the veterans here and you have a unit here in the city of austin that is supposed to have a warehouse full of household goods, okay, for homeless veterans and their families or single veterans. Well, that's good. It is run by volunteers and first and foremost I want to make it abundantly clear we thank the volunteers who are helping out in this effort. It is run by volunteers. It is osposis under hr, okay. And what I am about to say hopefully don't shock you but it makes me angry. They have veterans that don't have household goods that are sleeping on the floor without a bed, without any kind of comforter, without any kind of blanket or any kind of refrigerator or a stove or a heater or pillows or a bed. Now, the only way this city of austin run warehouse will be able to deliver

-- if, for example, carrot tops has a release form to speak to the city of austin, whoever runs that hr, or salvation army or whatever, but when these agencies choose not to discuss it, even though the veteran has signed the release form, to speak and divulge

-- breach confidentiality with their permission, still, the city of austin won't be able to deliver the goods that the veteran needs. This is unacceptable. I applaud the volunteers again but the next time they will be having a delivery for household goods

for the veterans who are transitioning to a better situation is december the 7th.  
That's pearl harbor day. Why the lengthy time? Why veterans  
-- you know, I served during vietnam, in the united states, first and fourth marine  
division, first and third marine airway. We paid our dues. We pay our taxes too. Even  
if homeless, you pay taxes. Why should the veteran  
--

[06:06:15]

[buzzer alarming] I will wrap up, why should it take so long to do this and one last  
issue I spoke to the secretary of veterans issue and spoke to senator ted cruz and  
h.U.D. Secretary sean donovan. We need to make sure there is compliance in this  
program for the veterans. Thank you.

>> Cole: Thank you, mr. Pena. Casey joseph. Kasie joseph.

>> Mayor, council members in my name is kasie joseph and I live at 78704 near the  
notorious traffic circles or what I like to call death circles at the intersection of annie,  
mary and it has been a grand noble experiment but it is time for the experiment to  
be over. It turns out the vast majority of drivers heading to brunch village on south  
first street do not know what an all way yield is. You thought they would learn but  
they did not, and it's going to lead to a person being killed. The people going east  
and west on annie and mary trying to get to brunch think they have the right-of-way.  
I have seen near misses with cars, bikes, pedestrians, and even a baby carriage. I  
moved to the bouldin creek area in june from travis heights and I have been horrified  
from some of the near miss accidents I have been involved in and I have witnessed,  
when I am driving or riding my bike and I approach those intersections, I stop  
because I am scared. When I am walking at night to the restaurants on south first, I  
avoid those intersections because I don't want to get hit. The people here in austin  
are not europeans. They are not going to be taught how to yield in all ways. They do,  
however, understand what a four-way stop is. They stop. So if you are trying to slow  
down the traffic. If that's the purpose of these circles, then I suggest more speed  
bumps. They work and I love them. Please, I am begging you, let's end this  
experiment before death causes the end of four-way yield and death circles. Four-  
way stops work. Let's go back to those, thank you.

[06:08:30]

>> Cole: Thank you, kasie. Richard viktorin.

>> Mayor, council, richard viktorin. The completion of sunday's formula 1 race provides an opportunity to revisit the formula 1 incentive in austin's involvement. Second year races blush off the roads are known for tenants declines. Last year we reviewed mr. Lloyd's tax economic tax projections, low and behold he estimated larger number for this year. This year state's payment to formula 1 will be short of 28 million, even after attendance decline. Moreover friday and saturday stands showed much greater attendance decline than is admitting. Last year the circuit organizing committee applications to the major events trust fund failed to adjust prerace application

-- excuse me, for attendance for true race results when they drew down the fund after the race. Notable about dr. Hoyt's work in his estimate, he completely leaves out matter of statistical confidence, an estimate without statistical measure is a guess. Dr. Hoyt advertises his services on a contingency fee basis. It is reasonable to ask if this arrangement doesn't cause him to guess higher and higher. If you you would call the whole idea of the trust fund is that taxes paid by those not domiciled in texas, visitors would fund the event. Press reports about car use, shuttle use down, helicopter use down 50% and steep drops in ticket prices indicate the in state out of state attendance ratio is shifting towards local participation. We believe the celoc's application to the state to be in error, perhaps fraudulent. Understand, to the degree that the race is attended by texans as opposed to out of state visitors and false applications are made, this transforms major trust fund for formula for a scheme to buy red mcombs and track investor a special sports and entertainment facility. It is so easy to defraud major events trust fund, especially with the controller so disinclined to investigate because she does not want her deal going south. All of those required to defraud texas and texans out of tens of millions of dollars, hundreds, even, is to manipulate one of several factors, such as out of state attendance in a complex computational worksheet were called the controller and her rules privacy protected the tracks' attendance we will never know. Accordingly, we may be staring straight into the eyes of manufactured use of public funds. One thing I want to know senator davis offered auditor provisions up for the major events trust fund. House floor threw him on the ground in the reform measures that worked

their way all the way through the session were summarily abandoned at the end and then, of course, you know, this 25 million a year would put 500 texas teachers back on the tax

-- back on the payroll. Thank you.

[06:11:41]

[Applause] [buzzer alarming]

>> Cole: Thank you. (Indiscernible). Guadalupe sosa. Not here. Angelica noyola.

>> Hello, council members, thank you for allowing me the time to speak. We need single family zoning protection, in regard to the stealth dorms that we've just heard about, I want to thank council member chris riley and mike martinez for taking the lead on these, stealth dorms are replacing single family homes in certain neighborhoods near the university of texas. Some estimate nearly 400 stealth dorms have been made zoned for single families. Like urban farms they have become neighborhood nuisances bringing loud parties and parking problems to. Recent years, zoning has also come into effect the

-- also urban farms into commercial businesses. Stealth dorms should not be made to destroy the residential character of austin neighborhoods and urban farms. If council is allowed to add restrictions to the stealth dorms dwellings to preserve single dwelling to the neighborhood in the u.T. Area, I ask you what is the difference when it comes to urban farms and the quality of life for the individuals living in east austin neighborhoods? Just like the residents in the u.T. Area, other areas of town, especially east austin residents don't want noisy parties, wedding, parties or parking problems and traffic problems in our area. If it is passed in the current form with urban farms, rancid smell and composting of dead animal parts will be already added to nuisance of residents, not only in east austin but city wide including u.T. Area. We need to be proactive across the entire city. We need you to advocate all of austin and protect the integrity of our neighborhoods, not just u.T. Area. If you wouldn't allow slaughtering, composting or commercial business loud music venues et cetera, to be allowed next door to you, I employ you don't allow it to my home. Urban farms are operating special events illegally according code. It is unfair I have to have a permit out to provide free music and feed the community of austin, particularly low income for free. Yet the farmers flagrantly have no permits and yet charge high

dollar amounts such as \$3,000 for a Saturday use. I ask you, are there any community members in this city of Austin who are better than the others? I implore you to treat everyone the same in the city of Austin. We are all tax-paying individuals. We all have the right to peace in our neighborhoods. We come home from a hard day's work, we want peace and tranquility and we

-- a and tranquility and don't want the loud problems we endure. If I have to get a permit, everybody else should be allowed to have a permit as well. Businesses across the city of Austin, some thrive, some fail. If you cannot thrive the business you are in currently, perhaps it is time to try something else. We have all done it. No one is better than anyone else and I also would like to add our children, we are so concerned about teaching them healthy habits, we need to teach them about integrity. That is something that is shortcoming in today's society.

[06:15:07]

[Buzzer alarming] we need to teach them that one person is not better than the other. We all have the same rights.

>> Cole: Thank you.

>> Thank you. [Applause].

>> Cole: Ronnie reeferseed. Ronnie reeferseed.

>> I think you skipped over chastity larios.

>> Do you mind waiting Ronnie?

>> Hi, I am chastity larios and the president of the agave neighborhood association. We may be the newest here and out of east Austin and I am here to ask one request of you today, our actual request for you is really important. We want you to be able to fund the crossing zones in the railroad area of our neighborhood and make them be quiet centuries and I will describe to you how it affects our quality of life and ask you to help us out in this process. The background is we in the agave neighborhood association are right next to the colony park project so we thank you so much for your encouragement and for all of your votes to get the colony park project off the ground and to really bring some economic development in affordable housing and city planning into our area. We are located between 969 and Loyola east of 183. We have a strong coalition of neighborhood associations over there than forming together such as colony park neighborhood association to tackle some of the issues



we are facing in east austin and one of the issue ones we are looking at are the train crossings. Whenever the cap metro commuter line came through a few years ago, it made all of the freights start being delivered at night and that brings me to my second point which is how it is harming our quality of life in our neighborhood. We are really proud of where we live but having a train that comes by at 9:00 p.M., 11:00 p.M. 1:00 a.M., 3:00 a.M. 5:00 a.M. And 7:00 a.M. And constantly blaring their horn is a real distraction to the quality of life in east austin. From what we know, we have talked to the cap metro board, we have been to board meetings in the past. Nothing has helped. They have it on their list of fun if they ever get to that point but they basically told us that they won't have funding to turn our area into a quiet zone so we are coming to you to ask you to fund this. We know in the past you funded areas to turn into a quiet zone in north austin and south austin. I am here to ask you not to leave out east austin. There are several neighborhood associations not as far as we are that are having the same problem as well. We ask to be treated same in east austin and fund our area also to be a quiet zone. I think we will continue to be pressing the cap metro board and continue to show up to those board meetings and make that ask, but I wanted to think the people in the audience from my neighborhood association who have showed up and we will continue to push this issue and build a larger consensus. Until we hear more back from you about funding to turn this into a quiet zoning to improve the quality of life in our neighborhood. Thank you so much for your time.

[06:18:19]

>> Cole: Chastity, let me ask you a question, when you talk about funding the quiet zones, what an estimate of that would be?

>> Yes, what we have been told

-- there are two quiet zones that need to be funded, one is on 969 and one of them Loyola, so they have to both change for this to happen because a horn has to blow one one fourth of the two crossings. We are told it is about 40,000 apiece for both, total of \$80,000.

>> What is capital metro's participation in that or do they have any?

>> We call and complain to them about it nonstop and they say it we have the list of things to do if we ever get funding but the city of austin has not provided funding to

us for that. They have offered no funding with this matter whatsoever.

>> Cole: Okay. Thank you, chastity. Ronnie reeferseed.

>> Hang on.

>> Cole: Sorry, council member martinez has a question.

>> Martinez: Yes, as chairman of capital metro, I am intimately familiar with this and we do have a directive to staff to make every single crossing from the eastern curve if you will, from manor, all the way through manor into a quiet zone. It is substantially more expensive than the information you have heard, it is about \$200,000 per crossing and it is what is called a quad gate, meaning all four directions might be gated in order for trains to not have to blow their horns. We have implemented quad gates in east austin in those areas that are affected, we understand completely the issues you face. In fact, when the rail line opened in 2010, I was the one that directed staff to come up with a plan to make quiet zones all way through the eastern side of austin because of the inequities of now pushing freight in the evening hours through those neighborhoods. Certainly understand your concerns. I will revisit this with staff. My chief of staff is here who handles capital metro. We will get you a timeline. We will get you the commitment. We are committed to doing this, but I haven't

-- I don't recall hearing from you at a capital metro meeting about this issue but I am happy to visit this with you. We do have a plan in place and we will do everything we can to speed that timeline up and get those quad gates in place so you don't hear the horns.

[06:20:37]

>> Thank you, council memb martinez. I think they went to a cap metro board about this time last year and didn't hear much back but I greatly appreciate your attention to this matter.

>> Andy moore is here and he will talk to you after you get done speaking.

>> Great. Thank you.

>> Thank you. [Applause].

>> Cole: Ronnie reeferseed.

>> Thank you, friend. Hallelujah, yes, stop the killing. Choose peace. Yes, I am ronnie reeferseed. Singing with joy because I am exercising my god given right to speak,

guaranteed to all of us by our founding fathers from the first amendment of the u.S. Constitution and amazingly some people don't seem to have a clue as to what that means. On the other hand, my late father who earned a silver star in world war ii, he fully understood the meaning and significance of it. We disagreed on political matters, but yet my late father gave me my biggest contribution when I last ran for political office because he knew I was devoted, thoughtful and sincere. Today I am announcing I hoping to earn the same precedence support from the voting citizens of travis county. Yes, I am seeking to become county judge, ronnie reeferseed, following the retirement of the long-term serving honorable sam biscoe. Nobody is perfect, including myself, yet I do firmly believe a new breath of fresh air is needed in the travis county commissioners court and it is somewhat similar to city council, tackling budget tear issues and helping to set priorities on precious taxpayer dollars. After attending six years of virtually every weekly meeting of the travis county commissioners court I have seen many examples of good work that can be done by the commissioners court and many examples of wasteful, misguided mistakes made by that court. I hope to help guide my fellow commissioners to wiser, more productive representation of the voters of travis county and I would when I believe are frivolous expenditures of taxpayer dollars. For example, the problematic petroleum polluting traffic choking neighbor mare lovingly referred to as f1 or chuckie farley one was shoved down our throats without a vote from the tax paying citizens, our already crowded roads and public safety personnel are overburdened more than ever before. Who benefits? Not the taxpayers, not the interdependent ecosystem here, only a few fat cats who c afford to watch these expensive cars to go round and round and round in circles in person and are hoping to see a wreck or something. Instead I hope my fellow citizens can help my upcoming campaign bring stewardship to the taxpayer dollars back to county government. Road reeferseed for county judge when you get a chance. I am running in the libertarian ticket and I am hoping to win and with the support of citizens and I need support and contributions from everybody who is concerned about the misguided travis county commissioners court. Thank you so much for listening to me and save our world. Work for peace. Thanks a lot.

[06:23:53]

>> Cole: Thank you, mr. Reeferseed. [Applause]

>> next we have carol ann rose kennedy. Carol ann rose kennedy.

>> Good morning. I am going to change my subject today, and go for a lighter note. Millennium christmas. I do christmas all yearlong in the way of a phone call or maybe a song. I might buy you flowers or take out your trash or take you to the doctor right before you ask. Fresh bagels are good, summer, winter, spring and fall. I buy a baker's dozen for the price of

-- I

-- yeah, for the price of 12 so I can spread them really far. I'll look out for your mother. I will look out for your kid. I will pretend I didn't see the shenanigan you did. Let's go for a walk. Let's go out to breakfast. My present today is to stay being one of us. Merry christmas, everybody. Thank you.

>> Cole: Thank you, carol ann. Carlos leon. [Applause]. Carlos leon.

>> Thank you, mayor pro tem cole. I am carlos leon and I am here in austin, texas. I. On november 21st, 2013, to speak what is right. First and foremost, I thank god for allowing me to be hear today. Second, I respectfully ask mayor leffingwell, who is currently not on the dais, to report back to austinites at the next council meeting who sprayed poisonous chem trails on us in the predawn a.M. On november 19, 2013, and who sickly sprayed them over the capitol on veterans day morning, disrespecting military veterans like himself on his watch. Third, like our heroic world war ii veterans who use real grit to keep advancing on d-day in face of extremely heavy gunfire, so must we choose truth to keep moving forward against all republic's current enemies who rerentlessly attack us cognitively, psychologically and emotionally with continuous barrages of words and images to continually attempt to confuse, deceive, and mislead us into oblivion. Truth, according to the cbs poll yesterday, 93% of us americans want equilibrium obamacare changed or fully repealed, showing we the people are rightly focused on the disastrous content, implementation and implementation of consequences of obamacare. Yet as of tuesday, november 19, obama was still wrongly denying reality, looking only to repackage his signature feces, delusionly saying, quote, we are obviously going to have to remarket and rebrand, end quote. Obama's insanity and deception threatened us all because according to salinda lake, lead pollster and head designer of the obamacare marketing campaign, quote, perceptions are more important than facts and reason. They about that for a moment, her perception that

-- her quo ill defines the presidency, his treason of administration and his entire fake life. I pray that our republic's godless enemies read luke, chapter 12, verses 1 through 5 do what is right before their window of opportunity closes and what is right is done to them. I am going to read from it. Let's see. Well, I don't see it at the moment. Oh, here it is. Be ware yee of the 11 of the pharisees which is hypocrisy for there is nothing covered that shall not be revealed, neither hid that shall not been known. Therefore, whatsoever ye have spoken in darkness.

[06:28:29]

[Buzzer alarming] shall be heard in the right and that which ye have spoken in ear and closet shall be proclaimed upon the house tops.

>> Cole: Thank you, leon, your time is up.

>> Thank you, mayor pro tem, in jesus name I pray, amen.

>> Cole: Thank you. The city council will go into closed session

-- mr. Paul robins.

>> You thought you were rid of me.

>> Cole: No, I did not. I overlooked. I am sorry. Go ahead.

>> Good afternoon, I am here once again to ask you to change the way the franchise fee is paid to other cities by austin energy is done. I have protested that these fees are paid out of the utility's general revenue instead of being charged to specific customers. The city attorney's office has opposed my suggestion but kept their reasoning secret for months until it was demanded publically by a council member. This whole discussion would have been better off if their position had been made clear in june when I asked for it, or when august, when the electric utility commission recommended that the franchise, the collection methods be changed. The city attorney wrote a 4-page memo justifying their position. The office stated that puc dock rib mandates collection of franchise fees from the entire rate basin stoved individual customers

-- docket rib and it also gave the precedent I gave el paso was an error. The memo had three weaknesses. First, in its zeal to prove me wrong, the memo admitted that I was are pally right. In that some utilities collect part of their franchise fees from specific customers that these cities served. Second, it does not apply to all utilities, to wit, I have handed you a revised franchise agreement that this council approved

unanimously december 1st, 2012, to collect more money from city of austin households served by the pedernales electric co-op, 2/3 of the franchise fee comes directly from austin residents. And, third, and in the same same vane, the p.U.C. Has to control over the austin rates, only austin ratepayers living outside the city. As such, the agency cannot order austinites to pay franchise fees to other cities. Now, it would be quite a stretch for the city attorney's office to tell you that the pedernales franchise agreement that you approved unanimously is irrelevant to this argument but I fully expect the office to rise to the occasion. Because I believe that this argument is not really about p.U.C. Doctrine or precedent. It is about bureaucratic sand bagging for the suburban appeasement that the city has decided on, a policy that has failed.

[06:31:59]

>> Mayor Leffingwell: Therefore we will go on closed session to take up three items pursuant to 551.071 of the government code, the council will consult with legal council regarding the following items, item 76, legal issues related to open government matters, item 78, legal issues related to austin fire department hiring process, item 79, legal issues related to the july 26, 2013 officer-involved shooting. Is there any

-- and item number 77 is withdrawn. Will not be discussed. No objection that going into executive session. We will now go into executive session.

>> Mayor.

>> That is covered?

>> Mayor Leffingwell: It is covered in item 76.

>> Mayor, item 77 should be discussed. Legal issues related to transition from electing the council to single member district

--

>> Mayor Leffingwell: And where do you get that information?

>> Cole: We talked to legal yesterday. Did you talk to the mayor's office?

>> Mayor Leffingwell: Add 77 to the potential list of items to be discussed so it will be 4 in all.

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[08:43:20]

>>> postpone item 84 until december 12th. To approve item 86 and 87 on second and third readings. To close the public hearing and approve on all three readings items 88 and 89, and to postpone items 90 and 91 until december 12th. Just noting that items 92, 93, 94, 95 are withdrawn. To close the public hearing and approve 96 on all three readings. Postpone item number 97 UNTIL JANUARY 23rd. To postpone 98 until december 12th. To close the public hearing and approve item 99 and item 100 on all three readings. And noting that item 101 is withdrawn. I'll entertain a motion.

>> So prove.

>> Mayor Leffingwell: Councilmember spelman moves approval. Councilmember tovo.

>> Tovo: I would like to withdraw from consent item 80 for a very brief couple suggested changes.

>> Mayor Leffingwell: Item 80 is withdrawn from the consent agenda.

>> Tovo:80 and 81.

>> Mayor Leffingwell:80 and 81 are withdrawn from the consent agenda.

Councilmember morrison.

>> Morrison: I wanted to discuss ask greg to confirm a couple of things, but leave them on consent for 83. Does staff recommend this

-- this case now with the changes that have been made?

>> With the additional conditions that are in the ordinance that I believe are on the dais on yellow paper.

[08:45:20]

>> Morrison: I'm not sure I'm seeing it on the dais. 83? Okay. I wasn't looking underneath. And then same goes for number 87, staff is recommending it with the changes that are on the dais.

>> Yes. I know on 87 I spoke to chuck wizniak, the environmental officer, and he's worked with the applicant and the applicant has actually agreed to additional conditions that are added to the case on the covenant on that property and they should have that in the backup already.

>> Morrison: Last question is about item number 96. That was also

-- had a restrictive covenant with the neighbors or something, I believe, that was being executed? Is that

-- are you familiar with and is that all taken care of?

>> That one I would have to look mate backup.

-- Look at my backup, the additional restrictive covenant number 96?

>> [Inaudible].

>> Staff is indicating to me that the applicant has signed a private restrictive covenant and is waiting for the signature from awana at this time.

-- Awana at this time. Jim whit live just told me that.

>> Mayor Leffingwell: Do we have a second on that? If not, I'll second. All in favor of the consent agenda with the changes just made to the items withdrawn, say aye?

Opposed say no? It passes on a vote of seven to zero.

>> Thank you, mayor and council.

>> Mayor Leffingwell: We'll go back to the item we had on the table, which was item



number 53, and councilmember spelman was just about to propose a series of amendments.

>> Spelman: I appreciate the extra time because now that we have the new version in front of us I had to renumber my suggested amendments, but that's been done. As mr. Hebert has clarified for us, there is a class of new buildings being constructed in north loop for which the current version of this item fits perfectly. Where they're constructing buildings that have six bedrooms in them, which would be apparently difficult to convert into single-family residences and are being constructed entirely for the purpose of having unrelated individuals, presumably students, living there. I understand that problem. I also understand that it's

-- it is the contention of the apartments or rooms in that building would be rented at a relatively high price and would not classify as affordable housing. On the other hand, affordable housing is not just these relatively small class of single-fami houses or non-single-family houses, constructed in single-family neighborhoods. What we're talking about is a whole lot of students who are living four, five or six to a single-family house that was originally intended to be a single-family house and at some future date may become a single-family house again. In addition to students, we're talking about young adults, I was one such that liven a house with five unrelated other individuals. We didn't get into too much trouble and I don't believe anybody called the cops on us. I don't think we made much noise and our parties were relatively quiet. That may be true for other people on the dais who may or may not wish to doubt themselves. It's also true that a lot of the people who live four, five, six to a house are rock-n-roll bands, construction crews, returning ex-offenders and the reason they're doing it is because at least in the houses they're choosing to live in by renting a room or sharing a room it is affordable housing for them. And what I'm offering here are some suggested amendments to respond to the fact that a lot of people who are living five and six to a house are not people living in stealth dorms and paying an exorbitant rate, but in fact people who are living in relatively ordinary single-family houses are paying a fairly affordable rate and those houses might very well return to single-family status at some time in the future. I would offer the first amendment, which would insert after the third whereas in the current version, whereas the tenants of group houses include not just university students and young adults, but also recent immigrants, returning ex-offenders and others of low to moderate income who have limited housing options.

[08:50:02]

>> Mayor Leffingwell: And I'd suggest, councilmember, that these statements of fact, the whereases or findings basically, if you would offer them as friendly.

>> Spelman: I would offer them as friendly if it is amenable the maker of the motion.

>> Mayor Leffingwell: They accept that.

>> Spelman: Amendment 2 would also be friendly, insert two more whereases, whereas any reduction of the dwelling unit occupancy limit can be expected to reduce the number of affordable housing units for both student and non-student populations and to increase rents for many of those who continue to live in group housing. And whereas nuisance violations such as noise disturbances and overflowing garbage cans may persist even if the dwelling unit occupancy limit is changed. If that's acceptable by itself, that's fine, but if they need more information I'd be happy to provide it.

>> Mayor Leffingwell: Councilmembers martinez and riley.

>> Martinez: On the first whereas, I think it's an opinion when you say something like it's expected to reduce the number of affordable housing use, I don't think that's our expectations at all. In fact, that's not what we're trying to do. You could allow 15 people to live in one house at the same rent and it would create affordable housing, but that doesn't make it right. So that's what we're trying to affect here is the stealth dorm issue. The issues you're bringing up are extremely valid and I want to address those concerns, but I don't understand the premise of this whereas. And the second whereas that nuisance violations such as noise disturbances and overflowing garbage cans may persist. Obviously anything may persist. Can you explain to me what the impetus behind putting these whereases in there?

>> Spelman: The impetus for the first one is

-- there are several ways of arguing this. Let me argue the logic first. If we've got some housing units, some single-family houses that have six people in them, and we make that illegal, and two of those people have to leave, that means you've got four people where once there were six, and that is two effective places for people to live that were available before that are no longer available. So that would be a reduction in the total number of housing units on an effective basis. It is also true that if we're talking about a house

-- let us keep the numbers fairly clean. If there's a house that rents for \$2,000 a month and we have five people in it, they're each paying \$400 a month towards the total rent. If that fifth person has to leave and they only have to get to four, that means the four people, ma'am have to pony up \$500. Their rent has gone up in order to make the total amount for the house itself. So eye idol chatter argue from a point of view that if you reduce the maximum number of people that live in a house the rent have to go up and we will be losing some units. I think it's also the opinion of the neighborhood housing conservation department, and if you would like I can ask betsy the question and see whether she agrees with me. In fact, that might just be a good idea if betsy is here.

[08:53:15]

>> Mayor Leffingwell: There she is.

>> Spelman: There she is. Betsy, I'm not going to ask you what's right and what's wrong, just a statement of fact. If we reduce the maximum occupancy of houses from six to four of unrelated individuals, what effect do we expect to have on the number of units available and on the price per unit on an average basis? Will have that an effect on affordable housing?

>> We would expect based on some other research that other communities have done that it could have an effect on the number of units that were available for folks. And it would also

-- could potentially increase the cost.

>> Spelman: Tell me about those other places where the studies have been done.

>> Fort Collins I believe is one of the communities which has done some research on this. That's the first one that comes to mind. I put think of another one right now.

>> Spelman: Fort Collins has a maximum occupancy of three unrelated individuals, is that right?

>> I believe it's three or four.

>> Spelman: That's the site of Colorado State University?

>> Yes.

>> Spelman: In many of the lists we got about college, college life, this is one of the cities that was frequently cited as having reduced their occupancy limits in order to maintain the neighborhood character of the single-family areas. So Fort Collins did a

study and it's your understanding that that study showed fewer units and a higher price.

>> Correct.

>> Okay.

>> Mayor Leffingwell: So councilmember martinez.

>> Martinez: I'll let councilmember riley.

>> Mayor Leffingwell: Councilmember riley.

>> Riley: Mayor, with respect to the first paragraph, we actually heard some testimony today that contradicts the suggestion about reducing the number of affordable housing units. What we heard, it may have been from mr. Hebert, maybe one of the other speakers, was that we're seeing the demolition of older homes to be replaced by new construction that actually may well not be as affordable housing as the housing that was replaced. If I'm wrong I would be glad to have mr. Hebert explain that, but I think there are many who would challenge your assertion that any reduction in the dwelling unit occupancy can be expected to reduce the number of affordable housing units. Because as a matter of reality, if the problem is the demolition of the existing units to be replaced by a particular type of new housing that may well not be that affordable, then the assertion here may well just be wrong. And with respect to the latter part of the paragraph about increasing the rents for those who continue to live in group housing, one subject that will have to be discussed in the code amendment process is grandfathering and one possibility would be that existing -- the sort of units that you describe with six people living in one place, that it could well be grandfathered? I'm not saying that that's necessarily the outcome we're aiming for, but that has come up in the past and it is a possibility. And to just jump out there and say that any reduction in the occupancy limits can be expected to increase rents for many of those who continue to live in group house I think is just factually inaccurate?

[08:56:34]

>> Spelman: Let me broker some language with you. Instead of can be expected, I understand there are counter availing influences and my best guess is the kind of case that mr. Hebert was referring to happens less frequently than the mass of cases

we're talking about. But if you would be happy with may reduce the number of affordable housing units, just to leave open the possibility that that might happen and in deference to, for example, the fort collins' study which showed it in fact did in fort collins, it certainly might do that here. Can we change the can be expected to may?

>> Mayor Leffingwell: Mayor could? Councilmember martinez.

>> Martinez: I appreciate councilmember spelman's suggestion. I think that helps. I would also ask to switch the language to where it's positive to what we're trying to do as opposed to pointing out something that is negative or making a statement of something negative. So if you change the statement to may, there needs to be some language that says if this truly is an issue, then we want the city manager to look at this as a concern. It just seems like you're adding language that's counterintuitive to the goal of the resolution.

>> Spelman: I'm doing that on purpose, councilmember.

>> Martinez: I realize that. That's why it's not friendly. [Laughter]

>> Spelman: This is a laser beam aimed directly at those big buildings going up on north loop and I understand that and I don't want them going up any more than anyone else. I think we're attempting to defeat a problem, that we might all agree with might catch up a whole lot of other cases we don't really. A rock-n-roll band that has to lose a member or two where they can't live in a house where they're not making noise and not causing a problem for anybody. People living in single-family conditions without overflowing the trash cans and without causing a problem for the neighborhood, we're pulling in a whole bunch of other people in addition. And those may not be people we want to pull in.

[08:58:40]

>> Martinez: Why wouldn't we suggest language that says whereas there could be unintended consequences such as and list the examples and say we direct the city manager to take this into account when coming back from a recommendation?

>> Spelman: Do you want to suggest some language or I could probably come up with some too. You catch what I'm trying to accomplish.

>> Mayor Leffingwell: I think if you want to accept that with the general description and let councilmember spelman rewrite it in accordance with that agreement, I think

we can move on.

>> Spelman: I'm happy to do that. Councilmember martinez? And I would add that keep in mind all this discussion has no material effect whatsoever. These are merely findings of fact.

>> Spelman: The reason of the finding of fact is to lead up to a change in the resolution itself.

>> Martinez: I think the point is they're not fact, they're opinion.

>> Mayor Leffingwell: Certainly I think it's a fact

-- it's not a fact. Not necessarily a fact that any dwelling unit occupancy limit can be expected to reduce. It would be a fact as far as I'm concerned that a dwelling unit occupancy limit could reduce or might reduce. It's of no matter to me because as I say it's of no consequence and granted there may be changes in the resolves, but that will be dealt with at the appropriate time. We can always disregard the whereases. Councilmember riley.

>> Spelman: Subjective language now included. It could increase rents for many of those who continue to live in group housing.

[09:00:50]

>> Mayor Leffingwell: I think what councilmember martinez said was something to the effect that whereas realizing that there could be unintended consequences such as a reduction in affordable housing units, the city manager should take these into consideration when formulating an ordinance to that effect.

>> Happy to add whereas there may unintended consequences whereas a possible reduction of reduction of housing units.

>> Mayor Leffingwell: Is that satisfactory? That's incorporated as revised.

>> Spelman: The second whereas is to state, where it's obvious, to separate the fact of the number of people who are living in a house from the nuisances, the disturbances that may result from people living in a house. I've known

-- living in hyde park you get to know a lot of houses where you have two, three, four people perfectly legal, whether under this this suggested change in the lot who makes lots of noises and make lots of loud parties and do not know what to do with the garage can. I have

-- garbage cans. I have pictures on the garbage cans.

>> Mayor Leffingwell: I think it's definitely a fact that  
-- that any or all of the conditions might or might not exist.  
>> Spelman: It would be an unintended sequence.  
>> Mayor Leffingwell: Councilmembers martinez and riley.  
>> Martinez: I can't accept that language, mayor.  
>> Spelman: I'll offer that amendment.  
>> Mayor Leffingwell: The third whereas. Okay. Is there a second for that. Is there a second for that amendment from councilmember spelman. That dies for lack of a second.  
>> Spelman: No worries. My third amendment amendment is to amend the ninth current whereas as follows: Currently it states whereas the working group can

[09:03:02]

[indiscernible], including students. It's my understanding based on extremely limited anecdotal evidence that there are lots of other nds of folks living in group houses as well. Do we include formally in that statement, recent immigrants, ex-offenders and other group housing. This is not limited to the first two groups I pulled out, but there are other people who live in group housing that are not students and I thought it would not be perceived as serious if I included rock-n-roll bands, although I could give you a couple of those.

>> Mayor Leffingwell: Acceptable, councilmembers?

>> Martinez: Yes.

>> Mayor Leffingwell: That's acceptable.

>> Spelman: My fourth amendment, it's not as important, but I think it reads better if we flip-flop the first in two re clauses making the first cause claus the first. The first resolved clause to read like this, the council requests that the codes and ordinances of stealth dorm subcommittee, codes and ordinances committee and the planning commission consider alternatives for addressing the problem of per sis sent group vitals at group homes, including, but not limited to the number of unrelated adults who may reside in structures allowed in single-family zoned property, improving compliance with nuance codes and enforcement of nuisance violations typically associated with group homes and my apologies here, this was to fit an earlier draft, and whether any such policy changes should be enacted citywide or limited to

neighborhoods where the problems are greatest. The idea that last clause is that north loop is facing group housing situation than govalle, johnston terrace or tarrytown. And that perhaps we should consider the possibility of inacting a different maximum limit of unrelated adults on a different basis from one neighborhood to the next. I don't know whether I would support such a thing in the long run or not. I would like somebody to support some facts and come up with an idea of how best we can solve this problem.

[09:05:12]

>> Mayor Leffingwell: Councilmembers martinez?

>> Martinez: I think the intention of the resolution is to ask the city manager to look at an occupancy limit and bring back the recommendations. This resolve says look at something else. And so I think it's counterintuitive to the goal of the resolution. I don't accept it as friendly.

>> Mayor Leffingwell: It's not accepted, councilmember.

>> Spelman: Mayor, if I might.

>> Mayor Leffingwell: Councilmember morrison has a question for you, I think.

>> Morrison: Councilmember martinez, do you envision

-- I understand this is about initiating an occupancy limit change. Do you envision that there could be a discussion in that dialog about whether it would be citywide or only that there could be different occupancy limits in different parts of the city.

>> Martinez: Plural, meaning three, four, fiv

>> Morrison: Terrific, thank you.

>> Spelman: Maybe I'm working off an old version. The version I got which I believe was handed out% today, states that the council initiates a code amendment related to dwelling unit occupancy that will set the maximum number of unrelated adults who may reside in structures on single-family zoned property at four and directs the city manager to process the code amendmeht and bring it to council on or before january 30th. I don't see any wiggle room here for anything different than four. I don't see any wiggle room for that number to vary from one neighborhood to the next. I think it should. If I could say one more thing, mayor. It seemed to me that a blanket change all over the city would have unintended consequences sufficient that might cause us to want to rethink the strategy. And so my original suggestion is that



we ask the codes and ordinances subcommittee and the planning commission to consider this and to come back with an amendment to the code which best fits their reading of the situation, reduces the unintended consequences to the extent possible and takes into account the perspectives of a lot of additional stakeholders.

[09:08:00]

>> Mayor Leffingwell: Councilmember tovo.

>> Tovo: I have a question for councilmember spelman. I heard you reading language that is not on my sheet. Am I missing something?

>> Spelman: I'm reading

-- I'm sorry, that last language was inadvertently left off on what I handed out so I just read it.

>> Tovo: Would you read it again, please? And explaining where it goes.

>> Spelman: Typically associated with group homes, semi colon, and then it leaves off. What I would add is whether any such policy changes should be enacted citywide or limited to neighborhoods where the problems are greatest.

>> Tovo: Thank you. I guess I would

-- you know, I understand the intent of at least one part of your intent in offering the planning commission the option of suggesting that perhaps this is something that might benefit other areas. I think I made a similar point in my comments earlier that I believed there are areas where they are very interested in decreasing occupancy limits and other areas where that hasn't risen to the level of concern and may not be welcome. So I just offer as a suggestion perhaps adding earlier in the resolution, and I just lent mine to my neighbor, but where it talks about initiating the code amendment, perhaps you might want to add a line about the planning commission could elect to provide recommendation

--

>> Mayor Leffingwell: May I suggest that when councilmember spelman finishes his amendments you can offer yours.

>> Tovo: I don't have any. I'm just saying that might be another place to put a comment of that sort and say something along the lines of the planning commission might elect to provide recommendations that would make this a tool available to neighborhood planning areas rather than a citywide ordinance change, code

amendment, just a suggestion.

>> Mayor Leffingwell: Pretty soon we'll be down to the point where we say we direct the city manager to go do something. Go ahead, councilmember spelman.

>> Spelman: Actually, I'd be more comfortable with that than I would

-- with the extremely specific language that he is directed to undertake. Is there a discussion going on or have you rejected the amendment?

[09:10:10]

>> Cole: I have a question.

>> Mayor Leffingwell: Wait a minute, mayor pro tem. Councilmember spelman has asked if you would accept that as friendly?

>> Martinez: I'm trying to understand what we're referring to. Is it the blue language on this sheet with the added language that you've just recommended?

>> Spelman: That is correct.

>> Martinez: I thinkky accept it as friendly.

>> Riley: I think all the language that's suggested in the scope of what we were contemplating anyway, the one change that I would want to ask about is the omission of a date. We have heard from some of the neighbors that it was very important to get some action on this sooner rather than later and -- and we were hearing that there was a lot of interest in getting some movement in january. And I notice that you've left the date out of your suggestion.

>> Spelman: I have a fifth amendment which incorporates a date and that would be that the manager is directed to support the meetings of codes and ordinances, various subcommittees, the planning commission, bring recommendations, including any code amendments on or before the 31st of march. That seemed to me to be a reasonable length of time of entire process including the deliberative process to determine whether this should be a citywide amendment or neighborhood specific along some lines.

>> Mayor Leffingwell: So councilmember riley, can you accept that language with the understanding that we're going to

-- that it will be addressed otherwise in the resolution?

>> Riley: Are you saying we'll get to that in a minute?

>> Mayor Leffingwell: Yes.

>> Riley: Sure.  
>> Mayor Leffingwell: So that's accepted.  
>> Cole: I have a question about that amendment.  
>> Mayor Leffingwell: Mayor pro tem  
-- that has already been accepted. It's part of the motion.

[09:12:12]

>> Cole: I understand, and that may affect whether I vote for the motion, the clarity of what we just did. This question is directed to councilmember spelman. I understood your concern to be that we not cookie cutter or direct the committee to cookie cutter for as the maximum occupancy level throughout the city to consider doing that in some places at four and in other places more on or whatever needed to be done. And I understood the makers of the resolution to do that. But you also pointed out language in the resolution that was specific, limiting the maximum unrelated adults at four and direct the city manager to process the code amendment. And I didn't hear y'all resolve that issue.

>> Spelman: That would replace that language.

>> Mayor Leffingwell: Just a second. Councilmember morrison.

>> Morrison: I guess I'd like clarification, it's my understanding that as the resolution now stands as amended, that there is no longer council initiating a code amendment, because it's my understanding that the most recent amendment removed that be it resolved started out the the council iniates a code amendment, and replaced it with the council requests that the codes and ordinances committee. So I think

-- I'm not sure

-- I thought we still wanted to initiate a code amendment. So I think there's a lot of confusion here.

>> Mayor Leffingwell: Councilmember tovo was next.

>> Tovo: That was my question.

>> Mayor Leffingwell: Councilmember martinez.

>> Martinez: It's in the fifth amendment that hasn't been proposed yet that says the city manager is directed to support the additional meetings and bring the recommendations to council, including any code amendmts on or before march 30's.

>> Spelman: That's correct.

[09:14:12]

>> Martinez: So there may not be a code amendment, but there may.

>> Spelman: There may, and this would leave it up to the discretion of the stealth storm subcommittee, the codes and ordinances subcommittee and the planning commission as to whether to initiate a code amendment. If we would like to initiate a code amendment, I will not be able to vote for this resolution so long as any code amendment we're initiating is as specific as this is. I don't believe that a blanket limit of four unrelated individuals citywide is going to be a good idea.

>> Martinez: So your proposed amendment is adding the words including any code amendments to the existing language?

>> Spelman: Yes, that's correct.

>> Mayor Leffingwell: All right. Do you accept that, martinez and riley? The language in red added. [One moment, please, for change in captioners]

>> Riley: The planning commission does have authority to initiate a code amendment on its own but I thought the purpose with this was -- it seems like we could accomplish your objective of exploring alternatives by way of initiating a process that allows for consideration of all those alternatives.

[09:16:24]

>> Mayor Leffingwell: Just a suggestion, could that be accomplished just by eliminating the word "any" and instead say "including code amendments?"

>> Riley: It doesn't doesn't initiate the code process.

>> Spelman: Let me try again, mayor. If we missed in eye awkward academic phrase, if instead of requesting if we direct them to consider alternatives and return appropriate code amendments, would that fulfill councilmember riley's concern? I'm not sure how we're going to direct a specific code amendment except on a blanket basis but we still somewhat would need to work out if they wanted to consider the possibility it would be for --four north loop and six in another part of town.

>> Riley: It doesn't dictatethe outcome of the process. Even with the initial proposal we had to initiate a code process that would still allow for adjustments over the

course of the amendment process.

>> Spelman: I don't see any evidence of that in this draft.

>> Riley: It's the nature of the word initiate. When you initiate the process, you don't necessarily know what's going to result from that process. Yes, we initiated -- the idea was to initiate discussions to have this code amendment bearing in mind that process might well lead to alternative suggestions.

>> Spelman: If there were a word in here of alternative suggestions, alternative numbers, neighborhood by neighborhood, possibilities of neighborhood by neighborhood settings, I could vote for it. But it doesn't say that.

>> Riley: We've agreed to have that language. So now maybe we can insert --

[09:18:27]

>> Spelman: Maybe we need to do is figure out what the language looks like. Mayor, perhaps we could table this for a few minutes to give me an opportunity to write up some language which I think councilmember martinez

--

>> Mayor Leffingwell: First I just want to say to both of you, the language about initiating is not changed from what I've seen, that remains in the

--

>> Spelman: It was removed. I was under the impression it was not removed so we had a difference of opinion.

>> Mayor Leffingwell: All right. Is there objection to tabling this for a few minutes and allowing councilmember spelman to revise his proposed language?

Councilmember tovo.

>> Tovo: I don't have an objection to that but if I could back up and make a few points. So this

-- you know, the first action this made was to initiate a code amendment that would come back to council by january 30th and we've lost that completely both the timetable and the initiation of the code amendment as has been pointed out. It was of great interto the community to have some action taken very quickly. We've been hearing about stealth dorms for years as an interest in taking some very concrete steps here immediately and having some provisions in code immediately. We had

several options for do that on today's agenda. One, of course, is the rental registration, the other is this. If -- if it moves along in the direction it's going, what we will have done in essence is really just ask the stealth group working group which has been working and has some recommendations and is about ready to present at least what they have, we're merely just extending their timetable. They have been talking about occupancy, these other issues. The only thing we've accomplished is say come back to us by march 2014, there will be no measurable change to what they've been doing except, and this is valuable, to include additional perspectives in that working group. I think we should be aware of the major shift that will have been taken. If I can suggest another approach, to stick with the original ordinance, resolution, excuse me. To add in number 3 from councilmember spelman that expands the list of stakeholders, and then under the first therefore be it resolved add something along the lines I suggested before which initiate the code amendment, et cetera, et cetera, the planning commission may elect the code amendment may be a tool available to neighborhood teams rather than as a provision that applies to the entire city. That makes it clear we're initiating a code amendment but we want to consider the option of not making it a blanket provision across the whole city. At least I don't like it in all contexts.

[09:21:24]

>> Spelman: Obviously.

>> Tovo: But consider it a tool that is available to neighborhood teams can weigh in.

>> Mayor Leffingwell: I would like to honor councilmember spelman's request to table this issue at that means along with table 53, also 46, 47, 48 since we want to deal with 53 before we get to those items. So I think it's a way to proceed because, frankly, I think it's impossible for us on the dais much less anybody out there in the gallery to follow what's going on right now. I wouldn't say impossible, I would say very difficult. Councilmember spelman.

>> Spelman: I would like to request councilmember tovo to write down what she just said so we could take it into account. She's already done that. Thank you.

>> Mayor Leffingwell: Are you withdrawing your request to table?

>> Spelman: On the contrary. I would very much welcome a request to table because

I would like to internalize all this.

>> Mayor Leffingwell: Is there any objection to tabling these items together, bringing them back after we've had an opportunity for councilmember spelman to do some revision? Hearing none, we will then go to item 51. Item 51 has a number of people signed up to speak and it was pulled by me. That's my recollection. We'll go directly to the customers. First is kathy green.

>> Good afternoon, mayor leffingwell and councilmembers. My name is kathy green and I'm the director of advocacy and public policy at the capital area food bank of texas. And I also sit on the austin-travis county sustainable food policy board. Our policy board is reviewing portions of the community health improvement plan and specifically the priority areas related to access to healthy food. I want to emphasize with this resolution we are only at the beginning stages of reviewing data at this point and information from other municipalities and our focus has been on possible incentives to improve healthy food choices in underserved neighborhoods. Our process is an open and collaborative process and will involve all stakeholders. We are charged with coming back to the health and human services committee with recommendations in the future. As a food policy and hunger advocate, I believe that we should do all we can to improve our food system so that regardless of where you live in our county you have access to healthy and affordable food. At the food bank we say way too many people who suffer from the unfortunate paradox of being both hungry and overweight. People who have access to primarily unhealthy food are, in my opinion, just as malnourished as those people who have no access to food. In both cases your ability to thrive and participate fully in our community is hindered. There is no magic solution to improve our food security and diet related health issues in our community. It will take several thoughtful strategies involving government, nonprofits, education, and our business sectors. In the end, I believe that hunger and poor nutrition are economic conditions. We must make healthy food as affordable and accessible as other food options. I appreciate the opportunity to work on these important issues and your leadership in bringing them forward. Thank you.

[09:25:24]

>> Mayor Leffingwell: I've got a couple questions for you.

>> Yes, sir.

>> Mayor Leffingwell: Because I'm asking you, not only because you are the first one and this term is going to be used a lot in the next few minutes, how do you define healthy food?

>> I don't think there's one definition of healthy food. I think that, you know, there are a lot of different definitions out there. I think it really depends on who is defining it. I think that's something you would have to put up for discussion.

>> Mayor Leffingwell: I think obviously something very specific is going to come out because everybody is in favor of healthy food.

>> Absolutely.

>> Mayor Leffingwell: There's going to be a lot of disagreement about what healthy food is. And that's what this is all about. So from your frame of reference, I mean you made several comments about people being worse off from eating unhealthy food as opposed to not having any food at all. What are your credentials to make these statements? Are you a medical doctor or nutritionist?

>> Absolutely not. I know that I have worked in food policy for quite a number of years both at the Texas Department of Agriculture and at the food bank, and I know that we have higher chronic disease rates in underserved poor neighborhoods and a lot of that is due to the diet

-- to the diet related conditions. I think access to more fresh fruits and vegetables, more lean meats, dairy, those sorts of things are in general better for people as opposed to a diet of mainly processed foods. But defining what's healthy and not healthy, there are definitions all over the place. You will find two registered dietitians who won't necessarily be able to agree on what that is.

>> Mayor Leffingwell: Okay. Councilmember Morrison.

>> Morrison: I think you make a good point there on phrases that are going to be on the table and we have staff who are in the area of health and human services and I wonder if you could come answer that question so maybe we could be on the page and not have to go round in circles about it. Describe when we're talking healthy foods or not.

[09:27:34]

>> Healthy foods? My friend is correct, there are lots of definitions, but generally foods that have a balance to them, low in carbohydrates, low in sodium, not too



many calories. There's any number of things you could look at. Absence of trans fats. So it all depends on what exactly you are talking about. Fresh produce is healthier, foods prepared at home are healthier. What we would like to do is just strike a balance in the availability of produce and healthier options for our families. Potato chips are unhealthy for a number of reasons.

>> Morrison: Doctor, did you want to add something to that?

>> Just to echo the same response. I mean there are many definitions. I mean we do look at low fat, low saturated fats. Okay. And cholesterol, sodium content, sugar, but there are many different definitions. And some of it is also having portion size and things like that also.

>> Morrison: So really it's a matter of many aspects.

>> Right.

>> Morrison: To the food that tell you

--

>> what I would add is we do know what causes poor health conditions and what causes chronic health conditions and I think dr. Wong can speak to that. I guess are related to that.

>> Morrison: Yes, please, dr. Wong, if you could give us with regard to food.

>> Certainly if we look at the leading killers in Travis County, in Austin, you know, cancer is number one, heart disease is number two, stroke is number four. Let's see, chronic lung disease is five. Diabetes I think is seven. So you know, about five of those top killers are certainly have diet related conditions that relate to their -- and we know that, you know, the burden certainly diabetes as a leading killer and the trends that we're seeing in increases in diabetes are directly related to some of the increases in obesity that we're seeing in our community.

[09:29:40]

>> Morrison: Thank you very much.

>> Mayor Leffingwell: I want to follow up on that. Again, everybody agrees with what you say, but the question becomes why is this item before us. Is it an educational program? There's pervasive thought that there's a direction, it's based on a sample ordinance that's in the backup, I believe, that specifically addresses the possibility of banning certain types

-- certain foods in certain areas. We're talking about food zones here. And I also understand that I got a call earlier today from one of the county commissioners who was very upset that you are involved in this without consulting the county commissioners court as well. For example, in the backup document it lists, as I say, a potential ban and what that ban would include, it includes things like

-- well, never mind. I'll wait until you get through listening to

--

>> well, mayor, this was put on by council and so what the report that has come forth, we have shared both with the community, we've shared with commissioners court, we've also indicated that what the recommendation is is begin to look at the issues that affect our community, develop data and to come back to the various jurisdictions to talk about recommendations we've gotten back. There is no ordinance that we're ready to go forth and which we can make a recommendation at this time. I think it's premature to say we're here with an ordinance.

>> Mayor Leffingwell: I didn't say that. I said there is discussion of a potential ordinance that would establish healthy food zones and it talks about potentially, as an example, what the types of foods that would be eliminated from these healthy food zones. Including food that is prepared in advance, which we can go through a list of everything that would prohibit including barbecue and cafeterias and even school cafeterias because almost every place serves

-- any food you might pay for in advance, any food that you would buy over the counter, for example, and frankly that's the kind of language that gets people's attention and say what are you driving at here.

[09:32:16]

>> We're here to talk about recommendations to begin to look at what our community looks like based on the data and based upon

-- based upon the data and the community residents have told us.

>> Mayor Leffingwell: Then I ask the question why isn't that included in the backup? Councilmember morrison.

>> Morrison: I wrote the

-- drafted the ordinance

-- excuse me, the resolution and it was included in the backup and no longer

included in the backup, we removed it at the request of some folks that were concerned about that, but it was originally done just because it contains some information about one way, one possible way to go about it and some good references. And just to be clear, what is recommended in this resolution, even though some people have asked that I broaden it, is not broad, it is not making a recommendation to remove all the

-- to even consider putting restrictions as broadly as you suggested. And there is no recommendation to eliminate anything. We just don't do that. You know, it's talking about yes, there would be zones around where kids

-- that kids frequent, but to talk about the possibility of trying to promote health there by not allowing the proliferation of certain kinds of things and ensuring that we

-- in looking at incentive programs to see what we can do to make healthier foods available. So it's a shame that this has gotten off track so much, the conversation and dialogue has gotten off track so that that

-- that it's being suggested that we can't even have a discussion in this community.

>> Mayor Leffingwell: So there would never be, in my mind, foreseeable a probably to either ban certain kinds of food from a certain zone or to prohibit other people from coming in and

-- and having new food vendors in any kind of zone based on the fact that somebody decides they are not healthy.

[09:34:18]

>> Morrison: Mayor, what is in here

-- that is not correct. It does say in part to look at the possibility of restricting certain kinds of food, the access to certain kinds of food as a zoning issue. In certain areas. It says to look at that among other things.

>> Mayor Leffingwell: I think that's where the problem is created. Councilmember martinez.

>> Martinez: This is eerily similar to the last item in terms of the debate. What we're talking about is initiating a process. There is no final out come. There is no decision being made. The county can't be consulted because we haven't directed staff to process anything and talk to the county. This initiates a conversation, period. I

absolutely have made it clear in all of my public statements this week because it has ratcheted to this level of a.M. Talk radio that in this state it is going to be very active fruit from a property rights standpoint to create some kind of exclusionary zone through the zoning process. I assure you we will face ramifications when the next legislature comes back to Austin. This is about giving access to folks who currently don't have healthier options and maybe providing incentives to that access. I agree with councilmember Morrison, it did come from us because we are the health and human services subcommittee and because health and human services staff made a presentation to us, asked us to consider possible action and we did. We said we're willing to take it to the next level and bring it to council to start that formal public input and dialogue with stakeholders including fast food restaurant vendors, including food trailers, including barbecue stands. So all it does, just like the previous resolution, it initiates a process and has no final outcome at this point. If we can't have a discussion and adopt resolutions to start those discussions, what can we do as a council?

[09:36:30]

>> Mayor Leffingwell: I think we can have a very good discussion as long as we're talking about incentives and trying to promote different kinds of behavior and leaving out, taking off the table the possibility that we're going to establish food zones and limit the type of food that -- in any way the type of food that's available within those zones. If we took that off the table, then I think we could have a very productive discussion.

>> Mayor?

>> Mayor Leffingwell: But that is not off the table right now, as councilmember Morrison just said. Mayor pro tem Cole.

>> Cole: Well, I understand the premise about beginning the dialogue and we are at the early stages, but I have some of the similar concerns that the mayor has expressed, but the additional concern and question that I want to ask you is that we -- tell me what the national policy and legal analysis network is. It seems like that's the only scientific basis initiating this. What is that organization?

>> I believe the item that you are referring to is a best practice model, a model ordinance. It's just to give us a foundation on what other cities across the nation are

doing in regards to these areas. I don't see the item, but I believe that's what you are talking about.

>> Cole: Well, and this might be better directed as councilmember morrison and I'm sure she will follow up on that, but the concern is we don't really have a definition of healthy. Are we talking about things that are high in fat, high in sugar, has glucose, is it all free, does it matter, and we need some definition, some science to that analysis.

>> That's what the conversations would do. The conversations would help us define what exactly we want to focus because the area is so broad we do need to narrow it down. Talking about what it will take to create a healthier community. And that involves all of us including our partners that have participated today and the fast food, all the private industries, we would all have this discussion together.

[09:38:44]

>> Cole: The last comment I want to make is see if staff has any rationale is that the availability of fresh food, produce and the goal of having that I completely support, but I believe that is made based on market. I mean who is in that neighborhood at that particular area that is going to buy that. It's not just a matter of limiting access to the wrong food, it's also a matter of trying to determine what it would take to actually have healthy food available. Is that going to be part of the analysis?

>> Exactly. There are areas where incentives would be very beneficial in bringing into those communities either in convenience stores or whatever exists the opportunity to provide healthy foods, the fresh produce and those kinds of product in those areas that currently do not have them. We have maps of those areas when the process of identifying what is there and what is not there and part of the recommendation we are talking about bringing back to the council is recommendations on what we can do to be able to enhance and incentivize into those communities that currently do not have healthy food and adequate numbers things that can be done from an incentive point of view.

>> Cole: Okay. I notice that the resolution only referenced fast-food restaurants and convenience stores, and it seems to me that there are a number of places that over unhealthy food, almost every restaurant, and it doesn't seem fair that we would just pick these out and focus on them in the resolution.

>> Mayor Leffingwell: Councilmember morrison.

>> Morrison: Thank you. Thank you for bringing that up because I think maybe a little background would help clarify why it got to those specifics there and that is, as we've discussed earlier this morning, staff has completed with the community something called

-- what we call the kha, the community health assessment and they moved to the chip, the community health plan and I think we're in a model community in doing this with partnership with the other agencies in town. Once the assessment was done the community got together and put together the improvement plan by identifying priority areas and one of the priority areas was obesity, and this is a very action oriented plan. And so if you'll look at the plan, and I think each office has gotten one, I'm not sure if you've had a chance to look at it but they were delivered to every office a while back, the plan is very action oriented to take concrete steps. If you

-- if the

-- you know, obviously the goal, one of the goals is access to healthy foods. But one of the specific concrete steps rather than just say let's make healthy foods available to everyone, one of the specific concrete steps was to address food that is accessible to children where they frequent. That's how you will find

-- this reflects almost

-- almost directly but there's a few changes to it the specific action that was recommended in the improvement plan and that's where the

-- that plan, that model ordinance was referenced so that's where I got that. It specifically says look at all the data of where fast-food restaurants are relative to places that kids frequent. Look at the research. Look at the issue of convenience stores not necessarily offering healthy options around kids. And so it was a targeted very action oriented recommendation and that's what we heard about at the health and human services committee that my co-sponsor chairs and that's how we got to this very action oriented and very targeted specific item. So I hope that we can continue to work on tools all across the city to make healthy foods more accessible and this is just one part, one tool that we get part of a conversation started.

[09:43:14]

>> Mayor Leffingwell: Well, and I've got a question for you. I want to emphasize once again as I have twice before that I'm all in favor of emphasizing healthy food. I think there is some consensus what that is but this resolution isn't limited to that and that's what concerns me. I thought I heard councilmember martinez say that the initiation of this was done by your department. You came to the health and human services committee. Is that correct?

>> Well, as part of our responsibility, we're brought it to the public health and human services committee to share the results of the finding, exactly, yes, sir.

>> Mayor Leffingwell: Okay, so you brought it to the health and human services committee, but you did not include any recommendations for possibly restricting the availability in certain zones?

>> There are no restrictions that we have put in place or recommendations to that effect at this point in time.

>> Mayor Leffingwell: Do you think fast food is unhealthy?

>> There are cases and demonstration where it has been the case, science has indicated that is correct.

>> Mayor Leffingwell: As mayor pro tem cole says, do you think food at some very expensive restaurants is unhealthy?

>> I'm sorry, I couldn't hear that.

>> Mayor Leffingwell: Is the food at a lot of restaurants is unhealthy? You think that's the case too?

>> Well, it depends on the nature of the food, mayor.

>> Mayor Leffingwell: Well, depends on the nature of the food.

>> What we're talking about here specifically are opportunities to provide healthy food, fresh produce, nutrition of food that provides healthy values to individuals in community.

>> Mayor Leffingwell: The reason I ask is several months ago on another subject, didn't have anything to do what you are talking about today, but a city staffer told an operator of a fast food outlet that their food was unhealthy and was inappropriate for austin. That happened once. It wasn't on your staff, I want to make that clear, but it did happen. And I thought it was extremely inappropriate and also inaccurate. Let's go on to the other speakers. Mikhail mead.

[09:45:30]

>> Mayor and councilmembers, mikhail mead, I appreciate having the opportunity to speak with you today. I'm here on behalf of a local austin family, the olivers, who own several convenience stores throughout the city. And I just have to say the discussion is so very frustrating because I hear the staff insisting that this is about providing opportunities for healthy foods, providing access to healthy foods, and not about restrictions, yet we look at the language of the resolution and may I have an old version, but the resolution specifically says prevent childhood obesity, to restrict fast-food restaurants from locating near areas that children frequent, and talks about restricting convenience stores. So it's not about

-- I actually am not seeing the language about access and opportunities and providing incentives. It's really written to talk about restrictions. It's just very frustrating and it's difficult to start the dialogue on a note that brings everyone to the table when the

-- when this is the starting point. There are so many problems with the whole concept of this and whereas I think that the intent of it had to be good. I think all of us want children to have the opportunity to have healthy things to eat. I just think it's gone awry and I think that what we have here goes way too far. It's way too arbitrary and it's way too broad. I think that, you know, just two of the major things we see as problems, and I think the council has already hit on these, how do you define any particular food as healthy or unhealthy. When we heard dr. Wong and the staff talk about, well, it has to do with portion size and what you balance it with and how you put it together in a meal, how possibly could the council come up with an ordinance when all of those factors have to be considered that would be able to say this is an unhealthy food or this is healthy food, this establishment serves a health I food and this one doesn't. I just don't think how it could be done in any kind of a fair way. Also raised by the council already is the issue in any type of fair way distinguish between a fast-food restaurant and a grocery store

-- I'm sorry, a convenience store and a grocery store or a fast-food restaurant and sullivan's. It just smacks of eliism and the idea that if it's a nice fancy place, you are going to get healthy food there. If it's McDonald's, you can't. And I would argue that you could get a 200-calorie meal at McDonald's and you could probably get a 4,000 or 5,000-calorie meal at sullivan's. So it just seems very, very arbitrary. It feels to us in the community



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[09:48:36]

[buzzer sounding]

-- very paternalistic, elitist and we're asking you not to spend the money. I think it's important to put those resources toward education.

>> Mayor Leffingwell: Thank you.

>> Mayor, I have a question.

>> Mayor Leffingwell: I just latched on to the word convenience stores and it occurs to me that everything

-- you're probably a better shopper than I am for groceries, but it occurs to me that everything you could find in a convenience store you could also find in a major grocery store.

>> That's absolutely correct.

>> Mayor Leffingwell: And you could find cokes, 10-pound bags of sugar even in a grocery store.

>> That's correct, mayor, and just as you just alluded to, you can find more of those things in a grocery store.

>> Mayor Leffingwell: You could find gallon cans of lard, for example.

>> That's absolutely right and prepared

-- all of our grocery stores have prepared food that have packaged foods, processed food so there isn't an honest fair way to draw those convictions.

>> Mayor Leffingwell: Thank you. Mayor pro tem.

>> Cole: Does your convenience store have milk?

>> Absolutely.

>> Cole: Low fat milk?

>> Most stores will carry milk all the way from nonfat

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>> Cole: Convenience store.

>> Most convenience stores will carry nonfat all the way to whole milk. It depends on the store.

>> Cole: I wanted to make the point in the opposite direction, the convenience store may have unhealthy food, but it also has some healthy food.

>> Absolutely.

>> Mayor Leffingwell: Maybe we can just tell them what to sell. Councilmember morrison.

>> Morrison: It's a shame this has gotten so off track. There's no one thing in here -- the statement is incorrect

-- about a restriction on convenience stores. I'm sorry if you got some other language from other places. Solicit recommendations on how to increase access to healthy food choices at convenience stores. Through incentive programs. So the fact that we're talking about possibly someone considering or restricting convenience stores and

-- and milk is completely irrelevant to this resolution. Councilmember morrison  
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[09:51:06]

>> Morrison: I didn't ask you a question.

>> Mayor Leffingwell: Hold on a second. Councilmember spelman.

>> Spelman: Allow me to finish the therefore be it resolved that councilmember morrison started. I believe you have proper quoted yourself as solicit recommendations on howto increase healthy choices at convenience stores through development of an incentive program. Okay, great. And solicit recommendations on whether a restrictive ordinance would be beneficial in austin and if so what buffer distance may be most appropriate.

>> Thank you very much, councilmember spelman.

>> Morrison: Excuse me, that's not the latest version.

>> Mayor Leffingwell: Councilmember morrison. You are out of order. Would you like to be recognized?

>> Morrison: I would. Would be beneficial and if so what buffer  
-- that children frequent my be most appropriate.

>> Mayor Leffingwell: I think we're ready for the next speaker. Alan benton.

>> Good afternoon, council, mayor, I'm alan benton, my family owns a good number of McDonald's restaurants in this community. I want to start off with our menu. Our menu is good, it has healthy choices on it. It also has choices that might be considered indulgences. Some examples are all the cream that we serve in our coffee

is light cream not full fat cream. We've lowered the sodium across the menu. And our happy meals we're offering choices with grilled chicken, yogurt, the little tube yogurt that has 10% less sugar than what you can buy in the grocery store. It's a test in the austin market to be launched nationally next may. It's a matter of personal choice. People should have the ability to choose what they want to eat. And I would ask that we look at the whole lifestyle, not just one component of it. There are they say lack of activity contributes to obesity not necessarily the food you eat. The other part of this is I was extremely insulted by what I saw. The backup document that's been removed at this appointee waited our industry to liquor stores and sexually oriented businesses. That is inappropriate. Also my class of restaurant is being segregated the food industry and negatively targeted. That is an arbitrary and today patricia us action. I am extremely insulted by that. I've got media in front of my stores running stories. You look at the comments on kxan, the vast majority of them are against this resolution. And in this resolution as councilmember morrison stated it does have restrictions on fast food. So I do feel that yes, you are targeting my industry. My ask is that this resolution not be approved as written or adopt a resolution that is nondiscriminatory. Thank you.

[09:54:11]

>> Mayor Leffingwell: Thank you. Sis meyers. Donating time is jet beaumont. Jet beaumont not in the chamber. Katherine hall.

>> They had to leave. They were registered dietitians that we were going to have testify about some of the issues you are discussing but they had to go to an event where they are donating happy meals to children that don't have food.

>> Mayor Leffingwell: Unfortunately you have to be in the chamber to donate time. Donating happy meals to underprivileged children.

>> Yep.

>> Mayor Leffingwell: You three minutes.

>> They thought that was a better thing to do. Mayor and councilmembers, thank you for the opportunity to talk to you and I would like to thank all the council and their staff for taking time with me and my clients to talk indepth about some of these issues. What I'm going to do, I have some testimony I want to read into the record from people that couldn't be here. [Inaudible] ask you oppose this. [Inaudible] 1500

companien franchise advocates. We are focused on improving  
-- providing great tasting food. We believe we can have the greatest impact in  
advancing our health and nutrition platforms with action oriented change. This  
change has resulted in young becoming the first industry leaders to switch to zero  
grams transfat for cooking oil in april 2007 and removing sodium. Originally taco bell  
has become the first quick service chain to announce the distinction of kids meals.  
Regular intervention such as this proposal creates an unfair competitive situation by  
applying limits to quick service restaurants but not to competitors that sell similar  
products. If the goal is improve the health of the city this should apply to all  
industries. Instead of placing unwarranted restriction on any particular industry we  
believe that it is more productive to provide information that will help consumers  
make informed choices. Upcoming implementation of federal menu labeling laws  
-- austin restaurants the information about the food they purchase. I have also a  
statement that was emailed from head of the texas retail association. I'm attending a  
seminar in chicago and will be unable to attend tomorrow's discussion. Having just  
learned of the resolution I want to register initial concerns. The proposed ordinance  
by significantly  
-- at locations of business for over the counter sales is misguided and overbroad and  
will injury operations that may be offering many healthy food choices. Initiatives that  
stress nutrition education have shown promising results in promoting healthy food  
choices. Texas retailers suggest it would be far more productive approach. Thank you  
for making us aware of our program. We look tord to working with council in the  
future. I have read a study, we can get into the battle of studies. I know that you  
have one study that tells you and supports your prison. Here's one from the  
foundation of advertising research. Schedule of studies, proximity of fast food  
outlets has no correlation with obesity. Here's one, vending for south, southwest los  
angeles versus northwest. The chief factor was exercise. Here's another one in a  
different part of the country. I hate this, I look so bad on that t.V. Screen, I hate being  
up here. I just looked at

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[09:57:49]

[laughter] anyway, this one goes 76% of what kids eat is purchased at the grocery

store by their mother. [Buzzer sounding]

>> Leffingwell: Okay. Thank you. Skeeter miller. Talk about some barbecue and some more really bad stuff.

>> Mr. Mayor, we have very healthy barbecue. [Laughter] mr. Mayor and council, members, my name is skeeter miller, owner of the county line restaurants and president of the greater austin restaurant association. Our association over the last several years has handled many ordinances that have come into effect and worked really positively with staff to create something that really works for the city. That the composting, single bag and the list goes on. We totally agree with the goals of the community health improvement plan, however, targeting specific industries from certain zones to solve childhood obesity is not going to solve the problem. Currently restaurants are

-- and specifically quick service restaurants in this city have worked extremely hard to create healthy menus as well as restaurants. Our association has worked closely with director rivera and dr. Wong and st.David 's hospital on a pilot program creating healthy dining menus in this city. The problem that occurs a lot of times is they don't want that menu. The resolution, in my opinion, efforts should be focused on education in the schools including exercise and p.E. Programs that are more than two days a week. And most important, education starts at home. Possibly adding a resolution targeting parents to send a healthy meal to school at least three times a week and have them have a couple of hours outside when they get home from school. We're requesting you reject the resolution as it's written. It's not practical, it's not reasonable, and it's not fair. Thank you.

[09:59:54]

>> Mayor Leffingwell: Thank you. [Applause] becky russell.

>> Good afternoon, mayor, mayor pro tem and council. My name is becky benton russell. My brother spoke earlier, we own and operate several McDonald's in the austin area. I'm very appalled we are here yet again being targeted or singled out as a bad member of this community. We have educational programs to offer to schools which address active lifestyles andbullying as a side note. We have several healthy choices that we're continually working to bring more of these offerings to our guests. Calorie counts are on the menu bodies. Additional nutritional information is easily

available. I looked at what I ate for lunch yesterday, I was eating in the car coming from san antonio today so I didn't eat in our stores but I had a salad tha calories in it. Sounds like a pretty healthy menu to me. This particular resolution carves out fast food of all of the foods sold in austin. Instead of reading us as a problem why not -- treating us as a probable partner us on the educational element. This is what I understood the director of austin-travis county health and human services was interested in during our meeting yesterday afternoon. This has received quite a bit of media attention and that causes irreparable damage to us. I specifically request a no vote on this rution. I would also like to read into the record -- an email from soft taco. Thank you for your work on this. Unfortunately I'm not able to be there today. I have told derrick about this meeting. If no one can make it please use the following. As a stakeholder of this town representing thousands of jobs and careers and opportunities in this city, it's unfort anyway how our industry has been labeled as if we are predators. The issues clearly discriminate and target the qsr industry. If the end result is for austin to address healthy food, all industry including casual, fine and grocery stores should be involved. The result of these actions would be felt across the landscape of our city. The healthy zone of one-half miles around school would cover all of austin. The consequences are too large and cost too much and are too many. Thank you, caleb. Thank you very much.

[10:02:47]

>> Mayor Leffingwell: Thank you. John patton.

>> Councilmembers, eye am john patton, director of development stinsonic drive-ins. A family owned business that's been building and operating sonic drive-in restaurants here for 40 years. We're not a big corporation but we are a big company. We have a lot of employees of broad ethnic diversity, a lot of single mothers putting their children through college, we employ a lot of people. Most of our people are paid substantially over t minimum wage. The chip community health improvement plan may be a laudible thing to do for the city to do. We would have liked to have been a part of that two years ago when it started but we weren't told about it. We discovered this ten days ago when it was announced

-- approximately ten days ago was announced this resolution was going to come up. If the chip, the purpose of the chip is to study food and determine what's best for the

community, that's great. But when you put in the resolution that you want to target fast food, then that pre-determines a study and is inappropriate. To use the language about the idea of zones, protective zones around schools and that putting in the -- next to the language of fast food is inappropriate and malicious and insulting. Restaurants all serve the same food. There's different ways of delivery, different business methodologies. But to target fast-food restaurants is inappropriate around schools when you have grocery stores selling the same food. As the mayor said they sell crisco, bags of sugar, popsicles, ice cream, all kind of things you may think is bad. You can die if you drink too much water. We deserve equal treatment under the law. If you are going to study us or isolate us and try to cut us out of the herd to restrict our locations, then you need to look at everybody and look at all the grocery stores, whole foods, sprouts, randalls, everybody else. The appendix that's been removed in attempt to dampen down the effort to push this forward, some kind of ordinance at some point to restrict states that don't worry, as a city council you have the right to use zoning laws. But that may be appropriate for sexually oriented businesses or gunshots but we'll test out the courts if you think that's going to work to fight fast food. We have a constitution in the united states. We have a constitution in the state of texas. We have a legislature in the state of texas. And they will all have something to say about this too.

[10:06:06]

[Buzzer sounding]

>> Mayor Leffingwell: Thank you. Councilmember morrison.

>> Morrison: I just want to add one clarification, we did remove appendix and that was at the request that was easy to work with so we went ahead and did it.

>> Mayor Leffingwell: Councilmember riley.

>> Riley: Housekeeping note, paragraph 4 of the resolution still refers to the attached incorporated exhibit a so we may need to revise that language.

>> Morrison: I believe that's

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>> Riley: There's another draft. I'll look for that.

>> Mayor Leffingwell: The genie is kind of out of the bottle on that. Jimmy ferguson.

>> Good afternoon. My name is jimmy ferguson. My wife cindy and I own and

operate several McDonald's restaurants in the city of austin. We've been here for many years. In the city of austin, we have six McDonald's franchisees organizations and mostly families. And five of the six organizations are franchisees of minority owners of this restaurant. I've been out of town for a couple of days and when I saw the resolution a couple of days ago I was very surprised and shocked and very disappointed in this resolution. To single out a group of businesses, including mine, from the other business much like mine. You know, you can find all of our products that we have in our restaurant in your grocery store. All of them. Some same brand. You know, whether it's fresh choice, whether -- different dairy products, same brand you can find it. I am very proud of the products that we have and the quality of products we have. And please take a look at the nutritional value of the products that we have also. You know. You know, I have eight grandchildren. They are the most important thing in my life, eight grandchildren, and three of them live in austin, and yes, I take them to McDonald's and yes, I make the choice of what they eat. I'm sure that all of you do the same thing too. You know, approval of the this resolution would be almost cutting on my constitutional rights to do business like other business like mine. In september, two months ago, in september 2013, a partnership was developed between McDonald's and the alliance for health generation. This is not only a national alliance but this is international to promote the balanced food and beverage choices. The alliance was created by the american heart association and the [inaudible] foundation. This is a type of partnership we should be involved with. I would like to be involved with you in developing a program for our city and for our citizens. You know, I ask you not to support this resolution. That we can do much better and we could have the same type of goal. Thanks.

[10:09:45]

>> Mayor Leffingwell: Thank you. Katherine hall. Katherine hall. Apparently not here. Daryl whittle.

>> Thank you, mayor, council. I've got some prepared remarks but before I get to them, I'd like to point out the appendix that has been removed in case anyone is not familiar with it. Exhibit a that's been removed is a study, its findings for model healthy food zone ordinance, creating a healthy food zone around schools by



regulating the location of fast-food restaurants and mobile food vendors. So if there's any question about whether the quick service restaurants or fast-food restaurants, if there's any question they've been targeted, I think the fact that this is what this whole thing was based upon is pretty condemning. My name is daryl whittle, board member and past president of the greater austin restaurant association, past board member of the state board of the texas restaurant association. I chaired their sustainable committee a few years ago. I've also a past advisory board member of the austin hotel and lodging association. I want to state that the restaurant association urges council to reject this resolution as it is presently written for the following reasons. First, we support community involvement and healthy lifestyle development; however, we feel like the language in this resolution UNFATHERLY TARGETS THE QSRs. They serve hundreds of thousands of people every day, provide thousands of jobs and millions in tax credits. Or tax revenue, rather. Number 2, food is food. If we're going the have this dialogue about healthy food we need to include grocery stores, travel vendors, corner stores and all the restaurants in the city. Arguably the healthiest restaurant in the city may be casa delus. NUMBER 3, QSRs SELL Pre-prepared food but so do the concession stands at zilker park, every high school, u.T. Can you imagine going to a u.T. Football game and not being able to get a hot dog? This is where this could end up. A rabbit hole. Number 4, the cha and chip process without any input from QSRs OR ANY OTHER Restaurants brought us to this point. This lack of stakeholder involvement led us to this precipice where we're asking council to reject what is otherwise a very positive resolution. Absent the target of the QSRs. NUMBER 5, AT ONE TIME QSRs Were widely blamed to contributing to highway patrol. The prevailing theory now is inactivity and a lack of exercise is the real culprit. QSRs HAVE MADE GREAT STRIDES Having added sallied, fresh fruit and yogurt

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[10:13:11]

[buzzer sounding] -as well as children's meals. I guess I'm out of time.

>> Mayor Leffingwell: Daryl, maybe it's the case based on that study we would be better off banning smart phones for kids than on banning fast foot restaurants.

[Applause]

>> I think that's a good idea and that's why you are mayor because of your wisdom.

>> Mayor Leffingwell: I'll take that. Robert

-- robert kibbe. Robert kibbe.

>> Thank you, mayor. Thank you, mayor pro tem and councilmembers. Robert kibbe.

I'm in favor of this item. In dove springs we have the largest obesity rate and we have possibly the largest diabetes rate among children. And you know, there are choices.

You do have choices where you can go, but all of them

-- most of them are unhealthy there in dove springs. We already have restrictions on alcohol, can't sell them near schools so why not fast food where they do the same amount of damage. The zoning is a tool to protect children and families from their welfare. It's very hard to bring healthy food choices to the neighborhoods without

-- and I think this resolution will help if it's passed, will help bring healthier food choices. You know, in a different zoning case that I'm working on, I went to different convenience stores. I went to 12 of them. And a lot of them they had fruits and vegetables, they had limes in the refrigerators right next to the beer. They had limes up front close to the cash register. One place had lemons, they had bananas and oranges. The bananas were broken and

-- brown and the convenience stores I see sell one kind of milk. They do not sell low fat or fat-free milk. Thank you for your time.

[10:15:26]

>> Mayor Leffingwell: Okay. Kurt cadina mitchell.

>> Good afternoon.

>> Mayor Leffingwell: Go ahead.

>> I wanted to speak to this resolution in favor of it because we've heard some different things tonight. One of them this idea around investing in education. That's very true, but the challenges and in my experience in social work I can work with families and children every day and tell them this is what you should eat, what you should try to do. But if the environment is not invested in a way that incentivizes those choices I'm wasting my time. If I tell families to eat healthy foods and vegetables, but if there are no options of purchasing them near their home. If I tell children you should avoid high fat foods because there's three different establishments that serve those foods in walking distance from their school to home

that's where they are going to stop because they are hungry and it's on the way. So we really need to think about whether or not investing in education alone would really be the appropriate or only tool. I think we all know from your roles here making land use decisions and making decisions on the type of infrastructure we should have in the city that the environment has a huge impact on the decisions we make. If we invest in sidewalks and speed bumps and bike lanes, we're probably going to have more cyclists and more people walking. In the same way I think we should keep in mind this resolution would really be looking at it not from the education perspective alone, which is only leg, but would be looking at it about how do we incentivize the environment to encourage the establishment of healthy restaurantsn neighborhoods historically food deserts and oversaturated with fast foot or corner stores. I want to speak to a point raised by one of the speakers which was it's arbitrary, you cannot say what is healthy food and what is unhealthy food. I would argue that you can. The federal government has standards on any site that is a wic vendor that says if you are a wic vendor, you to have these types of foods. It includes have no fat milk, includes the lower fat in bread products and stocking fresh eggs and vegetables. So there are many different ways, not just the wic standards, there's standards if you want to become a snap vendor and schools on the type of foods they can serve and they can have fundraisers around. These standards already exist. They are approved by federal and local governments so it would not have to become an arbitrary standard. This resolution is not taking us down a rabbit hole, all it says is bring people together to have the conversation and create the recommendations. So personally I look forward to the continued collaboration and conversations among all the stakeholders who come today which I think would be the result from this resolution. Bus bus.

[10:18:35]

[Applause]

>> Mayor Leffingwell: Matt [inaudible]. Is matt a-t-e-s? I may be mispronouncing it.

>> Mayor and council, matt ates, I'm a chief financial officer for jerry's burger stands. I would argue that this resolution does not define what healthy is other than defining it as the way the customer orders it and the way it's delivered to the customer. I think that by restricting fast-food restaurants in certain zones would limit the

availability of healthy food to those consumers. The easier we make it for those consumers to have access to healthy foods, the more likely they are to have healthy foods. So if you limit a fast-food restaurant, they can't get access to fast, easy, healthy food. Thank you.

>> Mayor Leffingwell: Thank you. Roger chen.

>> Good to be here. Many of you may remember me as assistant city manager actually for 20 years before I got into public management, he was a professor chef. I'm actually a traditionally trained french chef and was a personal chef for nixon, ford and howard hughes. I'm here to support you. Who would know it. Mayor, I am impressed that the difficulty we have, we heard earlier comparisons with fast-food restaurants and the need to restrict it sort of like you do sex shops and alcohol. The problem is sex shops and alcohol is pretty easily identifiable. Food itself is not. As a french chef, I advertise all of my food is fat free. All the fat you can imagine and it's free. [Laughter] ayet amongst the french as a people we don't have the problems that americans have with their diets. So I totally respect what you are trying to do, but I totally object how you are doing it. It's a parenting problem that you are being asked to guide parents for, and I see that increasingly happening in public service. And it's just wrong. You can't do that. Talk about education. Yeah, we as a government can educate the general populace but it's really the role of the parent to interject their values, morals, what they think is right and should be consumed. We have this same issue in washington, d.C. Where they had analyzed dishes from each ethnic group and interestingly the chinese food was found out to be the least healthy. But what they failed to realize, by comparing a dinner for four chinese, they were comparing that to a meal for one anglo. It doesn't work that way. You divide that up and all of a sudden it's four times healthier. So briefly I just want to thank both the mayor pro tem, I think you are absolutely right. You need to do something, but this isn't it. Singling out a group. I cook lots of bad food that's damn good.

[10:22:01]

>> Mayor Leffingwell: Thank you. [Applause]

>> Mayor Leffingwell: Those are all the speakers that I have signed up.  
Councilmember morrison.

>> Morrison: Thank you. I appreciate everybody's discussion and there's obviously a

lot of passions in this room and I personally have a passion for public health and an even greater passion for being able to live in a community where we can have a dialogue and things can be open and we can have things. Nobody is here trying to solve any problem. We don't know the answers to this. We're just suggesting that we go through the research and that we look at the data and that we consider this, and this is a very specific action and it's based on outcomes of some recommendations that got into our plan. So obviously we have some key public health issues. Obesity is one of them. There is no one single answer, there is no single cause of what's going on and we need to investigate all the tools there might be and to do it in a civil way. And so I believe that that's what this could kick off, a good discussion, that's what this resolution would do and so I'd like to make a motion that we approve item number 51.

>> Mayor Leffingwell: Councilmember morrison moves approval of the item 51.

Councilmember martinez seconds. I'll just say I think it's no surprise to anyone that I'm not going to support this resolution. And I want to reiterate once more probably for the fifth time that everybody is in support of encouraging and supporting healthy lifestyles with regard to nutrition and exercise and all the things that go to make up a healthy lifestyle. However, this resolution starts us down the path of regulating businesses, creating zones potentially. If this language was not in there, it was just a resolution that said let's encourage healthy eating, good nutrition, I would be first to line up in favor. But this is not about that. It's about telling people how to conduct their lives. We do that a lot around this place, but this goes

-- this goes even a step beyond what we normally do on every thursday. So obviously I am not going to support this

-- this motion.

[10:24:42]

[Applause] I think it's for the detriment of the city to do so. Mayor pro tem.

>> Cole: I would like to say that I'm certainly in support of the motion and very respective of the work the committee has done and also the work of staff. I'm concerned we will dedicate more resources at targeting restaurants and convenience stores as if they are the ones that are selling unhealthy food as opposed to to a communitywide approach, looking at all our restaurants and grocery stores and

really emphasizing the public education. I'm glad to see the people here from the urban farm community. I think the work that they are doing to put into our community more healthy foods, that we should support that and that is helping make that available throughout our community. Especially in underserved communities. [Cheers and applause] but because I think the resolution goes too far and would dedicate resource on premises that I do not support I will not be supporting the resolution.

>> Mayor Leffingwell: Councilmember martinez.

>> Martinez: I'll just say I think it's unfortunate it's gotten to this level because in a resolution directing our staff to begin a conversation with the community goes too far, then I dare say we shouldn't be voting on anything in this building. At's all this item does is start a conversation. So if that's going too far, then I expect to see a lot more no votes on many items that direct staff to start a conversation. Because that's simply what we're doing. And I've tried to make it abundantly clear as many times as I've spoken about this in public, the difficulty with creating exclusion anterior zones is virtually impossible. For me, my support behind this is more about incentive based outreach and education. And I look forward to the restaurant owners who have offered to join with us and that is a true collaborative process. I realize that the language in the resolution, some of the language is upsetting. I'll just say it seems upsetting to some folks. That certainly wasn't the intention. Our intention was to start this conversation to take the next step in our community health improvement plan which is a directive from this body to implement this plan and this is just one component of that. So I'll be supporting the motion because all it does is start a conversation.

[10:27:22]

>> Mayor Leffingwell: And I'll have to say with all due respect, councilmember, I agree that I would like to start the conversation too but this says much more than that. It suggests a path for that conversation and suggests a possible end game and that

-- that's why I don't support it. Not because I don't want to start a conversation.  
Councilmember martinez.

>> Martinez: It also suggests a pathway that it would not lead to that as well. If you

are going to say this this resolution suggests something by virtue of using the term "suggest" you also have to say that the suggestion could also not come to fruition as well. It's equal on both sides.

>> Mayor Leffingwell: So a possible solution might be instead of having two contrary suggestions we have neither of those two suggestions. Are there any further comments? All in favor of the motion say aye.

>> Aye.

>> Mayor Leffingwell: Posed say no. No. That fails on a vote of 4-3 with councilmember riley, myself, councilmember spelman, mayor pro tem voting no. [Applause] so councilmember spelman, are you ready to address the items that we had placed on the table?

>> Spelman: Yes, mayor, I am.

>> Mayor Leffingwell: Go back to item 53.

>> Spelman: I'd like to thank councilmember tovo for her assistance. Her handwriting is not as bad as mine, I was able to make it out and I broadened somewhat on her starting point and she should not

-- I do not want to implicate her if I have gone too far. My suggestion for changing the first section of the resolution would keep the current form

-- the current version of the

-- that first be it resolved exactly as it is but add the following

[10:29:24]

clause: Planning commission may elect to recommend a different maximum. It may also recommend that the code amendment be limited to some parts of the city or be offered as a tool available to neighborhood planning teams rather than as provision that applies to the entire city. I saw this as a way, councilmember martinez, of codifying the discussion we had on the dais a few minutes ago. You said all those things are on the table and this basically says all those things are on the table. It does initiate a code amendment and it does set a maximum number to four at least as a starting point. [One moment, please, for change in captioners]

>> Mayor Leffingwell: I think we all have a clearer understanding of the status of this proposal right now. Are there other potential amendments? Councilmember morrison.

>> Morrison: I'm not sure

-- I hope I have

-- well, I don't have a clear understanding. I just want to make sure that all the be it resolved are staying the same? They are the same way? And we're just adding the second sentence? Or were there some other be it resolved? We haven't changed any

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[10:31:30]

>> Mayor Leffingwell: My understanding is if you have this sheet right here, one with black, blue and red. , We accep the first proposed amendment. We did not accept the second proposed amendment.

>> Spelman: I believe we accepted the first half of amendment 2, but not the second half? As modified on the dais by councilmember martinez and myself.

>> Mayor Leffingwell: And number 3 was acceptable and you just presented the new amendment 4.

>> Morrison: Amendment 4 and 5 on this list are going away?

>> Mayor Leffingwell: Amendment 5 goes away.

>> Spelman: Replaced with this.

>> Morrison: Great. And I do have one question

-- and this might be more of a question from legal to help. In the amendments we are now introducing

-- I don't know if it's in the current resolution, the term group housing in amendment number three we added a whereas the working group could benefit from hearing the perspectives of additional stakeholders including students, [indiscernible], recent ex-offenders and other tenants of group housing. And I gess I'm a little concerned about that because does group housing have a legal term in our code? Or was there

-- was this meant to be

-- let's ask that question first.

>> I think in our zoning categories we discuss some group designations, group residential. But I think based on the context that councilmember spelman has put in there, I don't think that that's what he's referring to.

>> Spelman: It is not.



>> Morrison: So you're just referring to places where groups live?

[10:33:31]

>> Spelman: Up to six unrelated individuals. That was the group hi in mind. Nothing as specific as what may be in the code under a term of art.

>> Morrison: I think as long as it's understood it's not anything specific. Just a general.

>> Mayor Leffingwell: All right. Ready to vote on this item? All in favor? Opposed say no. It passes on a vote of seven to zero. If there's no objection, I had a request from councilmember tovo to address item 48 out of order. Is that -- if there's no objection we can do that.

>> Tovo: I think I can make the discussion of these three items relatively quick. So we've had an opportunity to weigh in on these issues in the past and I guess what I really want to do is at this point I believe councilmember riley has indicated he could not support any of the three rental registration programs and I know this isn't usual practice, but I wanted to ask my colleagues who weren't able to support it earlier if they feel that the changes that have been made are -- put them in a position of being able to support the rental registration programs at this point.

>> Mayor Leffingwell: Unless somebody wants to say in advance how they plan to vote, but I don't think we'll have a premotion carries on a vote of seven prevote votehere. Testify in the interest of expediency and we have hundreds of other people waiting to speak on other items, I thought I would get input from my colleagues would be useful.

>> Mayor Leffingwell: Councilmember, I don't plan to support any of these three items. Mayor pro tem.

>> Cole: First I want to say that I definitely appreciate what you have done and recognize that almost every member on the council has tried to address the problem of substandard housing. We have done the repeat offender resolution, we have expanded the bsc, we made provisions for the lawyers and city attorneys to use new tools to try to cut down on that problem. And I think that the resources of code enforcement needs to be directed too the items that we have already passed. And if that is not sufficient we can look at the pilot programs later. But I will have to recuse

myself from item number 46 as I did in the past, but I will not be supporting item 47 and 48. Testify councilmember spelman, unless you've had a change of heart and are inclined to support it.

[10:36:25]

>> Spelman: Councilmember cole has summarized my concerns almost exactly. I can imagine potentially supporting this at some future date, but I think we need to start at the back of the system and move forward. We need to work on enforcement first. Once we understand how to get enforcement working then we can consider different means of identification.

>> Morrison: I plan to support all three of these. I really appreciate -- it's interesting those occupancy limits and the rental registration thing has been on the table ever since I've been involved in city stops and neighborhood stops. And this really carries the ball forward, that much farther, to use a football metaphor, which I never do. So I really appreciate the work that you all have done on this because it's -- it's really good advancement and I think it's entirely appropriate to target very specific areas here where we have clearly identified the problems. So thank you for your work on this and I certainly would intend to support all three of them.

>> Tovo: Thanks. I think in light of the direction this is clearly going, I would like to make a motion to indefinitely postpone these three items. I'll make a motion to postpone

-- to indefinitely postpone 46 first. I know we need to vote on them separately.

>> Mayor Leffingwell: We're addressing item 48 right now at your request.

>> Tovo: Thank you. I would like to make a motion then to postpone indefinitely item 48 in light of the fact that it clearly doesn't have the votes to support it, but I have heard from now several colleagues that they would like town consider it in the future. And I have a few comments to make, but I want to wait for a second. First I want to thank the staff who have worked on this and the community members who are no longer here in the audience, but they have worked on this issue, researched it, provided us with best practices, offered feedback on all the registration drafts. But more than that have really just been powerful advocates for the rights and the needs of people in our community who live in substandard housing who are unfortunately number in the thousands. So I can't emphasize enough there would not have been

new resources required for this program. We could have done it with our existing staff. Our code compliance officers would have been targeting their efforts to a limited geographic area, but it was entirely appropriate within the mission of what we expect our code compliance inspectors to do, which is to ensure safe living conditions in our city. So again I think we have made good strides, as mayor pro tem cole said there have been several efforts over the last several months and really while these ordinances that we're considering today aren't moving forward, they did introduce

-- reintroduce a discussion that began in 2009 and prompted the repeat offender ordinance which we have fortunately adopted and I think will make a good impact here in austin. So while I'm sorry to see us foregoing an opportunity to really improve the living conditions for so many people who may not speak up and who do fear retaliation, I do appreciate the strides that we've made in other areas and look forward to watching the issues, seeing the results of restore rundberg and reconsidering this if necessary in the future.

[10:39:53]

>> Mayor Leffingwell: Okay. And for something like this, like an item from council, indefinite postponement is the same thing as withdrawal because the items would have to be resubmitted anyway in either case in the same way.

>> Tovo: Mayor, I did consult with legal and they advised me that in accordance with robert's rules of order the better protocol is an indefinite appropriate rather than a withdrawal, although I understand that

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>> Mayor Leffingwell: Either one does the same thing. Testify it does affect the same thing, but in legal's opinion the more appropriate course of action is the one that I have taken.

>> Mayor Leffingwell: It is certainly your choice. Would you like to amend your motion to postpone indevil items 48, 47 and 46?

>> Tovo: Why don't I do the two that mayor pro tem doesn't need to recuse herself from?

>> Mayor Leffingwell:48 and 47 then. Councilmember martinez? All in favor? Opposed say no. It passes on a vote of seven to zero. Go ahead, councilmember tovo

on item 46.

>> Tovo: I move to indefinitely postpone item 46.

>> Mayor Leffingwell: Motion to postpone indefinitely by councilmember tovo, seconded by councilmember martinez. All in favor say aye. Opposed say no? Abstaining or recusing? So the vote is six in favor, none opposed, councilmember cole is recused on this item. So that takes us to item 54. Item 54 was pulled by councilmember spelman. We do have speakers. Do you want to go to the speakers now? Gus pena? Carol [indiscernible]. Ruby raul? How about susana almanza? Lynettea cooper? Is randall chapman in the chamber. Randall chapman? Raise your hand if you're here. Apparently not here so you have three minutes.

[10:42:50]

>> Thank you, mr. Mayor. My name is lynettea cooper and I'm here on behalf of texas legal service center to testify in support of the proposed amendments sponsored by councilmember morrison and tovo. We're aware of low income folks being disconnected for the financially unable to make a deferred payment plan proposed by austin energy. One such example included a cap customer who had a large bill caused by a water leak. She's a tenant, couldn't get it fixed and austin energy's advice to her was a five hundred dollar payment, five hundred dollar a month and a 350. Certainly someone who is a cap customer cannot afford that. When austin energy was addressed

-- asked to be more realistic in the payments their response was if we do that if this customer we will have to do it for everybody. It's unrealistic to expect that kind of payment. The only alternative for fort collins that customer is disconnection or bankruptcy and in this case austin energy receives not one cent to the deferred payment balances. It's not only unrealistic, not good business. These amendments are conservative. Other states such as illinois, new jersey, montana, maine, pennsylvania, missouri

-- mr. Mayor, I can use ms. Susana's three minutes. And idaho require utilities operating in their states to provide reasonable deferred payment plans for past due bills that are reasonable and take into consideration the ability to pay. For instance, the new jersey state regulation states the utilities shall make a good faith effort to provide the customer with an opportunity to enter into a fair and reasonable

deferred payment agreement which takes into consideration the customer's financial circumstances. Now, new york may not make picante sauce, but they do make good public policy when it comes to looking realistically at their customer's needs for a reasonable payment in the deferred payment plans. Their deferred payment plans can be as low as \$10 a month and no down payment. I have attached a copy of the testimony that should have been passed out to y'all. A form letter posted on their state agency website that basically shows the extent and commitment they have to make sure that people can actually make the past due payments. These postponements amendments are conservative because they establish external factors that serve as realistic proxies in lieu of individual customer investigation into the customer's monthly income. I would prefer the new york method where you look at each customer and look at what kind of financial ability they actually have to pay a deferred payment plan. But in lieu of that, this is the next best option. So it's very conservative. Remember these are payments on past due balances, past due balances that wouldn't get paid if you force this customer into bankruptcy or disconnection. There's no interest on past due balances. Late fee payments are paid on current bills, not on past due balances. So every penny that is paid on the past due balance plan goes to pay off the past due balance. And more importantly, despite what

-- the presence of these deferred paid balances, austin energy's last financial report to the council this month reported that they have realized \$80.8 million more in revenues than the budget that you had approved. So the monies there, it's good public policy, it's a necessary stopgap to protect customers now and in the near future until a committee charged by this council comes up with recommendations addressing this issue. Low income customers cannot wait six months, nor can they wait 60 days to have their utilities reconnected. Help is needed now. These amendments are conservative and responsive to the need to ensure deferred payment arrangements are realistic and establish payment terms within a low income customer's ability to pay. Please vote for these proposed amendments. They are necessary and passage would send a message that all customers, including low income customers, will be provided fair and reasonable payment arrangements considering a customer's financial ability to pay. And deferred payment plans should not just realistically be available to customers who earn over 100% of federal poverty guidelines. Should be available to all. We need to be realistic on these

people's ability to pay and that's what these proposed amendments do. I'd be happy to answer any questions if you have any.

[10:48:05]

>> Mayor Leffingwell: Councilmember tovo.

>> Tovo: I just want to thank you, ms. Cooper, for addressing one particular point that I think has not risen to the surface in some of the communications that we've had. And that is that it

-- I believe in at least one media article today quoted an austin energy representative comparing it to credit card debt, but thank you for the highlighting the really

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>> it's not credit card debt.

>> Tovo: And you highlighted one of the really important differences and that is the interest rates don't continue to mount and mount and mount. So when somebody is paying toward their installments each month toward their past due balance, they are also required by the terms of their payment plan to pay their current balance as well. So they are slowly but surely making progress and paying off that past due balance. And I don't believe that is also factored into some of the charts that we received from austin energy that continued payment of your current balance is a requirement. So even if you're not paying

-- even if you're paying only \$50 per month towards your past due balance you are making progress.

>> And it's better than none. Because that would be the cold reality, cold, stark reality that austin energy would be facing. A person would have to file bankruptcy, which they do, or they get disconnected because they can't pay an realistic bill. They would rather stockpile bottled water when their electricity gets cut off. I mean, that's just the reality. 50 cents, \$50 is more than nothing. Thank you so much for listening.

>> Tovo: Thank you. [Applause].

>> Mayor Leffingwell: Nelson mock? Is he here? Apparently is not here. So those are all the speakers that we have signed up on this item that wish to speak.

Councilmember tovo?

>> Tovo: I'd like to move approval of this item?

[10:50:07]

>> Mayor Leffingwell: Councilmember tovo moves approval. Seconded by councilmember morrison. I'm just going to say that I'm not going to support this. This is not supported by austin energy and we discussed it at length in the work session. The reasons for it, it's basically an unknown fiscal note. Nobody knows what it's going to cost. We don't have it budgeted. It would likely, according to austin energy as I understood it day before yesterday, require a budget amendment to come back once they determine what the cost is. And my understanding would be that you could actually work against some of the other people that might be able to access the existing program and that if we hit the cap, the budget cap on this, I'm not sure, but it seems logical, that once we hit the cap then nobody would be eligible for any kind of assistance without a budget amendment coming. So I'm not going to support it. Councilmember spelman.

>> Spelman: We would have heard a lot more about this at a work session of a committee of a whole where we meet to hear about austin energy issues. This was scheduled for a discussion at one of those meetings. That meeting was canceled for very good reasons. We didn't hold it. We didn't have that discussion. And although we did discuss this at some length a couple of days ago we didn't have austin energy staff here to answer lots of questions and they weren't on call to explain, for example, what the fiscal note on this would have been. It seems to me another way of handling this would be to postpone action on it until our december fifth work session when we are meeting as a committee as a whole on austin energy issues. It would be a logical thing for us to discuss as an austin energy subcommittee and it would give us an opportunity to ask more questions than even we may have time for tonight with 112 people waiting in line to talk about the flood ordinance. Mayor if that is a substitute motion, I will second it.

[10:52:16]

>> Spelman: It is now.

>> Mayor Leffingwell: We can have direction that that item be included on the council's special committee agenda for december fifth. Councilmember tovo.

>> Tovo: I think that's fine. Clearly there will be issues to talk about and we don't

really

-- this is not the forum to be getting into it. Could we be posted for action as well?

>> Spelman: I would happily add that to my motion.

>> Mayor Leffingwell: We could take action on it.

>> You could be posted as a special meeting of the council rather than as a councilú committee on austin energy.

>> Spelman: Make it so.

>> Mayor Leffingwell: I'll work out those details.

>> Tovo: I appreciate that and I also wanted to say I handed out what is in backup, but between now and the fifth maybe we can all look at it. It's on one document, but there are different decision points. I think what the mayor is concerned about is the impact on the cap program. That's just one element of the four or five amendments that are being made. Really one of the very critical ones is what we talked about on tuesday, which is the fact that if you've already been disconnected you have a much high, a much different kind of payment arrangement. Basically you need to pay off your bill in two plus weeks. So I do believe that it's important that we take action as soon as possible because we do have people who are really in dire circumstances and they do want to pay off their bill under more reasonable plans, but the fifth seems reasonable to me.

>> Martinez: Mayor? I just want to emphasize that I also still have I guess some lingering thoughts about this and maybe can get some concerns alleviated, but as councilmember tovo just stated, the longer we wait, the more folks we have out there without power and it's supposed to get to freezing in a matter of days, so the longer we postpone this and don't figure out a solution for some of these folks who are caught up in this vicious cycle, I want us to understand the impact that most of these folks if not all of them are low income folks.

[10:54:29]

>> Mayor Leffingwell: I would like to be able to look at ways potentially between now and then that we could address issues of true hardship without opening the barn door for everything and potentially imposing a significant hardship on austin energy and taking us down that path. There may be ways. I don't know. And austin energy has indicated it would be very difficult to figure that out and are thereof



strongly opposed to it. Councilmember morrison.

>> Morrison: I wanted to suggest if we post this for action as a special called meeting of the council that we also consider posting this for emergency passage so that we wouldn't have to

-- if we do adopt something we wouldn't have to wait 10 days.

>> Mayor Leffingwell: That's something that you could add even on the dais, emergency passage.

>> Morrison: Okay.

>> Mayor Leffingwell: Councilmember tovo.

>> Tovo: One other idea. In consideration of the point that councilmember martinez made, one of these elements that I think would be important to get in place and that we could consider today if there's a will to do so, would be that 30%. And that is the -- really the passage under part 3, 159144-d

-- well, frankly, it's really hard to separate them out. Several of these really would make a big difference to have some place now for those folks who are already disconnected.

>> Mayor Leffingwell: So we have some work to do between now and then. All in favor say aye? Oppose said no. It passes on a vote of seven to zero. With that, council, if there's no objection we'll recess this meeting of the austin city council and call to order a meeting of the austin housing finance corporation board of directors. And ms. Spencer will take us through the agenda.

[10:56:35]

>> Good afternoon, board of directors, bettie spencer. You have two items before you and I offer them both on consent.

>> Mayor Leffingwell: So I'll entertain a motion to approve both items 1 and 2 on the agenda. Councilmember martinez moves approval. Seconded by councilmember spelman. All in favor say aye? Opposed say no. That passes on a vote of seven to zero. That completes the agenda, so without objection this meeting of the austin housing finance corporation board of directors is adjourned. And we'll call the meeting of the austin city council back to order. And before we go to our zoning cases, we have a non-consent item that we could do real quickly. This is item 73. I'll entertain a motion to the effect that with respect to item 73 being a non-consent

condemnation item, is there a motion that the city council authorizes the use of the power of eminent domain to acquire the property set forth and described in the agenda for the current meeting for the public use described therein. Councilmember spelman so moves. Mayor pro tem cole seconds. Any discussion? All in favor say aye? Opposed say no. It passes on a vote of seven to zero. We still do have item 49 and

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>> Spelman: Mayor? Have we considered the non-consent items 68, 70, 71 and 72?

[10:58:41]

>> Mayor Leffingwell: No, we have not. Councilmember martinez.

>> Martinez: Move to withdraw item 49.

>> Mayor Leffingwell: Councilmember martinez, who is the sponsor, withdraws item 49. So we can go to item number 68 do we have a staff presentation? Good afternoon, mayor and council, my name is virginia collier. We have a staff presentation for these items. These are allergies that have already been -- public hearings that have already been closed.

>> Mayor Leffingwell: So we're ready for a motion on this item?

>> Spelman: Mayor, I move approval of item 68.

>> Mayor Leffingwell: Councilmember spelman moves approval of the ordinance in item 68 on all three readings. Is there a second? Seconded by councilmember martinez. All in favor say aye. Opposed say no? It passes on a vote of seven to zero.

>> Spelman: Mayor, I move approval of item 70 on

-- pair mayor call up item number 70. Councilmember spelman moves approval on second and third readings. Is there a second? Councilmember martinez seconds. All in favor? Opposed say no. It passes on a vote of seven to zero. And item 71.

>> Cole: Move approval, mayor.

>> Mayor Leffingwell Mayor pro tem moves approval of first reading of this ordinance.

>> Spelman: Second.

>> Mayor Leffingwell: Seconded by councilmember spelman. Councilmember martinez?

>> Martinez: We have some concerns about this particular item, and what the necessity of moving forward, if we could postpone this item and not adopt on first

reading, would it disrupt the annexation process is the question I have.

[11:00:56]

>> Mayor Leffingwell: As a matter of fact, I stated earlier that we wanted to consider item 71 and 106 together, so if we can put this item on the table with the permission of the maker and second, then we'll take it up when we hear

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>> can I add that the option has the option to annex the area so we don't have to restart and 106 is requested for postponement so planning commission can consider the request on the 10th of december and we'll be back on the 12th of december with item 106.

>> Mayor Leffingwell: I've heard the comment and the request that if one of these passes the other need not be addressed. So if we can just go ahead and put this on the table until we work that out, I think it would be better for everybody. 10 item 72.

>> Item 72 is to approve second and third readings of an ordinance amending city code 25-2-921 to allow properties that are primarily used for certain civic uses to opt temporary use permits for public assembly. This one requires a little bit of explanation. If council recalls recently mr. Gave vino fernandez came to speak before the council that his church had received a seetation from the code compliance department for having an outdoor festival or a [indiscernible]. They were told by the code compliance department that they needed temporary use permit to have the outdoor festival and that they were not allowed to pull an outdoor temporary use permit because they were zoned single-family. Mr. Fernandez also spoke before the planning commission and the city staff. I requested the planning commission initiate a code a amendment to try to correct this situation. We were headed down the path of trying to correct the situation by requiring for churches and schools, this would also apply to schools, that are having fairs, festivals, carbon nationals, whatever you would like to call them that, they be allowed to pull a temporary use permit even though almost every school and church are zoned single-family. Under the provision they would have to pull a temporary use permit. This passed first reading at city council back in november and council asked us to do more work on it. We met with some citizens who proposed adding more restrictions to it, limiting the occurrence,

the hours, etcetera. We've also met with representatives of austin community college, the diocese of austin, the austin independent school district and the fire department and we also thought about it some more ourselves. And upon further consideration we reached a conclusion that these items are not actually a temporary change of use, but when a school is having a pta carnival, for example, an elementary school, that that is not a change from being a school. It is still a school. These are uses that are customarily associated with schools, are integral to the principal use. They're not that much different than recess where likewise the church having a festival on its own property is not changing it from being a church temporarily. It's still a church. Churches, as far as I'm known, have had festivals and fairs, etcetera. I have some personal experience. I have a son who attends austin middle school and I am learning myself how often they have events over there. Most often weekends that are related to educational activities, however a lot are outdoors and they do fall outside the regular school hours. So upon further consideration we decided that these things are not actually a temporary change of use, therefore a temporary change of use should not be required. A permit should not be required. I have letters on the dais that I've handed to you in support of this from the austin independent school district, representatives who were not able to be here today, as well as the diocese of austin, vice chancellor bill hobby was here. He had to leave a few minutes ago. He had another commitment. A strong agreement with the new staff proposal that something has always happened, has never been an issue except for one person complaining about two churches actually. And that we should go ahead and the status quo is acceptable. The fire department felt rather strongly about it as well because they feel an obligation to inspect every temporary use and they really did not feel the necessity to send the fire department out will to check on an elementary school pta carnival. So therefore the staff is recommending that instead of approving the ordinance on second and third reading, we're asking there not be a motion to approve it on second and third reading. We've consulted with the law department and if there's not a motion the status quo would be maintained and we would go with our new determination that a temporary use permit is not required. I'm available for any questions.

[11:05:44]

>> Cole: Mayor, I have a question. So mr. Rusthoven you've done this work with the stakeholders and decided we should not approve this item on your recommendation and we've heard from many members of the community. I'm wondering if we need a motion to withdraw this item? Are you saying that we shouldn't take any action at all?

>> I think there are a couple of ways we can do it. I consulted with the law department and they felt if there was not a motion to approve it, because it was not up for second and third reading that it would die by itself.

>> Cole: I think I'll make a motion to withdraw to be safe and consult the city attorney on that.

>> Mayor Leffingwell: I think you should make the motion to deny it or not make any negotiation at all.

>> Cole: City attorney, you jumped at the mic like you wanted to tell us something.

>> [Inaudible].

>> Cole: I think I'll make a motion to deny the item.

>> Mayor Leffingwell: Motion to deny by the mayor pro tem item number 72, seconded by councilmember spelman. Is there any discussion? All in favor say aye? Opposed say no. It passes on a vote of seven to zero. [Applause]. So I think on item 1012 there will be a request by staff to postpone that item, is that correct?

>> Item number 12 is the wild horse ranch annexation ordinance and it's ready for second and third readings today.

>> Mayor Leffingwell: We have no speakers. I'll entertain that motion. On item 112. Motion by councilmember spelman. And seconded by mayor pro tem cole. All in favor say aye. Opposed say no? It passes on a vote of seven to zero. I'm really looking for item 106. Item 106 is the one we're talking about to be done concurrently with 71, but I understand there's going to be a request to postpone that one, 106.

[11:08:09]

>> Again, yes, sir, item 106 is the cascades petition to create a m.U.D. And that still needs to be back to planning commission. They postponed again at their last meeting. We'll be back at planning commission on the 10th of december so we need to postpone this to the 12th of december.

>> Mayor Leffingwell: Is there a motion to postpone item 106? Councilmember

martinez moves to postpone item six, if I could finish what I was saying, until december 12th, seconded question councilmember spelman. All in favor? Opposed say no? It passes on a vote of seven to zero. And since there's also a request to hear item 71 at the same time as that item, it might be appropriate to postpone that until december 12th also.

>> I need to explain on the annexation process in order to keep that process running we need to approve first reading of the annexation ordinance today so that then we can continue on with the second and third readings within 90 days of today.

>> Cole: So moved.

>> Mayor Leffingwell: Mayor pro tem moves to approve item 71 on first reading

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>> mayor, excuse me, I scheduled to speak on one you postponed and didn't get to speak on the postponed. I can't sign up on this one. Is there any way I can address the council and tell you what's going on.

>> Mayor Leffingwell: I'll ask you what your concerns are.

>> Mayor, this piece of property is down on onion creek at i-35. We had gone through the process of getting y'all to okay going to the legislature to get a m.U.D. Started, and that m.U.D. Process went through the legislature, now it's back in the city process. It has been moving along. The city staff decided that since we asked for a m.U.D., if we don't get the m.U.D. They want to annex it for full purpose purposes. In my mind it's pure punishment. If we didn't ask for the m.U.D., They wouldn't have asked to annex it. If we don't get the m.U.D., there's no benefit to the city to annex this piece of property. Right now it's got an old preliminary on it that nobody at the city likes. It's an old grandfathered preliminary. We're working our way through trying to make it a better preliminary through the m.U.D. Process. But if we don't earn your support of the m.U.D., Then the m.U.D. Dies, but there's no sense in punishing my client and have you annex a farmer's field just because he didn't get his m.U.D. So what I was asking tonight is take the annexation off the table. You can always annex is next year. There's nothing going to be built out there under the old preliminary in the next year. It just seems unfair that just because we ask for a m.U.D. They'll annex now. What mr. Guernsey will tell you is we always annex when you have an old preliminary. But if the m.U.D. Gets denied and you have this old preliminary on the backs of onion creek right where there were some problem, then the city and my client is stuck with the old preliminary. If we let the process go

through and see if we can earn your support for a m.U.D., We may, we may not. If we do, you will get a better project. If you don't, you're in no worse position and you haven't annexed a piece of property that you have to possibly provide services to or no telling what else you have to do as part of annexing a farmer's field on the banks of onion creek. So I'm asking tonight if you could table the annexation altogether. If you don't do the m.U.D. And you think that this piece is a jewel that you really want to annex, then do it again next year. Thank you.

[11:11:48]

>> Mayor Leffingwell: Thank you. So I'd like to ask staff, what is the urgency to do this annexation. We haven't had a chance to address the m.U.D. At this point.

>> Correct. If you don't continue with this annexation process that we've begun we need to start over with new notification and new public hearings and restart the entire process. First hearing

-- first reading of the ordinance today will keep that process alive so we can then continue it within the next 90 days and not have to start over from scratch. This is a project has already happened in the city limits and contrary to what mr. Suttle says, somebody can always develop something better than what they had originally thought of many years ago and submitted an original prelim for. So hopefully they would do something like that and it would be in the city limits. This is in an area that's directly immediately adjacent to the city on i-35 south, very close to one of our large regional centers and we would like to encourage the council to bring this into the city limits sooner rather than later.

>> Mayor and council, greg guernsey, planning and redevelopment director. This actually preserves your option to consider annexation in two weeks. If you do first reading today you could still elect not to do second and third reading in the future. That would be your option. Today

-- if you do as mr. Suttle suggested, you would lose that option. So you would actually have more options by doing first reading today, bringing it back in two weeks and you can consider it in context of both rather than only having one option on the 12th.

>> Councilmember morrison?

>> Morrison: Can you tell me exactly what the planning commission is going to be

looking at? Are they going to be looking at all the ins and outs?

>> I don't believe we actually have a copy of their consent agreement, but they would be looking at what possibly could be contained in that m.U.D. Consent agreement. I'm hoping that we actually get that soon.

[11:13:49]

>> So we're looking at the possibility of having some specific ideas in front of us about what that

--

>> I actually might leave that to mr. Suttle to detail what might be in that document that will be coming.

>> We've been through a couple of boards and commissions. We'll try to go back to the environmental board because we didn't win their support or denial. We basically got a push there and got some more things there. What we do have is greg's staff, everybody but the annexation staff, has said there's enough positive in there to do a m.U.D. Those things once we get through the boards and commissions process, would be rolled into a consent agreement that you would get to review. And it includes land planning, environmental drainage, all the things that come with it. And greg is right. If you pass it on first reading today, you preserve your options. However, I'm just asking you to stop the annexation process altogether because we never dreamed that by filing a m.U.D. We would draw the wrath of annexation. And that's all we're asking.

>> I wonder, mr. Guernsey, if I could ask you to comment on that about how certain pieces of land come to light for possible annexation. Is that your view that it's

-- you're punishing mr. Suttle? [Laughter]

>> I don't believe staff is certainly punishing mr. Suttle or his client in any way. The interesting fact that lies

--

>> although they would like to. [Laughter]

>> the fact is that part of this already lies within our jurisdiction. And so you would be actually creating an in-city m.U.D., which I know sometimes those are not the easiest types of jurisdictions to deal with within our incorporated city limits. It's in an area that is actually bordering our full purpose jurisdiction for the remainder of that.



We look at issues of being able to annex land beyond this property, so it's not just the issue of this property only, we're looking to areas beyond this tract for possible annexation service available in the future. And I know ms. Collier here probably has additional details that she could go into about the particulars on this property, but I think I'll just stop there given that we have so many other speakers on other issues.

[11:16:03]

>> Morrison: But your point is we don't have any harm by approving this on first reading tonight.

>> No, you do not. You would preserve your options in two weeks to basically face this decision again. If you do as mr. Suttle suggested then you only have one option and then we'll have to spend a great deal of money on going through the process all over again if you decide to annex, we could suspend notification in the statesman, which is not a cheap process, get to have two more hearings and just go through that whole process again next year.

>> Mayor Leffingwell: Councilmember martinez.

>> Martinez: I apologize, mayor. I am going to have to leave the dais here shortly due to circumstances beyond my control, I'll be off the dais. I plan to come back for the urban farm vote, but with a 15--old-month there's no guarantee. My wife is out of town tonight so I've got two boys I have to take care of, but I do plan on coming back. I have some child care in place for that. It just depends on how he's responding this evening. I just want to let folks know.

>> Mayor Leffingwell: Understood.

>> Mayor Leffingwell: So council, we have a motion on item 71 and a second on the table for first reading. Councilmember morrison?

>> [Inaudible].

>> Mayor Leffingwell: Any more discussion on that? Given that it's first reading only, but I will say that I want to see what happens to the mud before we take any further action on this. If don't have in opportunity to see action on the m.U.D. By the end of the year, I won't be supporting the further readings on this. Councilmember martinez.

>> Martinez: If we're going to do

-- I assume we plan on doing annexations next year as well. I don't see any reason

why we couldn't include this in next year's annexation. I know you've done some work on it this year, but in light of the circumstances I don't see why we couldn't take this out of the annexation plan for this year. And if they don't get the m.U.D., Then bring it back next year.

[11:18:12]

>> Mayor Leffingwell: As I was saying, I plan to do exactly that if the m.U.D. Is not presented to us before the end of the year, but this first reading only, that's the motion on the table right now. So is there any further discussion? All in favor of the motion say aye? Opposed say no. Passes on a vote of six to one with councilmember martinez voting no. Did we go through the postponements for the 4:00 items?

>> Thank you, mayor and council. Our 4:00 postponements, I've got several I can offer right now. Item number 103 is regarding a public hearing and ordinance amending title 25 regarding the american with disabilities act regarding compliant ramps and required setback yards. Staff is requesting a postponement of this item to your december 12th meeting. I'll just note we are working with the law department actually on the posting language because the americans with disabilities act specifically doesn't apply to single-family residences. And we may be actually speaking to more visitability access, but that's item number 103, staff postponement of that item to your december 12th meeting. I can keep on going and offer several at once if you would like.

>> Mayor Leffingwell: Go ahead.

>> Item number 104 is to conduct a public hearing and consent ordinance amending the city code title 25 regarding temporary staging of municipal and utility projects on non-city owned property. Staff is requesting a postponement of this item to your february 13th 2014 meeting. And the reason for the lengths of that delay is because the commissions and the subcommittees of the commissions have actually canceled some of their meetings towards the end of the year and to make their schedules we wouldn't be able to get back until next february.

[11:20:29]

>> Mayor Leffingwell: That's for february what? 13.

>> Mayor Leffingwell: Okay.

>> Item number 108 is to conduct a public hearing and consider an ordinance amendment, title 25, allowing commercial images to be temporarily projected on to building facades in the downtown area during certain special events requiring permitting requirements and staff is requesting a postponement to your december 12th meeting as well. And I think we've already done 106, right?

>> Mayor Leffingwell: 106 is already done, yes. How about 108? 1008 I would have to turn over to other staff because I

--

>> you just postponed it.

>> I did 108. I thought you said 107.

>> Mayor Leffingwell: 108 is postponed until december 12th. So I'll entertain a motion to postpone item 103 until december 12th, item 104 until february 13th and item 108 until december 12th. Councilmember spelman so moves. Seconded by councilmember morrison. All in favor say aye? Opposed say no. Passes on a vote of six to zero with councilmember martinez off the dais.

>> And mayor, I understand there might be just one additional condition that a councilmember may want to add to items number 80 and 81.

>> Mayor Leffingwell: Okay. If we can take those up in seven minutes. We'll go back to item 80. Item 80, who pulled that? Councilmember tovo?

[11:22:31]

>> Tovo: I will ask mr. Guernsey to just verify

-- so the applicant has met with some of the neighbors who had high level of concerns and indeed a valid petition and has been negotiating

-- I think those negotiations I understand are still ongoing, but there were some points to which they all agreed. Is that your understanding?

>> That's my understanding. I think mr. Terri aryan is probably still present, can go into detail, but what I understand is they're agreeable to an additional condition that wasn't outlined in our backup material.

>> Tovo: It was my understanding they reached agreement on three point, allowing [indiscernible]. Allowing a setback on the eastern property lines and preventing roads, alleys in that setback and preserving a minimum after 25-foot undisturbed

vegetative buffer along the eastern property line.

>> [Inaudible].

>> Tovo: Thank you. Western and eastern property lines. I understand that the neighbors would still like to see the density on this property come down and I do think there's room for that. It's my understanding that there hasn't yet been a consensus on that point, but I would encourage continued discussion on that front.

>> This is only for second reading this evening? I guess that dialog could continue.

>> Tovo: Those are the conditions I would like to add, they allow the residential building to detached homes, allow the building set back along the eastern property line. [Indiscernible] and preserving a minimum of the 25-foot undisturbed vegetative buffer along the western and eastern property lines.

>> [Indiscernible] is here on behalf of the applicant.

>> My name is peter sesari and I represent weekly homes who is under contract to buy this tract. Ian dietrich from weekly homes met with oak acres neighborhood and kind of went through the concerns. I wasn't at the meetings. Ian can provide more details about it. Weekly homes is agreeable to those conditions, councilmember tovo. I understand that the owners of the property right now are not agreeable to those, but weekly homes is agreeable to do those conditions for their project. And ian can provide some more information on the meeting if you would like.

[11:25:14]

>> Tovo: I have the meeting summary and unless my colleagues want to hear it I feel pretty satisfied with it. I would like to add those in as conditions of the zoning.

>> Was that a motion, councilmember tovo? Motion to approve on second reading?

Seconded by councilmember morrison. Is there a second

-- second by councilmember spelman. Now councilmember morrison.

>> Morrison: Thank you. I didn't support this the first time and still not in a position that I can support it, but I did want to ask if you all would consider some environmental protections. I know that there's been some concern about that and so just between now and third reading maybe we could be in touch to talk about the possibility of agreeing to comply with the environmental criteria manual or possibly some other things. I don't know if you want to just have that discussion in the future or you want to just say yes right now.

>> We'll have the discussions going forward. I know ian met with the hydro geologists and they went through the report and walked the property actually with the city's hydro geologist. We'll continue having discussions. I know that our preference would be that the limitation be to detached units, just the phrasing of the ordinance. That the structures be detached structures or detached units. That's our preference. We'll also have those continuing discussions.

>> Morrison: Great. If you're interested give my office a call and we'll talk about it in more detail.

>> Mayor Leffingwell: Okay. Motion with a checked 2nd on the table  
-- with a second on the table for second reading. All in favor say aye? Opposed say no. Passes on a vote of six to zero with councilmember martinez off the dais.

>> I understand that's both for 80 and 81.

[11:27:15]

>> Mayor Leffingwell: All right. Let's just go through  
-- that was on the record as number 80. So we'll take a motion  
-- the same motion for 81.

>> Morrison: I need to be shown as voting no.

>> Mayor Leffingwell: On 80? Okay. So the vote on item 80  
-- did I miscall it or did you not say it? You weren't paying attention. Okay. [Laughter]  
so the vote is 5-1 with councilmember martinez off the dais. And now we'll entertain a motion for item 81. Councilmember tovo.

>> Tovo: Move approval on first reading.

>> Mayor Leffingwell: Councilmember tovo moves approval on first reading  
-- second reading. Seconded by councilmember spelman. Is there any discussion? All in favor of that say aye? Opposed say no? That passes also on a vote of 5-1, councilmember morrison voting no and councilmember martinez off the dais. And with that we're just about to go into recess. I want to say one quick word on item 20 we have currently

-- folks have signed up for public testimony that amounts to seven hours and 12 minutes. So I'm

-- I'm going to ask the council when we come back to limit discussion to 30 minutes a side. They may or may not go along with that. But in the event that there is a

limitation on the amount of testimony you might want to confer among yourselves among the various sides and see if you can organize yourself for some kind of time limitation. So with that no objection, we're in recess until approximately 7:00. Test test cinch on melancon safe plays mat us

[11:37:52]

>> cause, all the plotting should go on outside the chambers because it's te for live music at austin city hall. Joining us are the nightowls, founded by front man and singer singer ryan harklownd, straight out of motown, that's a another generation ar two, full throttle on their debut album, good as gold, to be released december 3. They come from all over the country, and musically the nightowls are from actually new england, arizona. Their influence is from americana to funk, they've been together only two years but their combined chemistry is very strong. So they bonded like glue at motown's famed charm school and have stayed united ever since. Please help me welcome the nightowls. [Applause]

[ ♪♪ music playing ♪♪ ]

[11:40:16]

[ music playing ]

[11:42:46]

[applause] okay. Ryan, you got a couple minutes to tell us about yourself, where you're playing, where people can get your music, web sites, all of that stuff.

>> Sure. Our first record is good as gold. It will be out on december 3 and we're having a big show on saturday, december 7, at stubbs and you can buy the music on our web site, we are the nightowls.Com.

>> Mayor leffingwell: Sounds great. So I have a proclamation in your honor, which I'm going to read. Be it known that whereas the city of austin, texas is blessed with many creative musicians whose talent extends to virtually every musical genre, and whereas our music scene thrives because austin audiences support good music produced by legends, local favorites and newcomers alike, and whereas we're

pleased to showcase and support our local artists. Now, therefore, i, lee leffingwell, mayor of the live music capital of the world, do hereby proclaim november 21, 2013, as the nightowls day in austin, texas. Congratulations. [Cheers and applause]  
[applause]

[11:44:55]

>> mayor leffingwell: Next we're going to have a ceremony in honor of one of our employees, michael matus, so would everyone please rise for the presentation of the colors. Present the colors. [Bagpipes] [bagpipes and percussion]  
>> mayor leffingwell: Present the colors.

[11:46:58]

>> Present, halt.

>> Mayor leffingwell: Please join me in the pledge of allegiance. I pledge allegiance for to the flag and to the united states of america, and to the republic for which it stands, one nation, under god, indivisible with liberty and justice for all.

>> Forward halt

>> mayor leffingwell: Today the city of austin celebrates the life of michael matus and recognizes his invaluable service to the citizens of austin. Michael matus lost his life on july 3, 2013, and today he will be inducted into the city of austin public service employee memorial. The city of austin established the public service employee memorial in may 2011 to pay tribute to all employees who have lost their lives while serving with dedication in their capacity as city employees. I will now read the proclamation. And would the family of michael like to come forward, please, for the presentation. With me.

>> Mayor leffingwell: This is a distinguished service award. This certificate is presented in recognition of michael lee matus of austin energy, for his dedicated service to the city of austin and its citizens, and above all, for having given his life in the performance of his duties on july 3, 2013. The city established the city of austin public service employee memorial in may, 2011, to honor all the men and women who have lost their lives while serving faithfully in their capacity as city employees. To celebrate the life of mr. Matus and to honor his great personal sacrifice on behalf

of the city of austin. Michael lee matus has been commemorated on this day in the public service memorial presented this 21st day of november in the year 2013. I'd like to present thi to

-- I'd like to introduce the city manager to say a few words.

[11:50:06]

>> Good afternoon, ladies and gentlemen. My office established the public service employee memorial to recognize and honor the many dedicated individuals who have lost their lives or were killed while serving in their capacity as city employees. Together we honor both friends, colleagues and family members through this memorial. The memorial is comprised of unique carvings created by retired police captain john n. Vasquez. Captain vasquez was inspired to carve the spirit of the professions of individuals whose lives were taken too soon while serving our great city. The city of austin is dedicated to providing information about the lives and service of these individuals. I wish to especially extend our heart felt condolences to the family remembers and friends and to express my sincere appreciation for your personal sacrifices and for your contribution of time and information for the memorial. Thank you for sharing your memory and stories of their life -- of his life so that their contributions and service may never be forgotten. Finally, thank you to the departments and staff who have worked so closely on this project. Your efforts have truly appreciated. Ladies and gentlemen, at this ti it is my great honor to ask austin energy deputy general manager and chief operating officer sheryl mealy to join me in unveiling for the first time publicly michael matus's figurine. This likeness will be placed in the memorial along with a biography of michael so that generations to come may know and learn about this valued employee who served the city so well with valor and bravery. Sheryl, would you like to join me?

[11:52:12]

[Applause] at this time I'd like to call on sheryl, who also has a few words this evening.

>> Thank you. Good afternoon. Let me tell you a little bit about michael matus.



Michael began his career as a distribution electrician helper with austin energy on july 1, and 2001 and progressed to 3 and lead electrician on underground service truck. Michael will always be remembered for his willingness to help out his coworkers, both on and off the job. His dedication to the communities he served will also be remembered. He was also known for his sense of humor and for being a practical joker. The trait brought laughter to the workplace and to his coworkers. In addition to being a hard worker on the job, michael also participated in multiple volunteer opportunities and team-building efforts. For example, he was a proud member of austin energy linemen's rodeo team. Michael enjoyed spending time with his wife donna, attending nascar events and riding his motorcycle. Michael leaves behind his wife donna, his two children, casey and john, and five grandchild. Thanks to michael's family and friends for sharing what he contributed to our lives and the workplace. We all miss him very much. Now, I turn the program back over to mayor lee leffingwell.

>> Thank you, sheryl. And once again, thank you to the family for their great sacrifice. The city of august will always be indebted to you for your commitment and support of one of our great city employees. Thank you to all city employees who dedicate their lives to the service of the citizens of austin. So with that this concludes our ceremony. I'd like to ask the family to join me and sheryl and city manager marc ott for a photograph.

[11:54:54]

[Bagpipes]

[11:57:30]

>> mayor leffingwell: Thank you. There will now be a reception in the board of commissions room out this way and across the atrium. I invite everyone to join the family and other city employees for that. Thank you all very much for attending. Next we have a proclamation to announce the great american smoke-out. In the city of austin's continuing efforts to support and encourage healthy life-styles, which includes, of course, good nutrition, lots of exercise, and tobacco cessation, I have a proclamation to recognize the great american smoke-out. Be it known that whereas

for more than 50 years the american cancer society's great american smoke-out has encouraged smokers to quit for a lifetime by starting with just one day, and whereas lung cancer is the leading cause of cancer-related death for both men and women and increasing numbers of teens who are experimenting with addictive substances that cause the risk of cancer, and whereas each year tobacco kills more people than aids, heroin, crack cocaine, alcohol, car accidents, fires, suicide and murder combined. Every year more than 11 citizens in austin, travis county -- excuse me, that's every week, more than 11 citizens in austin/travis county lose their lives to tobacco-related disease, and whereas we encourage all tobacco users to demonstrate to themselves, to our children, that they can quit and urge children not to start using tobacco. Now, therefore, i, lee leffingwell, mayor of the city of austin, texas, do hereby encourage citizens to join the great american smoke-out in austin, texas. Thank you.

[12:00:24]

[Applause] now i'd like to introduce carlos rivera of the austin/travis county health & human services department.

>> Good evening. This is a proclamation that i'll gladly accept. If you want to, you know, expand your life span, if you want to live a longer, healthier life, you can stop smoking immediately, and the benefits are indeed immediate. We have a lot of resources available to help the community stop smoking, and, in fact, austin has done a great job of reducing

-- austin/travis has done a great job of reducing the smoking rate, thanks to a lot of the partners that i have behind me, including our very own hrd staff and my own staff from the health & human services department. Over the years austin has worked hard to become a leader in protecting its community from secondhand smoke and to promote a healthy environment. In 2005 austin implemented the smoking in public places ordinance, which prohibits smoking in public places. In 2011 this ordinance was strengthened by not allowing smoking in city parks. Smoke-free and tobacco-free environments support those who are trying to quit and enhances the health of those who are members of the family of the smoker and those of us who are just trying to enjoy our environment. Our community has had several great resources to help you quit, including tobacco education resources center, which

offers free group counseling and texas free quit line which has on-line counseling. We encourage users to take advantage of a quit date and the free resources our community has to offer. Thank you very much. [Applause] acquit

[12:03:02]

>> good evening, I'm council member kathie tovo and as one of hundreds, maybe thousands of parents in this community who have been blessed to grow our family through adoption, it's really my privilege to present this next proclamation in recognition of national adoption month. And so I'd like to welcome up to the podium all those who are here for that proclamation. Every child deserves the love and support of a permanent, forever family, and as many of you know, there are far too many children in our community and in our area who do not- have one. And so it is -- we are really fortunate in austin to have agencies and organizations and many, many individuals who are working hard every day to -- to encourage adoption and to find loving and supportive homes for families for children in our area. And so without further ado I would like to present this proclamation. Be it known that whereas our 6,511 foster children statewide and 210 in travis county awaiting adoption through child protective services, with many more entering the foster care system each year, and whereas the austin bar association, the texas department of family and protective services, gardner betts juvenile justice center, the adoption coalition of texas, casa of travis county, travis county office of child representation and travis county children's protective services board encourage families to give children the chance to learn and grow under the care of a loving family and whereas these groups sponsored austin adoption day earlier this month, during which 53 central texas children joined their forever families, and whereas this month we celebrate adoptive families and encourage others to consider providing the warmth and stability of a permanent home to children in need. I, therefore, kathie tovo, on behalf of lee leffingwell, mayor of the city of austin, texas, do hereby proclaim november 2013 as austin adoption month.

[12:05:26]

[Applause] and now I would like to welcome attorney denise hyde, who chairs the

adoption day committee up to the podium, and I'd like her to also say a few words about the event and to introduce the others who are with her. And again, thank you to all of the organizations who have been involved in this effort.

>> Thank you so much. Thank you all, we're so honored to be here again this november as we have been for so many in the past, being recognized by the city council for austin adoption day. One of the reasons we do this event is both to honor and celebrate the families that officially become a little bit bigger on austin adoption day as well as throughout the year, by opening their hearts and their homes to the children that are in the care of child protective services and are looking their -- for their forever families. We're glad we have this and glad we get this recognition because we need to bring more families to the forefront to come for all the children that ms. Tovo just mentioned that are waiting. So we thank you for this honor and we ask that you all open your hearts and homes as well. [Applause]

[12:09:23]

>> we are really fortunate in our community to have so many wonderful organizations and people that are committed to them to make this place a great -- the great place that it is, and of course one of the really important services that we are fortunate to have in this community is safeplace that helps women who have -- or families and people that have been -- have experienced sexual and domestic violence. And without a place like safeplace, we would not nearly be able to provide the services that we do, and besides the services, education and outreach, and we're joined here by gail rice. Come on up.

>> Thank you.

>> Morrison: Who has been amazingly with safeplace -- is it true?

>> That would be true. 35 years. 33.

>> Pardon? 33.

>> Oh, 33.

>> Just for the record.

>> Oh, it says more than 30 years. For some reason I thought it was 35. So you've really been with this organization as it was born, probably

--

>> pretty close

--

>> when service started being available. I remember the rape crisis center way back in the early

-- way back in the early '80s myself. We're here to present a distinguished service award to Gail and I'm going to read the language on this award. It says for more than 30 years of service to Travis County residents Charlotte Gail Rice is deserving of public acclaim and recognition. For many years Ms. Rice has worked to build a coordinated community response to the issues of sexual and domestic violence in Austin. She has developed much needed training for court and law enforcement officers, grand jury, sexual assault examiner nurses, child protective staff as others. Ms. Rice has built cooperative working relationships with the systems of law enforcement, hospitals, educational institutions and community organizations throughout Austin, improving responses to child and adult victims of these crimes. She has identified and improved areas of vulnerability in the community's response to survivors. Ms. Rice's good cheer, intelligence and wit has served her well as she has built bridges between systems and agencies in our community. Our accomplishments will continue to benefit survivors of these crimes long into the future. This certificate is presented in acknowledgment and appreciation thereof this 21st day of November in the year 2013. And it's signed by the mayor and referencing the gratitude and appreciation of all the council members. So thank you very much.

[12:12:02]

>> Thank you so much. [Applause]

>> thank you.

>> I thank you. I so appreciate this acknowledgment and this very special send-off for me, and I'm mindful today of the many ways that the city of Austin has partnered with both safeplace

-- safeplace in general in our work and has partnered and supported the work that I've done in community advocacy. As Laura mentioned back to the early days, in 1977 the city of Austin gave the center for battered women the precursor to safeplace, its very first home, renting a house on Oltorf Street for the manageable sum of \$1 a

year. And subsequently the city has been there and has supported us as we've opened our second, our third and are we now in our fourth home. And I see debbie tucker here, and it's lovely to see you, debbie. And debbie hired me in -- some year in the past, like 1981, I think it was. [Laughter] at any rate, she was my first mentor and boss, and it's wonderful -- so wonderful to see you here. So the city has stood with us in that way. It also -- in 1989 then police chief everett and his staff convened the first family violence task force, which was the first organized effort in austin and travis county, to create a coordinated community response to family violence. And over the years in working with law enforcement, I've had the -- this word is used a lot, but it is true, a true privilege to get to know and work alongside the counselors of the austin police department victim services division. Anyone that's been around since the early '80s may remember and hutchison who pioneered that program and it has grown into a nationally recognized victim services unit. We are so blessed in austin to have those women and men that serve on crisis team and on the -- the ones I have gotten to know the best serve in the family violence and the sexual assault units. Their skill, intelligence and dedication to the work that they do has inspired me and reinvigorated me again and again over the years. And then most recently the city's support of affordable housing has been so important to safeplace because it's critical finding affordable housing is critical to the families, the women, men and children we serve that have to leave one home, find and create another while they're rebuilding their lives in all other ways as well. So all of these ways I'm very mindful of as I stand here today. Thank you, and thank my friends, from safeplace, the city and the county, for standing with -- for standing with me, for standing with safeplace over these years. I'm so grateful for your acknowledgment of my work today, and thank you.

[12:15:03]

[Applause]

>> tovo: Again, I'm council member tovo and I'd like to welcome todd sanders and his lovely son up for the next proclamation. As many of you have seen on roadhouse relics on south 3rd street there's a wonderful greeting from austin mural and it's

been the backdrop for photos of automatic ice, photos of visitors in our town and it's been really an icon in austin, and community members along with todd sappedders who created

-- sanders who created the mural and very talented students, pulled together the resources, raised money and will be unveiling the restored mural this saturday. So it's my pleasure to present the following proclamation to the artist, todd sanders, the author of roadhouse relics. Be it known that roadhouse relics is unveiling the newly minted mural with a dedication this saturday, and wherea restoration was a ra tiffort led by artist todd sanders, roy scagin, community lead troy and the nonprofit creative actions and with community donations, roadhouse relics and color squad undertook a collaboration in which the orm and student artists worked together to paint the mural and whereas the restoration employed improved painting and ceiling techniques to be a popular photography backdrop it held since its debut in 1977. I, kathie tovo, and the mayor of austin, texas, hereby proclaim november 2013 as greetings from austin mural day. Congratulations. And now I'd like to welcome todd to say a few comments.

[12:18:38]

>> This is my son jack, my wife is out of town right now so he gets to come up here with me. I appreciate you all being patient with me. This mural, we painted it in 1997, and it was

-- we just wanted to some fun and give something back to austin, and I had just purchased a building and

-- which became roadhouse relics art gallery, and we painted the mural. I never had any idea at the time what an icon this mural would become to the city, and it's

-- it's meant a lot to the city, and the people of austin had a chance to prove that by donating money, and most of the donations that we raised to restore the mural were really small donations, just from individual people, and I don't feel like I own the mural. I feel like the people of austin own the mural. I'm the steward of it, and I'm very proud to live here and I'm very proud to be the steward of the mural, and we're having the ceremony, rededication ceremony of the mural saturday at 10:00 a.M., And we'd love to have you guys come out, and thank you very much.

[12:20:45]

[Applause]

>> tovo: So we're here to celebrate diabetes month, so why don't you all come down. Welcome, everyone. All these people working on diabetes, I think. Mercedes -- come on up, and carlos, we're going to present it to the two of you. Nber is american diabetes month and blue is the color.

>> For world diabetes day.

>> For world diabetes day, yes, anyway, I think probably a lot of people know about diabetes, lots because of this folks behind us work on educating the public, because there's so much we need to know, there's so much we need to do. Type 2 diabetes, I think that there is

-- I read that there

-- by 2040 if we don't change the trend, one in four adults in travis county may be afflicted with diabetes. Of course there's type 1 diabetes, which is near and dear to my heart. My husband, my niece, my grand niece, and it's a huge impact on your life. It can be managed with insulin, but especially when I see young kids with it, it's really tough. So we are looking for a cure, and we can't wait till there's a cure, and so this month is a month that we spend some time thinking about it, and I want to present this proclamation to the two of you. It says be it known that whereas diabetes is a growing health issue in austin, and by the year 2040 one in four adults in travis county will be living in diabetes. Whereas type 1 diabetes can be managed through taking insulin, monitoring diet and exercising, while many cases of type 2 diabetes can be prevented or delayed through healthy lifestyle interventions, and whereas, type 1 and type 2 diabetes have no known cure, but education and access to health care can help prevent devastating complications from the disease, and whereas community infrastructure such as safe places to be physically active and access to healthy foods is vital to enabling people to either prevent type 2 diabetes or to live a healthy lifestyle

-- a healthy life with the disease, and whereas the central texas diabetes coalition mobilizes community partners to increase access to and utilization of diabetes self-management and prevention resources. Now, therefore, i, laura morrison, for mayor lee leffingwell, mayor of the city of austin, texas, do hereby proclaim, november, 2013, as american diabetes month here in austin.



[12:23:23]

[Applause]

>> today has been a public health bonanza day for me. [Laughter] it's great, were he had a conversation

-- two proclamations in one day, pretty good, but we also 4 a conversation earlier about the impacts about lack of access to fresh foods or healthy food options. And also just what obese

-- the impact of obesity, and type 2 diabetes is one of the impacts of obesity. So anything we can do to have a healthier community we should engage in doing it, and I want to thank council member morrison for her leadership, not only in today's session but also on the public health committee. I also want to thank my outstanding group of partners without whom we'd have a hard time really getting a grip around this disease. I want to especially thank seem community health centers, lone star circle of care, community care, oxilama endocrinology specialty clinic, medical director s dubois, texas department of state health services, city of austin healthy connections program, sustainable food center, american diabetes association, and theracare. This is a great group of partners and austin is a wonderful place for partners and I think we're going to make tremendous strides in really combating type 2 diabetes by just promoting a healthier austin generally. Because we know that type 2 diabetes can be prevented or delayed through a healthy lifestyle, within health & human services our chronic disease prevention and control program is working to increase access to healthy foods and safe places for physical activity. We want to make the healthy choice the easy choice. Health and human services is also leading diabetes education and prevention classes in the community. The central texas diabetes coalition is a key partner in these efforts and is raising awareness of free education and prevention resources in our area. I also want to thank the city of austin's healthy connections program, which is the city's employee program, which creates partnerships and develops the diabetes program, which consists of educational classes followed by ongoing monitoring and support. Participants who meet program requirements can receive their diabetes medication and supplies at no cost. In 2014 the city will launch the pre-diabetes program. At this time I would like to introduce mercedes ferris with the american diabetes association who will

offer some remarks.

[12:26:01]

[Applause]

>> thank you. Good evening, everyone. On behalf of the American Diabetes Association I'd like to say thank you to the city of Austin for recognizing and doing such a great job promoting a healthy lifestyle within the city of Austin. I also want to thank everyone behind me as well. They actually are our voice in the community and help educate the community with the risk factors of diabetes and providing care and access to care. As the American Diabetes Association, we really work hard to try to find a cure for type 1 and really try to educate the community in regards to the prevention and living and managing a healthier lifestyle for type 2. Hopefully in the near future we'll have a cure for type 1 so we can focus the energy on educating the community on type 2 and helping them live a healthy lifestyle or preventing. If current trends continue one in two minority child today will have diabetes. Currently our stats are one in four teenagers have pre-diabetes. So unfortunately this trend is growing upward and if we continue trying to educate our community we hopefully can prevent the future of diabetes within our children and within our community. So I'd like to thank you all for being here. I'd like to thank you all for everything you do for the community on behalf of American Diabetes. Thank you so much. [Applause]

[12:29:01]

>> Morrison: So why don't you join me. Get close. Now we're here to discuss another disease that is also

-- November is its month and that's pancreatic cancer, which of course is a really, really difficult disease to have, to say the least. But it's very important that people get educated so that they can learn the symptoms and get early treatment, which is a very important part of managing it. And so we're grateful to have people in our community, the pancreatic cancer coalition

--

>> Network.

>> Network, and Jamie Smith, I have a proclamation, so let me read this to you. It

says, be it known that whereas pancreatic cancer is the fourth leading cause of cancer death in the u.S., and whereas pancreatic cancer is one of the deadliest cancers. 73% of patients die within the first year of their diagnosis while 94% die within the first five years, and whereas the incidence and death rate for pancreatic cancer are increasing and pancreatic cancer is anticipated to move from the fourth to the second leading cause of death in the u.S. By as early as 2020, and whereas the pancreatic cancer action network affiliate in austin provides support for patients currently battling pancreatic cancer, as well as to the families of those who have lost their lives to the disease and are committed to nothing less than a cure for this devastating cancer. Now, therefore, i, lee leffingwell, mayor of the city of austin, texas, do hereby proclaim november 2013 as pancreatic cancer awareness month in austin. So congratulations, and would you like to say a few words? [Applause]

>> on behalf of the austin chapter of the pancreatic cancer action network we would like to thank you for this opportunity to address the city of austin. The pancreatic cancer action network is the only national organization creating hope in a comprehensive way through research, patient support, community outreach and advocacy for a cure. It isn't only my life and the lives of my family members who have been touched by this disease. This as problem that is affecting our entire community. The incidence and death rate for pancreatic cancer are increasing and pancreatic cancer is anticipated to move from the fourth to the second leading cause of cancer deaths in the u.S. By 2020. Moreover, an estimated 2,000 people will die from pancreatic cancer in the state of texas alone. And nationally, it's estimated that 38,000 individuals will lose their battle to pancreatic cancer this year. Because there are currently no early detection tools or curative treatments, just 6% of those diagnosed will survive more than five years. It is the only major cancer with this five-year relative survival rate in the single digits. We would like to thank the city of austin for your important contribution to this national fight against pancreatic cancer. By declaring november 2013 to be pancreatic cancer month in austin, you are helping us to do the critical work of making the public aware of this disease and the truly lethal nature. We hope by working with you we will continue to raise awareness, support patients and their families and raise funds to find the cure. Through both individual contributions and federal funding and legislation. My colleagues and I that are here tonight would be happy to answer any questions you might have and would encourage you to visit our web site at [www.Pancan.Org](http://www.Pancan.Org).

Thank you again for supporting our cause and helping us raise awareness for pancreatic cancer.

[12:32:48]

[Applause]

>> thank you.

>> Morrison: Yes, it is last but not least. Now we get to do the happy part. [Laughter] I'm being joined by rebecca melancon with austin business alliance and we're here to celebrate shop local for the holidays. I think everybody in austin

-- I hope everybody in austin understands the importance of our local businesses, not only to the special shot in the arm that they give our economy, but really help to define our culture and when we're supporting local businesses we're supporting our neighbors. So it's a triple

-- it's a triple winner.

>> Triple benefit.

>> Triple benefit, yes. And so especially when we're getting into the heavy shopping season of the holidays, it's great to remind people that shopping local for the holidays is a special way to make

-- bring a present to the city of austin and to your neighbors. So we're here to raise awareness of that and to thank abia

--

>> abia

-- not the airport but

--

>> I always get that mixed up. To thank you for all the work you do to promote local businesses with your ibiz district of we have a proclamation that says whereas shopping local for the holidays benefits our whole community by building a tradition that strengthens our local economy, expands employment, nurtures a sense of community and provides more relaxed, fun and rewarding gift-buying experiences. And whereas shopping at locally owned businesses puts three times the dollars into our local economy. Of \$100 spent at a local business, \$45 stays in our community compared to only \$13 when the same \$100 is spent at chain stores, and whereas locally owned businesses from funky to sophisticated help austin retain its unique

character and provide a more diverse range of products and service choices than available from national businesses. Now, therefore, I, Lee Leffingwell, mayor of the city of Austin, Texas, do hereby proclaim that Shop Local for the Holidays is celebrated from November 29 to December 24, 2013 in Austin. Thank you.

[12:35:35]

>> Thank you. [Applause]

>> please, say a few words.

>> On behalf of all local business I'd really like to thank the city of Austin for this acknowledgment, for the contribution that local business makes, not only to our economy, which is huge. This is the bedrock of our local economy. These are the businesses who built this city, but also to our culture. These are the places that are fun and you love to go, and you love to hang out there and patronize them. So we're asking you throughout the holiday season to choose a local business over a chain store, and make that a conscious choice and support your community and your economy.

>> Morrison: Thank you, Rebecca.

>> Thank you. No carriering connect 57600 çóe1rookÑifá: U ñr Test. Test. Test. Test. Test. @MKAYr OKAY OKAY. Okay ivelt okay. Okay. Okay.< okay.

[12:48:35]

OKAY.w3: Fá testing november 21. àà(VMQ%9 NOVeMáER 21.Ym fá TESTING  
NOVEMBER 21.MY : cÑiKo Y-iÑ Test test test

[13:00:33]

>> Mayor Leffingwell: We're out of recess. We're out of recess and we have several items yet to go. We're going to take up our last remaining zoning case. Hopefully these will go quickly. And then it 107, 109, 110 and we'll go back and take item 20 and 105 together. I think there is mutual agreement to limit testimony to 39 minutes per side, and I have a list from the pro urban farm side and I'm waiting for my list from the anti-urban farm side.

[13:13:20]

>> Thank you, mayor and council, greg guernsey, planning development and review development. Item number 85 is a zone change request, case c-14-2013 on 0060 for property on 7151 bluff springs road. This is a request for neighborhood commercial conditional overlay combining district zoning. The request is to remove the limitation which prohibits food sales and restaurant fast food drive-in. There is a valid petition that has been filed. It has been documented at 24.81%. The document itself would be used for convenience store type use. The adjacent properties to the north are cs-co, mainly undevelopment. To the east there's mobile home and small lot sf 4 a manufactured home uses. To the south single-family af 4 zoning and to the west is cs-mu-co and interim rr with apartments, warehouses and campground use. I'll let the applicant's agent come forward, mr. Fill makakd. I think he has information he would like to share with you regarding a private restrictive covenant that he has been working on. It is ready for your consideration tonight for second and third ordinance readings. If you haveny question I'll be happy to answer at this time, otherwiseky turn it over to the applicant to give you an update on the covenants.

>> Mayor Leffingwell: Mr. Guernsey, as you've noticed we're one person short. There's a valid petition on this. So just to show how it might go, it's going to require six votes to pass on third reading. So if there's a motion to approve, for example, on second and third, and it only receives four or five votes, it would pass only on second reading. And then it would come back.

[13:15:25]

>> That's correct.

>> Mayor Leffingwell: Okay. All right. Mr. Makada.

>> Good evening, mayor and councilmembers. Phil mankada, I'm the agent for the proposed development at 7101 bluff springs road. Per the applicant, my client, and the neighborhood, we agreed to a postponement to try to come to an understanding on a restrictive covenant that would hopefully allow this development to move forward. Without this proposed zoning change, the proposed use will fail at this location. Per various meetings we had an attorney draft a restrictive covenant and I

believe we've come to an agreement on all but one issue. And I'll briefly go through these and the one it involves is they're wanting us to completely prohibit the sales of alcohol at this location. And I think that that would probably just kill this development for the client, not that that's his primary source of income for the store, but it is a convenience store. The owner has agreed through restrictive covenant, which we have in a draft that I provided to Wendy Rhodes, our case manager. We've agreed to attend a regularly meeting of the association with a 30-day notice from them with the operation of the store. We will sell fruits and vegetables with a variety of types and also dedicated 100 square foot of space in the convenience store for that specific use. We've agreed not to advertise promotional sales and discount sales associated with candy, chips or other sugar sweetened food. We've also agreed to ban smoking paraphernalia. They were concerned about that so we've agreed to no sale of smoking paraphernalia, pipes, cannabis, incense, things of that nature, but I'm not speaking of a tobacco product that you can just buy at any

-- speaking of other things that the neighborhood was concerned with.

[13:17:43]

>> Mayor Leffingwell: Are you talking about illegal products?

>> Yes, sir. Or something that could be used to indulge in an illegal product.

[Laughter] we've also

-- we've also agreed, mayor and councilmembers, that if we had more than three tobacco violations within a six-month period, the

-- excuse me, within a year, within a calendar year period, they have agreed to ban alcohol sales for six months. And make the restrictive covenant actually carry some meat. We are prepared to provide a letter of credit for \$10,000 payable to the association performance bonds, security, whatever you would like to call it for violating anything associated with this restrictive covenant, and it will be payable not only to this organization that I don't believe is registered with the city yet or its predecessors. We made sure we put in the language once they decided to establish a specific neighborhood group that was registered with the city, that way we wouldn't have to come back in the future and amend the restrictive covenant. And I'm available to answer any questions, but I thought we had come to a pretty good

understanding, but I do need to apologize that the attorney was a little remiss in getting this information to the neighborhood association in a timely manner.

>> Mayor Leffingwell: And this is all a private restrictive covenant?

>> Yes, sir.

>> Mayor Leffingwell: All the things you discussed? And you've agreed to the things you've discussed

--

>> to everything I just discussed, sir, except basically the complete ban of sale of alcohol. So how we address that, we get more than three tabc violations in the course of one year, we will not sell any alcohol at that location for a six-month period.

>> Mayor Leffingwell: Have the opponents tentatively agreed to that? Have they agreed to that?

>> No, sir. And we've met every condition to the best of my knowledge except that one from our previous meetings.

[13:19:49]

>> Mayor Leffingwell: All right. And I'm not trying to

-- I'm just trying to find out what the status is. I'm not intervening in any private covenant.

>> Yes, sir.

>> Mayor Leffingwell: Councilmember morrison.

>> Morrison: I wonder if there's anyone here from the neighborhood that could just give us their perspective on how things are come along and how this

-- let's see. When was the last time you were

-- we heard this on first reading.

>> Yes, we heard this on first reading.

>> Four weeks ago?

>> Yes. And we have not heard from them at all since then. I e-mailed the person handling the restrictive covenant on the 29th and I asked if we were going to get together and talk about the alcohol. He said that he's in florida, he hasn't had a chance to meet with his client, so I e-mailed him again on the 30th and I said okay, mr. Mankada is a registered agent. Mr. [Indiscernible] is saying he is working on the



restrictive covenant. Who do we contact? Mr. Hajar, I have the email here just saying the next hearing is november seventh, give us have time to draft this. My client is reluctant to have a 10,000-dollar bond. And he said if we'll come off the alcohol they'll go ahead and get everything approved. This was on december -- october 30th. Yesterday at 10:30 we got the email for the new restrictive covenant, which is nothing what we even agreed to on the alcohol.

>> Mayor Leffingwell: So you're asking for a total ban?

>> Actually, what we're asking for now is to not even do the restrictive covenant, just to deny the zoning case. I did get some letters to you guys. I don't know if you received them. Four different letters. One from state representative eddie rodriguez. The superintend meria carstarphen and

[13:21:51]

[indiscernible] and dove springs sent a letter. Dove springs neighborhood association is also opposed to this. And one more thing, we are a registered neighborhood, we're the indian hills neighborhood watch.

>> Morrison: So what you're saying is that it was just suggested that what they were going to suggest is they would sell alcohol, and if there were three tabc violations in a year then they wouldn't be able to. That something that you think you would agree to to provide the protections you're looking for?

>> At the beginning when we first met with them we asked for a ban of alcohol sales between two and six p.M. They didn't agree to that. So we said what about a behavioral deal? They didn't agree to that either?

>> Morrison: What's a behavioral deal?

>> As far as any violations. They didn't agree to that. He said no, there's no way he would do that. We meet with kareem hajar and he said we may as well give up this case. There's no way that we're going to win it. That he donates money to city council races is his exact words to curt and i. So we went out and got a valid petition. And that came off the table once all this intimidation was going on.

>> Morrison: I see. Thank you. Just to be clear, I'd like to think that all of us make our decisions based on what we think is right and not who gives money.

>> I knew he was just talking.

>> Mayor Leffingwell: Why did you bring it up? [Laughter]

>> to let you guys know what is out there and what is being said.

>> Morrison: Thank you.

>> Mayor Leffingwell: Councilmember spelman.

>> Spelman: You began by asking for a ban from 2:00 to 6:00. He said no. Your backup plan was how about some behavioral restrictions? And although he said no and started throwing his weight around in a kind of crazy way, now he's offering them up. Is it something which you think you and your association could consider?

[13:23:55]

>> No, not at all because of all the legwork that we've had to do. We don't think that he's been communicating the way that he should. He goes two and three weeks without communicating to us. The day before every single council meeting that we've been to he has sent a restrictive covenant and then asked for a postponement or said that we've agreed to it. Just so that it can carry on further and further.

>> Spelman: Okay. So is he offered the same deal on the first or second of november, shortly after you guys were talking and not delayed for three weeks as he did, would you think you guys would have felt differently about it?

>> Possibly. I can't say that for sure, but possibly. Once we got the valid petition signed, every single person who signed the valid petition, their number one thing is they do not want alcohol in their backyard. So I can tell you everybody that signed that petition will not agree to anything that has to do with alcohol. Is.

>> Mayor Leffingwell: I have a question for staff. Any kind of food store or other store in my recollection can sell beer and wine if it's only auxiliary use, which is a small percentage?

>> Not more than 50% of their food sales could be comprises of beer and wine.

>> But what is an auxiliary use? Auxiliary use, that would be something -- basically to sell more food than alcohol then it's not a liquor store. If you sold more alcohol than food then we would call it a liquor store.

>> But there's no such thing as an auxiliary use.

>> While there's auxiliary use if you're selling minor portions of beer and wine -- no, I'm not aware of anything that would make a difference in that regard.

>> Okay.

>> Cole: I wanted to ask you about the letter that we received from the school

district. I thought we had a letter from dr. Carstarphen and also from trustee myth yays. Mathias. They're referring to a difficulty with the crossing signs. Do you know anything about that. I'm not aware of the letter on or the crossing. I know that the school itself is approximately a thousand feet to the east of this site, so it wouldn't trigger requirement for this council approving an alcoholic beverages waiver from the distance requirement. But I'm not familiar with the crossing issue although I'm sure the neighborhood is more than knowledgeable probably about the crossing issue.

[13:26:40]

>> Cole: Can you answer that.

>> What was the question?

>> Cole: I noticed that in

-- the honorable dr. Mathias' letter that he talked about the heavy student traffic where our aid crossing signs are posted and I'm wondering what traffic issue is involved with the school district. That was just new to me.

>> The proposed site is right next to condominium and right behind some houses so students are going to be walking right by there. The signs for the school zone is right there by the convenience store.

>> Okay.

>> Cole: Well, mayor, I think I'm prepared to make a negotiation motion to deny the zoning change based on the testimony of the neighborhood and the school district and the other stakeholders.

>> Mayor Leffingwell: Motion by mayor pro tem cole to deny the zoning request. Seconded by councilmember morrison. Councilmember tovo?

>> Tovo: I have a quick question for mr. Guernsey. And while I'm getting mr. Guernsey's attention I'll just say that so I think

-- just to sum rides, I think the point that dr. Mathias was making is though it is outside of the boundaries, that strict boundary of where we have to offer a waiver, there's so much student traffic in that area that the school district even has their signs up. So I think the way I read his letter is that he was making the point that despite that it's slightly outside the boundaries where we would have to offer a waiver, there are so many students passing by there that aid has its signs out. And I

think I heard you mention a number, but I didn't hear what it was. What is the distance from a school that we would have to approve a waiver?

>> It would be 300 feet and this site is approximately a thousand feet to the west.

>> Tovo: Thank you. For all the reasons that we've heard, really from dr. Carstarphen and the board of trustees and the community members, I'll be supporting the motion to deny.

[13:28:42]

>> Mayor Leffingwell: Councilmember riley?

>> Riley: One question. Mr. Kinney, you provided a letter in which you mentioned that the dove saturated with unhealthy food choices. I'm looking at the map of this area, and can you just help me understand where the nearest retail is to this corner?

>> The nearest convenience store?

>> Riley: Yes or any store where you can buy food or drinks?

>> Sure. About half a mile away is another store that the applicant has, which is one of the unhealthy choices. About half a mile the other way is h.E.B. There's four other convenience stores right there by that h.E.B.?

>> Half a mile in that direction?

>> Yes.

>> Riley: Other than that no retail in the area?

>> No. It's all walking distance from right there.

>> Mayor Leffingwell: Any other comments? I think it's very likely that the conditions you're lying out, it's unlikely that anything is going to be put there. But be that as it may, did you have another comment?

>> Riley: And I share that concern. I certainly respect the concerns identified by the community and the school district, but I also am concerned about the lack of choices in the immediate area within easy walking distance for all the homes. So this is largely a residential area. And when you look at the map as we just heard, the closest retail is half a mile away. When we do zoning cases we're not zoning for a particular owner or particular

-- a specific store. We are zoning for a use. This is a major corner for the neighborhood, on bluff springs road at blue meadow drive in an area that otherwise lacks retail. And we have recognized in documents such as our comprehensive plan

that it's important to have some retail within easy access to neighborhoods. In fact, our

-- in our comprehensive plan, lutz 6, we said one of our land use and transportation policies is to ensure that neighborhoods of modest means have a mix of local serving retail, employment opportunities and residential uses. And the next one, p 7, says that we should encourage infill and redevelopment opportunities that place residential work and retail land uses in proximity to each other to maximize walking, bicycling and transit opportunities. In light of the importance of having something within easy reach of all the homes in the area, I think it's important to allow for the possibility of some retail at this corner. I would certainly respect the neighborhood's right to engage in negotiations with the owner and I would hope that those would lead to some mutually agreeable outcome. And in that interest I would support approving this on second reading with the hope that continued discussions can lead to some agreement by the time we get to third reading, but I will not -- I would be reluctant to deny it outright given the lack of other retail businesses within easy reach.

[13:32:02]

>> Mayor Leffingwell: Is that a substitute motion to approve on second reading?

>> Oh sure. Marks mayor which councilmember Riley for second reading. I'll second that. Is there any further discussion? Councilmember Tovo.

>> Tovo: I wonder if he might have a response.

>> Thank you. The property zoned right across the street has this usage. So I don't think we're worried that we're not going to see development within close distance to this neighborhood because you already have property nearby that has that type of zoning. So I think it's unlikely that we'll see to the lack of this type of development. If anything what we'll see an over saturation of that type of development because we'll match the zoning to be the same thing and probably encouraging the same type of development when we could utilize this property for another type of use other than what's being proposed here today. Also, I think as Mr. Kibbe said, this case came before council in August and in all this time there's been time to negotiate, and unfortunately it has not been handled well or professionally by the representatives chosen by this property owner. So I don't think that postponing the lead to a better

outcome because what we've seen as a pattern is the neighborhood is ignored and not communicated with until the day before these hearings. So for us it seems a little bit of a waste of time for the neighborhood, those who take time off for these negotiations to try to protect the we will they're of they're students if they're not treated with the respect to negotiate in good faith. That's part of the desire to deny the zoning is number one, there will be a development of the type that you're suggesting because zoning is nearby. Already approved. And because the negotiations have been a waste of time for the people who have had to take off work to do them.

>> Mayor Leffingwell: The vote is on the substitute motion by councilmember riley. All in favor say aye? Opposed say no. It fails on a vote of two-four with councilmember tovo, morrison, spelman, mayor pro tem voting no. So now the vote is on the main motion to deny. In favor say aye. Opposed say no? That passes on a vote of four-two with councilmember riley and myself voting no and councilmember martinez off the dais.

[13:34:29]

>> Thank you, mayor. That brings us to item 107.

>> Kevin Johns, director of economic development. This is a public hearing to NOMINATE eBAY TO A Statewide competition for an enterprise zone designation, which is an anti-poverty program run by the state.

>> Mayor Leffingwell: Thank you. We have two speakers. Sharice bodice.

>> Thank you very much for this opportunity. On behalf of the atin chamber of commerce, we strongly support this project that targets the economically disadvantaged and provides great jobs for our residents. Thank you.

>> Mayor Leffingwell: Thank you. Phil thodin. Phil is apparently not here. So that's all the speakers that we have signed up wishing to speak. A number of other people signed up in favor. I'll entertain a motion on item 107.

>> Cole: I'll move approval.

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

>> Tovo: I have a quick question for our staff. Mr. Johns, on this texas enterprise zone sheet it talks about the eligibility, the first bullet point on it

-- the second bullet point on it talks about in order to qualify local communities must offer incentives to the project such as tax abatement, tax increment financing and one stop permitting. Can you help me understand how  
-- are we in compliance with that bullet based on the previous incentives OFFERED TO eBAY?

[13:36:38]

>> That's a very good question. We're in compliance. We will be offering expedited permitting, which is an approved incentive.

>> Tovo: Thank you.

>> Mayor Leffingwell: Councilmember morrison.

>> Morrison: I want to THANK THE eBAY FOLKS FOR Stopping and talking with me and also to mention

-- because the exciting thing is that part of this will mean that there are a lot of hard to employ folks that are going to get jobs, and that's something that I think a lot of people up here are very interested in. I would like to say that the backup didn't really say anything about that. It would have been helpful to have a fuller explanation so that we can capture the essence of things a little easier. But anyways, thank you.

>> Mayor Leffingwell: All in favor of the motion say aye. Opposed say no. It passes on a vote of six to zero with councilmember martinez off the dais. And that brings us to item 109.

>> Good evening, mayor and council. I'm michael [indiscernible] with the economic development apartment. Item 109 is put of the annual process for the funding for the downtown austin improvement district. At this point jacqueline combs from our law department has more information that she can co to you.

>>

>> good evening, mayor, city council, jacqueline cool column for the law department. Staff was contacted earlier this week by one of the property owners in the downtown p.I.D., The texas teachers association. They alerted us to the fact that the roll does not include their designation as an historic property. So I have a proposed motion that we would like for you to consider that would allow the staff some time to correct that, to make sure that any property that has the historic designation would get that benefit. So my proposed motion is to approve the ordinance relating

to the austin downtown public improvement district, 2014 assessment roll to be amended by staff, to accurately reflect all historic designated properties and authorize the leveeing of 2014 assessments.

[13:39:16]

>> Mayor Leffingwell: So your suggestion is to approve the item with two amendments. One is with historic structures with regard to historic structures, recognition of those by staff.

>> Yes, sir.

>> Mayor Leffingwell: And with 2014 assessment.

>> That's correct.

>> Mayor Leffingwell: All right. We have one speaker there is there are questions. Mary arrest net?

>> Thank you for listening, council. I'm here today representing class, the citizen led austin safety pip. The reason I'm speaking here is that back in august when we were discussing budget issues, the head of the public

-- now the head of the public safety commission, councilmember spelman's appointee to the public safety commission, kim ratsmo brought up the idea that we need to find some other sources for funding for a.P.D. Because our general fund seems to be not quite enough every year incredulously. And so first of all I want to say the language of the ordinance is a little bit confusing. I may just misunderstand this, but part one e says as of november 21st public hearing city council heard each objections to a pros assessment and found that the assessments leveed against each parcel or reasonable and consistent and passed on each objection before it closed the public hearing. It sounds like you're writing history before it happened. I don't really know what that refers to and I just wanted to bring that up. The assessment is 10 cents per \$100. That has been the rate for 20 years. Obviously the valuation has gone up. So there's almost four billion in valuation of all the properties at least on referring to the downtown p.I.D. There's the secondary one, the east victims one as well. So that has raised 3-point nine million or will raise 3.9 million which is up from last year by about half a million dollars. It doesn't really matter if they raised three million or 30 million. There's not that much of that that goes to a.P.D. And my point to you is downtown sucks up a lot of a.P.D.'S resources. And rightly so. It's a very



important part of our town. They are a major part of our tax base and they do contribute to the general fund through regular property taxes. And I want to give them credit where credit is due. They buy their own security assets. Sometimes they buy their own cameras or other things for security purposes. They do their own graffiti cleanup, which is phenomenal. I really can't say thanks to them enough for that. They do fund \$600,000 of the downtown ranger program, but of course the downtown rangers are not police officers. So they have limited abilities. They do not fund the supervisor position for the downtown rangers. And they have made past contributions, several hundred thousand dollars for cameras, the halo cameras. They have their own crime analysis that they pay for. I believe they pay for it through crime lab and not directly through a.P.D. And they pay for their own d. I'm not sure how that works, how you can buy your own da, but apparently you can. The assessment needs to be higher to account for the higher number of police officers and the presence that they have downtown. Our mounted patrol is down there I guess every night. That's probably 90% of what they do. Patrolling the bars and events. Whenever there's a surge in need where does it come from? It comes from region two, region four. This is evidenced by

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[13:42:47]

[ buzzer sounds ]

-- the response times that I SHOWED YOU ON AUGUST 22nd. So I ask you to consider redoing the rate. Thank you.

>> Mayor Leffingwell: Thank you.

>> Mayor Leffingwell: Those are all the speakers that we have signed up to speak on item 109. I'll entertain a motion. Councilmember spelman moves approval. Seconded by mayor pro tem cole?

>> Cole: Yes, a second. Can I ask a question of charlie betts. I see him here in the audience.

>> Yes, mayor pro tem?

>> Cole: I think we received some correspondence from you guys basically explaining what you do with the p.I.D.Es and what you hope to accomplish downtown with it. Can you lay that out for us?

>> Sure. It's in a letter that we sent you I think it was hand delivered friday. I'll hit the numbers real quickly. The public improvement district income is above and beyond all of the other real estate taxes. So the downtown property owners pay all the normal city taxes into the general fund, which goes to support a.P.D. Activities. On top of that they have the

-- they assess themselves a mandatory assessment of 10 cents per \$100 as the lady just indicated. Out of@ a total budget last year of \$3,267,000, 26 percent of that budget goes for public safety programs or \$856,000. And basically the information that she gave you, she got from us and it was basically correct, but we don't hire our own assistant district attorney. [Laughter]

>> Cole: Thank you. I just wanted to give you an opportunity.

>> Thank you.

>> Mayor Leffingwell: It would be nice.

>> Spelman: Mayor? Charlie, while you're up there, who makes the decision as to how the p.I.D. Money is allocated and what it's used for? Who makes that decision in.

[13:44:55]

>> The board of directors of the downtown austin alliance makes those decisions on an annual basis.

>> Spelman: And what is the basis for their decision? How is it that they decide to allocate a certain amount of money to public safety, to signage and street cleaning and all the other things that they do?

>> We're just finishing some strategic planning, but we look at those things and allocate the budget on a yearly basis. The board of directors is made up predominantly of property owners and representatives of property owners, but we do have an associate membership class that includes folks that do not own property in the district, such as a major tenant downtown. And we have public representation also on the board, a representative of the city, the county, the state, capital metro, and I'm forgetting one other.

>> Spelman: We can always look it up. Are district board meetings open to the public?

>> Certainly, all our deliberations and board is public record.

>> Spelman: So if ms. Arrest net wanted to come to a board meeting and try to persuade you to spend more money on public safety, she could do that?

>> Certainly, any citizen is welcome to address the board.

>> Spelman: Thank you, charlie.

>> Mayor Leffingwell: Okay. Motion on the table. All in favor say aye? Opposed say no? Passes on all three readings on a vote of six to zero with councilmember martinez off the dais. And that brings us to item 110.

>> Cole: Move approval, mayor.

>> Mayor Leffingwell: Hold on. [Laughter]

>> Cole: Do we have speakers?

>> Mayor Leffingwell: We have a quick presentation.

>> Item 110 is part of the annual funding process for the east sixth street funding district. It will allow property owners to propose challenge assessments of individual properties. We're ready for the public hearing if there are any speakers.

[13:47:11]

>> Mayor Leffingwell: Mary arnet? No? Choosing not to speak. That's all the speakers that we have. Mayor pro tem?

>> Cole: Move approval.

>> Mayor Leffingwell: Moves closing the public hearing and approve the ordinance. Seconded by councilmember spelman. All in favor say aye? Opposed say no? It passes on a vote of six to zero with councilmember martinez off the dais on all three readings. And that brings us to

-- we'll hear items 20 and 105 together.

>> Mayor and council, jerry rusthoven with the planning development and review department. Item 105 is to conduct a public hearing and consider an ordinance amending city code title 25 regarding regulations related to urban farms. Before we get started I recently have been informed of a postponement request from david king of the austin neighborhoods council as well as mr. Cliff kaplan who is a member of the sustainable food policy working group who worked on this. They would both like to jointly address their postponement at the same time. We also have opposition to that postponement request from those in support of the ordinance.

>> Mayor Leffingwell: I guess we'll hear the proposal for the postponement. One

person for each side. Tell us your motive for the postponement.

>> My name is david king and I'm here as an anc representative to the mediation team on urban farms, on the urban farms ordinance. And so mayor, I'll make sure I understand what you were requesting, but basically I'm here to ask

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[13:49:12]

>> Mayor Leffingwell: You don't live in the neighborhood or anything like that?

>> I'm sorry?

>> Mayor Leffingwell: You don't live in the neighborhood?

>> I live in zilker neighborhood.

>> Mayor Leffingwell: Okay.

>> Yes, sir.

>> Mayor Leffingwell: Go ahead.

>> But the

-- and first I want to thank you for allowing this mediation team to be organized and the city manager for selecting judge bob perkins to help mediate this team. And judge perkins for his role in mediating the team. As a member of that team we were making progress, but that was only our first meeting and the only one we've had. And so we ran out of time and I believe that if we had more time we would be able to make more progress. In the end

-- at the end of that meeting there was no agreement by the whole group on changes to the ordinance, so we didn't come out with any group recommendations. But I believe with more time

-- and I sent you an email that copied

-- forwarded an email to you from judge perkins which he spoke about the group making progress and talking to each other. And I believe in his willingness to continue with that group. So I believe that if we were able to continue to work at this we would come to more areas of compromise and agreement and then I believe that would help you all in your decision making and those areas that we couldn't really agree on would be reduced to a smaller number. So I believe it would be very helpful and valuable to give that team more time to work out compromises. Thank you very much.

>> Mayor Leffingwell: What's your name?

>> Cliff kaplan. I was on the cota metrics working group. It's the working group that facilitated the code rewrite process from the spring forward. And I just felt like somebody from the working group had to say that it was a flawed process. We held three public meetings, the first was in may. At that meeting it was clear that we were getting one small sliver of the diversity of perspectives that we want the food system to serve. And I think that anybody who is in the room would have observed that. That's my opinion anyway. It was obvious. And we observed that. I mean, it was clear. And we didn't take the necessary steps to adjust the process to have a larger diversity perspectives in the process.

[13:51:52]

>> Mayor Leffingwell: I think we understand. It's really supposed to be just one person on each side. So your side has had more than three minutes. Now we'll hear from someone opposing. Opposing the postponement. Is there anyone who wants to speak opposing the postponement? Okay.

>> Good evening. Since they had two people there, I would like to have paula floor to also have

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>> Mayor Leffingwell: You still only have three minutes.

>> That's fine. We want to share that. My name is katherine nicely. Everybody knows me by now. I'm part of the working group that was put together and spearheaded this huge task of the city starting early this year. And I appreciate the whole team and the stakeholder group and many of them are present today. So I would like to oppose the postponement because I think after a lengthy nine, 10 months of input we've been able to get to some mediating agreement. I mean, the mediation was great on monday. I feel that we were still talking, but there is no more conversation or commitment from the other side. I would like to also say that I've been working in community outreach for years and no process is perfect. And you all have seen this already for many years. So we had a good group of people present and we did enough outreach that was valuable for everybody to come to the table. I'm very impressed of the amount of interest that the food industry has in general policy and so you can tell by the amount of people that are in this room, I think it's a hot topic

for the city and we all need to address it. But I think we're ready to pass this and it's a solid base and we can work from that. I would like paula to talk. She was part of the working group and she is a farmer and a neighbor of the area where the four farms are located.

>> Hi, I'm paula forbes, springdale farm. I was also in the mediation group. It was interesting to me. I haven't done that before. But I have been part of the stakeholders group for the last eight months. Something I felt was inclusive. A diverse crowd. We compromised on many levels at that point and so then to take it to mediation and almost

-- as the only mediation person in the room or the only

-- I was the only one whose livelihood depended on that mediation, I was not able to go back and cut what we had spent eight months negotiating already and compromising already. So I don't know if it was just the process that I was uncomfortable with, but we had spent a long time on this and it was like I just personally could not speak for the 70 people that have been involved over the last eight months. I was just not qualified to do that perhaps or I actually felt like maybe it wasn't the proper mediation group. It had been broad from the very beginning and to narrow it to this

-- how the people were picked, I'm not sure of that process, so I was representing a large group of people whose livelihoods were at stake. And I couldn't

-- we could not

-- we won't come to an agreement should there be further mediation.

[13:55:13]

[ Buzzer sounds ] thanks.

>> Mayor Leffingwell: Thank you. So council, we've heard this request

-- [applause]. Once again I will respectfully ask everyone in the audience, can you have some applause, but no vocalizing of your approval or disapproval of anything, otherwise we'll

-- we're not going to be able to proceed with an orderly meeting. So I would ask your cooperation in that. And next I want to thank you very much, both sides, for agreeing to limit the public input to 39 minutes per side. And I have lists up here, so I'm going to go by the list, not by the computer sign-up. And we will begin with daniel yanez.

>> Spelman: Mayor?

>> Mayor Leffingwell: Is there a motion to postpone? [Laughter]

>> Spelman: Kind of you to ask! Before I offer a motion one way or the other I'd like to

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>> Mayor Leffingwell: You do anti-have to offer a motion at all.

>> Spelman: I would like to ask a question of mr. Kaplan and mr. King, if I could.

>> Mayor Leffingwell: Yes.

>> Spelman: You're from the sustainable food policy board.

>> I'm from the working group.

>> Spelman: And you're from amc and I know you. Both of you were parties to the mediation on monday?

>> No, I was the process that came before council the first time.

>> Which is why you were discussing primarily the flaws in the process that you brought us up to this point. Okay. Mr. King, could you describe

-- I haven't had a chance to read your letter yet. My apologies. Could you describe briefly what progress was made at the mediation and why you believe that further progress would be made if you had another session?

[13:57:19]

>> Yes, sir, thank you. The

-- the team, we started off on the urban farms component of the ordinance. And we came

-- we start off by saying we would agree to grandfathering existing urban farms in single-family residential areas and allowing it to continue to operate under their current uses and until they sold or closed down or had

-- we didn't really go over the violations part and those kinds of things, but they could continue to operate. But then the new ones would be located in commercially zoned areas. And so we discussed that both

-- both sides discussed that. We put that on the list of items we could agree on and we went to slaughtering, composting and processing. And we proposed that that only be allowed in commercially zoned areas. And that also went on the list. And then we started talking about

-- that took up most of the meeting time. It was a two-hour meeting and that took up most of the time. After all the rules were set. So really we only had about an hour and a half at most of talking, discussing these issues here. And then we started talking about market gardens and we really didn't have enough time to go into detail about those, so that's when things sort of broke down. We felt like there's not enough time to work out the finishing details. And if we couldn't finish all those details on these other items, then take them as a whole package and the other side wasn't comfortable with that. And I understand that. We just really ran out of time.

>> Spelman: So from your point of view there was at least tentative agreement on no new farms except in commercially zoned areas and no slaughtering or processing depending on which side you're on of animals except in a commercial area?

>> That's right.

>> Spelman: Is there somebody from the pro farm folks? Miss nicely? Is that your view of the mediation?

[13:59:26]

>> I forwarded you all the last email that we got from them with the request. And I want to be very clear that at the mediation meeting they said that they would grandfather the four existing farms according to them, and then nothing else. So urban roots, disand the other market gardens wouldn't be in the package, I guess. And then no more urban farms or market gardens in the whole city, in single-family use. And we did not move from that item. It was agreeing on that and then we can move on to the other items.

>> Spelman: Did the people on your side agree to that?

>> No.

>> Spelman: You did not.

>> Because like paula four mentioned, she just felt uncomfortable to be representing 70 people who were part of the process.

>> Spelman: So there was no agreement in your point of view on the two items mr. King just mentioned?

>> No. There was a proposal from mr. King and we appreciated probably taking it further and having another mediation, but the extreme request seemed to be the sticking point at the beginning and it was never left from that. So we just felt that it



wasn't getting anywhere. And let me add also that this is the second mediation. It's not the first mediation. The first mediation meeting was done about sheila bagwell as the mediator and [indiscernible] were present and from my working group -- let me clarify cliff kaplan is not from the sustainable food policy board. He is a working group member which any public can be part of. And they were. This is the whole stakeholder group that you can see behind you. And so it wasn't getting anywhere.

>> Spelman: From your point of view you had two mediat and you didn't get anywhere and you didn't think another session would do you any good?

>> I felt I was always claire figure at any point and

-- clarifying at any point and wasn't getting anywhere. I was clarifying all the time.

>> Spelman: Thank you. [One moment, please, for change in captioners]

[14:02:04]

>> I'm jerry rusthoven with the planning and development review department. A little bit of history. 13 years ago in the year 2000 the city council passe an ordinance that created the urban farm use. That ordinance did allow urban farms in a rezoning district within the city. However, there's been some point of contention about that because in 2000 when the ordinance was approved, under the single family zoning, a footnote was placed in what we call the permitted

-- the permitted uses table. So if you looked under single family, you went down to urban farm, they had a footnote that said number 9. That referred you to the code section where they had all of the code sections that an urban farm must comply with. One other section in the permit table where we do a similar thing under p public zoning. But anyway it was in single family but referred you back to the code section to show you what you had to do in order to be an urban farm and rules you had to comply with. In 2011 the city council passed an ordinance that mostly dealt with community gardens but changed that footnote from number 9 to a letter p to clarify that it is a permitted use within all single family zoning districts. The requirements of the code still apply. Just instead of having a footnote, it says p like it has for frankly every other use. So it wasn't until 2011 they were suddenly added. It wasn't that they were added it's always been there. Just a matter of how it's been reflected in the land development code table. That accelerates us up to about

november of last year. In november of last year there was a [indiscernible] farm, there was a complaint against that farm because of the smell emanating from the compost pile. The code respondents responded to that complaint, appropriate action was taken, in january the sustainable food policy board, which was a joint of both city council and travis county passed a resolution requesting the planning commission initiate an amendment to clarify the definition of urban farm and I'm sorry said to clarify update and revise regulations related to urban farms, livestock, size of farms, employees and dwelling. The planning commission on february 26th voted to initiate this code amendment at the request of the food policy board and we moved forward. At that point the working group was convened, food policy board members I guess decided who was going to be on the working group, what the consistency would be. They held meetings every tuesday at city hall during the lunch hour. City staff attended many but not all of those meetings. They also held a series of four or three public meetings at fiesta gardens attended by about 70 plus people apiece. In april and may. Depending on what the topic of the meeting was. The working group then presented a

-- a compiled a list of all of their recommendations, another meeting was held out at fiesta gardens also attended by about 70 people to present the working group's recommendations to a larger group of people. After that meeting they took their recommendations to the left armer sustainable food policy board who also recommended them. At basement there were meetings not attended by staff, our understanding there were meetings from the working group with the govalle johnston terrace neighborhood contact team. On june 24th the item was on the human rights commission work session, however they tabled the item. On july 10th the item was on the community development commission item. They just asked to be informed of progress that was being made on the ordinance. So at that point we had the recommendation from the sustainable food policy board. The staff then took, that went through our interdepartmental review. We sent it to bodies such as the health department, watershed protection department, water and wastewater et cetera and we commented on which portions of the recommendation we could agree upon, which sections we could not. We then took it to the codes and ordinances subcommittee of the planning commission and then to the full planning for their vote. The planning commission on sent 24th on a vote of 6-1 recommended approval of the ordinance. ON OCTOBER 8th, THE ITEM Was also placed on the

community development commission and was again postponed there. On november 21st it was presented to the city council. The city council asked us to postpone the item until today. And asked us to hold a mediation session. Judge bob perkins volunteered to serve in that mediation. He and I got together, I explained to him the background. He has not been involved as far as I know on either side. He a I had one meeting where I gave him a background on the process. We held a second meeting to decide who was going to be on the mediation team, as well as what they were going to do. The day we were going to do was somewhat tied up by the fact that he was overseeing a murder trial that we had to wait to get through. So we were not able to have that meeting until this past monday night. He's a retired judge but sometimes still serves as a visiting judge, that's what he was doing. For the people that 7 going to be

-- that were going to be on the group, he decided he wanted to choose who they would be. He asked that I request from both sides a list of names. Susana almanza gave a list of names to sue edwards, eight names, and a list of names of folks in favor of the urban farms as well. I had another meeting with the judge, presented that list of names to him. He chose to have four people from each side present. How far he did not choose people necessarily that were on the list that was given to him. In a couple of cases he wanted somebody else. For instance he recommended that the person who made the complaint about the compost pile be on the working group. We were told he was elderly probably would not be able to participate, the judge agreed. The other side made a swap out of one person, we moved forward. There was an attorney hired by the farmers who request requested to be present at the mediation. I did present that to the judge. My within was that would be lopsided 5-4, he felt under state bar rules that he could not deny an attorney the ability to represent their clients. So she did show up at the mediation. However the other side of course was concerned because they now had an extra person. So the farmers side agreed their attorney would not be present. She left the room. So we were down to four people per side. We did have a mediation. I don't want to speak exactly to what happened. I think both sides are free to tell you their opinion of what happened. I can tell you there was no positive conclusion. At the end of the meeting. There was no agreement. As far as the actual what is proposed to change, there are approximately, as far as I count them, without counting all of the minutiae, about 13 or so recommended changes to the ordinance that I will breeze through as quickly as

possible. Staff agreed with about six, disagreed with about six. The planning commission of those six differences sided with us about three times and sided with the farmers about three times. So we've kind of got it narrowed down. The changes to the ordinance as it exists today are to remove the distinction between those farms that are in the drinking water protection zone

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[14:09:53]

>> Mayor Leffingwell: Tell us which items you're talking about.

>> The items that are proposed to.

>> Mayor Leffingwell: Separately. The difference between item 20 and 105.

>> Okay. I would have to go through and actually separate the two of them. So I'm going to speak to them together if that's okay.

>> Mayor Leffingwell: [Multiple voices] separately.

>> Before we get to voting I'll separate them so you can know which are which.

Roughly what's proposed to change from today [indiscernible] distinction between farms in the drinking water protection zone, those in the desired development zone [indiscernible] to add rabbits to the types of animal that may be raised and sold from an urban farm to clarify that the slaughtering and composting of animal parts is already aloud. I will speak on this issue real quick because I know this is a point of contention. Current code allows for the raising of foul, defines chicken, geese, et cetera, ducks, also agricultural products raised on the property may be sold on the site. My boss and I spoke about that and we decided if the code says you can raise the animals from the site. Can you sell the animals from the site, agricultural products from the site the implication was that you could slaughter them as well. Our presumption was nobody would be lying live chickens, not all farms sell slaughtered chickens. I only know of one, some just sell eggs. [Indiscernible] we decided that that implied that the slaughtering was permitted. Likewise the composting of animals parts is not addressed in the code whatsoever. So we could not see where it was not allowed because it was not specifically stated. There is a proposal by the working group or I'm sorry the planning commission to cap the number of animals that could be slaughtered to no more than 10 per acre per week to add integrated pest management program as a requirement to have a farm, to

allow the sales of products from other farms that would comprise no more than 20% of the sales area at a farm, so a farm could sell products from another farm but that the area could compromise no more than 20% of the total sales area. An increase of the number of dwellings aloud. Today an urban farm can only have one dwelling unit. Today the proposal is to have as many as otherwise allowed by the quote. To create a new use called urban farms for gatherings that would allow urban farms that held events such as weddings, corporate retreats, et cetera, that would require conditional use permit under the proposal to create a new use called market gardens which would be for urban farms under one acre, today an urban farm has to be between one and five acres. The market gardens would be for again areas under an acre. Under the planning commission recommendation if there was not a house present it would require a conditional use perm. It would allow the sale of agricultural products from the property on a limited basis and would only allow animals if there was a house already present on the property. To increase the number of employees allowed to work on an urban farm from a current 1 acre to 1.2 perk. Slightly increase the sizes of signs and to allow an urban farm to pull a temporary use permit in order to have a special event. So these are the proposed recommendations that the working group presented. I have put together a motion sheet. If after we have the public testimony there is a -- a motion to approve the planning commission's recommendation, I have put together this motion sheet which on the top of the bar delineates the four places where the staff and planning commission are in disagreement. Below the bar are three areas where the planning commission and staff were not in disagreement, however they do represent three of the more contentious issues that have come up when we've been discussing this in the past eight or nine months. With that I'm available for questions.

[14:14:04]

>> Spelman: Very quickly. On processing [indiscernible] composting animals parts, help me understand the [indiscernible] recommendation here. One animal either fowl or rabbit may be processed per 1/10th 12 OF AN ACRE PER Week. Is that that's a typo.

>> How should I read that, 10 animals per acre per week, is that what you said?

>> Yeah. It's my understanding the agreement was 10 per week per acre. On a two acre farm they could do 20 per week.

>> Spelman: 10 rabbits, five rabbits, five chickens.

>> Yeah. Today rabbits are not aloud only the fowl. But that's a proposed addition is the rabbits.

>> Spelman: Thanks.

>> Mayor Leffingwell: Any other questions? We will be to the public hearing. As I said a maximum of 39 minutes per side of testimony. First speaker daniel yanez. We will set the timer for three minutes for each speaker unless we say otherwise.

>> I'm going to take a little bit more than three minutes.

>> Mayor Leffingwell: How much more.

>> About 30 seconds more.

>> Mayor Leffingwell: We'll set him for four minutes.

>> First of all, I wanted to make a correction, there is no one here who is anti-farm.

[ Applause ] this is not about urban farms. This is about two property owners. And we are hear to defend single family zoning. I would like for the council to actually see this. All right. My name is daniel yanez, I coordinate the govalle/johnston terrace neighborhood contact team. The currently proposed urban farm ordinance language does not offer adequate protections against commercialization of single family zoning and gives preferential treatment to two property owners, haus-bar farms and springdale bars, the model is boggy creek farms. They have their own on site parking, all of their events are around food, farms and education, fundraising and related events and all within their own property. They do not engage in non-farm activities. They do not engage in commercial slaughtering or composting outdoors. Nor do they operate a de facto restaurant. This is not about farming. It is about two property owners and a code language that attempts to legitimize them and further erode single family zoning. Haus-bar is prepared to massively upscale on residential property in the midst of a single family residential neighborhood bid adding rabbit and fish production to their slaughtering and composting of chicken body parts. I submit to you that these are activities are not only commercial activities but they are also industrial and the proposed language would allow those activities in residential areas. Haus-bar is also poised to start a bed and breakfast which they are now calling a short term rental. Further

-- both less than two acres, with almost no parking. Springdale farms has steadily

increased their non-farm activities, even during this interim time. They have been conducting weekly non-farm related activities and almost daily activities for which they do not have adequate parking, they do not apply for outdoor music permits and are now operating a de facto restaurant. Why are these businesses given preferential treatment beyond anyone else? The Barr mansion is a wedding events center similar to what Springdale Farms is becoming. They had to go through all of the city regulations in order to establish that business. All of the restaurants in the area have had to go through the proper permits and inspections that all restaurants in Austin go through, why not Springdale Farms? Neighborhood activists have tried several times to insert neighborhood protections into the rewrite of the ordinance. Only to be ignored by the Sustainable Food Policy Board over and over again. We tried to compromise in both of those mediations. But they just wouldn't. The properties in question are not in a rural setting. They are in a densely populated single family neighborhood surrounded by homes and churches. They are not on a major commercial corridor and their trend is to upscale their commercial activities in these residential areas. It goes beyond the intent of the neighborhood plan. Which downzoned over 600 properties from industrial to light industrial to residential. This is a downtown urban neighborhood. It is not a suburban or rural area.

[14:19:40]

>> Mayor Leffingwell: That's four minutes.

>> To that end I ask you to include the following, to remove single family zoning -- you want another minute?

>> Yes, sir.

>> Mayor Leffingwell: One more minute.

>> Remove single family zoning as a category from the urban farm ordinance, the urban farms are commercial operations and must be on commercial zoning.

Grandfather existing farms on single family zoning for farm uses only. The urban farm designation for these properties will not be transferable and will revert to non-farm single family designation upon sale or transfer of the property. Two, prohibit commercial slaughtering and composting of body parts in residential area.

Commercial slaughtering composting of animals is an industrial operation and should be on industrial zoning. I have three other points about regulating on commercial but

you have them written and for the sake of time I yield my time, thank you so much.

>> Mayor Leffingwell: Okay.

[ Applause ]

>> david king. Three minutes.

>> Thank you, mayor, mayor pro tem, councilmembers. My name is david king and now I'm speaking as a zilker resident, as a member of anc and as a person who lives in a single family neighborhood. And what's being proposed today is to allow more intense commercial operations in single family neighborhoods. That's what we're talking about. This is a zoning issue right here. And so we're asking to increase the commercialization in our neighborhoods. This

-- these

-- we are speaking to protect our single family zoning. We're not speaking against urban farms. I grew up on a farm. I know firsthand how to slaughter animals. How to compost them and process them. I've done it myself. I have been on the three acre garden. We grew our own vegetables and we went door to door in our rural town and sold them to nice old ladies who would love to see us selling our vegetables. I know firsthand from eating them myself and enjoying the good, natural, home grown foods, this is not anti-urban farms. This is about protecting single family neighborhoods from commercialization.

[14:22:00]

[ Applause ] the zig customer neighborhood association executive committee is so concerned they passed a motion unanimously to urge you to not pass this ordinance. That's why earlier there are good things that we can do to help urban farms. But do they have to be in our single family neighborhood to succeed? I don't believe that's true. There's plenty of land that's conducive. There could be things that we could do to help them. Why not create an urban farm development zone? And target that area? L urban farmers go pick that area out that's undeveloped in the e.T.J. Or city limit and give them incentives to use that land. Maybe tax incentives because they pay their wages, if they pay their employees liveable wages. We're not anti-farms. We're here to protect the integrity of single family zoning. That's what this is about. We're asking you to not allow that. If you allow this, what's next? What is next? After this? We're talking about parking issues. Traffic issues. When you are talking about a



market garden or an urban farm, you have some of the same issues. Then you talk about events. How much more our single family neighborhoods are going to be bombarded by commercialization? How much more must we endure? Maybe that's the reason some single families are moving to the suburbs and outside of the city limits. So let's help our urban farms, but let's not destroy our single family neighborhoods. Thank you very much.

>> Thank you.

[ Applaus angelica [indiscernible] you are set for three minutes.

>> Yes. First of all, I would like to say that 70 people at a meeting does not constitute the entire city of austin, and that's who this will affect. We need to keep that in mind. Yes, we support healthy foods in austin. We teach box gardening at poder to people can learn to be self sustainable. We are not anti-farm. Spring dill farms repeatedly stated that their items are not affordable to the item who live in their neighborhoods. It's not their facility. Farmers are signed up to accept app so the people can afford their stems, but they say they can't make a large profit. They state the soil is great all over austin but the land in east austin is cheaper. Yes, it's true, land is expensive, as we can see east austin is going to continue to be targeted for land acquisition for individuals concerned more about profit, not people. If the local community can't buy these, who is the real benefit? Affluent patrons from other parts of austin, people from out of town? Springdale farm operates a restaurant five days a week in a residential neighborhood 50 feet from a church ... We have enough commercial drinking establishments have people driving under the influence of alcohol where our children play ... Springdale farm holds 200 plus attendees, noise newsance with no permits. We heard about this earlier with the stealth rooming that we're having problems. We don't need that in our neighborhood as well. Haus-bar has made the neighborhood into ran sid odors caused by decay and animal body parts. There's no law that says don't walk in the middle of the street because you might get hit. Just because it isn't written in plain english doesn't mean that it's okay to do. It doesn't mean that it's the right thing to do. I would like to know where he lives, if this ordinance goes through. We're not all poor in east austin, I would love to go buy property in his house, see what they are doing already. See how everything else likes it. Do not move the farms, do not expand the farms in east austin. I think we need to make sure that we are showing the true -- sowing the true seeds in our communities which is our children. Please do your

civic duty. Please make sure that you are looking at this that's going to affect the entire city. Not just four groups. I'm sure old McDonald himself would say eiei no to this ordinance. It is not right, it's not healthy, who is going to be monitoring the meat, dairy and other products that are taken out of these establishments? I myself will not have any of that item. Thank you

[ applause ]

[14:26:42]

>> Mayor Leffingwell: Paul saldana. Jean you're about number eight.

>> Good evening, mayor and councilmembers, I'm paul saldana, a native austinite. I want to start off on a positive note. I don't think there's one person here in the chambers that will not disagree with the fact that I think all of us love east austin, that's why we live there. But I wanted to add to some of the historical perspectives that jerry offered at the beginning because he missed a pretty critical part of that historical perspective. And I think that it's only councilmember spelman who was on the city council at the time can remember this. So I'm going to go back starting with the 1928 master plan because I think it's real important to us to be able to talk about the historical perspective of these issues. Not about that.

>> Spelman: I was not on the council in 1928 [laughter]

>> I'm getting there. What I'm getting to it wasn't until 1997 around 1997 that the city council at that time decided to facilitate a zoning land use study of east austin in the montopolis area. And the reason it was important for the city council to do that was because I think it was probably the worst kept secret in austin that 90% of the commercial more intensive industrial types of zoning were located east of i-35. My point there being is that it took more than 70

-- took more than 70 or 80 years for this city to recognize that particular issue. More importantly the city made a commitment to the community, particularly community in east austin. Before we had the neighborhood planning process, we had what was called the east austin overlay. Before neighborhoods could be exempt from east austin overlay, they had to go through the neighborhood planning process. We adopted the neighborhood plans and then the zoning that conformed with those plans. That's the critical missing element here. I don't understand how we can trump or circumvent the years of work that went into the creation of the govalle/johnston

terrace neighborhood adopted plan and the plum and zoning that conformed with that plan. There isn't anything in there. In fact the properties in question have always been envisioned as being single family housing. I think that's an important historical perspective that should have been included to jerry my good friend jerry what he did. With that I would like to say the neighborhood planning process was initiated in the late 1990s as the mechanism and tool to address neighborhood and community concerns regarding end tructive encroachment of unwanted limited industrial and commercial uses in proximity to single family and neighborhoods in east austin. The east austin overlay was envisioned as the opportunity for east austin resident, east austin neighborhoods

-- sorry

-- east austin neighborhoods to be empowered to determine their own land use density, destiny by completing neighborhood plans that presumably would

-- again when the govalle went to that neighborhood process and adopted that in 2003 the farms and/or land in question were deemed as an opportunity to sustain single family uses. Let me finish this.

[14:29:59]

>> Mayor Leffingwell: I will charge you another minute.

>> Thank you, mayor. The torturous evolution put forward by the govalle should be kept, respected and protected. I don't often agree with the american-statesman, but I'm going to read one thing that I do agree with, probably in the first op ed they put out in considering the matter the city council should give as much weight to the concerns of homeowners association as to urban farms homeowners. They should appreciate the desire to increase urban farms but balance that against aspirations of homeowners. They make the sacrifice to buy homes in residential areas zoned for single family residence with the expectation of living in dignity, in communities protected from certain kinds of businesses, eyesores and industry, a slaughterhouse goes too far. I think we will all agree that certainly is the point of contention. I appreciate your time. Thank you

[ applause ]

>> Mayor Leffingwell: Next is daniel [indiscernible]

>> I don't have a speech. Mayor, councilmembers, I'm here tonight because I live

behind the springdale farms. So my property backs up to them. I don't have anything against the farm. It's just that they started

-- they have events at least three times a week, which take no consideration for the people that are there. I have about 30 people that signed this petition, we're not against it. We just want them to be regulated and now that I hear about the slaughter, you have to remember last year we had one hundred days of no rain. So if you've ever been around that stuff when there's no rain, it carries. It will go into our houses and it's not good. So my thing is I'm here in front of you as you have been in front of me in my neighborhood asking me for my help, that's what I'm doing today. I'm asking you for your help to regulate these guys. If they're going to do farming, that's cool, nothing wrong with that, but, you know, to have events without regulation, they jam up our neighborhood, it's unsafe for you to drive through here and my

-- my children and my grandchildren drive around there and it's very hard for us to owe we've been lucky we haven't had a mainly accident. I'm just

-- major accident. I'm here asking you to regulate these guys and help us out. Thank you. Is that I am here to read an editorial from the austin american-statesman that was published to. Called curb urban farms and stealth dorms. From its inception the propose to expand urban farms in austin neighborhoods was botched. It was bungled when the city put urban farm advocates in control of crafting revisions for the ordinance instead of assigning the task to a group that includes equal representation from neighborhood advocates. Since the proposal aims to specify how urban farms which are commercial enterprises operate in neighborhoods zoned for single family residence, that should have been a no brainer. Having both sides at the decision making table likely would have produced a proposal that does not degrade single family zoning as the expansion certainly does. That original blunder emboldened urban farm advocates who saw no reason to concede any ground to their neighborhoods on matters that affected their quality of life, as noted in break downs in negotiations earlier this week and ... Charged with revising the ordinance to proclaim that their meetings were open and that they sought input from outsiders, including neighborhood advocates. That claim, however, is invalid. By a finished product which the austin city council takes up thursday, today, right now. The proposed expansion reflects almost exclusively the will of urban farm advocates. It aims to expand urban farms in residential areas and give them new authority to run

other businesses on their grounds such as short-term rentals and event centers. It creates a new smaller category of urban farms, so that they can set up across austin. All but a few urban farms are located in east austin and the controversy that pits newer arrivals who are mostly white urban farm owners against long-time residents who are mostly hispanic. It's telling that all recommendations offered by representatives of the govt and power were rejected. That includes one which would prohibit the outagous, the slaughtering of chickens and rabbits and com of their remains, as you so heard the gentleman speak before me. Up until recent event common sense prevailed, urban farms were mostly engaged in commercial activities that fit the neighborhoods zoned for single family residence. They raised and sold vegetables, other produce, chickens and eggs, a 2011 ordinance granted urban farms preferential treatment to set up in any austin neighborhood. Another blunder, city staff interpreted the ordinance to permit urban farms to slaughter chickens for commercial sale and compost their body parts on site. That created a stink, literally and figuratively. Neighbors had enough and moved to shut down haus-bar in east austin that ran a small scale slaughterhouse. But urban farms advocates with the blessed knowledge of the food sustainable board gained the upper hand. They are proposing to write slaughterhouses into the proposed ordinance expanding urban farms.

[14:36:01]

>> Mayor Leffingwell: Time.

>> We're not against farms. We're not against farmers. But we are against parts of this ordinance. Thank you.

[ Applause ]

>> Mayor Leffingwell: David cortez. David cortez. Okay. Three minutes for you.

>> Mayor and couple, I'm dave cortez, I'm a community organizer with several organizations here in austin, speaking on behalf of myself. I want to be clear to everybody in this room I am staunchly pro farm. I am not anti-farm. I am pro farm, pro local food. Strongly anti-corporate agriculture system. Aims to bring all community together in the fight for food, racial and climate justice here in austin. I first gotten gauged in this issue back in april and may when heather [indiscernible] city staffer responsible for clerking community input and feedback got in touch with

me about the proposed ordinance. She and her team were struggling to get the desired amount of input from east austin communities of color. When heather came to me, long-time east austin residents of colorless had been reaching out "we can't talk about race, we can't talk about privilege." They told me. As you well know, that failed process is why we're here today. Why were they struggling? Not only because the process was designed by the privileged white gentrifying class, the first and latter which impart of as well. It's

-- it was a broken process. Designed to fail. I also want to point out that the people on the policy board, the policy board members, are all farm advocates. Not independent arbiters or policy makers, but farm advocates. Where are the residents? The east austin residents? The low income residents? The low income people of color, where are they represented on these boards? Not on the policy boards, not at all. The space is so often touted as examples of an open process. Not space for us to come into and say well is it strange that there's a couple of people of color in here concerned about displacement and gentrification, that's not a safe open space. We weren't welcome in that process. When it was dominated by folks like this. We were not able to raise our concerns. At the last meeting here at council mike martinez stated more people concerned about the impact of this ordinance be allowed to speak with a short postponement, insincere mediation process and emotionally charged atmosphere my friends with the group leading and exploring anti-racist dialogue and I organized over a dozen one-on-one conversations with reps of urban farm movement such as dorsey of haus-bar in order to explore the possibility of building consensus, repairing damaged relationships. Also a discussion on the history of environmental and racial injustice that drew upwards of 75 east austin residents who had yet to be engaged in this dialogue. But we ran out of time and here we are today. The people pitting this as a pro versus anti-farm debate are doing a disservice. I want to be clear, you are doing a disservice to this community. To communities of color and to

-- [buzzer sounding]

-- is that it?

[14:39:31]

>> Mayor Leffingwell: You need another minute? Your side has

--

>> they got it for me. They are doing what the environmental movement that done for decade. We put our issues ahead of the most impacted community of color and said you are either with us or against us. That's a false paradigm that is dangerous for us. Puts a proliferation of urban farms ahead of the concerns of east austin residents of color like myself. We can do better. Council can do better. We can commit to an open and inclusive process. You decided not to postpone. I'm sorry to hear that because we were doing the work that wasn't done in the way it needed to be done. In the one month that we were given for that postponement we were out in the community, we were engaging in the hard conversations, we were breaking down the barriers between the white farm advocates and the communication of color and saying we have no problems, let's find common grounds and what we found often time was the language barrier in terms of vocabulary for codes, one side is talking about code technical speak, the other side is saying we want to work with you, but we don't understand these codes, I'm done.

>> Mayor Leffingwell: Okay.

[ Applause ]

>> thank you, I will try to be very brief. Mayor, mayor pro tem, councilmembers, jane rivera, I'm not a resident of johnston go ahead, I'm rosewood, one planning area over. But my husband grew up in the govalle area after having been born in rosewood. So we have very close family and ties in that area. I want to go on record, too, saying that I am not against farms and I am not against farmers. In fact I grew up on a one acre subsistence farm. My mother, my three sisters and I farmed to feed ourselves. That's how we ate. I learned how to can and how to freeze and all of that good stuff which I promise you h.E.B. Does it for me now, but I know how to do it. The problem is that the latest draft of this urban farm ordinance goes way beyond the proper scope from a neighborhood perspective. You've heard countless people talking about how we're very concerned and upset about the whole slaughterhouses in the neighborhood. I want to as paul did do a little bit of historical reference here. Back in the 1950s, in fact before that on east fifth street the city had an abatois. The city's official slaughterhouse, that was in east austin. Families remember when it was there. That they would throw out things and families would have a chance to go get it. Why wasn't it anywhere else in austin? Because east austin was the community of people of color. That's why it was located there. There was industrial zoning over

vast parts of east austin, if not pretty much all of what is essentially east austin today. That is what the overlay was about. Undoing is that industrial zoning that was on all kinds of single family houses. Banks would not loan to people in east austin in those days to repair their homes, which created homes that were in disrepair, which created more of a need for people to feel that they needed to go in and improve the community. So it was a concatenation of events that occurred out of official policy in the first place which was put the people of color in east austin, put industrial, all industrial things in east austin and it wasn't really until the 1970s and much later that those policies were changed. Many of us who lived there either personally remember all of that or have family members who remember that as part of their family memories. We have come up with those oral histories understanding that all of those things happened. We don't want to see that happen again. We don't want to have slaughterhouses in our communities. We don't want to have people who are having huge commercial things going on but saying that it's part of their farming. You heard daniel say something along those lines earlier, I just wanted to make that point. This is history, please don't repeat it.

[14:44:12]

>> Carmen yanez. Just to update your side on the time, two more speakers counting carmen and you have

-- you have five minutes to fill in addition to the three minutes each. So if you need extra time, you can take it.

>> Thank you, mayor, thank you, council, thank you for your patience and attention to this issue. I know that it's been brought up a lot. I appreciate the efforts to have a mediated discussion to give this process more time I understand your reasonings postponing. I'm going to repeat only a few things that have been said. Mostly things that I feel like have been ignored when we've said them and the reason a lot of us are wearing green. Because we do support local sustainable food. We want to protect farmers from undue burdens of bureaucracy. We want a sustainable food system and we also recognize as a whole society all of us need to look at why there are such huge economic barriers to both local sustainable food production and to food access, wages, affordable housing, all of those things. But the reason the neighborhoods are so passionate about this is because we're trying to stay here in



this city that we love and these communities in particularly the communities of color who were relegated to this side of town when it was terrible, when conditions were much worse, are trying to stay in the city that they love. Trying not to get priced out to del valle where so many of our family members have gone, trying not to get priced out to kyle and pflugerville. That's what's happening, austin is changing. I recognize, I know, I grew up on both sides of the highway. I was born in a house in old west austin laura morrison in her neighborhood, where larry and carol anne used to have their house before they

[14:46:26]

had boggy creek: They had that happen after the tank farms were out. They have been there a long time good neighbors. Once again this is not about urban farms. We do need to eliminate barriers to sustainable production and affordable healthy food. SNAP and WIC. At the farmers markets and [indiscernible] farms that's a step but not everybody is on food stamps. There's a lot of people who are barely struggling to get by who are not dependent on food stamps and so it's a bigger issue than that. But the point that I'm getting at is that this is about imposing on a single family residential community commercial practices that they do not desire. A friend of microchip put this really

-- a friend of mine put this really well about respecting the fact that the community worked hard to get polluting industry out of the neighborhood and to get single family zoning protection for the neighborhood. It's about recognizing this hard work is what has made the neighborhood a desirable area and a healthy one for urban farms. It's about treating neighbors humanely and compassion in they not just the animals. I try to only source my meat from ethical humane sources but not everybody can do that and it certainly is not changing the status of long-term residents in the area who would like to be able to eat healthy affordable food but we're talking about chickens that are going to paul quis new restaurant on east sixth, that's all that I want to say about that. This is an issue about making it sustainable, fair, it's about protecting the integrity of single family zoning which I know your south austin neighborhoods feel passionate about because they are dealing with the same thing, thank you is that so suzanna you are batting clean up here, your side has seven minutes remaining.

>>> Okay. Good afternoon, city council members, I'm susana almanza, director of poder, we're a member of the govalle planning teach. First I want to say -- planning team. You will hear today they were so many meetings. I give the analogy. Yes you can invite us to dinner, both sides to dinner, you can feed all of the other side and not feed us. That's what happened. Yes we were sitting there talking about our recommendations, but none of our recommendations got in. That just goes to show you the bias that has happened and not only that, but I think that the racist attitudes that have happened to people of color. That the attitude is that we have come into their space and not giving them enough space when they have come into our community, the majority of people of color, working class, poor people and they want to dominate that whole process. And then they want to portray themselves as the poor farmers. I can tell you there's a lot of family. Govalle johnston terrace team is a high poverty area rate. When they come and cry and talk about the farmers can't make it on just farming, I find that pretty sad and pretty disgusting to tell you the truth. Because when I see families working two or three or four jobs and trying to survive and they live in poverty. None of these farmers live in poverty of the none of them live in poverty. They can buy one on five acres and people in our community are holding on, if you heard the @ reports they are in danger of losing their homes for as little as \$2,000, how we're trying to save them so they can sustain themselves in the community and yet the farmers want to portray themselves as they are suffering and they can't survive on the farming that they do. That's why they're having all of these special events and restaurants and they are also not adhering to regulations that everybody else -- why is there an outcry from the small business people? Because everybody else who has to set up a restaurant and sell food and everything else, they have to go through all of these permits and regulations, they also had to adhere parking regulations, these people have been in violation. I call right now, putting it on the record I want the inspectors out there right away. These people are in violation. They need to to be looked at as to the violations they are doing. Then they want additional workers. That's another thing. You hear the farm workers, the farmers saying we want to increase the amount of employees that we're going to have on the farm. One, two, employees p acre, if you are over the acre you get to add an additional two employees to the acres. What you don't hear the sustainable food policy board or the farmers saying is let's pay those workers a living wage. That has not even

come into the equation of

-- how do you ignore that? As a council, how do you ignore there is nothing in this policy about paying a living wage to these farmers? The other thing the sustainable food policy board, if you look at their mission, yes, about producing farmers and product, but also about feeding the needy. Tell me how does the sustainable food policy board before forward an ordinance that does not feed the needy? They have the opportunity at this part to say if you are wanting to have an urban farm, you must include snap as one of that criteria. If you are about feeding the needy and you are in low income communities of color, you must include snap if you want to have your farm in east austin. They fail. You know how come? They are looking at profit and business. Over and over again I've heard that the farmers, they are business people. It's about a business, business. It's not about feeding the poor. It's not about feeding the low income. And then they will say oh, but we bring all of the poor children of color to do them tours and everything. There you go again. Inviting them to the kitchen table. But not feeding them. That is another hypocrisy that I continue to hear from the farmers over and over again. The other thing is the money that they are making. 3,000 for a wedding there. At the springdale farm. I would like to see the statements about how they are making all of this money, how they really counted it. Who is holding them accountable. \$65 a meal plate. They have it advertised. I've gotten it out of the newspaper. I didn't bring it today. I will send it to you. Is that a person of color, a high poverty area as govalle can they afford \$65 a plate meal? They means that you have outside people coming into the community, which we keep talking about that's 200 or so people are coming in, parking in residential area, disregarding the community, you can't even see I've gone through there, parked on both sides and you are trying to inch out. If you are trying to inch out on gonzalez and springdale it is an accident waiting to happen. People in bouldin creek and zilker are always complaining about events and parking. East austin is not supposed to complain. We are supposed to lay down and be silent because we are poor working class, communities of color. It's okay they come and crowd us, killing chickens, slaughtering, mass producing them, wholesaling them, wholesaling chickens to other locations. We're not supposed to say anything, we're supposed to live with the stink. Well you know those days of living with the stink, the tank farm, that was one we fought before, it was bigger than they were. Billion dollar corporations tank farm stinking up the commune and taking on single family land

and now we have another farm, the urban farms stinking up the community but they're supposed to be such a good process 7 then they keep saying but she's kill the chickens in human ways, humane ways of killing chicken, death chamber, lethal injection, what is this humane process they keep talking about when she slaughters 50 chickens a week, well, she talks to them. She talks to them and then she kills them. You know so I'm going that's humane, you are still killing chickens give me a break. What is so humane about killing chickens? What people don't realize if you kill 50 chickens a week, you've got to have at least 300 or 400 chickens, because they don't grow overnight. My family and I were urban farmers. Before it was a hip thing, I lived on east 10th street between black and brown people we had our farms, chickens and our gardens. But guess what? It was for real sustainability. It was to sustain our family. Now and then we killed chicken on certain event. So I ask you, don't take in all of their crying about they are so poor and all of this other stuff because the poor people are working to hold on to their land thank you.

[14:55:37]

>> Mayor Leffingwell: I know that you are just getting wound up, but

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[ applause ] [indiscernible]. So now we'll go to the other side. All of the speakers here, you have already filled up your time, there won't be any extra time other than what you have signed up here. So first is paula foer, you are signed up for five minutes.

>> Me again, can I presents you with some documentation?

>> Mayor Leffingwell: Give to you the mayor pro tem.

>> One minute. If you are here supporting urban farus ordinance, would you please stand or wave. That is why we farm. That's kind of crazy to hear people talk about me like they know me and get it so wrong. Sorry my guys couldn't be here. They had to leave. Really the pulse of springdale farms farm [indiscernible] worked for us for 20 years, juan 20 years, jose 13, ramone, 12, my people were here. People don't stay around without a living wage. At this point I know that you have become very familiar with urban farms. Each one seems to be completely unique. The common thread is community. Urban farms are urban. That's the special ingredients. It why the very space we inhabit draws community. We build community as we farm. Our

green space is a place to gather, it is a place to be protected. When we think of all of the exceptional and noteworthy attributes of austin, texas, I believe our thriving food scene is very much of a part of our progressive city. Do the farms sell to high end astronauts. Yes, we do, it's a testament to the quality of the product. But our food covers quite a bit of territory in fact. Including our immediate community as well as the food banks. I believe as we imagine austin, we grow communities where people can walk and bike to get food and coffee and take their children to school. That's not commercialization. Urban farms are not an incompatible intensity of use of the land. Just this year the state passed the cottage food bill. It says we can make pickles in our home to sell. But we are here today questioning if we'll be allowed to sell the very cucumbers that we would use to make the pickles. The irony defies logic to me. While our distractors would have you believe they are the voice of our community I can assure you that they are not. We know our neighbors. We all live on our farms and we are all actually quite neighborly. Glen and I bought our house in 1992 as did carol anne and larry of boggy creek. After 20 years here, I think we should say our voice should count, too, we are not the new kids on the block. Springdale farms hosts weddings, yes, we do on our commercially zone property. Interestingly, in the past 15 years that we ran a landscaping business prior to farming, no one ever wanted to get married there. Same space. Same beautiful pecan trees. But it wasn't a farm. It's all about the farm. The farm brings community. And the weddings are joyous, magical and memorable evenings. That bring people from all the country to austin's hotels an restaurants and taco bars and food trucks much one bride told me that she spent \$28,000 in austin that weekend. Not to mention the 80 guests that came and all spent two nights, at least two nights here. When we look back at our economic impact study of austin's food sector let's not forget that part. Weddings are not a problem. We have on site parking, street parking and written permission from aisd for shared parking at allen elementary school. Just outside of our back gate. These functions are an important part of the business model that makes our farm viable.

[14:59:57]

[One moment please for change in captioners] the hub of activity occurs precisely because of the urban in the farm. Are these farms doing business for profits? Well,

we're certainly trying to. Do we give back to the community? You bet we do. And we're here today ready for you to show support on our behalf for all we do bring to the community. It's time to pass the urban farm ordinance that the sustainable food policy board was called on to update.

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

>> Mayor Leffingwell: Laura smith? Laura, you are signed up for seven minutes. Good evening and thank you so much for being here, everyone, councilmembers and supporters. My name is laura smith and I've been a resident and homeowner in the govalle neighborhood since march of 2004, which almost 10 years. I live within a quarter of a mile within the farms that we've been discussing tonight. Over the past month and a half I went door to door having one on one conversations with long time residents of my neighborhood. These are all people who have lived in the neighborhood between 39 and 69 years. And I created a video out of the recordings and photographs that I took from those interviews which you are about to watch now. Enjoy.

[15:02:53]

>> I love the fact that we have farms because out of my family, my elders, they grew up with a farm. So with that being said, there was a lot of fresh food, fresh meat that I grew up with. Everybody feels that I know. They love the idea of having the farm out there. They love the idea of going by, slowing down, looking at the chickens, looking at the two little burros and the goats. To they love it. The neighborhood is [indiscernible]. They love the whole idea. I don't know if you know this or not, but that place where she's at right now used to belong to a drug dealer.

>> I know, I know.

>> And what they've done to it is

-- it's night and day. It's a positive reinforcement to the community.

>> That's a good thing.

>> I think it's a good thing.

>> The children, especially like kindergarten, pre-k, so they can start learning, you know, because some of them might live in an apartment and they're young and they grow living in an apartment so they might not know anything about chickens and ducks and

-- maybe from books, but not actually see the chickens. I think it's a good thing that they have tours like that.

>> I don't have any problem with it. To me she's got to do a living and it's been a good living. I'd rather see that than drugs and crack and all that kind of stuff.

[15:04:56]

>> I feel great about the farm and I like it better now because the mix of the people. And that's real good. I really like it. And [indiscernible]. It used to be all farms. Now it's just going back. Miles and miles you would see green and people sold them. And govalle is not [indiscernible]. It was a good thing then, it's a good thing it's coming back now. It's got residences built around it now. Bouldin creek has been here forever. We lost [indiscernible] to a car lot.

>> Yes. [Speaking in spanish]

>> in this neighborhood I've been 40 something years. I love the gardens and I love everything that is organic around here.

>> I don't have anything really to say about it. It doesn't bother anybody. You know, I haven't been bothered by it. And I enjoy, you know, my grandson and I walk down there and I say oh, look at the chickens and sometimes when the donkey is out, I would say they and stuff like that. Pretty educational for them. I don't feel anything either way. It's not bad thing. It's a good thing, you know. I don't have any bad things to say about it or I don't smell anything. I is that on the news that somebody says there was an odor or something. Maybe I'm not close enough, but I thought I was.

[15:07:20]

>> You're one of the closest people to the farm.

>> Yeah.

>> Nowadays all you see is just homes being built. Where are the farms going? Ere are they? They're going away. Somebody has to feed us. Leave them alone. They are not harming anybody. I don't care what they're saying. They don't bother anybody.

>> I would say let her stay there. She's not bothering nobody. She's helping the community. She's something different but it doesn't bother us. This thing about the smell and all that, that's not true. Is that's not true.

>> The smell [indiscernible]. I hadn't smelled anything.

>> It brings enjoyment for the kids to go by the people, it's like walking into an area of beautiful flowers and the animals. And people like animals, so they proceed to see

-- they do by and look and enjoy what they see, the fruits, vegetables, stuff like that.

That there brings joy to the neighborhood, besides whether it used to be in the past.

So now we can look forward to better things in the neighborhood. We have three farms within a quarter mile of each other and I don't see any problems with it now. If there are people who have problems with it

--

>> I don't have a problem. [Applause].

>> Mayor Leffingwell: [Inaudible]. Katherine, you have three minutes.

>> Hi. I would like to donate my time to saduti and matilda. She's the student of a school that reached out concerned about this topic and you really want her to have the time. She's been here all night waiting to speak.

[15:09:29]

>> You want to donate your entire time to matilda?

>> Yes.

>> Mayor Leffingwell: Okay. Matilda? This says third grade matilda. You have five minutes.

>> Goodnight. My name is [indiscernible]. I'm an environmental [indiscernible], public privateer and public schools here in austin. She is my student and she want to present some ideas. So please go ahead, matilda. She has presented in spanish for latinos too. [Speaking in spanish] [speaking in spanish] this project has changed my life and I have hope that it has changed some people's thoughts about small farms here today. I want to see more small farms around my house and in my community.

[15:12:16]

[Speaking in spanish]. [Applause].

>> I'm sorry, the two minutes I was going to leave them to judith McGary. I forgot she had a three minute presentation. Thank you.



>> Mayor Leffingwell: The next speaker is hernon for three minutes.

>> Good evening, council, my n michael haynon who grows vegetables for my friends a and family in windsor park, neighborhood. One thing I want to call attention to is this is not an argument for farms. This is a conversation about a zoning code that's going to affect the entire city of austin, including the neighborhood in which I live, which is not the one that's been in discussion so far. In my neighborhood we have the support of our neighborhood association. In fact, we were awarded the yard of the month by our neighborhood association for the month of october. We have positive relationships with our neighbors of all backgrounds and I just think it's important to recognize. Beyond that I was a member of the code and metrics working group of the sustainable food policy board and I'd just like to say our city's comprehensive a plan, the imagine austin plan, explicitly calls for promotion of urban agriculture and sustainable agriculture. And this is for a good reason. Urban agriculture has unique potential to produce nutritious, sustainably grown foods for local residents, provide green spaces for neighbors, families and communities to connect and educate urban residents about the overlaps of health, food, agriculture and the environment. I don't really see other opportunities that can address all of those challenges and sort of in one fell swoop. For all these reasons it's important to responsibly permit urban agriculture in our city whenever appropriate. And it's my firm belief that having participated in this nearly year long process to craft these recommendations, that that's exactly what they are is responsibly and justly crafted recommendations that will permit urban agriculture. One of the things that's been really disappointing to me about the debate that's been framed in the media is that it's failed to engage in the specifics of the code recommendations. Having helped to craft them, I believe that many of the concerns that are being voiced are actually addressed in the code. For example we've got setbacks for livestock. We have limits on numbers of livestock. We've got complete disallowment of slaughter on one acre farms, market gardens, which would include the farm that I rent and operate.

Further market gardens in general

-- market gardens produced and distribute food like any urban farm. They provide community spaces and opportunities for public education, but what's unique about market gardens is that they provide opportunity for residents to began growing and selling food regardless of their situation. Whatever space they have. This lowers the barrier of entry to food production and allows the possibility for people like myself

who don't own land, who rent ngle-family, can begin growing on those lots.

[15:15:59]

[ Buzzer sounds ] is that three minutes?

>> Mayor Leffingwell: Yes. [Applause]. [Inaudible] susan santos. You have three minutes.

>> Thank you, mayor and city councilmembers. I'm suzanne santos and I'm speaking on behalf of rhonda rutledge, the executive director of sustainable food center who had a board meeting tonight. Our food system is in crisis. Industrial agriculture has caused environmental damage on a massive scale and corporations pushing processed foods have encouraged widespread sickness and obesity in children and adults. Every effort should be made to return power over the food system to the community level as a step towards individuals food sovereignty. Food sovereignty asserts the rights of people to find their own food systems rather than leaving these decisions to corporations that dominate the global food system. At sustainable food center we believe that home, school and community food gardens as well as urban farms, serve as catalysts for community growth and benefit everyone. Offering opportunities for economic development and food access for residents where they currently live as well as independence from a broken food system that contributes to poverty, hunger, disease and degradation of our natural sources. We believe that the community's inherent power and leadership is the foundation for a truly equitable and sustainable food system. Neighborhoods are where change happens. It is here that we will see historic shifts in what and how our community eats. Fnc encourages urban farms to support their neighbors by having opportunities for affordable food, as well as knowledge, seed and transplants with others who like to grow food, becoming a resource for further neighborhood development. Many neighborhood members have long family and cultural histories of sustainable food production and have valuable information to share with one another. In addition to opportunities for collective community growth, food production is a means for individual self sufficiency and greater economic independence. Families who grow their own food can supplement their incomes and increase individual access to healthy fresh food. We believe this access is basic human right. Whether for the consumption by their own families and neighbors or for the sale to the public, we support the right of

community members to participate in our food system, not just as consumers, but as producers and sellers as well. Sfc envisions a future and this we made as our vision statement several years ago, before

-- just to contribute to this sustainability of our food system. Sfc envisions a future where more community members grow their own food, where people in all neighborhoods have access to fresh healthy food and where everyone has the freedom and the opportunity to work towards greater food sovereignty and self sufficiency. I respectfully request that the city council rely on existing nuisance ordinances to deal with the issues that may arise from these farms and pass this ordinance.

[15:19:31]

>> Mayor Leffingwell: Thank you. [Inaudible] John Dromgoole. John, I can't -- they only gave you two minutes. [Laughter]

>> that's like two one minute ads. Mayor, city council, thank you very much. So Dove Springs could use an urban farm it sounded like a little earlier, and a community garden. Austin is blessed to have these urban farmers around. They really are. I call them family farms, that's what they are. The urban farm supplies the public with fresh, locally grown organic produce in season grown in a healthy soil and they make that soil healthy. More neighborhoods need urban farms. Our community benefits from these farms in several ways by supplying the co-ops, the food distributors like Greenling with their 100 employees and also farmhouse deliveries with their 13 employees. Wheatsville, Whole Foods, many local restaurants, farmers markets. This city benefits from these folks. Our community benefits from the people that run these farms. They're part of our community too. Sometimes people say that these foods are a little more expensive. They pay wages. They pay 10 to \$18 an hour for those folks who work out there. It's not alike a commercial farm in other states where they don't pay anything and they don't mistreat the people. It's a big difference in the price of food and the quality and it's grown locally. I wonder if you had a salad today? Because if you did it may have traveled 1500 miles to get here. This is a big problem. Unlike commercial agriculture these folks are doing the right thing. And they do not receive money from the federal governments like the commercial farms do. And that's why the prices are a little bit higher. It costs more

to do the right thing. That's why we support urban farms. Their types of ethics are the types we want to support in this community. Get to know your urban farmers, get to know their names. You may need to know their name one day. Go visit some of the farms on market day and bring your own bag, please.

[15:21:55]

[Laughter] these austin family farms have included other communities, other communities check with them to see how we do it here.

[ Buzzer sounds ] well, I ran out of time. I wish I had more to communicate these ideas, but we need to support our farmers. [Applause].

>> Value wall and sovia covaks. Together you get two minutes.

>> My name is samuel covax. To the mayor and city councilmembers of austin, I like [indiscernible] because it's a time for learning, making friends. Without organic farms we would not have sufficient clean food. I want them to stay because they have made so many friends, animals and people. The neighborhood will feel empty without them. Samuel, [indiscernible]. My zip code is 78702. [Applause].

>> My name is sophia covax. This is a letter to the mayor and city councilmembers of austin. Hops well farm is an amazing place to go and learn things about the farm. I'm going to tell you what I have learned and what I love about the farm. And why I want them in east austin as my neighbor. What I've learned is chickens do not sit on their eggs when it's cold so they have to put them in an incubator to keep them warm. This is what I love. I love dorothy, she's so awesome. I also love the animals and the the chicks and the donkeys and the chicken and the dog. I also love how close she is to our neighborhood. Why I want them to stay in our neighborhood as my neighbor is because dorothy lives right behind us. We could climb the gate to get to their house if we wanted to, but we don't. Like every [indiscernible], I told you that she lives so close to us and she feels like family. We all love them all. Thank you for your time.

[15:24:41]

[Applause].

>> Mayor Leffingwell: Pretty brave guys to come down here at that stage allen

gonzalez. Allen gonzalez. And you have two minutes.

>> Hi, my name is allen gonzalez and first of all I want to thank you for listening to us. I know it's been a long process and I know how much you've heard about this. I wanted to be here to talk about the importance of farms to the culinary community. Pretty much every restaurant feeds, uses, purchases the products that these people work so hard to create. It is expensive if you compare it to commercially grown produce. But it's because what the gentleman before was saying, it is incredibly expensive to operate a farm like this. They do the best they can. These people are not rich off of this. They love this. They live off of the energy of creating and giving and citing a community for us. I am mexican. There's all these claims about racism. Impart of three restaurants

-- two restaurants, one being a trailer, that all are around the local

-- the use of local products because we want

-- I want to give back to the community. I want to be a good example. Two of the places are on the east side. I want to be a good example to our latin communities that you can do this. You can create. You can give back. That is all. Thanks very much.

[15:27:07]

[Applause].

>> Mayor Leffingwell: Julian limon.

>> [Inaudible].

>> Mayor Leffingwell: Ma'am, you will have to

-- you will have to lower your voice now.

>> [Inaudible].

>> Mayor Leffingwell: Stop now.

>> [Inaudible].

>> Mayor Leffingwell: Sit down and be quiet or you will be escorted from the chamber.

>> [Inaudible].

>> Mayor Leffingwell: Security. I'm going to ask you to leave the chamber for the remainder of this meeting.

>> [Inaudible].

>> Mayor Leffingwell: Both of those, both.

>> [Inaudible].

>> Mayor Leffingwell: Guys, you signed up for three minutes.

>> My name is julian limon fernandez and these are the texas regs.

>> this is east austin. You hear this all over east austin. It doesn't matter if you're black, white, hispanic. Music brings the community together. And it has always been part of the community as the farming has also been part of the community. I have over 3,000 cousins in this city alone. We have put many of y'all right where you're sitting at. And I'm not threatening you guys, of course not. I would never do that. But I just don't want these people to be threatened either. You know, I never thought in my life that I would see what I grew up with right next door to me, seven doors down, dorothy and her farm. We went over there and performed for them because they wanted to get the community together and to show what they're all about. We took a tour. Where she does her chickens. We grew up slaughtering our chickens. We still do. We do squirrel hunting and rabbits and do you know what? We do it inhumanly because we just twist their neck and start plucking it right there, but that's the way it's done in east austin. And for us to be picking on these folks and even bullying at times, it's not fair. It really isn't. We have a saying in spanish and it's called [speaking in spanish]. Farmers, east austin, govalle, I live at 2912 govalle avenue, eight doors down from dorothy. I really appreciate you guys taking this 62 consideration. Y'all are the best thing that we have to put a stop to this madness. So please, I do it, all righty? Thank you. Appreciate it.

[15:30:47]

[Applause].

>> Mayor Leffingwell: Helen sweet. Helen has two minutes.

>> Mr. Mayor, members of the council, my name is helen sweet and I live in east austin. I'm a former member of the sustainable food policy board. Before I retired I was a food writer for 15 years at the dallas morning news, the denver post and [indiscernible]. Urban farms. In areas where there are no urban farms, farmers provide the produce at farmers markets. In a state where big business has easy access to big money, urban farmers work tough hours that are often alien to most of us. They have hands that are calloused and strong and often dirty from mother

earth's dirt, not grease. 20 years ago before I moved here I visited boggy creek farm with a friend who shopped there regularly. I was crazy impressed that there could be a little organic farm in the middle of a residential neighborhood where you could see and hear chickens who laid the eggs that were sold at the farm. Control shop farmers markets as much as I should. I nonetheless take comfort in knowing I fiscal cliff a community that men and women who could be making serious money labor on behalf of their neighbors and their community to provide safe food in a sustainable way. The operative word here is community. Those who would disparage these men and women do so for, I suspect, clandestine reasons. You, members of the austin city council, have an opportunity to show your appreciation, respect and support for these families who work in the dirt, who plant and fish and hunt for a greater good. You have an opportunity to demonstrate to all of austin, actually to all of texas, that sometimes it's actually honorable to have dirty hands. Thank you.

[15:33:19]

>> Mayor Leffingwell: [Indiscernible] McGREERY. And you're the cleanup batter, seven minutes remaining on your side.

>> Thank you. My name is judith McGary, the executive director of the farm and ranch freedom alliance. I hope y'all recognize that what you just heard is a small statistickerring of the 424 people who signed up tonight in support of the urban farm ordinance and the 322 able people who signed up in support. This is a broad community from all over the city and this decision tonight will affect people all over the city. There have been various comments or references sort of like it's okay for them to be farmers, but farmers sell vegetables and eggs and that's it and they shouldn't be doing anything else. That is what conventional farmers do and it's what they're going broke doing. They're going broke in huge numbers and going out of business. What's more is not just the attitude and the farming belongs here approach that has led to two generations now that seem to think that food appears on the grocery store shelves. The local and sustainable food movement is not just about growing food sustainbly, as important as it is. It's about reconnecting people to the land, reconnecting people, bringing food into the community, and it is about enabling farmers to make a living so that we have farmers. Let me give you some statistics. According to the usda, only about 45% of the farms in this country have

principal operators whose primary occupation is farming. In other words, a majority of farms, even the person who is the primary farmer, has an outside occupation that is their main source of income. The 2012 median farm income was a loss of \$1,450. This is why we're losing farmers. They have to be able to make a living or we don't have people who grow food. We will continue to bounce it right back to the conventional system as well as importing food from other countries. I want to express briefly the general farmers marketification and the loss of single-family affordable housing. I can't address them. They're incredibly serious, complex problems and they deserve this community's and the city council's attention. They're not the result of the urban farms, however. Let's take two aspects. First of all, simply the idea that the

-- there's been talk

-- not as much tonight, but other places and you may have heard this image that people will flock to the farms. I heard one of the power people talk about a gold rush to get farmland. Folks, the zoning barriers are enough to put farmers out of business. Your decision tonight if you choose to keep zoning barriers for the farmers can put them out of business, but reducing the barriers isn't going to drive hundreds of new farmers on to the land. They don't make much money. They still have to deal with the economics. They have to have the capital to purchase land, to do infrastructure, fencing and planting and irrigation and they have to deal with probably the greatest risk of almost any business. Farmers are at the mercy of weather. Whether it is drought, flooding, scorching heat or unseasonably freezes or all four as we can get in one year in Texas. Even in east Austin or any other part of the city, urban land is expensive for farming. No one

-- we aren't going to get hundreds of new farmers moving into Austin. As a farm advocate I wish I could say we would. We're not. As wonderful as the farms are and as important and valuable as they are and you've heard from people who love living next to them, I think it constrains

[15:37:15]

[indiscernible] to think people are moving to east Austin to live by Boggy Creek. There are many reasons that gentrification is happening. Notes the result of urban farms being there. I want to touch briefly as one of the other speakers did as the fact that a



lot of the concerns raised are dealt with in the proposed ordinance. So talking about events and the concerns about traffic and disturbances, the proposed ordinance creates a requirement for parking. The farmers have to have a certain amount of parking to have an urban farm with gatherings permit. They have to -- the events have to end by 9:00 at night on week nights and 10 h 30 on weekends and most importantly they would have to go through a conditional use hearing. What you do tonight won't say hey, everyone can go through a bunch of big events to their farms. What you do tonight would set the parameters to allow each neighborhood and each community to have a say on what happens on the farm in that community and whether that farm is appropriately set up in order to handle events. I will very briefly touch on processing. I believe all of y'all got yesterday a proposal to pull the processing proportions out of the ordinance, replace it with a pilot program. I want to just touch on two things. One is in case there's any confusion, and there certainly have been comments tonight about the health and this food is being unregulated. This is what at the state level dorothy and susan had to do in house park farms in order to set up their facility. They had to abide by regulations. These are federal regulations that they had to abide by and they were inspected and they continue to be inspected. I believe there is also an idea going on about a central processing facility as an alternative. And I would say I love to see that happen. I think that would be amazing. I'm very concerned that the economics aren't there. We have people who have looked into the possibility of setting up mobile slaughter houses going from farm to farm and doing slaughtering and they have been unable to make the numbers work. Particularly poultry is such a low profit margin. You can't just up the prices easily. I would ask that you consider while you're looking at that on to also allow for the pilot program. If I'm wrong and I hope I am and you discover that the central processing facility is realistic, great. I'm sure you can take that into account 18 months from now when the pilot program is done and you're deciding do we move head or say no to this. Let's not cut off the options until we know that a central processing facility is realistic. And I sincerely, deeply hope it is. Sorry, I was flipping around trying to figure out how much time I would have in the end. Going back to the economics and the community for a moment, I want to say this, I'm a farmer too. Not within the city limits, but I am a farmer. I also used to be an attorney. I think I have a story that many of the folks who farm here have, which is, do you know what? I could be making 10 times the money elsewhere. If people

were being motivated by greed, they don't go into farming. Pleased in these people do it because they care about our community and that's why we farm. Thank you very much.

[15:40:39]

[Applause].

>> Mayor Leffingwell: All time has expired on items 105 and 20. So all of you have a motion street. We'll go through this address is item 105 in seven different motions. We'll do that first in whatever form that passes. Whatever this form passes it it won't affect item 20, which is, as I understand it, kind of a cleanup, to clean up loose ends.

>> Exactly. If there were a motion to approve planning commission recommendation, we could work from the motion sheet from that.

>> Mayor Leffingwell: All of these first seven will be on item 105. I'll entertain a motion. Martinez councilmember martinez.

>> Martinez: I want you to know I was age to listen to each and every speaker that spoke on both sides of this issue tonight and first to appreciate everyone from coming out. This has been a long, long process with a lot of discussion, a lot of robust debate. But I need to thank my chief of staff andy moore who I will argue worked hard

-- [applause]. Harder on this issue than anyone that I know of. And also I want to say that after this is said and done, the sun is going to come up tomorrow and we're still going to be neighbors and still austinites. And I want us to think about that moving forward because what I see happening over and over at city hall and on this dais is what we see in other places that we don't want to be. We don't want to be like washington, d.C. We don't want to be like dallas. We want to be austin. So I hope that folks will join with me and us in allowing the continued debate and even discourse to take place when we have these issues. But folks, we have to understand at the end of the day we're still a community. And we have to stick together with one another because tomorrow there will be another issue. And we will all have to work together on that. I believe that robust debate should happen. I've always said that you have to have the conversations on each end of the spectrum so that you can get to where you believe is the best place for you as an individual and I always believe that it's somewhere in between. I absolutely understand and support susana

almanza and the efforts that she has fought for decades in east austin. She is my appointee to the parks board, but like many others I don't agree with her on each and every single issue. But I trust her and her ability to represent her views, not mine. Her views as a lifelong austinite and a defender of east austin. The urban farms didn't pop up overnight. We're talking about farms that have been there for decades. What changed was the operations on the farms. Things started to evolve, started to expand and that's where a lot of the concerns were raised. I believe that we have an ordinance that addresses many of those concerns. I am not of the mindset that I believe urban farms are bad for our community or should be curtailed. I am a supporter of them. But I do believe that we need to address some of the concerns that are raised. And so I presume that there would be some amendments possibly, some discussion up here on the dais, mayor, so I'm going to move to approve the staff recommendation on motion number 1 on item 105.

[15:45:02]

>> All right. Motion for the staff recommendation on item 1. Is there a second?  
Seconded by the mayor pro tem.

>> Just to clarify for the audience, item 1 was the current ordinance restricts urban farms to one dwelling unit. The staff recommendation was to allow two dwelling units.

>> Mayor Leffingwell: That's right. And I appreciate you bringing that up. I realize the folks in the audience don't have the motion sheet that we're looking at. What is it, councilmember?

>> Morrison: Maybe I missed it, but is there a motion on the table to approve the planning commission recommendation?

>> Mayor Leffingwell: No, staff. Motion number 1.

>> Morrison: No, I'm talking about the

--

>> one way we could do it would be to have a motion to approve the planning commission recommendation and then we can go through these four points for the staff and the planning commission disagree to see which side the council would like to take on those issues. Or we could decide on these now and then see how we're going to

-- I believe it would be easiest to try to if we got a motion on the planning commission and then decide whether to insert or take these things up.

>> Mayor Leffingwell: I don't understand what you're saying because the motion was for the staff recommendation.

>> Martinez:, WELL, IT WAS For this specific issue. I would like to withdraw my motion and approve the overall planning commission recommendation and then we'll take each one of these motions one by one.

>> Mayor Leffingwell: I would like for you to explain to me the advantage of doing it that way.

>> Well, the planning commission has a recommendation and that's on the ordinance that's on yellow before you.

>> Mayor Leffingwell: That is a composite of all of these motions, is it not?

>> Well, the only thing I've put on the motion sheet were the points where the staff and the planning commission disagree. So usually we prepare the planning commission recommendation for the council. I wanted to see what y'all's take on these four points for the planning commission and the staff agreed and then below the black bar I have some larger points that have been brought up in the discussion in case the council wanted to adjust those.

[15:47:11]

>> Mayor Leffingwell: Motion by councilmember martinez. Seconded by the mayor pro tem.

>> I'll understand on the first part where the staff and planning commission disagreed, councilmember martinez, you were moving for the staff recommendation?

>> Martinez: That's correct.

>> Mayor Leffingwell: All right. Motion by councilmember martinez, seconded by mayor pro tem. Motion 1, staff recommendation.

>> Thank you, mayor. If it's okay I'll go ahead and read the second one so everyone can know what they are.

>> Mayor Leffingwell: Well, are we going to vote on each one of these?  
Councilmember morrison.

>> Morrison: So I'm not sure I understand the distinction between the staff

recommendation and the planning commission recommendation on this one. Could you talk about it?

>> The current ordinance restricts an urban farm to one dwelling unit regardless of what the zoning is it just says one dwelling unit. The working group and the sustainable food policy board as well as the planning commission recommends that the number of dwelling units allowed should be whatever would be allowed by the zoning district. So right now most of the farms are zoned sf 3 so they would be allowed to have two dwelling units on them or a duplex, one of the two. However, hypothetically we don't have it today, but you could have a farm that was zoned multi-family. And it would allow an apartment complex or a four-plex or a six plex or whatever. And the farming advocates would like to allow up to the maximum number of structures that would otherwise be allowed and then for it to be a farm as well. Staff had concerns about in our opinion a farm is a residence and a farm, do you know what I mean? And sf-3, there certainly is probably likely other duplexes and two family residential on the street. We felt it was okay to do that, but we're uncomfortable with the idea of apartment complex farms, if you will.

>> Morrison: So the motion on the table is to have a maximum of two.

[15:49:12]

>> Take it from one today up to two and stop at two.

>> Morrison: Thank you.

>> Mayor Leffingwell: You do have the motion sheet. Okay.

>> Morrison: Thank you, mayor. There were a lot of words and I was just trying to pull it out.

>> Mayor Leffingwell: All right. Councilmember martinez.

>> Martinez: So the way I envision this is like the way we do our neighborhood plans where making an overall motion and now we're going through each discrepancy where staff and pc and stakeholders may have a different view. And we'll take those line item by line item.

>> Mayor Leffingwell: All in favor of the motion by councilmember martinez, motion number 1, say aye? Opposed say no. Passes on a vote of six to one with councilmember riley voting no.

>> Thank you, mayor. The second point of

-- between the pc and where the staff agreed would be the sale of products of other farms. Currently on an urban farm you're only allowed to sell products that are raised on the site, on the property. Today in practice some of the farms are selling some products that are raised on other farms. Specifically milk, cheese and meat because under the current ordinance you cannot have livestock such as cows or steers. They feel that they need to be able to sell those products as a convenience because when people come to buy vegetables they would also like to pick up a gallon of milk or a pound of ground beef. So under today's code it's not loud. Staff visited a farm where this is occurring. There were two or three refrigerators, freezers. It was certainly not the majority operation. It was definitely I would call it an auxiliary use or accessory use so therefore the staff recommendation was in keeping with the standard accessory use section of the code that up to 10% of the sales area would be allowed to sell products from other farms. Not any product, but it's strictly agricultural products from another farm. The planning commission agreed with the advocates who wanted that area to be 20% so the only difference is really between whether the area would be 10% versus 20%. And it's just of the area where things are sold.

[15:51:17]

>> Mayor Leffingwell: All right. I'll entertain a motion, motion number two on agenda item 105. Councilmember spelman moves the planning commission recommendation. Seconded by councilmember riley. The only difference between the planning and staff is 10% instead of 20%. You you say that's in accordance with other codes.

>> That's correct.

>> Tovo: Mayor, I'm not sure I understand your point about that. What about the 20 percent

--

>> we have an accessory use section of the code that allows the principal uses and sometimes that accessory use is not allowed but it's considered to be accessory as long as it's 10% or less of the principal use. So we adopted that as a part

-- as our concept for this as far as the maximum sales area just in keeping with the concept in other areas of the code.

>> Tovo: I see. The 10% is in keeping with our other codes.

>> The advocates asked for 20 and the planning commission agreed with that. It's just that slight difference.

>> Tovo: I think it's appropriate

-- can I ask one question? I think it's appropriate to stick with the way we evaluate

-- the way we treat other businesses. And I think like one example is the historic structure can do rentals up to 10% of their space or something like that. So I guess I'd like to hear from those who recommended if they want a comment on their rationale for separating the planning commission recommendation versus the staff recommendation. I would be interested in hearing the rationale for moving to 20%.

>> And let me just say that

--

>> Mayor Leffingwell: Let me just say that I agree with you on that point and if you wish to make a substitute motion that would be in order.

>> Tovo: Thank you, mayor. I'm not sure. I'd want to hear the rationale for the 20%.

>> Mayor Leffingwell: Councilmember spelman.

>> Spelman: Thank you. It seems to me the primary argument for 20% rather than 10% is the elasticity of what we're going to refer to as retail space. If the retail space one is side and they have three refrigerators it takes up 15%. To get 10% they have to put tables further out and claim the retail space is a little bigger or spread out the produce wider and they're at 10%. It seems to me that kind of gamesmanship is silly and it seems like you need 20% in order to sell a reasonable amount of meat, cheese, milk. You may as well go as far as 20%. I'm trying to avoid gamesmanship.

[15:53:55]

>> Cole: I have a question of mr. Rusthoven.

>> Mayor Leffingwell: Councilmember martinez.

>> Martinez: Jerry, what did we find in our research of the existing farms out there of the percentage of sales from products not raised or grown on the farm?

>> I didn't actually take measurements, but I went to boggy creek farms and that's where I saw these three refrigerators or freezers, if you will. To me they certainly looked to be 10% of the area because they were just kind of in a covered shed, keep them out of the weather, and then there was a much larger farm stand where they

sold the vegetables. It seemed to me that the area was currently 10% or less. And that's another reason why we suggested it. But I do agree with councilmember spelman, it would be possible by simply spreading things out to make the area smaller. We just felt 10% matches with existing code and kind of what they were already doing today.

>> Mayor Leffingwell: Okay. Any other comments? In that case we'll vote on the motion that's for the planning commission recommendation. All in favor say aye? Opposed say no. It passes on a vote of seven to zero.

>> Thank you, mayor. The next point is a much more major issue than the previous one. The next one has to do with creating a new use called outdoor farms with gatherings. The planning commission agreed with the food policy board recommendation to create a new use called urban farm with gatherings that would allow for gatherings such as weddings, fund-raisers, dinners, cooking classes. It would be a conditional use in every zoning district since urban farms are permitted in every zoning district. This new use would be conditional in every zoning district, however the staff could not support this because right now what we call a wedding that was outdoors is outdoor entertainment. Eventually I think we would like to work on creating a new category for in between size events, but today all we have is outdoor entertainment. And so outdoor entertainment currently is permitted in gr all the way up to cbd, but it is conditional in every one of those categories. So today you could do one of these outdoor entertainment type places, but it would have to be gr or higher and it would be conditional all the way up to and including cbd. Since the proposal is to allow these in single-family areas, staff felt that that was inappropriate given that if you were opening up a place that was not an urban farm that was just a wedding venue and it was having outdoor weddings it would require gr and higher and we're talking here about single-family. So staff could not support it although I do think that if you were to allow it to conditional uses it's the right process to go through because it provides for notice and does provide for a public hearing at the planning commission, but even with that staff cannot support it.

[15:56:56]

>> Mayor Leffingwell: So it sounds like in single-family zoning with the planning commission recommendation, as long as you call yourself an urban farm, you could



exercise all these commercial uses such as a wedding, fund-raiser, cooking classes, other commercial ventures in a single-family zoning category.

>> Yes. Before you would be allowed to do weddings and stuff you would have to apply, we would mail out a notice, there would be a hearing at the planning commission, but once the planning commission approved it you would be allowed to do it from there on out. The planning commission could of course put conditions on it limiting the number of convenience, the hours, the attendance, etcetera, but it would be allowed in perpetuity.

>> Mayor Leffingwell: But you could not do that in an ordinary single-family zoning location. You would have to first say okay, I've got a garden out back, I'm an urban farm, right?

>> Yes, you would have to meet all the requirements of being an urban farm such as being one to five acres and meeting other conditions of the code. Likewise we feel today even though the events are occurring, they are -- that are not permitted under the existing code.

>> Mayor Leffingwell: Councilmember Martinez.

>> Martinez: So I want to try to ask, can you explain to me the difference -- I live on east 11th street, so Deanne Johnson has this big beautiful historic home and holds big gatherings. I think there was a wedding there once, but I know I've been to multiple. How is that allowed in single-family zoning without a conditional use permit as opposed to if you had an urban farm?

>> Without being too specific, I don't want to get somebody in trouble here. Are these events where -- [laughter].

>> The address again? [Laughter]

>> It would make a difference to the staff on whether or not the person is having a party, if you will, of inviting friends over, possibly lots of friends, that's fine. It would make a difference if you say my house is available for rent. Pay me and then you can have the event at my house. That's what makes the difference. My understanding of these farms, these events of the farms is that the farms are being paid to have the events. Likewise you and I cannot rent our house out for weddings, but the staff has always taken a position if you want to have your daughter married in your house you can do that. It's part of a residence, part of living. It's if you're renting it out for profit.

[15:59:30]

>> Martinez: Even if it's a host of an event, if it's a friend I invite to my house to get married, if it's more than 50 people we still have to get a temporary use permit.

>> Temporary change permit to go through the process, but today, we spoke earlier about the school carbon nationals and what thought, you cannot get a temporary use permit below sf 4 and allow lo you can only get one to up to 50 people. But if you were doing it as a host, just with friends, that would be fine. The difference is when do you it for profit.

>> Martinez: I assume this has been part of the discussion in the rewrite of the code because other farms are holding weddings other than springdale farm. Sprinkle farm is zoned

-- spinning dale farm is zoned federally.

>> If if they were to get a certificate of occupancy for an urban farms, which a lot of the farms need to do that, we would decide going through the process that we would not put that on hold for everyone. I expect them to come in and pull the proper certificates of occupancy. Once they get their co for an urban farm, because I believe springdale is zoned cf, they could come in and apply to also have outdoor entertainment, that would require conditional use permit. So we could go to the planning commission and they could get that and they would be both urban farm and outdoor entertainment. That would be okay. That's because they have cs zoning. The proposal here would allow that in single-family zoning as well much that's why the staff cannot support it. [One moment, please, for change in captioners]

[16:01:51]

>> if by zoned commercial, you mean gr or higher, yes.

>> Tovo: If there is an urban farm on an sf property and they want to have a fundraiser, we know that several of the farms at least do that, it sounds to me like there's also a process under which they could do that, come get a temporary change of use, is that correct.

>> You're getting ahead of us, that's the next item. Yes, that's true.

>> Under today's code, no. The next item is a proposal to allow that if a farm did not

want to go through the cup process they could still pull a temporary use permit on an event by events basis. We will talk about that in the next item.

>> Tovo: If we stuck with the current regulations under number 3, we could still in the consideration of 4 allow for those farms that are not on gr or higher to have an opportunity to do fundraisers from time to time.

>> Yes.

>> But not every week event.

>> With the cup it would be basically approved from there on out because you had the approval from the planning commission. A temporary use permit is kind of handled on a case by case would have done basis.

>> Conditional use permits as you said last in perpetuity, not renewed every year.

>> Could be transferred from one owner to another.

>> Martinez: I just wants to add a little bit to this. Under a conditional use permit, goes to planning commission and potentially could come to council on appeal, therefore allowing for a much more robust conversation about concerns and issues that are raised regarding parking, sound, hours of operation, under temporary use permit it's administratively offered and if there's a violation of the requirements under temporary use really doesn't matter, they had their event, it's over with. Seems like it would be much more neighbor friendly to be through a conditional use permit process so we could have that full conversation about what are you going to be doing and what are the concerns of the community around you.

[16:03:56]

>> I agree councilmember martinez. Conditional use permit would also involve a notice to those within 500 feet. A temporary use permit would not. You are right, a temporary use permit, in someone had one for an event. Last night, you're right by the time you realized something was bad it's already over. But temporary use permits are discretionary, so the director of the  
-- our department. If someone pulled a couple of tups and things got out of hand, complaints from the neighborhood, we could withhold future tups in our discretion.  
>> But under conditional use we also have enforcement ability if they

--

>> also an aggrieved party can appeal it to the city council and then a decision would

be in your hands.

>> Mayor Leffingwell: Councilmember riley.

>> Riley: Jerry, isn't it also the case that temporary use permit also involves a shorter time frame, conditional use permit if you are going to be doing a lot of events, a conditional use permit would be more convenient from a planning standpoint.

>> Yes, a conditional use permit would last, like I said, for the length of the use, temporary use permit we don't issue them any more for longer than 30 days. For these type of events I would imagine it would be a weekend or a night.

>> One other aspect of a conditional use permit process where you provide notice to the neighbors is that then you allow for the possibility of conditions being applied to the permit. In that process resulted the neighborhood would be allowed to initiate constraints such as no events after a certain hour at night.

>> There's a lot of latitude that the planning commission has in imposing conditions on a conditional use permit. I believe that's how it got its name.

>> Spelman: Mayor?

>> Mayor Leffingwell: Councilmember spelman.

>> Spelman: It seems to me there's two classes. You have a conditional use permit which once issued lasts forever. A temporary use permit once issued lasts overnight. Do we have anything between forever and 24 hours?

[16:06:13]

[Laughter].

>> No. The temporary use permit can last up to 30 days. Right now we're issuing a lot of temporary use permits for christmas tree sales. So they are allowed to sell their trees for up to a month. Hypothetically mr. Guarantee decided a policy he's not going to issue them for longer than 30 days. In the past we've had them that lasted for six months or a year, we're concerned that's no longer temporary at that point. We try to do them for no longer than 30 days anymore. For these type of events I would imagine for each event. I guess hypothetically you could ask for a tup to be a wedding event place for a month and maybe do three weddings within that month. But I would more anticipate that it would be kind of event by event basis. But we would have to see.

>> Spelman: Have we ever considered a conditional use permit, the long kind that

has an expiration date or @ some ceremony of having to reregister or something like that?

>> Not to my knowledge. But recollection is that the

-- that the code says and the law department has always told us that the cup runs with the property, runs with the use. Again, you could change

-- you could sell the property and it could continue. But once it stops being use for more than 90 days the cup is now

--

>> Spelman: More or less forever. We have not considered anything like that. Seems to me that might be a way of serving this problem have a temporary use permit where temporary is actually longer than even 30 days, but which after six months or a year, we could go back, take a look were there problems, were there complaints, how did they handle the traffic. Did they do it the way they said they were going to do it and so on, then we could revoke it which seems to be difficult to do a conditional use permit.

>> I think it would be difficult to do with a conditional use permit. The only thing similar to that, I hesitate to use this word is short-term rentals. The license.

[16:08:13]

[Laughter]. For short term rentals is renewable once a year or license is. But that's a different thing. That's a license as opposed to a

--

>> Spelman: I just lost a few votes for you mentioning that, jerry.

>> I'm sorry [laughter].

>> Spelman: Quite all right. Thanks.

>> Mayor Leffingwell: To me I don't think that I would be able to support, I'm not going to make a motion, but I don't think that I would be able to support the planning commission recommendation simply because this doesn't have anything to do with urban farming. This is simply allowing commercial uses in a single family zoning category. That's what that amounts. Councilmember tovo.

>> Mayor, I agree. And for those reasons I'm going to support the staff recommendation. I also agree that it sounds like it might be useful to explore the idea of having something in between. It sounds like the staff are already on that path

of thinking about providing for some other options. It seems to me if we have farms in commercial zoning they will have the ability to continue to use that for events once they go through the appropriate process. And for the farms who are not on commercial zoning who are in single family, they will have a process open to them, too, if they want to have occasional events and that seems to me the appropriate way to do it because they are within single family neighborhoods and we don't allow other businesses to operate as events venues within single family neighborhoods if they have single family zoning. So I think this is

-- this is the right planning approach and I'm certainly open to considering other tools that might become available. This also seems to me the appropriate way to go at least for now because it is

-- it is a

-- it is a much smaller step than allowing conditional use permits, which as you said are in perpetuity, there's no opportunity to go back and renegotiate those if it turns out there are more than we expected in more places than we expected and causing extensive disruption for the neighbors around them. Which is not to suggest that I'm saying existing urban farms that are having events are causing disruptions, but when we make decisions here about planning we have to envision what could happen in the future with other entities and other individuals involved.

[16:10:39]

>> Mayor Leffingwell: Your motion is a motion number 3 for staff recommendation. Seconded by councilmember spelman. Councilmember morrison?

>> Morrison: Thank you. I'm going to support this, too. I want you to know that when I first came upon this issue that was my immediate thought is why don't we have a something, some kind of vehicle like a cup that expires because that's the way we've dealt with things like

-- that have the potential to be very incompatibility. For instance our sound permits. By, you know, people can get them, it's just that we get to renew them and we have the opportunity to adjust the conditions if it's not working. So, yes, str's and licenses and so I like the idea of going somewhat conservatively on this. And sticking with the staff recommendation, but asking staff to see if there's

-- to work with legal to see if there's some way to get that in between, that

essentially a cup that has to be renewed. But you can't call it that. But I would appreciate it if you

--

>> we could research that issue and respond with a memo to mayor and council in the future.

>> Mayor Leffingwell: Give us a little break on that before you come back. Councilmember riley?

>> Riley: Mayor, as with the first two motions, I find myself in agreement with the planning commission recommendations which allow a little more latitude for the urban farms. In this case I really think the allowing the conditional use process would provide a very helpful mechanism to allow neighborhoods to engage with the farms and to work with them and to find arrangements that can be satisfactory for both the neighborhood and the farm. In this case it's particular important because for events like educational events or fundraisers or weddings or anything like that, that requires planning more than 30 days out, you really need that conditional use process in place. That tool allows notice and engagement and conditions, everything we would want from a public process. To put protections in place on behalf of the neighborhood while still allowing some events on the farm that allow a good use of the farm. So I would support the planning commission recommendation. Just as I did with the first two motions.

[16:12:59]

>> Mayor if I may add one thing. One thing that the staff did consider when we were doing this, just to clarify because councilmember riley brought up educational events. If a school were making a field trip to an urban farm, we would not consider that to be an event. If an urban farm you see in the paper a saturday morning how to grow okra demonstration, we would consider that to be part of being a farm as well. This mostly has to do with represent

-- renting out.

>> Mayor Leffingwell: Just an open house could be accomplished.

>> Cole: I have a follow-up question. So we are not going to

-- you are making a distinction between a cooking class as opposed to an educational event. So it looks like at some point we start splitting hairs, I want to be clear, an

urban farm even under staff recommendation could have a party as you would have a party in a normal single family dwelling.

>> Correct. But if you were saying chef so and so from the food channel is going to be at the farm, \$50 tickets to come and take a cooking class with him, we would say that is not allowed. The other thing we would feel would be more of an open house demonstration educational type of activity.

>> Cole: I would say I struggle with this one quite a bit because I think a lot is left up to discretion, I appreciate the conversations taking place between councilmember morrison and spellman trying to find a median and a tool that doesn't exist, but I will be supporting staff recommendation.

>> Mayor Leffingwell: That's the motion on the table for staff recommendation. In favor say aye.

>> Aye.

>> Opposed say no. I believe that's six

-- 6 ayes and one no with councilmember riley voting no. Passes on a 6-1 vote.

[ Applause ]

>> mayor the final difference between staff and planning commission is a related item that's the temporary use permit. Right now a temporary use permit discussed in an earlier item on this agenda cannot be pulled below sf zoning between sf 4 and lo you can only pull a temporary use permit for up to 50 people. The proposal by the advocates and the planning commission agreed would be to allow urban farms to be exempt from their requirement, they would still have to pull the tup, but they would be allowed to do it in single family zoning and an event that held more than 50 people under the proposal from the food policy board and the planning commission. Staff does not recommend it for the same reasons we already discussed with the conditional use permit.

[16:15:39]

>> The tup would be something they charge. They charge a fee for, an event they charge for a fee for.

>> Yes, same type of event as we discussed with the cup, just a one at a time rather than in perpetuity. Staff still had concerns about the size of events in single family zoning wells the size and compatibility.



>> Mayor Leffingwell: Councilmember tovo?

>> Tovo: Could you talk a bit more, this has come up in other settings recently I want to be sure that I understand the amount of staff discretion that you have. If this passes and a particular farm has

-- goes through the tup process and starts to have bigger and bigger events and they are having difficult creating difficulties. Can the staff to what extent can the staff say no more I'm sorry this is not compatible with your neighbors, we're getting too many complaints from your neighbors

--

>> if this were to pass and the tups were allowed the director would still have the discretion to not issue the tup. I don't have the code section in front of me. There is a lot of discretion, there's a list of things in the tup section of what the director shall consider before issuing a tup, it does have to do with crowds, noise, compatibility, parking, et cetera, et cetera. So we're supposed to consider every one of those things before we issue a tup. So yes if someone pulled a tup and we got complaints and we thought they were valid or we saw them with our own eyes, we could can hold the tup from somebody if they have prove very much to be a bad actor.

>> Tovo: Thank you.

>> Mayor Leffingwell: Councilmember morrison?

>> Morrison: Is there any limit on the number of tup's somebody can get during a year.

>> The only limitation that I know on the no tups has to do with the amount of temporary times you can do rail, the number of times you can do a garage sale. Otherwise there's a limitation on how many times you can pull a tup.

[16:17:52]

>> So staff is recommending this.

>> No. Planning commission recommended this. Food policy board recommended it. This is one of those points where the staff and p.U.C. Disagreed. We had a very lengthy discussion at the planning commission as you can imagine, this was the last item and it really did not get much discussion at the planning commission at all. This particular issue. The discussion by that point had kind of  
-- ran out of steam.

>> Mayor Leffingwell: I would say I see it as the same issue. It's a commercial use. The time period that you would have the commercial use would be shorter. Yes, but it's still a use that doesn't have anything to do with farming. But it's allowed only on designated urban farms and it's a commercial use in a single family zone area.

>> That is why the staff is not supporting it.

>> Tovo: Mayor? I realized that I had two more questions for mr. Rusthoven. We have been given a lot of examples, I will use one, boggy creek farm I believe sponsored the green corn festival in the past, would that require a tup or something that they would be able to do as a fundraiser for a food related

--

>> I think that would require a temporary use permit. Because they are zoned sf 3 they would not be allowed to pull a tup under today's code or under the staff recommendation on this item.

>> So it's not just that they would be renting

-- it would not just be circumstances where a farm was renting out their premises if and charging. It would also be instances where they might be holding a fundraiser for other organizations, other efforts.

>> Getting back to that earlier item we had with the schools. That is a part of the school is having a pta. A farm having a fundraiser for a non-profit, we don't think that's an inherent nature of what a farm is.

[16:19:53]

>> Tovo: It occurred to me as you were describing the amount of discretion staff have, you used the term if they were bad actors it could be denied in the future. What I really want to be clear on, what if the operators aren't bad actors, it just turns out to really be incompatible@and to cause a lot of response from neighbors. Everybody is operating in good faith. The operators are renting out to people who are responsible but the events are just turns out to just be too big, too much traffic on the street, too many problems for the

--

>> yes, I think we would be obligated under those things that I mentioned earlier that say that we have to consider these factors before we issue a tup, under that we would be obligated to not issue.

>> Tovo: Great. Bad actor is not necessarily relevant.

>> Bad actor doesn't necessarily mean the person has a bad intent. Just means possibly the event got out of hand with record regard to size et cetera.

>> Tovo: Even if it didn't get out of hand just over the long term turns out to be a bad fit, they will have discretion to turn it down.

>> Yes.

>> Mayor Leffingwell: Again the example isn't boggy creek zoned commercial?

>> No they are zoned single family.

>> It is?

>> Yes. So they are one of the farms that does have events I believe and they do actually have parking. But because of their zoning, under today's code they are not allowed to pull a tup and we recommend it stay that way.

>> Mayor Leffingwell: If they had a fundraiser, if funds were to them, the fund money went to them, that would be a commercial event and they would require the tup; is that what you are saying?

>> Yes [multiple voices]

>> Mayor Leffingwell: Change from a party into an event that requires a tup? When does it change from one.

>> If there were an event you had to pay money or were expected to pay money when you attended and open to the general public I think that would need a tup. If it was them inviting their friends over, I think that that would be a party.

[16:21:58]

>> Mayor Leffingwell: If they require payment to attend the event.

>> Yes.

>> Mayor Leffingwell: Okay. Councilmember martinez.

>> Martinez: Yeah. Appreciate all of the conversation. I think because of the previous action not allowing cups, the only way we've precluded now the other ones from having weddings I think it's going to be pretty impossible to plan a wedding in 30 days. I'm going to move support of the p.C. Recommendation to at least allow these other farms to pull a tup for fee events if that's something that they want to do in the future.

>> Second.

>> Motion by councilmember martinez, on motion number 4 for the p.C.

Recommendation. Seconded by councilmember riley. Councilmember morrison.

>> Morrison: I want to go back and ask you again jerry about I'm concerned about somebody pulling tups all the time and basically getting into the commercial long term business. You said that we do limit the number of tups and a few different kinds of cases. Could you talk about what those are? Popup retail.

>> I think mr. Guernsey is better versed in busting garage sales than I am.

>> Have you been doing that? Greg guernsey planning development department director. Before I became director, the instances of tups were granted typically for six month basis. And they were renewed automatically. If the applicant came in. Then the new temporary use permit was taken out the next year and then renewed over a six-month period. And there had been complaints from some neighborhood organizations regarding an ongoing tup that might be a continuous event. So after talking with the development assistant staff, other staff in our department, jerry's group as well, I made the decision that a tup is only for 30 days. So that was a reasonable amount of time that took care of the majority of temporary use permit types that have occurred for ages and ages and ages. Seasonal sales of christmas trees. Church revival that might happen. Carnival that might take place that you might see at a large shopping center or parking lot. Pumpkin sales. Grand opening for a

-- anniversary of an opening or some event that might take place at a retail establishment. So that is the reason for that limitation. We have denied temporary use permits because they may provide a parking plan and didn't follow their parking plan. So they are parking all over the neighborhood.

[16:24:45]

>> Morrison: Let me if I can the real question that I had was there are some instances where we limit the number of tup's that you can get.

>> We actually haven't police departmented the number per se.

>> Morrison: Pop up it's not limited.

>> They could come back every month and get that same tup, except they would have to pay a fee. We would review and see if there are any violations. The violations where they might occur might be noise, they might be parking problems. That has

been reasons in the past that we have denied tup's.

>> Let me say

-- what jerry is speaking to there is a limitation under the temporary use permit that not more than five times in a month, not more than three days within a month in a row could you sell an item. So you might have a tup for the month for october but it doesn't allow you maybe to sell a product that might be associated with a tup every day. You know, those are limitations within the ordinance that are

-- [indiscernible] today.

>> Mayor Leffingwell: Again, I don't see what this has to do with urban farms. I don't have any problem with the tup for this

-- as they outlined here, but I do feel like if we authorize tup's for urban farms in single family zoning area we would have to zone it for anybody else. Anybody else should be eligible to have a tup as long as they meet the

-- what is it? One acre minimum requirement. In single family zoning. Why wouldn't that be the case.

>> Under today's code you were correct. This would allow an exception for an urban farm.

>> Mayor Leffingwell: I don't understand a reason for that.

[16:26:48]

>> I believe the reason stated by ms. McGarity, this is an important source of revenue for the farms above and beyond the sale of the agricultural products

-- [multiple voices]

>> Mayor Leffingwell: Other people within single family zoning probably could use the money, too. All right. Okay. 123450 so the motion is on the table for the planning commission recommendation. Councilmember morrison.

>> Morrison: I wanted to make a substitute motion because I think, I don't know if we could do this off the top of our heads but I know of special situations like the green corn fundraiser that would there be a way to say that tups are allowed but only four in a year or something like that.

>> Yes, I think that you could do that.

>> Morrison: I would like to make that motion a substitute motion.

>> Mayor Leffingwell: Substitute motion by councilmember morrison for a

-- allowing tups as in the planning commission recommendation but only a maximum of four times a year. Is there a second for that?

>> May I have a clarification. Would there be a limit on how many days an event could last? Four times a year the event could be a multi-day event.

>> Morrison: Ju leave it to staff discretion.

>> Mayor Leffingwell: Is there a second? I'll second that for purposes of discussion. If there is any. All right. I guess number 4. And the vote is on the substitute motion. By councilmember morrison which is identical to the p.C. Recommendation except with a four-time limit per year. Councilmember martinez.

>> Martinez: Would you accept a friendly amendment to make it six?

>> Morrison: Councilmember morrison accepts that. I will second that. I will accept it, too.

[16:28:48]

>> Martinez: I will vote for it.

>> Mayor Leffingwell: All right. All in favor say aye.

>> Aye.

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

>> Mayor, thank you. That

-- that clarifies the difference between the staff and the planning commission recommendation. The additional items on the motion sheet are number 5, I just wanted to point out with regard to the market gardens the planning commission did make one change to that suggested by the food policy board that was for a market gardens that did not have a residential structure on it that would be a conditional use whereas if it had a structure it would be a permitted use. I just wanted to let you all know that was something that the planning commission added and the last few items are just items that have been discussed tonight and that is the processing, composing of animals as well as

--

>> Mayor Leffingwell: Can we vote on these separately?

>> It's up to you.

>> Mayor Leffingwell: I would prefer that.

>> You already have the planning commission and staff recommendations sorted

out. I just put these here in case the

-- a city council member would like to make a motion with regard to one of these three items, there's not a need to.

>> Mayor Leffingwell: I for one would prefer it because there's some that I would support some I might not.

>> Then item 5 the planning commission recommendation is allow market garden use to make it conditional if it does not have a structure. That's the planning commission recommendation.

>> Move approval.

>> Mayor Leffingwell: Councilmember spelman moves approval. Same recommendation. Second? Is there a second?

>> Seconded by councilmember martinez. Councilmember tovo.

>> Tovo: I would like to suggest what I hope might be a friendly amendment. One of the concerns that I have heard about market gardens might be addressed by tying it to a dwelling. Having a dwelling present. Right now as I understand it the p.C. Recommendation would make that a conditional, would make it conditional if there's no dwelling. I'm supportive of what I understand about market gardens, the concept I think it's a very good idea to allow people to sell from their houses if they are growing on the lot. But I am uncomfortable with having vacant what amount to vacant lots that are devoted to that. It doesn't

-- if we're modeling this after home occupation that diverges from our model of home occupation which for which there has to be a dwelling. Am I correct in that, mr. Rusthoven. When we have home occupations there is a dwelling there. You are not allowed to run a home occupation from a vacant lot.

[16:31:38]

>> That would be a homeless occupation. [Laughter]. Sorry for that one.

>> Mayor Leffingwell: That was good, jerry. I liked that.

>> Correct. If you want to do that you simply say a market garden similar to an urban farm requires the presence of a dwelling unit.

>> Tovo: I offer that for the motion makers consideration as a friendly amendment.

>> Spelman: Actually I was just reminded my motion was out of order because we already had the planning commission on the table in the entirety. So I'll have to

withdraw my motion.

>> Say that again.

>> Spelman: I was given to understand that the planning commission's draft is on the table and we've just been making changes from the planning commission draft.

Therefore no motion is necessary to support item 5 planning commission recommendation. Therefore I'm going to withdraw my motion and you can make the first one.

>> Tovo: Thank you. I will move that we prohibit market gardens in residential, if a dwelling is not present.

>> A dwelling unit is required.

>> That's a better way to phrase it. Thanks.

>> Mayor Leffingwell: Motion by councilmember tovo to require a dwelling unit which could be a tent or something.

>> A house.

>> I will second that.

>> Mayor Leffingwell: Seconded by councilmember morrison.

>> Morrison: I would just like to speak briefly. I think that make as lot of sense because it does keep us in line with home occupations and so I have a strong comfort level with that.

>> Mayor Leffingwell: Okay. That's a motion. Any further discussion? All in favor aye.

>> Aye.

>> Opposed say no. That's 7-0 in favor.

>> Mayor the next item is everyone's favorite topic the processing or slaughtering of fowl, animals. The proposed amendment, the planning commission passed would -- staff has no opposition the addition of rabbits and fish. I will throw that out there because I think that might come up later as we discuss this. Again, I would like to clarify that the 2000 code said that the raising of fowl, defines fowl as chickens, geese, ducks, is permitted. Then the very next paragraph says the sale of agricultural products raised on the site is permitted. So when this issue came up earlier at the very beginning of this year with regard to haus-bar farms, staff mr. Guernsey and I made the interpretation if you can raise the animals on the site and sell agricultural products on the site, that a chicken is an agricultural product and people are not likely buying live chickens for consumption, therefore the slaughtering of animals, although not explicitly stated in the ordinance is permitted. Likewise with the



composting there is no prohibition against composting animal parts. So we could not say that it was not allowed. So the advocates wanted to clarify that both activities are allowed so they have suggested including them in the ordinance to be very specific that those activities are allowed. They also, I guess wanted to address the issue of scale so the food policy board did recommend that we put a cap of no more than 10 animals per acre could be slaughtered in a given week and that the slaughtering take place out of public view and at least 50 feet away from adjoining residents. So that is what the planning commission recommended. It is what the staff he is not opposed to that recommendation. However I would like to state that the staff non-opposition to that is based upon our interpretation of what the council already passed in the year 2000. We did not give a new consideration rather we just felt we were interpreting the code already passed by the council. With that I'll put this on to see if there wanted to be any adjustment to that.

[16:35:53]

>> Mayor Leffingwell: Could you interpret this typo for me?

>> Sure.

>> Just get rid of the number 12. It says one 10th of an acre. 10 per acre is an easier way to look at it.

>> Mayor Leffingwell: Okay. 1/10th PER ACRE OR 10 PER Acre. 10 animals per acre. Mayor pro tem.

>> Cole: I know there has been a lot of discussion about this issue. And I certainly understand the urban farms community and those that ally do raise fowl and processing compost fowl. But I do not believe those activities belong in a single family neighborhood.

[ Applause ] so I passed out a motion sheet that basically says that I would move to amend section 25-2-863 and section f would read as follows: Raising a fowl, rabbit and aquatic foods use of aquaponic system in other words with 1-2 of the city code, processing and composting of fowl and rabbits is prohibited in single family residents zoning districts where an urban farm is permit the processing animals must take place out of public view.

>> Mayor Leffingwell: Okay. Motion by the mayor pro tem. I will second but I have a couple of questions. Too many big words for one. Do we need aquaponic system in

there?

>> Jerry

--

>> Mayor Leffingwell: Because that way

-- it reads it could read raising of fowl using an aquaponic system and I

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[16:37:54]

>> sounds like a bad science fiction movie. Mayor, the addition of the aquaponics today it just says fowl is the only type of animal that you can raise and sell on an urban farm. The advocates wanted to add rabbits. Staff felt they were similar in size and whatever to fowl so we were okay with that. Then they wanted to add fish. So aquaponics is a fancy word for raising tilapia in ponds.

>> Mayor Leffingwell: I just want to make sure that raising a fowl and rabbits is prohibited by this motion prohibits that without regard to an aquaponic system. That the aquaponic system applies only to aquatic foods.

>> My understanding is that someone for example could still raise chicken and rabbits on the site. However the slaughtering and processing of those animals would have to be done elsewhere. But then they could still sell the product from the property after it was taken elsewhere to be slaughtered and processed, is that correct.

>> Exactly.

>> For the fish I notice that you did not include the fish in that. So the fish could be slaughtered and processed on the site.

>> Well, that was consistent with a fisherman actually going to get fish and you could actually clean your fish and then eat them there. So I wanted that exception.

>> Mayor Leffingwell: But you don't want fish to be composted do you? Is that your intent?

>> No.

>> I think that you prohibit all animal parts from being composted.

>> Yes.

>> We would allow the raising of fowl, rabbits, fish, processing of fowl

-- processing slaughtering whatever you want to call it of fowl and rabbits would

have to be done off-site. But sale the fish product could still be done on site. Fish could be raised and processed and slaughtered on site. Composting of any animal parts would be prohibited. Correct?

[16:40:00]

>> Yes. That is the intention. Councilmember

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>> Mayor Leffingwell: Thank you for that interpretation. Councilmember martinez?

>> Cole: I think we need a language change.

>> Margaret: I hope so.

>> Mayor Leffingwell: Mayor pro tem.

>> Martinez: The last sentence in f say where an urban farm use is permitted processing must take place out of public view. Are you saying in your motion where -- are you saying that in this motion that where urban farms are permitted processing animals must take place out of public view. Anything that's over an acre, designated as an urban farm can have processing as long as it's out of public view.

>> No, that's inconsistent with the sentence just before it, processing and composting is prohibited in a single family residence zoning district and then I'm saying that where an urban farm otherwise engaging I guess this language needs to be clearer. Processing of animals outside of a single family zoning district must take place out of public view.

>> So the way I understand that is if you had an urban farm that was zoned commercial, something other than single family, you could still slaughter and process the animals on the site. However, you would leave in the provision in here that it has to be continue out of public view and autolesion 50 feet away from adjoining residents.

>> I agree.

>> What's our current language now?

>> The current language

-- [multiple voices]

>> language of the current motion before us.

>> The language for the current motion, I would take to mean

-- okay raising, processing, composting of fowl, rabbits and ... Restrictions on animals

of the city code for property zoned commercial. One animal or fowl -- either fowl or rabbit may be processed ... Must take place at least 50 feet from the nearest residential structure other than the structure associated with the use and processing of animals must take place out of public view. For a property zoned single family, raising of fowl, rabbits and aquatic foods using aquaponic system ... I think the rest would be irrelevant we would leave it out because there would be no processing or slaughtering of animals within single family except for the fish.

[16:42:35]

>> Spelman: Except for the fish. Do we have to provide an exception for the fish?

[Multiple voices]

>> is permitted out of public view.

>> Yeah.

>> Mayor Leffingwell: On this sheet, this last sentence is not needed according to the way I read it. Not needed.

>> Cross it out.

>> I don't have that sheet but I agree

--

>> this says processing and composting, processing means slaughtering, including slaughtering, composting of fowl and rabbits prohibited in single family residence zoning districts period.

>> Cole: Mayor, I'll take that as a friendly amendment to exclude the last sentence if that's inconsistent with that.

>> Mayor Leffingwell: If that is your intent is to allow it in commercially zone districts.

>> Cole: I do intend to allow it in commercial zoning. It's staff's recommendation that I do not need that last line to actually do that because it's current, is that correct.

>> No.

>> No I think we can get this straight ourselves. Where it says where [indiscernible] out of public view, single family that would be irrelevant because the only thing being processed is the fish. I think that's okay. But the part in single family you would know longer need that section because we're no longer talking about processing the animals, so we don't have to worry about it being done in public view so we could

take that sentence out.

>> Cole: So the last sentence that starts with where an urban farm is permitted.

>> Right.

>> Strike.

>> Strike yes.

>> Cole: Okay.

>> If it's okay with the council, we've done some of these before I understand totally the intent of this motion, we can make sure that we have the language.

>> Mayor Leffingwell: Right. I'm glad you do.

>> Morrison: So Jerry I thought that you said before there was some ambiguity about whether processing was allowed because it wasn't explicitly mentioned and so there was an interpretation that made it allowed. Now you are saying we don't really need to say in single family that it's prohibited.

[16:44:44]

>> Well, I think what we're doing is we're actually because the staff is interpreting the 2000 ordinance now we're getting further clearer direction from the couple that they want to prohibit this. So essentially what you are saying is that, you know, we made our interpretation, but you no longer wish that be to the case.

>> Morrison: I guess what I'm concerned about I didn't hear you say that you thought we needed language in the code that said it is prohibited in single family.

>> No. I think that's exactly what we are doing here.

>> Morrison: It is but you are not putting those words, I didn't hear you say those words.

>> Mayor Leffingwell: The words are on here.

>> Morrison: We're not using those words. Jerry is using other words.

>> The words that I would say try this again okay. So we're talking about a commercial property here just a moment.

>> Mayor Leffingwell: Read only part f.

>> Raising processing and composting of fowl, rants and aquatic foods using the aquaponic system is permitted in accordance with chapter 32 restrictions of animals in the city code, one animal either fowl or rabbit may be processed for one 10th of an acre per week, must take place at least 50 feet from the nearest residential

structure other than the structure coated with the use, processing must take place out of public view. I would probably put at the beginning say for a property zoned commercial. Then second we would have for a property zoned residential raising of fowl, rabbits, and aquatic foods using an aquaponic system ... We take out the limitation on the number of animals to be processed because I don't think that's an issue with the fish. We would clarify that composting of animal parts is not permitted.

>> Morrison: You will say explicitly composting is not permitted.

>> Of animal parts.

>> Morrison: And processing

-- [multiple voices]

>> Mayor Leffingwell: This actually says that. That sentence says mayor pro wrote it, that's what she wants. Processing and composting prohibited.

[16:46:55]

[Multiple voices]

>> if I could. I needed

-- I was hoping to hear you say that there will be words in the code that said in single family it is prohibited.

>> Yes both the processing, slaughtering whatever you want to call it of anything other than fish will be prohibited as will the composting of animal parts.

>> Morrison: You are going to have words explicitly that said that.

>> Yes.

>> Okay. I'm glad to hear that. I did want to mention, you know, there was a mention of the idea of a central processing center. I know that Margaret Shaw was on our staff was working on it. I wanted to take just a moment so everybody could get an update because there is some interesting progress going on. It is a very exciting possibility. Margaret thank you for sitting here so patiently until 10 until 11:00 at night. So that you can fill us in on this work that's going on.

>> Thank you very much. My name is Margaret Shaw with the economic development department. We are engaged in this discussion because as you will recall back in March we released an economic impact study that did at the time anecdote tale point out our author John Hockenjos that in his discussions with some

of our local farms and restaurants a lack of processing and the ability to be able to get a regular supply of locally grown, produced, raised meats. One of the focuses of that has been, especially as this discussion has been more important in the zoning amendments. Two things have happened. I reached out first through Travis County AgriLife Steps Services to put me in touch with a professor of animal science at Texas A&M. To first learn what is meat processing and what the industry and standards are around meat processing. I did not learn that from councilmember, professor Spelman when he was my professor. I think it's good to start with academic background on what the industry is, how the industry solves issues around scale and products. And then the other is reaching out as we said in our report of food system is a regional effort. There are many activities that go on in a multi-county area and processing and distribution and some of those activities of how we can all fit in. So we have reached out to our partners in Elgin. I have been out to speak to the economic development corporation and actually just tonight a couple of hours ago got an email from Betty Voigt's from CAPCOG working with them inviting me to a meeting with Mayor Holmes early next week, I will be reaching out to your offices for you or your aides or anyone who would like to slip in with me and meet with the mayor and other key people in Elgin to find what they are doing. It may not specifically be about processing. They are the early stages of exploring how to grow their food system there. So we want to work with them on a regional basis.

[16:50:01]

>> Thank you, Margaret, I appreciate the work. I think this is just a beautiful example of doing some work to bring in some infrastructure that can support the food ecosystem here. So I'm excited about that.

>> Thank you very much.

>> Mayor Leffingwell: People would drive load up their chickens and drive them out to Elgin and

-- to the abattoirs in Elgin. We still have to vote on this at some point.

>> Martinez: I want to be very clear when you said that the processing would be prohibited in single family you meant for commercial uses only. Not for personal consumption.

>> That's correct.

>> Okay.

>> Under today's code we believe that a citizen in their own house may slaughter a chicken for personal use.

>> What we're talking about is urban farms that has to do with the sale of products. On your own property that's a totally different story.

>> Martinez: I appreciate the information that you brought us margaret. The concern that I will issue is working regionally and having to drive whether it's 30 miles, 15 miles, 20 miles to a processing facility I think is completely counter intuitive to the whole purpose of slaughtering and

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[ applause ]

-- it's counter intuitive to the values that we have consistently applied as it relates to long-term sustainability. So I don't mind working regionally but I just think that we need to have something for our citizens here in austin where centrally located and easily accessed even still people are going to have to drive there and cause a higher carbon footprint. I just want to issue that concern.

>> Morrison: Mayor, I just wanted to comment that I certainly get that point and I think that what margaret was telling us about is because the folks in elgin were already thinking about it so we were learning from them. If it made sense that it was viable as a regional co-op, that's one thing, but, you know, to have a local one that would be great, too. I don't think there's anything on the table one way or another. But I think we certainly need to take your point into consideration.

[16:52:26]

>> Mayor Leffingwell: So the vote is on the motion by the mayor pro tem. I think we all understand the intent of it. And the intent of it is prohibit the processing and composting in single family zoned of fowl and rabbits. So all in favor of that say aye.

>> Aye.

>> Opposed say no.

>> No.

>> Passes on a vote of 6-1 with councilmember martinez voting no.

[ Applause ] mayor, the final item on there on item 7 is just the larger issue again of -- of the fact that the current status quo is that farms are permitted in single family



zoning. So there's not a need for action. I just put it on there because that's one of the things that we have discussed.

>> Mayor Leffingwell: Okay as councilmember spelman pointed out, if you support the planning commission recommendation there's no need for a motion.

Councilmember morrison.

>> Morrison: I did want to just make one last comment. I know that there were some points made about snap. And I think that our sustainable food policy board has looked at the viability and feasibility of getting snap and working with some of the urban farms that we have going. There's a small investment. I would hope that to be able to make that happen I'm hoping that we can maybe work with our health and human services or somewhere to help to make sure that that could happen because I think that that's a very important part of making healthy foods available to everyone and I do just want to say I appreciate everybody's work, all of the work that's gone on and I feel like we've gotten to a good place tonight. Obviously not everybody is going to be happy. But for me it's interesting because when we were considering short-term rentals it was

-- I was against that and a lot of it was a

-- an argument from my point of view that that was commercialization of our neighborhoods. So I had to look at this issue in the same light and trying to figure out what's different about it for me from short term rentals. It is different for me from short term rentals because it's a different value, it's a different kind of part of our community coming into it and being part of our

-- part of our neighborhoods as opposed to short term rentals which is providing housing to

-- to outsiders. I'll drop that. I didn't mean to really get into that. But.

[16:55:07]

>> Mayor Leffingwell: We got nothing else to do. [Laughter].

>> I just want to make it clear. This is something very important to me just for myself to figure out where I sit in all of this. Urban farms do bring a great bounty to our community and so I like where we've ended up here and I appreciate earn's work.

>> Cole: I have a question.

>> Mayor Leffingwell: I think jerry we probably still need to vote on the overall

motion planning commission recommendation as amended. Through this process we have just gone through. So that motion is already on the table.

>> Cole: Mayor I have a question of Jerry real quick. Jerry, help me with the effective date. We've made some changes here that I think may be somewhat burdensome on the industry. When would these changes have to be made? Any discussion about that?

>> No, there has not. Normally an ordinance would take effect 10 days after you pass it on third reading. So if you want to set a different effective date that's at the discretion of council.

>> I would like to ask someone from the industry up, it doesn't matter. I forgot, barb, I forgot your name I'm sorry. Come on up. I would just like you to give us some sense of what you have heard tonight that we have passed and whether that will go into effect in 10 days or whether the industry needs additional time?

>> A couple of people that I have talked to have talked about maybe allowing a year for

-- I don't know the process at all. I have no idea. What it epilogue tails to get a cup.

>> Cole: I was

-- what it entails to get a cup.

>> For us to be legal for it to be effective in 10 days, it's my understanding commercially we would need a cup and any fundraisers that's on the books already for any of the farms would need a cup, I'm not familiar with that process to know a good effective date.

[16:57:23]

>> Cole: Jerry. Can you help us with that?

>> Sooner is better.

>> Cole: Sooner is better.

>> I believe if we're talking about pulling a cup for future events, I believe pulling a cup only takes a day or two.

>> I guess we've got to get a certificate of occupancy

--

>> right now many of the farms do not have a certificate of occupancy for the urban farm use. While we're going through this process we kind of had an informal

amnesty program in effect so we could talk about the changes. However once the council passes the changes we would expect within a reasonable amount of time for the farms to start coming in and applying for certificate of occupancies and showing us that they are complying. So if you wanted to give them some time to do that, you know, they are required to do that today frankly, they just have not. But we were waiting to see what the council did tonight. So I think that we as the staff would speak with the code compliance department. But we would be okay with giving people some amount of time to come in and get to whatever

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>> Cole: Do you have a recommendation?

>> Mayor Leffingwell: 60 days?

>> Cole: That's exactly what I was going to say. So I move this ordinance be effective in 60 days, two months from the date of approval to allow the urban farms to comply.

>> Mayor Leffingwell: Okay. Apprehended

-- another amendment to the ordinance would be effective date of 60 days from today. Motion by the mayor pro tem. Is there a second? I'll second. All right.

Commote? [One moment please for change in captioners] councilmember tovo [one moment please for change in captioners] photography rustoven,.

[16:59:45]

>> I think the fewer the process of getting a cup, we take that into consideration, as long as you apply for it. We generally don't enforce people while going through the process.

>> Mayor Leffingwell: Do you want to amend your motion?

>> Cole: To four months.

>> Mayor Leffingwell: Effective date four months from today. That's a motion. I will accept that. All those in favor, say aye.

>> Mayor.

>> Mayor Leffingwell: Council member riley.

>> Riley: Can I ask a clarifying question. Jerry can you tell us exactly when the cup would be in order?

>> The cup would be in order if a commercially zoned urban farm would want to use

the outdoor place for the use to springdale could apply for that if they wanted to, for extended use.

>> Mayor Leffingwell: All those in favor, say aye. Aye. Opposed say no. Passes on a vote of 7-0. Council member martinez.

>> Martinez: Back to the main motion now?

>> Mayor Leffingwell: Back to the main motion.

>> Martinez: Just I want to reiterate my thanks to everyone, but specifically the working group, the sustainable food policy board. I do want to thank judge perkins. I was the one that actually contacted judge perkins. I thought he had a breadth of experience and was culturally competent in being able to walk through this conversation with us. While we may not have achieved any consensus, I do want to issue him a heartfelt thanks for him stepping up to the plate and trying to help us do this very difficult process and I want to thank the city manager for taking judge perkins up on his offer. I want to make it clear, the reason I voted no on composting is not because, you know

-- I felt like we needed to come up with a policy solution. We are moving forward with curb side composting of nonmeat products but we are expanding that. We are not regulating it. We aren't limiting it, so this iue, I don't think, is going to go away. As we continue to work on and talk about sustainability, so I think it is going to be back on the table at some point. I just hope folks understand, we have to address this issue, whether that's through some form of centralized location, but even at -- at each individual sites, I think long, long term sustainability, this issue is not going to go away, so I wanted to just make that real clear that my vote wasn't

-- I don't think there aren't issues with compost and I think there are, but I think we as a policy body need to try to figure out a solution as opposed to just banning it and saying, go figure it out yourselves.

[17:02:38]

>> Mayor Leffingwell: All in favor of the main motion on item 105, say aye. Aye. Opposed say no. Passes on a vote of 7-0. Entertain a motion on item number 20.

>> Mayor, if I may, I have a couple of corrections based on previous action, changes to make on item 20. I want to briefly second what council member martinez said with regards to judge perkins. He was very accommodating and had no need to get

involved with this and gracious with his time and he did a good job as he could possibly have done in this this situation. There is a cleanup ordinance but I believe the changes with necessary based upon your previous action. One is on part three, there is a definition of agricultural product which is in chapter 10 of the city code and right now it reads agricultural product means produce, meat, fish, honey, dairy, seeds, live plants intended for food production and compost produced by a farmer. I guess we can leave compost products in there because I guess you can sell compost products that don't have animal parts so I will take that part out. There is a part in here, however, a little bit unusual, having to do with the possibility of urban farms bag on the city property which doesn't happen. We do have community garden but not urban gardens but there is a section in the code was title 14-7-41, administration of farms an market gardens and urban farm facilities for gatherings, since we aren't approving that, I recommend we take that part out and the subsequent paragraph afterwards, it would say urban farm, comma, market garden, or a market garden on city owned land will be managed by the city under an appropriate contracting method as determined by the city manager. I don't know what that means because of course anything done on city property is done with the approval of the city manager, but let's just make sure it's done that way so I wanted to take the urban farm with gatherings out and with that, this item is ready for approval all three readings.

[17:04:47]

>> Mayor Leffingwell: Entertain a motion to entertain item number 20. Council member morrison so moves with the amendment suggested by mr. Rustoven. Is there a second? Second by council member spelman. All those in favor, say aye. Aye. Opposed say no. A that passes on a vote of 7-0.

>> Thank you.

>> Mayor Leffingwell: On all three readings. That completes our agenda for tonight. [Applause] without objection, we stand adjourned at 11:05 p.M.