

City Council Regular Meeting Transcript – 06/12/2014

Due to severe weather, the captioning service's power was lost at 10pm and, as a result, there was a 15 minute gap in the transcription.

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[04:02:13]

>> Mayor Leffingwell: Good morning. Good morning. I am austin mayor lee leffingwell. We will begin with the invocation with pundit krishna kumar sripada from the austin hindu temple and community center. Please rise.

>> Oomm, [chanting] [chanting]. Oh supreme god, leaders, (indiscernible) leaders, darkness to light, peace, peace, peace. Thank you.

>> Mayor Leffingwell: Thank you. Please be seated. I call this meeting of the all the city council to order on thursday, june 12, june 12, the time is 10:03 a.m. We are meeting at the austin city hall. 301 west second street, austin, texas. We will begin with corrections to today's agenda. Item 13, postponed to june 26, 2014. Items 29 and 79 are withdrawn. Item 62 has a second quo sponsor, mayor lee leffingwell. Our time certain items for today are at 10:30 we will have a briefing on municipal civil service rules. At 12 noon we will have our general citizens communications. At 2:00 p.m., We will take up our zoning matters. At 2:00 p.m. We will have a briefing on the plan unit assessment development planned unit development assessments, or puds, and we won't have that briefing, because it's postponed until june 26, 2014. At 3:00 p.m., We will recess the meeting of the austin city council and call to order the meeting of the austin housing and finance corporation board of directors. At 3:00 p.m., Again, we will recess the council meeting and call a meeting of the tax increment financing board. At 4:00 p.m., We will have our public hearings. At 5:30, live music and proclamations. Musician for today is st. Paul. Our consent agenda for today is items 1 through 81 plus item 122. Item 55 will remain on consent, but I will read that item into the record, if those are our ap

-- those are appointments to our boards of commissions and waivers. To the board of adjustments sign and review board, harding is mayor pro tem cole's nominee. To the downtown commission, brian rork, who will be representing the planning commission as mayor leffingwell's nominee. To the planning commission, richard hatfield and ryan rork are mayor leffingwell's nominees. To the building fire code board of appeals, ben absug is council member riley's nominee. To the commission of veterans affairs,

dale cobiis council member riley's nominee and to the waste division, joaquin villarreal is martinez's nominee and to the water the nominees are veronica first, lynn welldale, are our nominees. We have no waivers for today.

[04:06:45]

>> Tovo: Mayor.

>> Mayor Leffingwell: Council member tovo.

>> Tovo: In light of the fact we have a very long agenda today and austin energy

-- we have an austin energy subcommittee coming up on the 21st, I am going to postpone item 73 so we can have a discussion about it at our subcommittee meeting. And then we will take it up for action on the 26th.

>> Mayor Leffingwell: Is there any objection to pulling

-- postponing item number 73 until what date?

>> Tovo: Until June 26, but with discussion about it happening at our austin energy subcommittee meeting, which I believe is coming up in the interim.

>> Mayor Leffingwell: Okay. So the items pulled off consent are as follows. They are not in order. They are numerous. Item 17, 43, 66, 70, and 73 are pulled by council member spelman. Item 30 will be heard -- will be heard along with item number 117, which is a public hearing after 4:00 p.M. Item 32 and 58 are pulled by council member morrison, items 42 and 122 are pulled by council member riley. Item 22 is pulled by council member riley. Item 50 will be heard after the 3:00 p.M. Tif board meeting. Item 60, council member horizon and martinez have requested a time for 6:00 p.M., Council member morrison and nasdaq and council member riley have decided a time certain for 5:45 p.M., Number 63. 64, 65, 66, council member tovos and morrison have requested a time certain for 6:30 p.M. And item 65 must also be heard after executive session. Item 68, council members martinez and morrison have requested a time certain of 6:00 p.M., And item 63 is post poned until June 26. Item 57 is pulled off consent due to speakers. We have several speakers who are signed up to speak on the consent agenda. First is eric goff. You have 3 minutes.

[04:09:28]

>> I assume this is on the uro on the consent agenda? Since this is on the consent agenda, briefly, I appreciate everybody's discussion today. Euc am the cofounder of the kitchen peddlers and pick up scraps from bicycles and take them to community or dens and farms and we appreciate the steeves accomplishment of founding this and it is the basis of finding the uro. Thank you to everybody on the dais. We support this resolution and in terms of the date for compliance of 2018-2019

-- am I speaking on the right agenda item? We

-- we don't have a preference for any of those, although the sooner, the better, because it just determines our wish to invest. If you want more on the uro then we can texas those.

>> Morrison: Mayor I would like to pull items 10 and 11 because I am interested in discussing the dates.

>> Great.

>> Mayor Leffingwell: 10 and 11 are pulled off the agenda by council member morrison. Our next

speaker is david king.

>> Good morning mayor and council members. Thank you for this opportunity to speak to you. I am speaking about item 76, the c rating for measuring music and sound at events, and I think that's an important resolution to pass and it will help neighborhood that are affected by outdoor music events and even indoor music events, particularly the low bass sound that travels distances and vibrates doors, walls, dishes, everybody r everything in your course, it is very disruptive. This c rating is very important and I thank you for bringing this forward and helping the businesses and the homes affected by this and I am speaking of the living wage resolution. I think that's important. As you know, austin has the most unequitable incomes in the u.S. And u.S. Is the number one in income and inequity in the world. So this will help many families here in austin be able to afford to stay here in austin and live here in austin and work here in austin. So I applaud you for bringing this forward and I hope you enact a living wage for the citizens of austin. Thank you very much.

[04:12:16]

>> Spelman: Mayor.

>> Mayor Leffingwell: Council member spelman.

>> Spelman: David, I understand our income and equality is bad and growing much worse, but I did not realize we were the worst in the world. I wonder what your evidence for that is?

>> It was on cnn

-- there is a report of cnn today and the united states is number one in income and equity. We have the highest income and equity. For making the highest incomes and many people making below living wages.

>> Martinez: Mayor.

>> Mayor Leffingwell: Council member martinez.

>> Martinez: Mayor we had a late request on item 28, so I am going to request a postponement to june 26, the neighborhood

-- one of the neighborhood association members says that their neighborhood hadn't been presented the evidence and they would like a little more time to review item 28.

>> Mayor Leffingwell: Is there any objection to postponing item 28 until june 26. Council member morrison.

>> Morrison: I don't object to that. I have been looking into it and had intended to

-- I actually got my concerns ameliorated, I did have some information

-- I can't remember off the top of my head, from the representative of the applicant, and I think there are some timing considerations, so could we just pull it and maybe look into that to make sure it's not an issue?

>> Martinez: I am willing to table it for now and bring it back up

-- we will be here for a while today.

>> Mayor Leffingwell: Item 28 is pulled off the consent agenda for discussion.

>> Morrison: I will make sure you get that information, council member martinez.

>> Mayor Leffingwell: Ryan donovan.

>> Thank you, mayor and city council, for your support for resolution 72 in support of cooperative

businesses. I am the executive director of the austin cooperative business association and I am working to promote the growth of the cooperative businesses. I believe that it will help solve the problems of income and inequality that were mentioned by the previous speaker and look forward to working with the city manager and staff and convening stakeholders to put the report together for the resolution. Thank you.

[04:14:32]

>> Mayor Leffingwell: Thank you. Laura presley.

>> Martinez: Mayor.

>> Mayor Leffingwell: Cocouncil member martinez.

>> Martinez: Very quickly, the item that mr. Donovan was speaking on, for the council's information purposes, the mb/wbe small council subcommittee heard this item and account it be in the agenda today. It didn't make it into the changes and corrections.

>> Mayor Leffingwell: Laura presley is not here.

>> Yes, she is.

>> Mayor Leffingwell: All right.

>> Hello, I am laura presley and I want to talk about the seton medical school for about \$2.5 million item. And on march 28, the council voted to give the medical school \$6 million in fee waivers and this and now this is another 2.5 million in fee waivers. The majority of in is 1.5 million for the water department. We have a lot of issues financially with our austin water utility departments, and it's just really bothering to me that we would waive 1.5 million when we are asking the taxpayers that we are go to raise their water rates. It doesn't make any sense. And I would like to who is requesting if fee waivers. I would like you as council members to ask that question. Is it the university of texas of regents, asking for the \$8.5 million of waivers. Is it central health? Who is asking for this, because it's not in the backup documentation and it's not transparent where the request is coming from. I really doubt the city manager's office is going to u.T. And saying, hey, don't you want an \$8.5 million waiver. I really doubt that we are soliciting that. So that's number one. I want you to pull this from consent, have a discussion about it. I just does not seem equitable to the taxpayers of austin for this to be out there, 8 and a half million dollars worth of waivers, especially when it's regarding the water. Thank you. Any questions?

[04:16:57]

>> Mayor Leffingwell: Next speaker is luke mexker. [Applause].

>> Good morning, mayor and council member, I am luke and the director of environment texas, a statewide nonprofit for clean air and clean water and speaking about number 74, hydraulic fracturing which is costing environmental impact to texas. Hydraulic fractioning is using 110 billion-gallons of fresh water, enough to fill dallas cowboys stadium 20 times and it is full of 280 tons of pollution in 2012 alone and pumped out 240 metric tons of metric pollution. I appreciate that, there are federal loopholes that prevent fracking in environmental protection, including the hazardous waste law. This measure, I applaud the city for taking leadership in calling on congress to address these loopholes and make sure that we are really protecting our air and water, especially as fracking is coming closer to austin, drilling

happening now in bastrop and lee counties, that could impact our water supply, our air shed as well. So thank you very much for your support for this measure.

>> Mayor Leffingwell: Next speaker is brad parsons. This is speaking on the consent agenda only. And we don't donate time on that. Susan almanza. Susan almanza. Noella angelica. Noella angelica. All right.

>> I was here to speak on item 29 that was pulled by the parks and rec. I had a couple of questions about the item. I am not sure how it was even put on the council agenda when the specific item was not vetted to any other boards and commissions, specifically the parks and rec board and to ask that council pass an ordinance to ban all alcohol beverage consumptions in city parks is ridiculous when those same parks and rec department staff went to the parks board just last month and is that they be given a waiver to allow alcohol sales and consumption at auditorium shores. I want to make sure any kind of changes that are going to be made to park city wide, they need to be vetted not only in a public hearing through the proper committee but also need to go through proper boards and commissions channels before they are brought to council. That's it. Thank you.

[04:19:48]

[Applause]

>> Mayor Leffingwell: Council member morrison.

>> Morrison: I want to comment

-- maybe I misheard you but item 29 was not a city wide ban but they were considering it at the pedestrian bridge.

>> (Indiscernible).

>> Morrison: All right. You are not at the mic. I will talk to you later, but thank you.

>> Cole: Mayor.

>> Mayor Leffingwell: Mayor pro tem cole.

>> Cole: I think we need to pull item number 63 regarding the teaching hospital for a brief discussion.

>> Mayor Leffingwell: Are you pulling it?

>> Cole: Yes.

>> Mayor Leffingwell: Is there any objection to pulling item 63? Item 63 is pulled off the consent agenda. Pete salazar. Pete salazar. Those are all of the speakers I have signed up to speak on the consent agenda. Council member morrison.

>> Morrison: Mayor, we have an item on our 4:00 o'clock agenda, item number 120 which is to rename a park on del curto road and at 4:00 o'clock I am going to request

-- I met with a neighbor and council member tovo yesterday about the processing concerns, at 4:00 o'clock, I am going to request that we postpone this item until june 26, with a request to the south lamar neighborhood association to take a final vote, naming the park the two items that were in the runoff, naming the park either del curto park or south lamar neighborhood park. I think that will provide the council more information on the 26 to make the decision.

>> Mayor Leffingwell: Entertain a motion on the consent agenda. Council member cole moves approval. Cole seconds testify council member tovo.

>> Tovo: I want to make sure 28 has been pulled?

>> Mayor Leffingwell: 28 has been pulled. All those in favor, say aye. Opposed say no? Passes a on a vote

of 7-0. Take up items 10 and 11 together, were pulled by council member martinez. We have several speakers signed up.

[04:22:27]

>> Morrison: Actually, I pulled them, mayor, I think.

>> Mayor Leffingwell: Council member morrison pulled it. Correct. Can I ask you to hold down your conversations until you are out of the chambers so we can go on with the meeting, we would appreciate it. The first speaker is eric goff. Eric already spoken so we will go to andrew dobs. Andrew dobs. Peter miller. Andrew dobs.

>> Thank you for having us and I am andrew dobs and with the campaign for environment in the austin waste alliance and I sent an email to everybody yesterday which outlines some of our concerns on this item and a couple of things that aren't on the agenda right now. With this, you know, we

-- composting is very important. It has a huge impact in terms of climate. It has a huge impact towards our zero waste goals. When you put this stuff in the landfills, you produce methane which is a powerful greenhouse gas and we take that seriously as the crisis as it is and we are doing everything in our power to get this into place as soon as possible. The ordinance that you passed originally said that we would have

-- that the universal recycling ordinance would mandate consumer compost by the scraps, talking end of tomatoes and stuff, and that will be composted and everybody would be under that by 2017. Okay. That

-- there is a whole stakeholder process. That was the understanding. There is closed door meeting with staff and the restaurant association and they come to the next stakeholder meeting

-- or

-- not even stakeholder meeting. The stakeholder process is down and they go to the recycling subcommittee and say we have changed the timeline to 2020. That

-- I mean, that's a breach of good

-- a breach of good faith on this and you already said 2017. We would like for you to keep your mind made up on that. We understand that there is some concerns about

-- that there are some concerns there and we want to work with everybody. We are okay with a 2018 timeline, and that's what we were talking about at swack timeline, the neighborhood timeline and with the educational period with the time period and the soft touch second year that happens under the rules, that would mean that we are not really getting a composting city wide on the commercial specter until the next decade. That is not to speak of this being a priority, as it being as important as it is. The capacity exists today. There is more than enough capacity for processing. There is competition in the processing end of things. There is more than enough in hauling and in competition in hauling and when this is finally set in stone, it will encourage competition and encourage new businesses to get started up. The longer this delay

-- this is delayed, less of a priority it is, the less likely it is for lenders and investors to come out and less likely intraspray ff intrapray entrepreneurs to take a risk. This is an opportunity and a opportunity for real meaningful climate change. We ask to get it back to 2018 or 2017 would be awesome but these 2019-2020 timelines don't work.

[04:26:11]

[Buzzer alarming] I am available for questions.

>> Mayor Leffingwell: Next speaker is peter miller.

>> Mr. Mayor and council members, I am skeeter miller and I am the president of the greater restaurant association. We have worked extremely hard in the last four years on this recycling come posting original. It was suggested the start date be 2020. It was moved back to 2019 in this last commission meeting. I am totally happy with the date of 2019, and the reason being is that when I did the pilot program, the composting was not in place for that part of the ordinance. It was very expensive. There was not enough haulers for a competitive bidding process and I am extremely concerned over the next few years if that will come in place. There is a hope for it but in the restaurant business, hope is not a strategy and I am concerned. I think the 2019 date is great if you choose to move it back to 2018. I would like to see a soft process of implementation and make sure the infrastructure is, in fact, in place at the time.

>> Mayor Leffingwell: Thank you. Adam gregory.

>> Morning, mayor, council members, adam gregory with texas disposal systems. I will be very quick. I want you to know that our preference is to begin the implementation of food waste composting as soon as possible. There is a great deal of infrastructure in place, tds

-- we are the largest composter in the area. You will hear from eric goff who is another composter, organics by goff, another organic composter for capacity. We would like to see the impetus for building more capacity as quickly as possible. We think there is enough capacity right now. We provide the service to all of the aisd schools and hundreds of other accounts around the step. I am happy to answer any questions.

[04:28:34]

>> Mayor Leffingwell: Thank you.

>> Thank you.

>> Mayor Leffingwell: Stacy goodry.

>> Good morning, mayor and council member and I am stacy goodry, a board member of the central texas zero waste alliance and a chair of the local chapter, the austin zero waste alliance and also an entrepreneur, I own texas zero waste strategies and that is a company that deals specifically with are uro policy assisting businesses in compliance. First of all, I would like to say that we have done some really great work on the uro, phase two timeline. And the policies as well, the rules around the ordinance that you approved and we've worked very closely with the city staff and other types of industries that will be affected on this. As a zero waste advocate and living in the city of austin. Last year was a year of food recovery and I don't want that declaration to really go to waste here. We have a major opportunity to capture these food scraps, these compostables, and we have the capacity. You already heard from tds. You will hear from the compost peddlers and we have organizishes by gosh and we want to see the

-- organics by gosh and we want to see the market for demands. We will see businesses pop up to cover this and just because a pilot program four years ago may have experienced a couple of dings here and

there, that's why we have pilot programs. And I don't think that lengthening the timeline is really going to do a service for austin here for businesses like mine that help the city of austin get those businesses into compliance and also there is a major lack of enforcement like this as well so businesses like mine, if a recycler or a composter comes in and says you need to do this because of this mandate, if there is no authority for us to back those claims, we are stuck there if there is an unwillingness, so shortening this timeline, as the chair of the austin zero waste alliance, we have decided that we could live with the compromise of 2018, 2019 and 2020, those options were just kicking the can down the road, in our mind, really, and we do want to see the capture of these organics directed from landfills to the responsible recyclers and composters we have here on site here in austin. I am available for any questions.

[04:31:41]

>> Mayor Leffingwell: Thank you.

>> Thanks.

>> Mayor Leffingwell: Those all of our speakers. We will vote on these items separately. Entertain a motion on item 10.

>> Morrison: Mayor.

>> Mayor Leffingwell: Council member morrison.

>> Morrison: I appreciate everybody coming down and raising the issue. I want to confirm with mr. Gettert first, because it has been a long process, my understanding what came out of the community stakeholders that went to the zero waste advisory committee subcommittee was 2017. Is that correct?

>> Excuse me, bob gettert, director of austin resource recovery, there were three components to the stakeholder process. There was the stakeholder task force discussions, I believe about 14 of those, in which various different options were explored and 2017 was the primary date of implementation as discussed by prior action of city council on phase one of the universal recycling ordinance. Then

-- then it moved into the subcommittee, the swac

-- the sswac in which four options were explored, 2018, 2019, 2020, and 217 and there were four options with the committee and the stakeholders between 2020, 2019, and 2018 and what was brought to the commission of both options, there was explanation of four options but the two brought forward with most stakeholder interest was 2017 and 2019. The zwac commission bedecided on 2019 based on their discussion of 2019.

>> Morrison: It was not unanimous?

>> It was not unanimous.

>> Morrison: Okay. I certainly your honor the whole issue that we need to understand that there is a market to serve this in terms of the businesses and all and one of the things I am wondering is

-- it does seem a long time down the road to wait until 2021 to actually fully implement this because we have an education year, basically nonenforcement year and then fully implement it and so if we

-- if we do change the date to what was suggested as a compromise people could live with of 2018, would there be a way to put something in the system to make sure that at the end of that year, the couple could get a good report on how it's going and whether we are having the businesses develop to serve so that the council at that point could make adjustments if it looked like it is really not on track.

[04:34:22]

>> Yes, absolutely, and we intend to update the zwac commission at least once a year on the progress. I would seek clarification about the concept of moving the date to 2018. There are two pathways. One is to take all of the affected properties that were to phase in, in 2019 and move them up to the 2018 schedule. The other option is to adopt the 2018 option that was presented to zwac which spreads the property implementation over several years, rather than compressing at the back end, so there is -- there is two ways to approach moving the end date of implementation up to 2018.

>> Morrison: It's just to shift everything as it is, from '19 to '18 or to take all of the '19s and put them into '18s?

>> That's correct, yes.

>> Morrison: I would like to make a motion

-- thank you for that question. To just shift what we have now from the 2019 to the 2018. Mayor, that's my motion.

>> Mayor Leffingwell: Motion by council member morrison. Is there a second? Council member riley.

>> Riley: I would second that. I would like to ask a question if I could. Bob there has been a question about soft opening for enforcement. Can you discuss what you would contemplate as the initial phase of enforcement?

>> Yes, the usual implementation and enforcement phase of an ordinance like this, there is an implementation deadline that affects a certain number of properties. In the first year after that deadline, we

-- we attempt to touch or communicate with every property and educate them on the requirements of the ordinance. Of course we give them advanced notice

-- 6 months advanced notice before that date but there is the implementation strategy of trying to ease the businesses in. That's the first year. The second year is when the cases are transferred to code compliance, and code compliance would then use it as a normal force of their authority for code compliance.

[04:36:24]

>> Riley: Got it. So even though the ordinance would take in effect in 2018, no penalties would be imposed until 2019. In the meantime, we can identify whether there are any real issues with available infrastructure?

>> Yes.

>> Riley: Okay. Thanks.

>> Mayor Leffingwell: All those in favor, say aye. Opposed say no. Passes on all three readings on a vote of 7-0. Take a motion on item 11, which are amendments to the administrative rules. Council member morrison.

>> Morrison: I would like to move that we approve it with any date change to reflect what we just approved in 10.

>> Mayor Leffingwell: Motion by council member morrison of. Second by council member riley.

Discussion? All those in favor, say aye. Aye. Opposed say no. Passes on a vote of 7-0. Brings us to items 17 and 43 together, pulled by council member spelman and there are no speakers.

>> Spelman: Can somebody from the fire department speak about this issue? We have been talking about fire watch or some other automatic fire detection system form quite a

-- for quite a while now, and as I understand what the current proposal is to put up a

-- not sure the right word to put up

-- put up on tower one part of this detection system and see how well it works. Monitor it for a season and see what it does. Is that accurate?

[04:38:24]

>> Yes, sir. Mayor, council members, harry evans, chief of staff, austin fire department. This particular project f pilot project has to do with using censors in the wildland interface where houses are built into the tree lines to detect fires

-- wildfires and the idea being that early detection and knowing the size of the fires could give us a significant damage in controlling those fires in the initial attack.

>> Spelman: It makes sense to me.

>> Yes, sir.

>> What I am not clear on is the terms of engagement in the pilot project itself, for putting a censor -- is it one or two that we are talking about?

>> Three different towers. I have the assistant director of the wildfire division, chief lenardo is with me today and he can ask questions.

>> Spelman: I have a general question about how well we know this will work, but, sir, is it my understanding that there is already a tower up in westlake hills?

>> That's correct.

>> Spelman: And we are talking about adding two more sensors in two more towers?

>> Yes, sir.

>> Spelman: Are both of these towers ours or is one going to be ours and one travis county's?

>> They are all part of our system for communications. City managed and city owned.

>> Spelman: We will buy them and get help from travis county to buy them and we will do the monitoring of them and if there is a fire we will be responsible for identifying the tower by watching the monitors on the sensors, is that correct?

>> Mayor Leffingwell: Yes yes, sir.

>> Spelman: This is a pilot project with the intention or the possibility downstream of putting more sensors on more towers? Or do we think three will be sufficient to solve the entire area?

>> We believe we need to go through the four seasons like you described, sir, and see what effect it has. If it has a positive impact on our ability to catch fires in the initial attack, then the recommendation will be to continue to look at emerging technologies and other things that we might be able to do similar or the same as this to give us that advantage.

[04:40:41]

>> Spelman: Okay. How will we know that these three sensors, the entire array of them we should think of a single system, how would we know these three sensors are appreciably affecting our ability to detect wildfires quickly and to respond quickly?

>> I think I can answer that directly, council.

>> Spelman: Please.

>> Currently what you are competing with is a cell phone. That's a fact. There are a lot of cell phones out there. What we will be able to detect now is, does this beat the cell phone, yes or no, we can know that because we can tie it down to those issues. So we are looking at that as part of our criteria. So we will be able to see if we can get in there and get the earlier detection which is what the primary device is designed to do. So we are looking for that, to be able to measure that and come back here and let you know how the progress is going.

>> Spelman: All right. So say there is five fires out there that happen over the course of the next season. For each of the five you will know when they were first detected by fire watch, by our people watching the monitors, by whatever information we are getting from the sensors, we are also going to be able to monitor at the same time when the first cell phone call goes in and says I think there is a fire going on at such and such a place?

>> That's correct. We won't monitor the towers every day. Only during high fire danger days. We have the science. We are very comfortable with that science. On those days, the answer is yes, correct, we will be able to compare and contrast those data sets.

>> Spelman: And we would presume then at the end of the four seasons we looking at, that if there were a appreciable number of fires that were detected much more quickly or at least a little more quickly by fire watch and then by the cell phone, then it's doing us some good. Make sense?

>> That's correct.

>> Spelman: Okay. What standards are we going to be using to determine appreciableness? Is it like a few seconds, a few minutes? How will we know it's doing enough good for us to merit the time and attention for the people to monitor those sensors?

[04:42:58]

>> In the role of fire erin, you can do modeling, and the modeling can determine what can do with fires under certain conditions, we can look at anything above we see 90% of average, so say 3% are bad days. We can start looking at and we can actually put a number to that to let you know that a minute, 30 seconds, a minute and a half means this much in fire spread. We do a very good job of the 3 to 400 wild -- small wildfires you get that you don't hear about a year. We do a good job of suppressing those, usually with one unit, one company. The problem is the larger fires, labor day of 2011, those types of dates where things get away from us. This would be a valuable tool for those kinds of days. But we will be able to quantify that and let you know on those days when the weather was such that that much time saved us so much in fire acreage grown, so we can measure it to that set. That's probably what we will do with this.

>> Spelman: So we know when the first call comes in on a cell phone. We know when we detected this thing on fire watch, say there's a one minute difference between the two and you have a model which will tell you how much that fire grew in that minute, that we did not have delayed because we were able

to respond more quickly?

>> That's correct, sir.

>> Spelman: I like forward

-- I will not be here when your first report comes in but I know subsequent council will look forward to seeing some results. It seems exact kind of comparison to make in part because we are talking apples to apples, talking dollar expenditure of your staff's time and the equipment to put these things up on the tower in the first place but you can at least measure in dollar equivalent form the value of the fire that didn't happen because we were able to respond to it more quickly so it seems to me that is the right kind of comparison you have been making for a pilot project and I look forward to see what you come up with. Mayor move approval.

>> Mayor Leffingwell: Move approval of both items, 17 and 43.

>> Martinez: Second.

[04:44:59]

>> Mayor Leffingwell: Second by council member martinez. Discussion. All those in favor, say aye.

>> Martinez: Mayor.

>> Mayor Leffingwell: Council member martinez.

>> Martinez: Chief, I want to thank you for your efforts to get us to this point. I really do think with the pilot study complete, we are going to see that this is a tremendously effective tool at protecting hundreds of thousands of residents without adding a single full-time equivalent employee if you will on fire fighting. I think it will protect the citizens and the firefighters as well. So I appreciate your work getting us to this point.

>> Mayor Leffingwell: All those in favor, say aye. Aye. Opposed say no. Passes on a vote of 7-0. Now we will go to our briefing on civil service. And I was just going to announce that we have some special guests today, but they just left. These are members of the kirk watson campaign academy and I will step off the dais nor a couple of minutes to viz

-- for a couple of minutes as you do your briefing. Go ahead.

>> Good morning, mayor and council, mark washington, human resources director. It is my privilege this morning to share in what is a historic moment that highlights the product of work from our civil service commissioners, our staff, in cooperation with our employee associations and employees in developing what we are presenting today as a civil service rule. What you will hear today is an overview of the rules that is a reflection of many months of work that has been taken on by the staff and commissioners. That includes approximately 87 modifications to the rules that were initially proposed to the commission. We are happy today to say that we are in support of the rules that are being proposed today and there are only a couple of areas that are worthy of monitoring as we move forward to ensure that there is no unintended consequences. So just to provide some background, as you are aware, there was a charter amendment in november of 2012 in which the residents passed prop 10 that amended our code that allowed for civil service, back in january 2013, staff did brief the council doing a work session on the implementation strategy, and it was in april where we began to also host other cities that implemented municipal service across the country to find out what their practices were as well begin engaging our employees around may of 2013 in terms of getting their perspective on what kind of considerations

should be taken into the rule development process. In november of 2013 is when, by charter, the hr director had within a year from the charter passage to recommend the rules to the commission, and it was in november when that was done and the hasbeen deliberating extensively from november to may for six months, meeting twice a month in the recommendations. Just as a reminder, there are certain employees not covered by the rules, for a large majority of our nonsworn employees that are covered but for those employees that are exempted are council members and their staff, city executives, as well as the city attorneys and temporary seasonal employees. Those are examples of the employees that are -- that do not have municipal civil service protection. The commissions proposed of five members and some of the commissioners are here today. I know commissioner kolvech is here and council member ressal and I see commissioner perez wasley is here and I want to thank them for their work but you see commissioner rubenette and lancaster, they have done an outstanding job and we are glad to have an opportunity to work with them. Our rule is twofold. Number one to recommend the rules, and secondly, upon passage of the rules, to hear any passage of the rules toward any employees who have been discharged or demoted or claimed denial of a promotion, are put on disciplinary promotion, so it is the commission's job to recommend the rules to council upon receiving recommendation from me and it's your job council to approve those rules from the commission. We've uploaded the rules in the board and commission section. There are 7 sections. I have highlighted the sections, I won't go into lengthy detail. I can tell you all are not interested in reading every line of the rules today but primarily the area that are the meat of the rules are rule number 4, 5, 6, and 7, when it talks about the employees' rights what happened is just cause related to disciplinary action. Again, article 9 of the charters of framework in which the rules were developed, but beyond the rules, there are still personnel policies that are still approved by council and further provide more administrative guidance and direction to the organization. There are administrative bulletins and procedures that are developed by management to ensure that there is compliance with the rules. One of the areas I will point out in terms of hiring, there is quite a bit of changes that require more protection for employees under hiring and selection and it requires that every candidate be defined in terms of their eligibility by merit and fitness, and we will develop criteria to specify what are those qualifications for employees that determine them to be merit and fit for a position. But the rules also require a hiring matrix, which is a change in terms of a requirement, that every interview occur in management assessed -- and management assess the eligibility of the candidate based on experience and there are seniority points given to candidate for consideration and there is a requirement that every applicant internally who meets preferred qualification must be given an interview. So that's a significant change. There is also a probationary period for new employees, six months is also promoted employees, three months which most may be removed back to their -- may be removed from those positions without cause. Promotional employee has to go back to their previous job at their same salary. The only opportunities for direct appointments outside of the competitive process are those that require us to comply with certain federal or state law, and I have listed some of those examples. For instance, like you say, making medical accommodation for ada or fmla, but any other act beyond that, if it's not in the rules, if it's not someone who is getting a reassignment because the commissions overturned a decision for termination or a demotion, we would have to get special approval from the commission. The other opportunity for direct appointment is in the event that an employee is displaced by a reduction in workforce, there are provisions in the rules

that allows management to place an employee into a position in order to avoid being laid off. And the layoff criteria is based on two factors, which is employees' length of service as well as their performance and any employee who is affected by a layoff will have preferred interview status, up to one year, should they be laid off. And they are placed on the reemployment list and there is a provision in the rule that requires us, should a position become available within that one year, to automatically reinstate it into that classification. Discussion minute is another important section in the rules, and it requires there to be cause for every action, just cause is the term we have been using, and that there be -- got documentation and notice to the employee about the nature of the incident, and there are other examples in the rules that

-- for just cause. I have highlighted some here, but the main provision is that for any disciplinary action that will result in significant employment action would require a prenotice of discipline to the employee. If the meeting was to occur, give them at least three days' notice in writing and an employee would have an opportunity to have a representative attend that meeting if they so chose. And there is another provision in the rules regarding representation that allows employees to bring representation to any meeting, in which there is disciplinary action being considered, predisciplinary meeting, any kind of formal meeting they are having with management, a meeting to discuss the improvement plan or an investigatory meeting with the employee, may be a complainant or responsible party or a witness, all of them are rights to have the representative present at that meeting and the employee may have a representative present during the actual appeal and represent them in their appeal to the civil service commission. So for any meeting that a representative is required, the employee has to make management aware of their desire to have a representative and if there is an indication that the representative is not available, as long as we are notified within 24 hours of a meeting, the meeting has to be rescheduled to occur within three business days to afford the employee a right to be represented. I mentioned earlier the role of the commission. You see the kind of issues the commission will hear. Prior to the issue of going before the commission, there is still a departmental appeal process in which the employee will use the internal grievance process within a department, and the rules also require any employee that is subpoenaed by the commission

-- the commission can issue subpoenas for them to appear before them, around if they don't, -- and if they don't, that could also be grounds for disciplinary action for failure to appear or comply with a subpoena. There are specific, very intricate timelines for meeting deadlines for appeals and subpoenas. You will also see in the rules, section on voting. This is how the commission determines the outcome of any disciplinary appeal

-- or any appeal for disciplinary action, and it's based on the quorum

-- the commission is composed of five members but it only takes a quorum of them to meet, which is three, and the way the rules are set up, unless there are a simple majority of the entire commission or the majority of the quorum will agree, that can result in a decision for the commission. We've looked at in the event that there is a quorum, three commissioners meeting, for whatever reason, one commissioner may abstain and there is a 1-1 tie and there is four people there and a 2-2 tie, the rule does allow for a decision to be made even in the event of a tie. What happens is, that the party who is deemed to have the burden of proof in a tie will have not been deemed to have met their proof. So if it was the burden of proof, for instance, on disciplinary action, it is the responsibility of management to prove they had just cause to terminate an employee or discipline an employee. In the event of a tie, the

outcome is that the burden of proof would not have been met by management, and, therefore, the employee will not be subject to the discipline that was

-- that was made. And burden of proof is just the opposite for denial of promotion. The employee has the burden of proof to demonstrate why they should have been promoted. If they have not successfully done it in the way that gets the majority of the quorum or the commission to agree, they will have been deemed to not meet their burden of proof and, therefore, not be entitled to be promoted into the position. So, again, I mentioned earlier, there were 87 modifications by the commissioners for the staff's proposed rules. We want to make the council aware of two areas that are worthy of note

-- worthy of moving forward, noting this, and this requires management to interview every candidate that meets the preferred qualifications, and the only concern or caution moving forward that we will monitor is the impact on elongating the time for interviews, and we did go back and look at some data, and indicated in some instances that would have doubled the number of applicants that would have been interviewed for certain positions. And so we mentioned just to the commission, the commissioners also agreed to try the rule to give employees who meet preferred qualifications an opportunity to interview and see what the impact is. Again, our concern is just to make sure that it doesn't impede our position to fill vacancies in the future. And the other area of concern is just the area of the rule that I highlighted on voting, that a tie vote results in a decision as opposed to being a nondecision. We will continue to monitor those closely and if there are issues with them, we will be providing the update to the commission and the council within a year to see how the commission is progressing with those rules. Just a couple of other items on rule implementation, what I have been talking about has been the charter amendment and the rules as a high level. That's just the tip of the iceberg, in order to effectively implement the effective civil service rules, there are a lot of things under the surface that has to occur in terms of modification of personnel policies, forms, work rules, training of a large organization of our size as there are over 8,000 employees subjects to the rules, as well as technology to support the rules. And so we want to be very deliberate in implementing the rules and we've developed an implementation and training plan that will ensure that we develop and train employees and managers, supervisors, commissioners, make everyone aware of the rights. We have identified that in order to effectively implement the rules, that it would require a lot of communication and engagement to our workforce, as this is a significant change in terms of the framework of employment that we have been used to operating with, and we want to make sure it's done right. So because of that, we looked at supporting technology that will ensure consistency across the organization. That has to be in place in order for us to effectively track discipline within the different departments to make sure that we are treating each case consistently and effectively, and

-- let's see.

[05:01:11]

[One moment, please, for change in captioners] any type of infrastructure that we would need in a workforce as large as ours to make sure that we are fully ready to

-- to implement the rules. And if not, we will do whatever the council directs, but absent that time for preparation, there is a risk of poor implementation where

-- where employees nor management will understand the new rules, which would cause more confusion

and difficulty in

-- in the ability to administer the new municipal civil service rule and have some perception they may not have been as effective as it may have been intended. With that, our chair is hear. Commissioner kovitz, I would ask her to come and have any remarks on behalf of the commission, if she would like.

>> Thank you. Good morning, councilmembers. My name is kim kovakc, I served for a little over a year as chair of this commission. I specifically wanted to address the process that we went through. I know director washington mentioned that there were 87 modifications. But there weren't just 87 items that we looked at. We went through everything in great detail. And I have utmost confidence that the process that we went through has resulted in, I think, well perhaps not perfect, certainly a very workable, commendable civil service system for the employees of this city. Understanding that different constituencies were coming to the table. We were able, both as a commission, I think all of us individually recognized that. And really made an attempt to balance the needs and interests of the employees and their protection with also the needs and interests of management and the city to conduct business to provide services, et cetera. There was much reflection, deliberation, discussion, and then more reflection, deliberation and discussion. And so my

-- my responsibility here is just to let you know that as mentioned we met quite often, I think everyone did a lot of work when we were not meeting as well. And I think that the end result, the rules, are a product of all of that deliberation and staying confident in that product. It's also my understanding that other commissioners are here, so I would like to invite, if anyone would like to add anything to my remarks. Thank you.

[05:04:58]

>> Would the other commissioners please stand for recognition? Are you

-- do you have any comments? We certainly appreciate your service and we want to recognize that. Councilmember morrison, you had a question?

>> Morrison: Not really. Well, actually I do have one question. Were these

-- first to thank you all, I can't imagine the number of hours that this took to

-- to get to the point we are today, especially the commissioners. But also the staff and the community members who have participated. Did these rules, did they come to us with a unanimous vote of the commission?

>> Yes.

>> Morrison: That is great to hear. Thank you, really, thank you very much, I appreciate it.

>> Mayor pro tem.

>> Cole: Councilmember martinez?

>> Martinez: I was

-- ms. Perez, do you have comments for us.

>> Yes, I do. Thank you, good morning, council and the mayor is here somewhere. I do have one comment. I am concerned about the timeline for us to be a account to finally hear a hearing. Right now it looks like they're asking for four months. We have

-- some of us did disagree on that from the beginning. I would hope that you could expedite it in some fashion, give them more staff, make sure that the rules get out to the employees as fast as possible. It's

sort of like when anyone represents anyone overnight. There is a possibility and a way to learn to use the rules and I don't doubt that, for instance, really the only employee advocate that was there was afsme, they would probably also be willing to do training off grounds or off city sites anyway. I also asked that i, I don't know if any of the other commissioners, would like to attends some of those trainings, so I hope that you will consider allowing us to, since we were the commissioners that passed the rules. Thank you.

>> Martinez: Thank you ms. Perez [indiscernible]. I think that we have one more commissioner and then I had some comments.

[05:06:59]

>> Thank you, mayor, councilmembers, my name is kevin russell, I'm one of the commissioners. We did have a unanimous vote to move these rules forward, but I did have some concerns with the rule. Actually, I only have one concern with the rule and it had to do with the voting. The way the rules are designed right now, it would allow for two members to make a decision when you go with a majority vote. Our bylaws state, I want to make sure I get it correctly, to be effective the committee action must be adopted by an affirm vote of the number of members necessary to provide a quorum. I think this is an important distinction when it comes to voting because to have the number necessary to provide a quorum means that it's

-- it's at least three members that would require

-- be required to make a decision and that would represent the commission as a whole. I think in making a decision about an employee's status, about discipline and

-- in an employee or whatever is going on in the appeal, I think it should be represented

-- I think it should be a decision of the commission and not necessarily of two members, if we happen to have only three and there's a dissent amongst the three there. I think in the event that three commissioners are unable to agree, the final decision on the appeal should be postponed until the other commissioners can either hear the evidence or we reschedule a new commission

-- excuse me, reschedule a new hearing. I just wanted to voice my concern on voting. I voiced it at every meeting and I let everyone know that when it came to council, I would voice it again just to let you know. I think it's more in the spirit of what the voters wanted in having the commission make a decision and not necessarily two people. That's it.

>> Mr. Washington, I just wanted to thank you and really all of your staff as well. I know there was

-- there have been many folks working on this. Also I want to thank you for bringing to us, you know, on june 12th you said next week, but what I think you meant was the next council meeting in two weeks.

[05:09:09]

>> THE 26th.

>> Martinez: The goal is to get it back to us on june the 26th for adoption. I really do appreciate that. It's, you know, for the city employees, it's been a long time coming. But I think it's been necessary to have the time to come up with the right set of rules. So I just wanted to echo my thanks for all of your efforts and your staff's efforts to get us to this point.

>> Thank you.

>> I did want to ask an afsme representative if they would like to provide comment as well. Ms. Guthrie, as the representative of many city employees, you've been very involved in this process and so I just wanted to ask if you could share your comments with us about the process and then about the recommendation that's before us and any concerns that you may have.

>> Thank you very much. Carol guthrie with afsme. First of all, I want to take this opportunity to thank the sponsors that got this charter amendment put forward on behalf of our members and city employees. We appreciate that very much. And so I wanted to make sure that I said thank you. This was indeed a very difficult process. We almost support everything that is in the document. We have provided your offices with just minor concerns that we have as an organization. Those concerns are -- are really things that have been in place for a long time that have already constituted a past practice or something that we've been practicing for a number of years already. Some of them we felt needed further clarification. Doesn't really change the outcome. And most importantly, for us, is the implementation of the rules. We're edging up on two years since this was passed and city employees are quite excited to finally have some rights and an adequate grievance procedure that will have some teeth in it. So I hope that you do not post

-- postpone this until october. I hope that you will vote on the 26th to support maybe a 30-day implementation, where this becomes effective like august 1. I don't believe that this will create as much training as the city is saying that it will. Some of these changes are minor. I mean, you have an entire section on the risk, which, you know, we haven't had one of those in 20 years, thank goodness. On the rif. Hopefully we won't. The big item that's in here really is on the hiring and right now you have departments that already use the matrix. They use the preferred quals. So we really are talking about things that have been in place, just haven't been a rule. So while we support training as something that needs to be ongoing, we really do not support the delay of implementation for the rules, so we hope that you all will support getting these rules adopted, move forward and implemented august 1. Thank you.

[05:12:43]

>> Thank you, carol. City manager?

>> Thank you, mayor. I want to take a moment to acknowledge

-- acknowledge mark washington and his staff as has already been noted. They've worked hard for quite some time, along with the commission, to get this work done and to get this matter before council for your collective consideration. I just want to underscore, you know, the fact that there is a tremendous amount of agreement relative to all of these

-- all of these rules and in regard to civil service and just a couple of areas, as mr. Washington alluded to, that we want to monitor to see how it goes to make sure that there are no unintended consequences. But I also want to underscore the implementation schedule that mr. Washington spoke to. I would tell you that I pressed him and his team for a longer implementation schedule and in fact they pushed back because of their desire to, you know, to get civil service in place with the appropriate rules and having -- and dealing effectively with all of the revisions to personnel policies and all of the other things that he listed in that slide that

-- that are absolutely part of what we need to do in order to effectively implement civil service in our organization. We are talking about over 8,000 employees. And I might add that, you know, this implementation, that schedule is aggressive, but that is not the only thing that's going on in this organization. There are any number of other major initiatives that are going on right now. I don't have to list them for the council. You know what they are. I can tell by your reaction to what I'm saying. So I don't think it is unreasonable and we're talking about, you know, a fundamental shift with respect to personnel management. That we take this time between now and the end of october, essentially, to get this work done. Once it was passed by the voters and we were directed to civil service, like other things we have attempted to

-- to apply our pride values and best managed ideals to this. I think that's been accomplished and I think the implementation schedule that mr. Washington has put on the table is necessary so that we can continue to be consistent with our desire to set the standard. In municipal organizations when it comes to the implementation and the administration of civil service.

[05:15:40]

>> Mayor Leffingwell: Okay. Thank you.

>> Mayor?

>> Mayor Leffingwell: Councilmember riley?

>> Riley: Mark, I want to thank you for all of your work on this, too. I just have a question for you. As you know, as mike, as councilmember martinez mentioned or someone, actually ms. Guthrie mentioned, we have received a memo from afsme laying out some suggestions about minor changes to what you presented today. And I just wanted to make sure that you've had an opportunity to see that and I'm homing that by the time this comes back to us in two weeks that we would have some input from you about

-- about your sense of

-- about those changes and whether they

-- to the extent which they were discussed previously at the commission, to what extent you have any issue with them.

>> I have not had a chance to see whatever communication was shared with the council offices and so I don't know the extent of what those proposed changes are and I would be happy to take a look at it.

>> Let's make sure we do that in advance of the 26th, SO AS WE DISCUSS Those suggested changes at that time then we'll all be on the same page about what's

-- what's requested and whether there are any issues with it.

>> Okay.

>> Riley: Okay, thanks.

>> Mayor Leffingwell: Thank you. Councilmembers, I have a request to take up item no. 63, pulled by mayor pro tem cole. We do have one more speaker who is signed up to speak on it now. [Indiscernible] houston.

>> Good morning, mayor, members of cowboy, I'm aura houston, I am a resident of 2207 east 12th street, I stand in opposition to

-- to item 63. My question for the council for the central health district, the university of texas and seton

is how often can one go to the well before the well goes dry. There are times when we reference five-county regions and I think many of the people who voted in this last election to support the medical school didn't realize that Travis County taxpayers were the only ones to pay the burden, to get this billed. So yet we're coming back again to ask for waivers. It's my understanding that the property is already off the tax rolls, so we are not getting any taxes on that. And so I think that

-- that if this is something that the University of Texas and the Health District really want to have happen, then it's on them now. We've done our fair share. Our taxes have been going up because of this. And it wasn't

-- the vote was not that

-- was not that close. I mean, you know, it was like the wool was pulled over our eyes. So I'm asking you to, at this time, say no, find some other way to fund, don't give any more waivers to Seton. We have already given them waivers for many other things that I can't even mention right now because my head is spinning about yet again we are going back to ask for more waivers, that the taxpayers are going to have to supplement. So I ask you to vote no on this agenda item. Thank you.

[05:19:08]

[Applause]

>> Mayor Leffingwell: Thank you. Laura Presley has already spoken. Paul Robbins.

>> Good afternoon. Good morning. I am really here to speak on another matter, but my attention was called to this item this morning by Laura Presley. And I looked into it to the extent that time allowed. And she is correct. There is really very little transparency on this. There's not very much in the backup material at all to say what this item is about. There is, however, one number that does stand out and that to me

-- to me and that is 1.4 million in water and wastewater impact fees. Now, we have one of the higher costs water utilities in the state. It

-- it continues to go up every year. It's going to go up even more because of the drought. And I can't see that this is fiscally responsible to ask the water utility to do this, after the Central Texas

-- excuse me

-- after the

-- I can't see that this is fiscally responsible after the Health District has already raised their taxes, our taxes, by 70%. We really have to figure out a way to keep Austin's water rates as low as possible. And at least on the water rate portion, I'm asking you to vote against it. Good morning.

[05:21:37]

>> Mayor Leffingwell: Mayor pro tem?

>> Cole: Thank you, Mayor. I actually pulled this item because there were some questions on it and I wanted to point out that it had been postponed. So that we

-- a number of us could have some conversations with Seton and I have had conversations with them about the wage rate and they are adhering to the \$11 wage floor and they are also going to follow all of the workers' compensation rules.

>> Councilmember spelman.

>> Spelman: Thank you, mayor. We're charging

-- well, we would ordinarily be charging a wide variety of fees. This is a resolution, an ordinance, to waive a wide variety of those. Some of these fees, I think it's important to distinguish between those fees that are rents, for example, lane closure fees, we own the lane, we charge people for use of the lane while they're constructing something. But that's not really money out of anybody's pocket. We don't have to make up that money because we're not paying for an employee to monitor that lane, for example. As opposed to inspection fees where we actually have to send out a warm body to do an inspection and if the fee is not paying for that person to do that inspection, then somebody else is going to have to make it up. Meaning an increase in fees elsewhere or an increase in taxes in order to make up for this. What I would like to do, if possible, if there's somebody on city staff that could help me walk through is distinguish between those fees which are used to pay for a city employee to do something as opposed to those fees which are mere rents and which we could reasonably waive without having to worry about raising taxes. I suspect that I'm going to find that there's a very small percentage of these fees which we're proposing to waive which actually are going to city employees who are going to have to be paid for one way or another. What I believe I'm going to ask for in a few moments is that small percentage of those fee waiver requests be removed from this list and that we retain the bulk of the fee waiver requests, which are rents that we're charging if we waive those fees it's not going to increase taxes or fees on anybody else. Manager ott, is there somebody in the city staff who could help me walk through this?

[05:24:04]

>> I don't know. I was looking for somebody

--

>> there we go.

>> May be able to answer some.

>> Robert good, assistant city manager. Councilmember, if you would give us some time, we haven't reviewed that, I will get staff together to be able to pull that out. You may have to table this unfortunately, but if you want that kind of data, we will gather staff, review the request, be able to come back to you later with that information.

>> Let me give you

-- in deference to people who have been waiting here a while. Let me give you a sense, I think I'm going where you are going to ends up going. Lane closure fees do not require fees and we waive those fees it's not going to require an increase in taxes or fees on anybody else is my best guess to where you are going to come up. Similar with respect to the impact fees for water and wastewater, because this is not a new facility, this is a replacement for a facility which is currently in operation. We're not starting from scratch here from the ground up. If this were an entirely new facility planted on a green field and actually putting an entirely new requirements on our water and wastewater system, those impact fees would be a reasonable recompense for the increase in the system, but we're not talking about an increase in the system. We're talking about trading out one hospital for another as I understand it. On the other hands the building permit plan review and inspection fees are going to require somebody to

actually review the building permits and do the inspections. The encroachment agreement application fee, I don't know anything about, I look forward to seeing what you have to say about that. Tower crane permit fees I expect required a limited level of inspection, a person to make sure that the tower cranes are properly placed and operated. Health port I don't know, only a few thousand dollars, the water installation I require expect work on our part, ditto fire inspection fees. Seems to me that we are talking about less than \$200,000 of this almost \$2.5 million of fee waiver requests. Actually requiring action on our part and would require us to pay for

-- require taxpayers or other ratepayers to make up the difference. The other \$2.3 million in the fee waiver request seems to me are rents that we're charging which we could waive without harming the taxpayers particularly.

[05:26:28]

>> I think your --

>> Spelman: That line by line description on your part and verifying that I think that I know what I'm talking about.

>> Uh-huh, I think you're right.

>> Spelman: Thank you, robert. I will cheerfully ask to table this item until we have a response from the stay management.

>> Mayor?

>> Spelman: But I will

-- that's my proposal, mayor, is that we table this item.

>> Mayor Leffingwell: Okay. Is there any objection to table

-- objection from councilmember morrison.

>> Morrison: I don't object to tabling it in just a minute. I just wanted to make a comment first and that is

-- since the first time this was on the agenda, I had an opportunity to speak with some of those seton folks in central health because one of the things that's been on the table as an area of concern is women's health services, particularly reproductive health services and how that's all going to play out in our new system who is going to be able to get what kind of services where and I know that central health and seton are working on that and central health in fact is going to be

-- they have a subcommittee looking at the issue and they are going to be creating some kind of an engagement group so that there is going to be a place to be able to discuss those issues. I think that transparency and openness in that discussion is absolutely critical. Because we need to make sure that the people that are served by our new health system are fully served and that include's women's reproductive health and other health issues. So along with

-- I had a chance to chat with councilmember tovo about this idea. I'm particularly interested in making sure that we as representatives of the people of austin can really stay in touch with the progress and

-- in developing that opportunity for public engagement on that. So we are contemplating bringing a resolution forward asking our women's commission to just keep

-- to engage with the folks at seton and at seton and

-- and central health on the topic of this

-- of this engagement opportunity to make sure that the council is
-- stays fully informed and can make sure that we're comfortable with the level of transparency. Also
that's just a future action and I just want to make sure that folks knew that we had concerns about that.
I appreciate the time that seton and central health have pony with us and I look forward to talking with
them further about getting actual language down about how we can make sure our women's
commissioner keeps everyone up to date.

[05:29:24]

>> Mayor Leffingwell: Councilmember spelman, I think they may be ready with the numbers. With that
short pause.

>> Spelman: That would be great.

>> Tovo: Mayor?

>> Tovo: Councilmember tovo.

>> Tovo: I want to respond to that. I think it's certainly a question that we've heard from our
community. I completely agree that it is really important that the council be apprised by a body that is
directly accountable to the council on the

-- on the

-- to ensure that we are providing adequate access within this community to women's health care.

>> Could I ask the staff if they are ready to go through those line items now? Are you going to need
more time or not?

>> I think we are.

>> Mayor Leffingwell: All right. Without objection, this item is tabled. That brings us to item 28. Item 28
was

-- some discussion about whether or not this item should be postponed by councilmember morrison.
Councilmember martinez?

>> Tovo: Mayor.

>> Mayor Leffingwell: Councilmember tovo.

>> Tovo: I want to indicate that I will be recusing myself from this item as well.

>> Mayor Leffingwell: The clerk will show councilmember tovo recused on item 28.

>> Riley: I'm recusing as well because I own and live in property across the street and I have filed the
appropriate paperwork with the clerk.

[05:31:26]

>> Mayor Leffingwell: Councilmember riley also recused on item 28. We do have one speaker. We don't
have a speaker, doesn't wish to speak. Councilmember morrison?

>> Martinez: Mayor, the agent, mr. Clingman, I believe he's not in chambers right now. He did just send
us an email saying he was working with the concerned party, if we could keep it tabled for now, he's
working to address their concerns and he will come back in and let us know.

>> Mayor Leffingwell: Without objection, item 28 is put on the table. Item 32, pulled by councilmember
morrison. We do have some speakers.

>> Morrison: I would like to just start with a comment and, as we discussed at work session, this was a staff, draft resolution, suggesting that we go forward with a corridor plan for burnet road and anderson as well as neighborhood plans on for allendale, rosedale and north shoal creek and updates for neighborhoods on the east side of burnet. And there's been a lot of discussion, staff hosted a meeting at our request, so we got a lot of input. Just before we hear from the speakers, I wanted to let folks know that what I'm thinking right now and to pass out a draft amendment to the resolution, so that people can start looking at it and I have extra copies if there's someone in the audience that would like to look at it. And basically, my recommendation is going to be to strip out any mention about the neighborhood plans at this point until staff does a comprehensive survey of all of the neighborhoods to make sure we know exactly who's interested and who's not and then to proceed, my motion will be to proceed with the burnet corridor plan, but I've added
-- it doesn't have any whereases, I've added a bunch of whereases.

[05:33:37]

>> Mayor Leffingwell: Do you want to hear from the speakers first.

>> Morrison: I want them to know that I have added a bunch of whereases in an attempt to address the issues that have been raised. I know there's still some issues on the table and disagreement but I want everyone to know that's where I'm headed.

>> Mayor Leffingwell: Speaker is allan mcmurtry, donating time, peggy [indiscernible]. I don't see peggy. Cata carbon. Is cata here?

>> She's here.

>> Okay. Joyce [indiscernible]

>> here.

>> All right. So you have up to nine minutes if you need it.

>> Okay. Thank you. My name is allan mcmurtry. I've had a business on burnet road for 30 years and followed it. I oppose this plan, I don't know what councilmember morrison has proposed. My concern is with burnet road itself. There's a lot of businesses on burnet road, some of you may remember that a street of the same ilk, lamar, had delavan started his first retail shop there. There's shallow lots all along burnet road. There's the high density of small businesses along there. Where people can

-- can open a business and have the option to buy in this location. It is

-- it is unique in that regard. These are not businesses that are underneath vertical mixed use. These are not businesses that are tied into large business complexes. Your sign is out front. You have a chance to attract people that go by. What we have seen over the last two or three years is a massive increase in traffic going down burnet road. What little modeling we've been able to do in a short period of time indicates that if burnet road were filled out to where the current zoning is right now, the total trips per day would rise from between 13,000 vehicle trips a day and 27,000 vehicle trips a day. That would be like laying koenig lane down burnet road at the same time that you have burnet road. That is immense. What this study lacks is a scope. Where winter supposed to go with this? Why are we planning for this? Has the business communities come out and said we need to do something on this road? We have seen the bicycle stripes, which has reduced the lane widths which has an impact on the effect of speed limits going down there. The technical data. I was the only business at the meeting. Where are the other

businesses? Why aren't they hear so they can understand what might be going on? I'm concerned not only about transportation, I'm concerned about sewage, where is this going? What kind of structures are we going to put in? What is the current capacity? What is the potential capacity? What about water? What about all of the infrastructures? We got fiberoptic cable going down burnet road, is it going to be sufficient to whatever we're planning on doing? Right now, we're talking a lot about affordable housing. These are affordable rents. When I ask the city staff if they knew what the rents were along this area, they said they did not know. When I asked them how close we were to level d, of -- of transportation on this, they did not know. We're starting a study with no information. This concerns me. People can say well we're going to learn that in this study. I just hate to start a ball rolling that we don't know where we're going with it, we don't know what the impacts are. Burnet road may not be the most attractive street in austin, but it is one of the weird streets. And I think this is a real benefit. We're talking about something that does represent what austin is. You can go down burnet road from probably 15 cuts on either side, go down there, go two blocks, get what you want, go back home. You don't have to do like they do in steiner ranch and have one exit and just pray to god there's no fire. So I am deeply concerned about the idea that we would start a planning process where we don't know what the business would like to see, where we don't know the facts of the road and we don't know exactly what we would like that road to be. I'll refresh the council's memory, when vertical mixed use came in, vertical mixed use was another plan and regardless of what was requested, vertical mixed use cropped up everywhere, in areas that are not transit sites now. Not only that, but the right of valid petition was taken away from the people surrounding those sites and given to the people who own land. So valid petitions were ignored in this process. As a business I have zero interest in going through another study like this. What I would propose is that we come up with a scope study in terms of why is austin asking the businesses to do this? What are we trying to accomplish? What's wrong with burnet road? Because whatever is wrong with burnet road, obviously, is probably wrong with lamar. And it's probably wong with south congress and south first. Are we prepared to do some kind of massive study on all of this at the same time? Without even knowing the purpose and where we're going to go with this. Will so I'm asking the -- I'm asking the council to back off on this. If you want this in the planning, go out there and try to talk with the businesses to find out what they think to provide some technical information to the business to find out whether or not the buses can move along that road at this point in time. I think that is a much-more intelligent process than starting this thing and seeing what's happening. I very much appreciate the chance to come down here and talk to you about these issues. We're talking about a hundreds of millions and hundreds of millions of dollars of retail sales along that street. Thank you very much.

[05:40:01]

>> Mayor Leffingwell: All right. Those are all of the speakers that we have wishing to speak. Councilmember morrison.

>> Morrison: Thank you, mr. Mcmurtry if you want to see what impassing out you are welcome to come -- what I am passing out you are welcome to come get a copy. Mr. Mcmurtry brings up some good points. I tried to address specifics of this, putting in modeling, concerns about infrastructure, capacity, putting in a reference to the priority that we have and supporting small and local businesses, that it

needs to be grounded and the planning needs to be grounded in that. But I do think that the council needs to contemplate the main issue, the big picture issue that Mr. McMurtry brings, that is should we or should we not be doing a corridor plan. That was an issue that was raised at the meeting. I wonder is Mr. Guernsey here? I hope he didn't leave. Mr. Guernsey, could you talk a little bit about why the staff is recommending that we do a corridor plan? Because I think we might as well try and wrestle with that first.

>> Well, thank you, Mayor and Council, Greg Guernsey, Planning Review and Redevelopment Department. The corridor plan and the neighborhood plans that are before you really come forward because they were part of direction given by a prior Council to complete a neighborhood planning process for the central core area. North Shoal Creek and Rosedale and Allendale neighborhoods were specifically on that list. Crestview, Brentwood and Highland are ones that we have done in the past which we would like to look in context with Burnet Road and do a corridor plan. Transportation I know is done, transportation corridor plan along part of this area, but they may not have necessarily dealt with some of the design aspects that we would look through in a neighborhood plan. And I appreciate the hesitancy of maybe not going forward, but then again if we do nothing, I think you are still going to see the changes. We didn't do a neighborhood plan in South Austin along Zilker and Barton Hills, South Lamar neighborhoods. Just because we didn't do a neighborhood plan didn't necessarily stop what happened along that street. You are already seeing development starting to occur on Burnet Road. I think it's important, even if the Council decides not to go forward with the neighborhood plans to do go forward with the corridor plan to look at those things. We can build on what transportation has already done. And we can actually look at some of those things that edge, which all of those neighborhoods share along Burnet Road, which is under development right now and maybe perhaps keep some of the things that the neighborhood would like to see, local businesses or try to orient growth into particular areas. I think that would be really a worthwhile thing. But doing nothing, I think, serves the purpose of

- of nothing to help them about the events that may be occurring. I can certainly divert staff resources elsewhere, but, you know, this is
- this is the kind of the end of the road for a lot of the neighborhood plans because we have gone to all of the other areas and these are the last three areas that are left.

[05:43:26]

>> Morrison: Mayor, I think that it's also important through the discussion over the past two weeks, we've gotten a much better feel for what exactly is contemplated and in terms of what is

- what would a corridor plan look like and I just want to briefly mention that I've added some of that because the original draft was just do a corridor plan. And so just to go through briefly the resolution talks about that the corridor plan, the output, because that was my question, what's it going to look like because we've never actually done one, exactly like what staff is contemplating right now. Is that there are going to be character zones and sort of urban design, which is sort of normal. We've done that before. A capital improvement plan and then recommendations for tools for being able to achieve the vision and an interesting part of this, I know some of the thought is we should put this off until code next, but on the other hand this plan will actually allow for sort of a
- sort of to serve as a test bed of sorts or a pilot because the recommendations that come out in terms

of what's needed to implement the plan, we can then go look at how code next is developing and see are we on the right track, is code next going to have the tools to actually implement what we need. I've also included some priorities in here in terms of making sure it's quote

-- we try to serve complete community, all ages with open space and all. But there is another concern, of course, is the edge between residential and commercial, so I have pulled out a priority from imagine austin to cite that talks about that transition explicitly and also our interest in small and local business and then lastly, I just wants to mention we are

-- I did

-- we did mention briefly a work session, the concern that came up after the fact for

-- for east riverside and that was that there were vulnerable populations that

-- that we need to do a better job of addressing an impact of these goals on the vulnerable populations, such as displacement from low income folks and all. So I understand the concerns. I know that we need to think carefully about doing neighborhood plans or not. Allendale has been very clear of not wanting to do a neighborhood plan, I'm supportive of that. We will look at all of those later. But from my point of view, it's not unreasonable to do this corridor plan. So I certainly am open to

-- to amendments to my

-- this would basically replace the staff. This is to replace the staff, but my motion is to go forward with the corridor plan with the whereases that I have described here on my motion sheet. That's my motion.

[05:46:33]

>> Cole: I'll second.

>> Riley: Mayor?

>> Mayor Leffingwell: Councilmember riley.

>> Riley: If I can get clarification from councilmember morrison about the motion. I understand the idea is to proceed with the corridor plan, not necessarily all of the neighborhood plans. I understand there are certainly neighborhoods that have indicated that they don't want to go

--

>> Mayor Leffingwell: Could we get a second.

>> Cole: I second.

>> Mayor Leffingwell: All right. Go ahead.

>> Riley: What about

-- we have also heard from the north shoal creek neighborhood. Who say that their neighborhood planning process started in january and they want to proceed with that plan. What would happen to that planning process.

>> Morrison: The staff is currently, they can speak for themselves if they like, but I can just say briefly it's my understanding that staff has gotten a lot of input, but not uniform input. So they are going to do a more comprehensive job, yes, north shoal creek is in

-- is in. No, allendale is not even. It's not clear about rosdale and it's not clear on the updates. So they were going to do a comprehensive thing and bring a resolution back with that information for us. So I would assume that we would be able to get to that by august.

>> Mayor and council, we are actually going to contact the neighborhood groups and the neighborhood

associations that are in the

-- those areas and ask them for a specific vote up and down what their goes on positions: We have heard from some verbally, we have some in writing. I think we and the to be clear exactly what their positions are so when you come in and take a look at moving forward with the neighborhood plans, you will know and staff will know exactly where they're coming from.

>> Riley: Greg, when would you be able to have something back to us?

>> It would probably be back later this year. I don't think we would be able to finish in the next two weeks. Because you get a lot of time for those organizations to meet and hold their votes and have that discussion. They might want to talk to my staff again. My guess, it will be after the break.

[05:48:38]

>> Riley: To come back to the north shoal creek neighborhood, I understand they did start their planning process in january, they informed us in writing they would like to continue that process. Will the motion made by councilmember morrison affect the continuation of that neighborhood planning process?

>> Well, we haven't actually started because we need the council's direction to go do so. We started outreach because we certainly want to talk with the neighbors that live and property owners in that area that we're coming, this is what we're proposing so they have some idea. We're not presetting what the plan would look like ahead but we want to make sure that they are aware of what's happening. That's what we were doing, we started that effort earlier this year. No, I don't think it will slow it down that much because really at the beginning we are gathering information,s some of that information transportation may already have. Because of the corridor plan, we will actually probably start earlier on this piece, we will probably catch up with the neighborhood plan pieces if you decide to give us that direction later, later this summer.

>> Riley: Okay. Although outreach did start earlier this year, the plan itself has not started.

>> That's right.

>> Riley: So this action wouldn't actually disrupt that current time table and you expect that

--

>> we would probably come back after your budget break and come back and bring this to you again after we hear back from those respective neighborhoods.

>> Riley: Okay. I see, thanks.

>> Morrison: Mayor? I also have seen the north shoal creek in writing saying they want, if you would like I would consider it friendly to also add this to go ahead with north shoal creek or we could wait either way.

>> Riley: Actually if you would be open to that, if we have a neighborhood saying they're already in motion and would like to continue that progress, I think we should respect that.

>> Mayor Leffingwell: Mayor pro tem.

>> Cole: I agree.

>> Mayor Leffingwell: All right. Motion by councilmember morrison, seconded by mayor pro tem cole, those in favor say aye.

[05:50:41]

>> Aye.

>> Mayor Leffingwell: Opposed say no. Passes on a vote of 7-0. I believe we can take item 63 off the table. We have the information now.

>> Spelman: Mayor?

>> Mayor Leffingwell: Councilmember spelman.

>> Spelman: I believe mr. Good sent around a marked up version of the operating budget with the items circled. Robert those items that are circled are the ones which are hard costs from our point of view where if we waive those fees somewhere else in the general fund or in one of our funds we have to pick them up, is that right.

>> That's correct.

>> Spelman: Okay. That would be building permit plan review and inspection fees, 150,000 bucks. Fire inspection fees for 12. Water meter installation fees for 7.2. Encroachment agreement application fee for a thousand dollars.

>> Yes, sir.

>> Okay. The rest of these health port permit fee, tower crane permit fee, we don't have to send out inspectors to be sure that the towers are proper.

>> Right.

>> Spelman: This is a fee we charge. I have more to say about the water and wastewater in just a second. But I just want to qualify the lane closure fee again that's not a hard cost, just rent we're charging on use of our lane, if we charge or don't charge either way it's not going to cause increases in taxes or fees to our taxpayers and ratepayers.

>> Right.

>> Spelman: Good. The requirements that it says does not waive for -- waive the requirement. I want to be sure I understand what we're talking about here. The request was to waive the requirement for \$75,000 cost of traffic signal improvements at [indiscernible] red river. We're going to have to improve the signal at 5th and old red river is what you are telling me?

>> The transportation plan would have to pay for that if these requirements were waived.

>> Spelman: Hard costs because we will have to do things to improve the signal. Certainly the cross walks, somebody is going to put that in, \$10,000 to do that. If the applicants don't do that, then we are going to have to do that ourselves.

[05:52:49]

>> Correct.

>> Spelman: So the general rule is this transaction we can waive rents easily, but we should not be waving things which if waived would have to be picked up but the taxpayers and ratepayers, then things circled we shouldn't be waiving. Okay. That ends up with total fees waived of 2.3 million, not \$2.5 million. The whole thing adds up to about 200,000 bucks. Okay. Now, let me ask the dangerous question that you and I discussed a minute ago. If we were to waive the water and wastewater impact fees, the argument for the water and wastewater impact fees so far as I can tell there's two pieces to this. One of them we have a whole system we have to support and that whole system of installation of pipes and

maintenance of pipes and meters and sensors and all of the other things that go into it, moving water and wastewater around costs us some money. One of the ways that we're recovering the money to make that system go is through impact fees on new users; is that right?

>> Correct.

>> One more specific way, if you have to small new pipes, new meters, new sensors, new pumps, things like that, to support a particular new building, then that's part of the impact anyway as well.

>> Yeah. The impact fees as you know is more of a system cost. As we add customers to the system, it costs for treatment, it costs for transmission, distribution. The facilities that are required for a development that is incurred by the development itself. So that's not part of the impact fees. It's more of a system cost. As we add customers it costs more to run that system.

>> Spelman: Okay. To the extent that this hospital is going to require new pipes, new meters, they're going to pay for the pipes and meters, that's not something that they are asking for a waiver for, they are going to pay for that.

>> That's right.

>> To the extent that they are going to be putting an additional load on an already pressed system they are not going to be paid for that. This \$1.4 million is our best guess to how much additional load they're going to be putting on our already present system.

[05:54:59]

>> That's correct.

>> If they are not going to pick it up, presumably the ratepayers would have to pick it up, is that right?

>> That's correct.

>> I can easily see tower crane, heliport can be waived, that's not going to hurt us not. Not waive building permit, fire, inspection, other hard costs where it's clear somebody else is going to have to pick it up. I am of two minds on the impact fees for water and wastewater. I can see how yeah it's an incoherent cost but somebody is going to come to come up with 1.4 million to support our water and wastewater system. Although I said something different to greg hartman in my office a few weeks ago, at the time I believed this was a soft cost which we could readily waive, seems to me this is much harder cost than I thought it was, waiving it is in fact going to be transferring costs to our ratepayers, I feel very uncomfortable with that. I would like to make an amendment from this motion. I would would like to hear from my colleagues, let me put an amendment forward just to put a frame on our discussion. That we remove the building permit plan review and inspection fees. The fire inspection fees. The water meters, installing fees, the encroachment agreement application fee and also remove the requirements, waiving the requirements for traffic signal improvements, cross walk signals and also amend to remove the waiver for water and wastewater impact fees. That's the big one. That would be my amendment is we remove those waivers from this list. But we've retained tower crane permit, heliport permit and lane closure fees.

>> Mayor Leffingwell: Motion by councilmember spelman. Seconded by councilmember martinez. Further discussion?

>> Cole: Mayor, I would like to make a motion to substitute. And this motion essentially keeps in the water and wastewater impact fees. So we would be waving the 150,000, the 12,000, the 7,265 for water

meter fees so that we still ended up with a total waiver of 2.3.

[05:57:22]

>> Substitute motion by mayor pro tem cole. I will second that motion. Is there further discussion? We'll have a vote on the substitute. Those in favor say aye.

>> Aye.

>> Mayor Leffingwell: Opposed say no?

>> No.

>> Mayor Leffingwell: Fails a vote of 2 to 5 with councilmember riley, martinez, tovo, morrison and spelman voting no. Takes us to the main motion. Councilmember martinez.

>> Martinez: Mayor, I want to let the seton family know that we absolutely appreciate what they're doing in creating a hospital for some of the most needy in our community and this is not an easy decision. But, you know, I did speak to mr. Hartman directly and he was absolutely gracious enough to say that he understands the issues that the council faces in terms of making tough decisions. And that he would love with whatever decision the council made. And that he would remain committed and seton would remain committed to building this hospital and serving this community. So I just want to thank seton for doing that, for sticking to their commitments and for being an integral part of this community. I'll be supporting this motion.

>> Mayor Leffingwell: I want to express my support for seton and what they're doing for our community as a part of the overall plan for the medical school, the teaching hospital, the enormous effort that they are making to raise the money from private sources to build this teaching hospital. I want to express my disappointment that we're treating seton differently than we've treated other organizations in the past. Just a couple of months ago we waived these same fees for the university of texas. For their medical school. Building complex. Without a comment. And I do feel like we have singled seton out here for special treatment, treating them differently than we have treated ot non-profit community benefit organizations in the past. So I'm going to vote for the motion, but I want to express my disappointment based on those grounds.

[05:59:32]

[One moment please for change in captioners]

>> Mayor Leffingwell: You can say maybe that cost would have to be borne by other ratepayers, maybe it wouldn't. It's not something so easily quantified, but that being said, I do maintain and I do respect your position that had you known you wouldn't have approved it for the university of texas or others, but the fact is this is part of the same big project and we are treating the two different components differently. All in favor of the motion say aye.

>> Aye.

>> Mayor Leffingwell: Opposed. Passes on a vote of 7-0. We'll now go to citizens communication. The first speaker is dale flatt.

>> Good afternoon. After 28 years and seven months to the day I retired from the austin fire department just a few minutes ago. I would like to take this opportunity to thank the citizens of austin

and a special shoutout to the men and women of central fire station. Let my record reflect I retired from the big fire house. Now that I am no longer a city of austin employee, I can further discuss without further retaliation or fear of retired just what goes on in city government. The city has an ethics program that encourages

-- nothing more than a smoke screen that gives illusion of accountability. Employees are threatened and retaliated against and seen as wicked if they speak out. It is time to blow the whistle. And now for some political satire awards. The I. Frank baum awards. He wrote "the wizard of oz" books. He projected the illusion of power and control but he was a bum believer who used people. To mr. Mike McDonald I award this golden whistle award. I'm making good and filing state and federal complaints. We remembered the cowardly lion as he sat on his throne as king of the forest. The lion sought courage. To lee leffingwell, I award this yellow ribbon of courage. Never let it be said, sir, that you are a coward to. The tin man who served as an unseen master chopping word I appoint this date pad for many attempts to persuade me for following through reporting illegal activities. Little dorothy became the puppet to the wizard to eliminate the wicked witch. The ultimate firefighter who put out the the scarecrow. I award this moral compass and cane for you have lost your way. Review the ethics class and step off your soap box. The mindless scarecrow, all he wanted was a brain. He was the smartest of them all. Piece of paper does not make you smart. To doug fowler I give you this dictionary and a promise while chief kerr refused to process my criminal complaint against you for tampering with a government record and your retaliatory action, I have two years to file a class a misdemeanor complaint and yes, you will have a front row seat to the federal department of justice complaint along with other cast members. I would like to thank you for affording me the opportunity to become more successful. Had it not been for your actions I would not have been aware of the conditions at the older fire stations. Let's call this the fowler effect. With the help of t.O.D. Wilcox and code compliance department I will work hard to bring to light the code violations and living and working conditions our brother and sister firefighters endured at all of our fire stations and support locations. You may pick up your awards at the city clerk's office. My name is dale flatt, full-time citizen, afd retired. Thank you.

[06:04:22]

[Applause]

>> Cole: Thank you, our next speaker is rae nadler-olenick.

>> We do it because on FEBRUARY 3rd, 1971, 73% OF The voters in austin voted to do this. To put fluoride in the water.

>> [Inaudible].

>> Please, please.

>> And to override a vote without another vote of the people I think would be entirely inappropriate.

>> Okay. I have previously corrected

-- I'm sorry. I just can't talk. I've previously corrected the errors there in the date and time and today I'll explain why council vote on the fluoridation issue is entirely appropriate. And there are three reasons. First, people regularly change their minds as new information becomes available. That fact is reflected in the regularity of political elections. To take a familiar example, austin city council members currently serve three-year terms with austinites getting a chance to change their minds on any given candidate

every three years. In fact, come this november, at least two people now sitting on the dais won't be there anymore because the voters who wanted them three years ago now want someone else. It's absurd to claim attempts to right a wrong voting decision should have to wait more than 40 years. Second, if a vote of the people were necessary to reverse fluoridation, though it's not, just what people are we talking about? The same ones who were tricked 40 plus years ago by a lavishly funded propaganda campaign into making a bad though binding choice? Show the graphic. Here's a vote breakdown from minutes of the special council meeting called two days after the september 9, 1972 vote. There were 16,964 for fluoridation, 12,687 against. The population of austin back then was about 250,000. Today austin's population is conservatively around 923,000. The number of people who wanted fluoride in 1972, 16,964 of them is well under 2% of our present day population. The youngest of those who voted in the 1972 pseudo referendum are in their mid 60s AND A LARGE UNKNOWN Number have since died. Are we to round up the survivors and have them vote again? Good chance they've changed their minds now. There's a third and better reason why city council can appropriately vote on fluoride. It was the council and not the people of austin who gave us fluoridation in the first place.

[06:07:44]

[Applause]

>> Mayor Leffingwell: Walter olenick.

>> Most people believe austin was fluoridated by way of a popular vote. But what took place in 1972 misnamed a referendum was anything but. This slide shows the related powers of initiative, referendum and recall available to the citizens of a texas home world city like austin. Recall is self-explanatory. Initiative and referendum are similar and often used interchangeably buttal three start with a grass roots signature drive involving hard work and expense. None of that occurred with the so-called referendum of 1972 which was actually a nonbinding poll. Austinites never sought it, it was entirely the idea of city council who simply tacked it illegally on top of an already scheduled city bond election ballot. Why do such a thing? Because it provided cover to hide behind. If it could have made -- if it could be made to appear that the public demanded fluoride, councilmembers could vote against conscious and good judgment without censure while appeasing the powerful outside interests. Mayor roy butler found it hard to support a measure he knew carried health risks and denied individual's rights. He expressed that in 1971 but he was also a politician. Over the next year austin's fluoride opponents including several eminent doctors faced a slick, well organized pro-fluoride campaign substantially funded, though they didn't realize it, by the kellogg and rockefeller foundations. In the end big money interests won out. On september 9, 1972, a poorly informed public voted 57-43 to accept fluoridation in a poll. Two days later at a special called city council meeting, the five members present including mayor butler unanimously voted to accept the results of the false referendum. In other words, the council voted and had the last say. We can contrast that with the real deal. The 10-1 redistricting referendum called proposition 3 on the ballot which passed on november 6, 2012, did you the council get to vote further on your next meeting? No. An authentic referendum is final. It was the city council that instituted the ill-advised idea of fluoridation and it's appropriate for council to rescind it. What's not appropriate is to try to disguise a politically motivated decision as the will of the people.

[06:10:37]

[Applause]

>> Mayor Leffingwell: Next speaker is volmer overton. The topic is trail improvement.

>> Name sake of the volume america overton elementary school. Grandson of. Mr. Mayor, fellow councilmembers, thank you for having me back. Citizens of austin, nice to be here. This is my second time to speak to y'all. The first time I was here, I actually presented ten low-cost ideas for traffic resolution. I actually emailed all of those ideas to y'all. I am actually texan so I'm going to use the word "y'all" as many times as I can. Unfortunately I didn't hear back from anybody on my resolutions. The resolutions I presented are not just my ideas, these are the resolutions from the various websites, top commenters, various social media sites where these ideas continue to get rediscussed, revamped, retalked about over and over and over without any resolution. And I think the problem is nobody really knows that these ideas are feasible or not. They are ten simple, low-cost ideas for traffic relief that have been discussed over and over and over. I think it would be really great if we were able to just kind of have a yes or no feasibility discussion on these ideas because without us saying yes, this idea is possible, no, this idea will never happen because of this, if we don't know those answers, we're just going to continue to talk about the same thing. Simple ideas like putting a bus stop on the far side of an intersection so at a green light traffic is not backed up behind a bus that's loading and unloading. All we have to do is put the bus stop on the far side of the intersection. Is that something we can do or not? We've been talking about it for a long time. Nobody seems to know if we can do that. We can put i-35 symbols the lanes before the deck split. So when drivers get to the deck split, they are not confused about where the road is going. Very simple, but we've been talking about it forever and the citizens don't seem to have any idea as this is something we can do or not. We can put all these ideas to rest and move on to better ideas and, you know, can kind of clear the slate if we just had an understanding as to whether or not these ideas are applicable to our traffic. So I just ask instead of us kicking the can down the road, so to speak, I'll email all of the top ten resolutions once again to you. I understand you are busy, I get it, I understand the drill. I'm just going to send those ideas to you again. Hopefully we can get some resolution and I will be able to relay those ideas and the solutions to them back to the citizens of austin. The people who are really plugged in and really trying to get some resolution here. I'll be able to say to them, hey, that's a great idea and the city council says we can do it. Well, you know what, that idea is never going to happen because of x. I will once again send those to you. Thank you for your time.

[06:14:10]

>> Mayor Leffingwell: Thank you. Sounds like a good idea. [Applause]

>> Mayor Leffingwell: Councilmember riley.

>> Riley: I just want to thank you for making those suggestions. We'll be happy to look into them especially into regard the cap metro item. We have talked about the placement of bus stops before and I believe there are some traffic safety issues with respect to placing the bus stops in the place you suggest, but we'll be glad to get an official response from staff and work with you on that. Thank you.

>> Mayor Leffingwell: Teresa cochran. The McMansion ordinance.

>> Good afternoon. My name is teresa cochran. I live at 1505 cliffside drive where we built our home 35 years ago. And the picture that you are seeing is a picture of the view that we used to have from our fourth level of our home. We were tormented as the construction next door of an enormous structure went up and we lost our spectacular view board by lord. I would like to talk to you about the McMansion ordinance not being enforced in the city of austin. The first issue is the height violation next door. If, the initial topological survey determined a natural grade was to be selected to determine the height of the house. Then a tent survey was ordered by the watershed protection department because of a utility power line violation. The survey exposed that this structure was too high and it was ordered to be lowered. That didn't happen. November of 2013, a major revision application was approved by the city, and this was to deal with the height issue. The revision proposed an 8 by 8 extended slab in the back to extend a stairwell so that the height would now be in compliance. The application also called for a revised natural ground grade. The natural grade is gone. The earth has been moved, it's been moved for over a year. It's gone. So how do they come up with this new high point? Their new average? The city allowed the builder to take a natural low point and a finished high point to bring their structure into a so-called compliance by extending a structure up the hill to produce an illegitimate high point. It is not allowed to mix natural and finished point, according to the McMansion ordinance. The planning, development and review department does not have discretion to change the law in favor of the violator by allowing the height of the house to be in compliance is basically giving a variance with no due process. Why should we, who we've done nothing, why should we be the victim? We basically had our teeth kicked in. Our property value has deflated while the violator's property has increased. In summary, I'm speaking to you to let you know how the McMansion ordinance is basically being adulterated. The idea what the city will not or cannot

--

[06:17:56]

[buzzer sounding]

-- enforce this ordinance should be disturbing to the city council and to the citizens.

>> Mayor Leffingwell: Thank you. Time has expired. [Applause] councilmember morrison. Question for you, maybe.

>> Morrison: Not so much a question, over here. I just wanted to comment that I

-- I appreciate your bringing your frustration to let us know what's going on and because I know that when we did the McMansion task force and came up with the ordinance, part of it was in response to the fact that all sorts of jerry rigging of height had gone on and I would like to ask the manager if they can have a staff manager connect and get a report back to us on what's going on. I understand that using a hill can actually change the definition, but not using finished grade because it's clear that it's natural grade in the code. I'd really like to make sure that we're sticking to the rules there.

>> I appreciate it. Thank you very much. [Applause]

>> Mayor Leffingwell: Emilio chronis. So carol anne rose kennedy has asked to be last. Carlos leon. Oh, you are emilio.

>> I'm here to give you a fluoridation update. On the 6th of june the people of toronto took to the streets tore a demonstration. They engaged passersby by fluoridation, got petitions signed, handed out

informative pamphlets and various speakers spoke to crowds about the dangers of fluoride. On the bottom right you can see two ladies handing out information. The cover sheet states, stupid stuff the experts expect us to believe about fluoridation. I'll just read one point. Experts say fluoride is natural. What they add to the water is natural. We say fluoride is natural and deadly and air pollution from volcano eruptions and industrial smog. If we shouldn't breathe extra fluoride in the air, it makes no sense to swallow extra fluoride in the water. But there is nothing natural about what is added to our water. Hazardous waste from the pollution scrubbers of phosphate fertilizer factories. Hydro fluid acid is not natural. Next slide, please. Okay. In other news, valpariso, indiana. Decided to have a fuel review of this outdated and fraudulent practice. They should have a report by september 30th of this year whether or not to continue water fluoridation in the city. Next slide, please. On the 12th of may, the buffalo city council had a lively discussion about fluoridation because the fluoridation chemicals completely corroded the equipment used to feed this fluoride to the municipal water and it was going to be too costly to repair. In fact, the equipment had already been inoperable for months. So they had another lively discussion on the 27th of may and the council decided let's let the citizens decide. And they will be able to vote on this next month. How about that. One of the citizens in particular stated that there was a very poor taste every month that they added this toxic waste. Next slide, please. All right, future events. The austin city council, including -- including the candidates for the city council, they are invited to listen in on a very important teleconference of dr. Bill hearsy of the e.P.A. Headquarters union. Please register now. Type in international teleconference and you will be pointed in the direction. Next slide. There's a new documentary coming out this year.

[06:22:20]

[Buzzer sounding] so be on the lookout for that. Texas is going to be highlighted.

>> Mayor Leffingwell: Okay. Thanks. [Applause] carlos leon. Numerous topics. Repent and ask god for assistance to defeat the enemy, continue keeping austin's airspace free of chem trails, truth or else.

>> Thank you, mayor leffingwell. I'm here in austin, texas on june 12, 2014, to speak what's right. First and foremost. [Speaking in foreign language] continue keeping austin's airspace free of chem trails.

Because kenyan obama appears to be constitutionally disqualified to be president, then the vice president elect shall act as president until a presidential have qualified. Therefore, obama appears legally powerless and at noon, january 20, 2009, presidential power legally transferred from president bush to vice president elect biden. He and obama agreed to this immoral scheme before being elected.

In october 2008, biden said, quote, barack obama indicated to me that he wanted me to help him govern. So every major decision he will be making I will be sitting in the room to give my best advice.

Saying every will and sitting clearly indicate biden is 100% certain he will be legally acting as president governing from his office while sitting in his chair right from the start. Question, why would the democratic party knowingly run an ineligible presidential candidate who hooked and sounded convincing promising change but having no government experience or expertise. Answer, to energize and seduce voters in choosing image over sure stance, perception over reality and to fraudulently win the election to wrongly gain executive power and hand it over to a senior jew loving beltway insider who could not win the election himself. Obama was picked to be a motivational speaker and show pony, not

to govern. Jew controlled media falsely labeled critics of obama's eligibility and performance as racist to emotionally blind you from seeing truth, that the democratic party appears to have illegally used a black african muslim man they needed to gain power only to immediately and legally strip him of his so he could privately serve his jew sponsor white male sponsor while pretending he's the leading man. That's real racism. While the jew controlled media have been distracting us with obama, the presidential reality show, what has vp biden been doing under the radar these past five and a half years, with whom and why. We need to know everything vp biden as signed and done since noon, january 20, 2009, to know where we stand. The more things change, the more they stay the same until we the people serve the lord and act otherwise. In jesus' name I pray. Amen. Thank you, mayor leffingwell.

[06:25:52]

>> [Inaudible]

>> Mayor Leffingwell: Next speaker is carry anne rose kennedy and ms. Kennedy, I want to advice you not to approach the dais with any of that paraphernalia. You have three minutes.

>> [Inaudible]

>> Mayor Leffingwell: Okay. That's fine with me.

>> No immediate a microphone. I know thousand scream.

-- Know how to scream. Welcome home, council. I wrote this song for capital hillary last millennium when mr. Bill was doing his shenanigans in the white house instead of working.

♪♪ God bless my underwear, my only fair pair, stand beside me and guide me through the rips, holes and runs through the tears

♪♪ from the washer to t dryer, or them hanging in the air, god bless my underwear every time anyhow everywhere

♪♪ from the clothesline through the ringer and the last time through the mill, god bless my underwear, and god what will I tell bill is my time up?

>> Mayor Leffingwell: No, not quite.

>> How much time do I have left.

>> Mayor Leffingwell: A minute and 20 seconds.

>> Another minute and 20 seconds. Oh, my goodness.

>> Mayor Leffingwell: That's true.

>> I have

-- huh? What did you say?

[06:27:55]

>> Mayor Leffingwell: I said that's true.

>> What's true?

>> Mayor Leffingwell: That you have a minute and 20 seconds.

>> Now it's a minute and 19 seconds. Okay, I have a message for capital hillary. I want to be your vice presidential. Anybody want to deliver that, go right ahead. I already tried to reach her 12 years ago. So

-- and I want to know

-- I'm running for
-- I'm running from the mayor and to my district, so who
-- which of you all is in my district? I'm booting you out. For the councilmember.
>> Mayor Leffingwell: There are no districts right now.
>> Huh? I live at 2903 crowns point drive, 78748. Who of you all is going to be in my district?
>> Mayor Leffingwell: I have no idea.
>> Oh, come on. Sheryl cole, what district are you in?
>> Cole:9. Potentially I currently reside in what will be 9. 9. What zip code?
>> Cole:78722. 78722. Bill?
>> Spelman:51. 03.
>> Mayor Leffingwell: Time is up. [Buzzer sounding] so it will remain a mystery.
>> I need a beer.
>> Mayor Leffingwell: Council will now go into closed session to take up several items. Pursuant to section 551.071 of the government code, the council will consult with legal council regarding the following: Item 65, legal issues related to filing a challenge petition with the appraisal review board regarding the setting of commercial property values, and item 89, legal issues related to the november 2014 election. Items 87 and 88 are withdrawn. And then pursuant to section 551.074 of the government code, the council will discuss the following items: Item 90, evaluate the performance of and consider compensation benefits for the city clerk. Number 91, evaluate the performance of and consider compensation and benefits for the municipal court clerk. Without objection, the council will now go into executive session. June 12, 2014.
>>

[09:47:55]

>> Leffingwell: I already told the clerk I wanted to
--
>> Leffingwell: We're out of closed session, in closed session we discussed legal issues related to items 65 and 89 and personnel matters related to item 90 and 91, we'll go ahead and do our consent items on the zoning agenda.
>> Greg guernsey, planning development department.

[09:49:55]

>> Items these are the hearings that very closed. The first item I'll offer and only item I'll offer on consent is 92, in this case c8142007 known as the oak hill pud at 8500 state highway 71 west, planning and development, plan or pud mp district planned district zoning to change of condition zoning. I'll note just two changes to the ordinance that you have on the
-- on the dais. One is on page three of five in line five just to note that the
-- to reflect a change to the area of water quality transition zone should be 3.57 instead of 3.34. And then also noted as
-- noted in your backup, the amount of the maximum square footage should be 60,000 instead of 58,500

and that's noted on page two of five on line 18. And with those two changes, I can offer that for a second and third reading consideration. Item number 93, the 2:00 zoning and neighborhood plan amendments, public hearings open, there's possible action, item 93, will be a discussion item, discussion on postponement, as well as 94 and 95. Item 96 is also a discussion item. Item number 97 is case c14-2013-0113 for the property located at 11221 and 11 -- or 423, north lamar boulevard. This is the zoning change request that the staff is requesting indefinite postponement of this item. The zoning and platting commission will consider this item next october. Item number 98, case c142013-0118 for the property located at 7200 cooper lane. Staff is requesting a postponement of this item to your august 7th agenda. Just so the public is aware, ON AUGUST 7th, THESE ITEMS Will be considered at 700 lavaca street, not in city hall, council chambers, the county courthouse, again, that's 700 lavaca street so just be aware of that. Item number 99 is case c142013-0134 for the property located at desar road, community, mixed use, combined district zoning. Recommendation was to grant the grmu zoning with conditions and this is ready for consent approval on all three readings. Item number 100, this is case c1420130147 for the property located at 707 west avenue to zone the property downtown mixed use or dmU district zoning. The planning commission recommendation was to grant, and this is ready for consent, approval on all three readings. Item number 101, this is a case on waller street, this will be a discussion item. Item number 102, this is a zoning case on northland drive, this will be a discuss item. Item number 103, this is case c14, 0027, for the property located at 6308 spicewood spring woods, staff is requesting a postponement of this item to your august 7th agenda. Item number 104 on northland drive is a discussion item. Item number 105. Kc14-20140031. Sh for the property located at 11108 zimmerman lane. This case has been withdrawn. No action is required. Item number 106, c142014, 0037 for the property located 801 west wells branch parkway. Staff is requesting a postponement of this item to your august 7th agenda. Item number 107, kc14-2014-0038, and this is for the property located at 801 west wells branch parkway. Staff is requesting postponement of this item to your august 7th agenda. Item number -- that was 107. Item number 108, kc14-2014 for the property located at 4311 city park road, to zone the property to rural residents or rr district planning. Planning and zoning commission recommendation to grant the zoning, this is ready for consent approval on all three readings. Kc14-2014-for the property located at 6800 manchak road, a zoning change in request to community commercial mixed use conditional overlay or grmu, combined district zoning for tract one and limited office, mixed use conditional overlay, combined district zoning for tract 2. The planning commission recommendation was to grant the grmucl combined district zoning for tract 1 and lomuco combined district zoning for track 2. Staff would offer this for consent approval on all three readings. Item number 110, for the property located at 13826dasau road, case number c1420140046 to zone the property to neighborhood commercial, mixed use or combined district zoning. Planning commission recommendation was to grant the lrmu for consent approval on all three readings. Item number 111, 2014, 0047, for the property located at 4920 spicewood springs road. I understand the neighborhood has requested the postponement of this item to your june 26 agenda. The applicant is in agreement, and we could offer this for consent for postponement item 111. It's my understanding that was a neighborhood request applicant as agreed.

[09:56:27]

>> Yes, go ahead.

>> Item number 112, case c14-2014-0048 for the property located at 12416 drive, request to district zoning. Planning commission recommendation was to grant general office, this is consent approval on all three readings. Item number 113, c14-2014-0046 for the property located at 710 east 41st street. The applicant has requested a postponement of your item to your agenda of june 26. And, mayor, if I may, item number 114 was a briefing and staff is requesting a postponement of that briefing for item 114cd-2014-0005. Sh, the briefing on the colony park pud to your june 26 agenda, and that's all I can offer for consent at this time.

>> Leffingwell: So the consent agenda for our zoning cases is to approve number item 92 on second and third readings with the two changes noted. To postpone item number 97 indefinitely. To postpone item 98 until AUGUST 7th. To close the public hearing and approve on all three readings items 99 and 100. To postpone item 103 until AUGUST 7th. Noting that item 105 has been withdrawn and to postpone items 106 and 107 UNTIL AUGUST 7th. To close the public hearing and approve on all three readings items 108, 109, 110.

[09:58:28]

>> Mayor, on item number 111, I've been informed now there's an agreement to postpone this also until AUGUST 7th. On item 111.

>> Leffingwell: Just in time. Postpone item 111 until AUGUST 7th. To close the public hearing and approve item 112 on all three readings. To postpone item 113 and 114 UNTIL JUNE 26th.

Councilmember spellman moves approval. Is there a second? I'll second. All in favor say aye. Councilmember tovo.

>> Tovo: I'm sorry, I have to ask a question about the cases on lake austin boulevard, 93 and 94, would you just tell me if those are postponed?

>> No, 93 and 94 will probably be in discussion postponed.

>> Tovo: That's what I was double checking, thank you.

>> Leffingwell: Motion with second on the table. In favor say aye. Aye. Opposed say no. Passes on a vote of 7-0.

>> I think these two items will be very quick, so with that objection we'll recess this meeting of the austin city council and call to order the meeting of the austin housing finance corporation, and if you'll take ugh throws the consent agenda

-- us through the consent agenda, please.

>> Betsy spencer, treasurer of the austin housing finance corporation. I'm available for questions.

>> Leffingwell: So items 1, 2, 3 and 4 are the consent agenda for this meeting of the austin housing finance corporation. Is there a motion to approve? Councilmember spelman so moves. Second by councilmember morrison.

>> Tovo: Mayor, I want to make mention of some correspondence I received from the developer for cross creek apartments, indicates that their intent is to renovate the buildings, one or two buildings at a time and relocate existing tenants into an occupied unit so there won't be a need for these families to transition off the property, which I think is a dynamite plan, and I applaud you for taking that approach

and thank you for providing that correspondence, mr. Mulholland.

[10:00:52]

>> Leffingwell: All in favor say aye. Aye. Opposed say no. Passes on a vote of 7-0. That completes our agenda, so this meeting of the austin housing finance corporation is adjourned, and we'll call to order a meeting of tax increment financing reinvestment zone number 15.

>> Good afternoon, president leffingwell, vice president cole and board members, my name is fred evans with economic development. This afternoon we only have

-- excuse me, two items on our tif agenda. The first is approval of the minutes from the last meeting on december 15th of 2011. And then a second item is to recommend award and execution of a supply agreement for tree lighting along second street in the amount of

-- in a total amount not to exceed 235,200 over a six month

-- I mean a six year term.

>> Leffingwell: The consent agenda is to approve items number 1 and 2. Councilmember spelman moves approval, mayor pro tem cole seconds. In favor say aye. Aye, opposed say no. Passes on a vote of 7-0. That concludes our agenda for the tax increment financing reinvestment zone number 15, we're adjourned without objection, I'll call back to order this meeting of the austin city council. And we have number

-- item number 28 is still on the table. I'll trust somebody will let me know when we're ready to recall that item. Hearing nothing, I'm going to call up items 30 and 117 together. We do have several speakers. First speaker is andrew austin. Is andrew austin here? Is david king here?

[10:03:45]

>> Thank you, mayor, mayor pro tem, and councilmembers, my name is david king. I'm here to speak on republic square park master plan agreement and I'm here to urge you to require that the master plan specify that the park be managed and operated by the parks and recreation department instead of private entities, our parks and recreation facilities should be owned, operated, maintained by the public to ensure that public interests are first and foremost. Private management and operations of our park and facilities will result in public interest taking a back seat to private sector interest. As a larger percentage of the budget for public services is funded with private sources, public policies will be based more on private sector motives than on public interests. We see this trend happening at zilker where special interests are driving the event subsidized by taxpayer money. A report in the public interest from the

-- from in the public interest indicates that privatization of public services often raises cost and reduces service quality for the public, requires substantial resources in management and oversight, can bind the hands of policy makers for years, opens the doors to unscrupulous behavior by politicians and businesses and reduces transparency and accountability. We see this happening right now with the master planning process for auditorium shores where we have less transparency and accountability because it has been outsourced to private entities, partners and austin parks foundation. When we ask for information we're told it's private. We can't have it. The policies of this council have resulted in

chronic underfunding of our parks and created this opportunity for companies to come to our rescue purely in the public interest. Please help generate more money for the parks by not giving incentives to investing public funds in or approving density bonuses for companies that sue to unfairly reduce the appraised value of their commercial properties. Require developers to pay impact fees for storm water and road infrastructure for new development. Redesign all density bonus programs so that taxpayers receive 40% of the market value of the increased entitlements granted to developers. Stop waiving millions of dollars in fees and expenses for special event, increasing rental and maintenance fees for city property and park land to prevailing market rates and using car rental taxes to fund and maintain parks instead of paying bonuses to convention center employees. Please, ensure that the master plan for republic square park requires the park to be managed by the parks and recreation department. Please don't set a precedent for other parks to be managed and operated and maintained by private entities. Thank you.

[10:06:47]

>> Leffingwell: Next speaker is daniel woodruff. Daniel woodruff?

>> Mr. Mayor, council, city manager, thank you for your time. I come to you today as a president of the austin parks foundation, coming with over 20 years nonprofit community service relative to the enhancement and preservation of austin parks working always in partnership with the austin parks department. I firstly wanted to say thank you for your consideration of the master plan. Culmination of many years of work. Culmination of already over \$450,000 of fund raised money seeing improvements within the park at zero cost to the city of austin themselves. It's the result of thousands of hours of volunteerism, of a process that has represented and exemplified and won awards for design excellence in a truly transparent process. The austin parks foundation stands behind this partnership with the city of austin and with the parks department. It really has the potential to become a model park and a model transparent urban design process. Also want to thank you for consideration of a true community partnership. What we present today is not a public private partnership, but a community partnership. We're a nonprofit, we're a partnership with the parks department. It's very important for us to state and clarify that. We're honored to have such support from the community from, the stakeholders, from pod and from coa staff through a very robust and quite frankly from my personal experience one of the most transparent processes I've experienced as a landscape architect in the city of austin. We have excellent leadership from pod, from the daa, from our own staff at the daa, but also from the leadership team and also from the friends of republic square group which represents the community. We are staffed, we're funded and we're committed to make this an exceptional process. So thank you for your consideration in approving this authorization for us to negotiate a contract for the austin parks foundation to work in partnership with the parks and rec department to achieve a model for our park at republic square. Thank you.

[10:09:16]

>> Leffingwell: Thank you. I understand andrew austin is here now? And donating time is jennifer weibrand. Jennifer weibrand. So you have three minutes.

>> Thank you, my apologies, mr. Mayor, and councilmembers for my tardiness. I'm here today to speak in behalf of both items 30 and 117, the master plan, it's important to understand there's two things here, and the negotiation and approval execution of an agreement for the management and park land improvement agreement. I'm andy austin, I'm the united states magistrate's judge. I'm a neighbor to the park. I'm here on behalf today of the historic leadership team which is a recently-formed group of community members who have the desire and they share the desire to see the republic square park redesigned, finally reach fruition and execution. It's made up of people from pard, from the downtown austin alliance, from the city of austin's parks and recreation department, as I said, the parks foundation as well. My own connection to the park is that it's the front yard of the building I work in which is the united states courthouse, the new courthouse, and I've been working on this project, this very thing I'm here today on for 11 years trying to see the park improved. Ever since the site of the courthouse was selected to be there adjacent to the park. With the help of a lot of creative thinkers in the federal courts and in the gsa, we were able to find funding to help in this process, and in 2010, \$1.2 million payment was made by the federal government to the city with the agreement that the city would use that in the park and that has been the seed money to get us to where we are today, and what I'm here to urge is for us to go to the next level and finally finish this project. The master plan itself, there's not a lot to say about it. It could not have been more transparent and involved more people than any other way they would have done it. In 2007. The gsa funded projects for public spaces to have an open two-day process for any stakeholders who wanted to comment about the park and what they wanted to see in the park. In 2012, a workshop basically repeated that process. We've had a huge amount of community input and this master plan we're asking approval for is the consensus of that large number of people that have been involved. So let me focus on the partnering agreement with the parks foundation. All of us know too well that cities have had to be very creative in the current day to find money to fund projects like this project. Particularly involving the maintenance of parkland. What's proposed today is a creative way to see that we can leverage the city's resources with nonprofit public resources, private resources to maximize the benefits and the potential of republic square. There's little question that for republic square to become the jewel of a park that it has the capacity to be in the current downtown environment in austin, it's going to cost a lot of money, and that is money that is not available in the city budget, unfortunately. That's why I spent more than six years trying to find a way, from 2004 to 2010, to get federal money toward this project and succeeded in that.

[10:12:34]

[Buzzer sounding] and if I can just wrap up, I would say approving the investment of the park's foundation will further that process and take advantage of their resources and their leadership toward finishing this project and make this a first class urban park. Without it, we can make little improvements, but with this passed, we can make it a first class park. I urge your approval.

>> Leffingwell: Thank you, judge. So take a motion on item 117 first. Mayor pro tem cole?

>> Cole: I want to thank all the stakeholders for the hard work that went into this project and for their testimony. I would like to move approval.

>> Leffingwell: So mayor pro tem cole moves to close the public hearing and to approve the master plan.

>> Cole: Yes.

>> Leffingwell: Is there a second. Councilmember spelman seconds. Sorry, people are shoving papers in my face here. Any discussion? All in favor

--

>> yes, I'm sorry, I'm responsible for the paper shoving. I have a very quick amendment, I think it's really incorporated within the master plan as it is currently. It's a subject I had an opportunity to mention at our hearing last time, and this

-- and it reads as follows: The city manager's directed to ensure that republic square park programming and amenities such as permanent or temporary interactive art installations will afford others for active and engaged play. I think in our discussions with parks foundation it's their intent to have the programming be incorporate the needs of families with children as well as others. And this is really just setting a goal of also looking for opportunities that the amenities themselves can also afford opportunities for play, not just for children, but play in general, but I think it is

-- I think it is important to have a clear statement on this issue, because if it doesn't

-- sometimes if we're not intentional about it, it doesn't happen, so in keeping with city of austin's goal of becoming the most family friendly city in the nation and looking for opportunities to make our public spaces accessible to families with children, I propose this amendment as friendly.

[10:14:53]

>> Leffingwell: Mayor pro tem, do you consider that friendly?

>> Cole: I need to ask a question of the maker. It's giving me a little cause to pause because you said ensure, and I don't think the city manager can ensure these goals. I certainly want to support them and want the park to be family friendly and engage children for play. What if we just say the city manager is directed to use best efforts or good faith efforts to ensure that the programming...

>> Tovo: I'm open to language along those lines, that is fine.

>> Cole: That is friendly.

>> Tovo. What did we land on

-- use good faith efforts to ensure.

>> Leffingwell: Yeah, that's good. And the second accepts that? All in favor say aye. Opposed say no. Passes on a vote of 7-0, and related item number 30, accept a motion on that item.

>> I'll move approval.

>> Leffingwell: Mayor pro tem moves approval, councilmember spelman seconds. Councilmember morrison.

>> I appreciate all the work that's been done also, I understand, you know, mr. King was talking about how really we should be funding and operating all of our parks just with city resources. We don't have

-- we don't have adequate city resources to do it. Although we do want to make sure that we're protecting the public interest and with that, I'd like to ask that

-- I'd like to make a motion and ask staff to come up here to talk about it to ensure that it's not

-- wouldn't be invasive, that we change the motion to just negotiate and bring back the agreement so that we can take a look at actually what we're signing on to before we execute it, so I think that's just a good conservative approach to take on these things, and I would like to ask staff, oh, hello, there you are.

[10:16:58]

>> Surprise.

>> Would this impact

-- what kind of time line are you on and would this impact bringing it back to council for a final approval, would it impact it.

>> Air isry hensley, director of parks and recreation. We can always bring these back to council, absolutely. I do know we want to move forward as quickly as we can, in an effort to do this, if this is council's desire, I would ask that my partners help us to expedite that process so that we don't leave our good partners hanging out there, we can make sure this moves forward so we can get on with the redevelopment of the park, get on with the programming that needs to be done and all the other things, but it can be done.

>> And I would just ask the city manager to help in this if this is the way we go forward to get it to expedite as much as possible once you're ready, because I understand it's really in a very draft form right now.

>> It is, it's in a draft form now. We're on our way.

>> We've had experiences before that once we went and looked at the fine print of private partnerships

-- public partnerships that we've done, they've really not quite expressed things certain, you know, in the way that we felt we wanted to, so

-- so mayor pro tem, my

-- if it's friendly, great. Otherwise, I'll make another motion would be to negotiate and ask them to come back as quickly as possible.

>> Leffingwell: Could I ask how long it would take to negotiate? Because we're looking at

-- if we can't do this on the 26th, WE'RE LOOKING AT THE End of summer, basically.

>> Mayor, I talked with staff

--

>> so this would be

-- if I could be so bold as to recommend that we at least be able to move forward with design so that we don't stop that process of designing of this park and moving into those things and that within a three month time period we're back in front of you to

-- with an agreement.

>> If that

-- if that's something that's workable for you, that would be

--

>> how much time? Oh, my gosh

--

[10:19:04]

>> just to clarify, it's going to take time for you to negotiate the agreement whether or not it comes back to council.

>> That's correct.

>> So I want to get that clear. So how much

-- and do you think that august 7th would be

-- forget about coming back to council, even, are you even thinking that's when you can get it done.

>> We're going to work our hardest, we, too, are

-- want to move this forward, and we don't want to delay it. The key here is we have to buckle down and get this agreement hammered out, which we've started to do. I think we should shoot for august 7. We need to make sure we're moving forward with design so we're not having that. Shoot for having the agreement between the parks and recreation department, city, ready to go and bring back to council as soon as possible, my hopes would be august 7, but I don't want to make promises, because there's all sorts of things that need to be worked out.

>> But what about if I change my motion to say

-- ask that you bring it back ON AUGUST 7th, AND IF You're not ready yet, then we can always postpone it as needed and are you saying that design could actually start tomorrow?

>> Well, yes. We want to work

-- the

-- we have several things, one is the master plan, and once the master plan is being approved, which that's happening now, then it kicks in the fact that we can move forward with the design process, we don't want to delay that. That final piece for us is that agreement that wraps around how we're going to work together, which we will, to allow them to do certain things, and then of course all the other language that goes into it, so while we have a lot drafted already, I just want to make sure we give ample time to hammer out all of those details working with the law department and working with other city department to make sure we cover all the bases we need to, but also given the flexibility to the partners to move forward.

>> I understand that. I'm perfectly fine with that. I think if we say we ask you to bring it back august 7, knowing we might have to postpone it, at least we know for sure there's going to be a space on the agenda on august 7 for it.

[10:21:15]

>> You have my commitment that we're going to try to work to be here with a COMMITMENT ON AUGUST 7th.

>> Sarah, we've already approved the master plan, so there's no barrier for you to continue with design.

>> That's correct, thank you.

>> We talked about the agreement is the only point here.

>> Perfect, great. Thank you.

>> Leffingwell: Okay. So the motion is to

-- we already know that you can go ahead with the design phase of the master plan, the motion is just to negotiate the contract and come back for final approval on AUGUST 7th. All right. In favor say aye. Aye. Opposed say no. Passes on a vote of 7-0. Item 42, pulled by councilmember riley, there are no speakers.

>> I can't hear you. Do you want to skip it?

>> No, I think we can do that now. This is one for contracts with involving tires, and it is one that

involves our city's local preference policy, and staff has pointed out that one of the bidders that is within the terms of that policy, so based on the information we received from staff, I move to authorize award and execution of three 36 month requirement supply contracts with bridgestone, clingman car care center and youngblood automotive and tire llc to provide tires and tubes in a total amount not to exceed 4,833,807 each combined. For a total contract amount not to exceed 9,667, 614 based on the fact the local bidder offers the city the best combination of contract price and additional opportunities for the city created by the contract award including employment of residents of the city and increased tax revenues to the city.

[10:23:38]

>> Leffingwell: I missed what the difference is between that and the posted item, between what your motion is and the posted item.

>> Mayor?

>> Leffingwell: Councilmember spelman.

>> There are two sets. This is the second set.

>> Right.

>> I'm seconding the motion.

>> Mayor...

>> Leffingwell: Motion is on the table from councilmember riley, second by councilmember spelman. Okay. Go ahead. Did you have a question of staff

--

>> no, it's pretty straightforward. Very routine.

>> Leffingwell: In favor say aye. Aye. Opposed say no. Passes on a vote of 7-0. Item number 50. Has no speakers.

>> Mayor, we consider this in the tif board meeting and move approval.

>> Leffingwell: Councilmember spelman moves approval of item number 50. Is there a second? Second by councilmember martinez. In favor say eye. Aye. Opposed say no. Passes on a vote of 7-0. Number 58. Doesn't look right. Excuse me, item 57 was pulled for speakers. First speaker is erik goff are you erik goff? Okay. Next speaker is david king. Is joyce baciano here? You have up to six minutes.

[10:26:19]

(One moment, please, for change in captioners...)

>> I hope you all will vote to support this. Every dime that's created from the developers paying their way now should go back to the low and middle income families ratepayers. It should go back to them as refunds. Or as a reduction on their utility bills. And I hope that you will take that step as well. If you are committed to helping us solve our income inequity problem in austin, you will help with this problem and you will also help with our economic policies and focus them on jobs and job training targeted for low and middle income families. Thank you very much.

>> Mayor Leffingwell: Paul robbins. Good afternoon. Council, if you implement this

-- this change in hook up fees, it could net austin energy about \$14 million a year. It will mitigate the

next rate increase, it will be a step in making growth pay for itself, it will be a strategy to discourage wealth flight. I want to read briefly from a letter that shudy fath who championed these hook up fees wrote to you in april. A passage of this letter

[10:29:02]

reads: In 1981, council voted to begin charging electric hookup fees as of NOVEMBER 1st, IN THE MID 1990s, council voted to abolish hookup fees. Possibly this was the same council that passed the 1994 electric rates that lasted 18 years. If hookup fees had not been abolished for 18 years, probably those missing multi-million dollar revenues would have made the contentious 2012 rate increase unnecessary. It would appear that the votes are here to pass this. I want to thank all of you who vote for this for helping keep our utility rates down.

>> Mayor Leffingwell: I will entertain a motion to item 58, 57 excuse, councilmember tovo moves approval of item no.57, seconded by councilmember martinez. Discussion, councilmember tovo.

>> Tovo: I just want to add my thanks to commissioner fath for raising this issue multiple times over the course of several decades. It should longer than it should have for it to make it to a council agenda, but I'm very pleased to be a account to bring this forward and I certainly hope it passes. I think it's a very important step in making sure, as mr. Robbins said, that new development is

-- the costs of new development are not being passed along to austin energy ratepayers.

>> Mayor Leffingwell: All of those in favor say aye.

>> Aye.

>> Mayor Leffingwell: Opposed say no. Passes on a vote of 7-0. Item no.58, pulled by councilmember morrison has no speakers.

>> Thank you, mayor, this is the item on the butler trail master plan. I wanted to discuss a few potential amendments. So I would like to turn the microphone over to anyone that might like to make a motion to put this on the table and then I could bring up my amendment.

[10:31:06]

>> Cole: Mayor, I move approval.

>> Mayor Leffingwell: Mayor pro tem moves approval. I will second. Councilmember morrison.

>> Morrison: Thank you, mayor. I'm going to pass out a motion sheet that I have. I wanted to talk about a few possibilities. So the first thing is, again, I appreciate the fact that we have community organizations that are willing to work with us on items like this. Where we can't find the city fund, but another organization is willing to step up. And I

-- and partner with this and certainly it's the same thing as before. I want to make sure that we're

-- that we're leveraging this opportunity in a way that really represents the public's interest, which obviously everybody is interested in. So the first motion that I wanted to propose is I noticed in all of the description about

-- about the

-- how the plan is going to work, there didn't seem to be an inclusion of engaging with community stakeholders. And while I assumed that there would be, maybe I missed it but I didn't see it. While I

assumed that would be the intent, I wanted to add a bullet at the end of the first be it resolved that makes that explicit to say that the plan would include engagement of community stakeholders such as park and trail users, public artists and design professionals, adjacent neighborhood and development representatives and special area interest groups.

>> [Indiscernible].

>> Morrison: That would be my first

--

>> Cole: I consider that friendly.

>> Mayor Leffingwell: I consider it friendly, also. So far so good.

>> Morrison: So far so good. There's two more. The second one has to do with the second be it resolved, and there's really two parts to this. The first is to ask that, again, instead of negotiate and execute this agreement, we would ask that

-- I would ask that we strike the execute part and say that the city manager is authorized to negotiate the agreement and bring the agreement back to council for execution within 90 days. And then let me say the second part of it is that

-- that I appreciate the

-- the

-- the revised version that the sponsors put it back up. They had added a line that said the city may apply for or use grant funds in pursuit of this effort, but any other financial contribution should return to city council for approval. And what I would like to do, I guess that I'm just concerned, I want to make sure that any funds that are going to be spent here aren't going to be taking money away from other projects that we had. So I want to make sure that we're not using existing grant funds. So I wanted to say that this the city may apply for grant funds and pursuits, but I want to make sure that we're not using existing grant funds.

[10:34:13]

>> Mayor Leffingwell: I don't consider that friendly.

>> Morrison: Okay. Let me go ahead and break this into two. The first part would be to strike the execute and ask that it come back within 90 days. So do we vote just on that or do you consider that friendly?

>> Cole: 90 days seems like an exceptionally long time.

>> Morrison: I'm happy to make it shorter, if you like. I just wanted to separate it. Maybe we could ask the staff.

>> Cole: Yeah, I would like staff to talk about

-- I would like some comments from the staff.

>> Morrison: I see them on their way.

>> Cole: I don't want to see in the timing is any type of an issue.

>> Morrison: I would be happy to say bring it back as soon as possible if that would be easier for you.

>> Cole: Oh.

>> Mayor Leffingwell: I'm a little concerned about why we're reluctant to negotiate and execute an agreement with the trail foundation and we've had such a long and strong relationship, they've

contributed so much to our community, I hate to really exhibit distrust of an organization like that.

>> Morrison: Well, mayor, if I may, I'm not in any way trying to portray distrust or mistrust of the organization. I just know sometimes in these agreements there's some really important little things that end up talking about, you know, who is going to be controlling and really just, I just think that it's a responsible thing to do to make sure it comes back to council, to make sure that it comes back in the best interests.

>> Can you talk a little bit about timing.

>> Meghan wells, with the economic development department. Sarah and I were just talking briefly about how we would sort of be partners on this, but probably be led by economic development with the trail foundation. We do not have a draft in progress right now, but I don't believe that would take very long to come up with something that we could then share with them and work together on. I don't have an exact time frame, but

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[10:36:19]

>> Morrison: Not even any draft yet.

>> We don't have a draft yet.

>> Cole: I would accept it as friendly to bring it back at the next meeting, June 26th. Does that give you enough time?

>> I

-- we would need to

-- to be reviewed and the trail foundation would need to provide some information. I'm not sure what it's going to take on their end, but we could certainly shoot for that.

>> Morrison: So you haven't even started it.

>> We don't have anything in the works.

>> Morrison: How long does it usually take?

>> We've never done this kind of partnered master plan before, I don't have any kind of precedent or benchmark to base it on.

>> Cole: Let's not put a time table in it, and say as soon as possible.

>> Morrison: That's perfect.

>> Cole: Okay.

>> That means that we can't execute an agreement until August.

>> Probably I'm thinking the August 7th meeting. That you will bring it back. It might be

-- I don't know that we could get it done in the next two weeks. I think that might be pushing it. So we would then wait for the August meeting. But

--

>> AUGUST 7th.

>> Mayor Leffingwell: All right. I'll accept that.

>> Morrison: Thank you, then the second part that's not accepted that I would like to ask that we take a vote on, to change the last line in that paragraph that says the city may apply for or use grant funds in pursuit of this effort. I would like to strike or use because I want to make sure that we're not taking

things away from existing projects.

>> Cole: Councilmember morrison, I'm concerned there that we take grant funds that may be available for this project away and we limit it just because it's the same as you are concerned that we don't use other funds. So I'm not

-- I don't consider that friendly.

>> Morrison: I'll just make that motion.

>> Mayor Leffingwell: Motion for an amendment by councilmember morrison. Is there a second?
Motion

--

[10:38:26]

>> Tovo: I'm happy to second it. I have a couple of questions.

>> Mayor Leffingwell: Seconded by councilmember tovo.

>> Tovo: For both of my colleagues, I think. I believe I understand the concern that's led to the striking of or use as being one that we might be shifting grant funds that we currently have to this project. Am I understanding that correctly? Okay. Then I wanted to add, mayor pro tem cole, I wanted to understand your concern

--

>> Cole: That if we have grant funds that currently are available for this project, I don't want those to be off the table for use in this project.

>> Tovo: So as I understand the amendment, though, the staff could, if they identified a grant source that we

-- grant if under that we currently have, they could return to council and ask for it. I guess this is a question for the maker of the amendment. Would it be possible for staff, if they identified grant funds, that we currently have, that might be applicable for this project, could they come to council or

-- could they come to council and say would you consider using this 'em for this project?

>> That seems like it would be reasonable, but we could maybe also ask do you know are there any grant redundant right now

--

>> I'm not aware of anything right now that would be eligible.

>> Morrison: Actually maybe this is a non-issue.

>> I'm not aware of anything.

>> Morrison: If there's going to be grant funds, it will be a new grant.

>> Right.

>> Morrison: Okay. I withdraw my motion. All right. Then on to the third, I have a feeling we'll probably want to vote on this one. Well

-- might not want to, but that's the reality of it. That is the last

-- [laughter]

-- the last be it resolved, which is the moratorium on any

-- having any more art on the trail. I guess that I just want to point out if you look at the map

-- it's quite a large area and I know that we have a good project in place and

-- process in place now that
-- that especially because we're not sure how long this is going to take, there's probably going to have to be some grants applied for or some fundraising done because there's
-- it's going to cost between 88 and \$150,000 probably. And so I'm just really concerned about having all of that on hold for an unknown amount of time. So that's my motion and that is to strike the moratorium be it resolved, which is the last be it resolved.

[10:41:01]

>> Amendment by councilmember morrison.

>> Cole: I do not

-- thank you

--

>> Mayor Leffingwell: Are you offering that as friendly?

>> Morrison: No, no.

>> Cole: Okay.

>> Morrison: I'm a realist.

>> Mayor Leffingwell: Is there a second for that amendment? That amendment dies for lack

-- councilmember martinez seconds. Is there any discussion on that? I'll just say that's basically the whole point of the item and obviously I'm not going to support it. So those in favor of the

-- councilmember tovo?

>> Tovo. I think that I would like to talk about this for just a few minutes. So if this is stricken

-- if this is stricken from the resolution, the notion is that art work that is being offered for donation would just

-- would continue to go through the regular process and then come to council for a vote? Come to parks board for a recommendation and then council for a vote? Would there be any cautions issued to people who are embarking on that? You know, I can see

-- maybe one

-- one troubling element of that is that we are

-- we are allowing people to go through a process and they might likely end up at council and then have the council say well, you know, we're embarking on this master plan, until we're finished with the master plan we don't really want to make decisions. I'm just thinking out loud, if anybody has a comment that wants to jump in.

>> Mayor pro tem.

>> Cole: First, I would like to say that it's my understanding that this process is supposed to be a matter of months, not a matter of years and an extensive process. So I don't think that we will get, run afoul of many projects. And the idea is to suspend any new art until the plan is done, so it can be done consistent with the plan. But there is an alternative way that you can actually get the council and if we have a project that comes to council through that process, we can consider it as you are suggesting then and if someone makes a motion that they

-- that they do not want to approve a process because the plan, that's just a risk that we take. But I think that's a risk that we take at that time.

[10:43:23]

>> Tovo: Mayor? Thanks for that. Three to six months seems reasonable. But I do notice that there's not a stopgap measure here, so there's not a

-- you know, what if it takes longer? What if it takes a couple of years and during all of that period of time there's no opportunity to consider the donation of new art and I hope this doesn't happen, but what if the master planning process stalls for some reason? I wonder could we put in some kind of clause where this would come back and be re-evaluated in a year? The moratorium. Whatever we're calling it. The suspension could come back to council for reevaluation within, you know, sometime in June 2015.

>> Cole: I consider that friendly because I don't think it's going to exceed a year, so ...

>> Tovo: Great. Well, I think that I have to wait until

-- I think there's another amendment on the table. So

-- but I think that might be one way to

-- might be [indiscernible].

>> Mayor Leffingwell: So we're kind of off track here because you seconded a motion then you seem

-- councilmember, we had a second for that motion and then you're talking about another amendment. We need to vote on the.

>> [Indiscernible].

>> Mayor Leffingwell: All right. So are we ready to vote on the amendment that's now on the table? Which is basically the moratorium. All in favor say aye. Opposed say no.

>> No.

>> Mayor Leffingwell: That fails on a vote of 2 to 5 with councilmember Riley, Tovo, myself, Spelman and Mayor Pro Tem voting no.

>> Martinez: Mayor, I would like to try one more amendment just on the one specific project that I mentioned in the work session that is in queue and has a substantial amount of work done and a lot of folks supporting the project and trying to get it through the process. So I just want to make an amendment that the homeless memorial statue that is currently in process be allowed to continue and eventually make its way to council with or without a staff recommendation. That's a

--

[10:45:51]

>> Mayor Leffingwell: Motion for an amendment by councilmember Martinez, is there a second on that? Seconded by councilmember Morrison. And I'll just say I'm going to vote against the amendment because I think this gets the whole idea of having a master plan in place before we start accepting special projects as part of the park art plan. So

-- is there any more discussion? Those in favor of that amendment, say aye.

>> Aye.

>> Opposed say no.

>> No.

>> Mayor Leffingwell: Let's say a show of hands, in favor say aye. That passes on a vote of 4-3 with myself, mayor pro tem cole, councilmember spelman voting no. All right. That takes us back to the main -- councilmember tovo.

>> Tovo: I would like to propose an amendment along the lines of what I discussed a moment ago. I think the way

-- I'm going to suggest that in the last be it therefore resolved, after the clause the completion of the butler trail, public art plan overlay, I would suggest adding language that says but for a period not to exceed one year. I guess that creates a slight modifier issue, dangling modifier issue.

>> Cole: I think there's a period

--

>> Mayor Leffingwell: Don't worry about that.

>> Tovo: I think that's probably the easiest on the fly to do. But for a period not to exceed one year.

>> Mayor Leffingwell: Limitation of one year on the moratorium unless it's renewed; is that correct?

>> Tovo: Yes. Or we could add a line at the end, the city manager is further directed to return to

--

>> Mayor Leffingwell: So it's in place, but the city manager is directed to return within a year? Accept that? That's accepted. So it would take a positive action in order to terminate the moratorium. I just want to say you direct the city manager to come back within a year to

-- to reconsider the moratorium. Yeah. Those in favor of the main motion say aye.

[10:48:09]

>> Aye.

>> Mayor Leffingwell: Opposed say no. Passes on a vote of 7-0. What is the status of item no.28. Councilmember martinez? Did you place that item on the table, item 28.

>> Martinez: We are still waiting to here from mr. Klingemann, he is working with mr. Siff, they are still I assume having conversations.

>> Mayor Leffingwell: Okay. That brings us to item no. 70. Item no.70 was

-- pulled by councilmember spelman. I believe there's one speaker. Brad parsons. Brad parsons is apparently not here.

>> Spelman: Mayor there has been some misunderstanding about the nature of this item. It was my understanding in reading the item that the manager is directed to develop a transition plan and provide office space and associated amenities only during the transition period until the new councilmembers take office and can move into this building. I believe that was the intention but not stated as explicitly as perhaps it should be. So I would like to add perhaps I should wait until the maker of the resolution proposes it and then I have a very small friendly amendment to add to it.

[10:50:18]

>> Mayor Leffingwell: Councilmember martinez.

>> Martinez: I will move approval, but I do want to make a comment this is just

-- this is probably not going to be available to most because there will be a lot of runoffs during that

time. But the whole intent is if someone wins the election in november, that we work to give them available space to start having constituent meetings leading up to january. So they don't have to wait until january. It is not

-- not anticipated that there will be a fiscal impact of any kind. It is existing space, either that the city has or that we have in partnership with the county or aisd or some other facility. So I'll move approval of the item, mayor.

>> Mayor Leffingwell: Councilmember martinez moves approval.

>> Spelman: Mayor I'll second. I still have a very small friendly amendment. Councilmember martinez may I suggest in the fourth line of the resolved current line reads city manager is directed to develop a transition plan whereby newly elected councilmembers are provided an opportunity if they so choose to have no cost temporary office space provided in their respective districts, I would suggest that we add during the transition period that is ada accessible, et cetera.

>> Martinez: Perfect.

>> Spelman: Great.

>> Mayor Leffingwell: Accepted by the maker and the second as a friendly amendment. We are talking about the period, I'm asking the question here, we're talking about the period between election day, somebody has a majority vote and before they are sworn in or before the vote is even certified.

>> Spelman: Mayor that's more or less defined in the first whereas, yes.

>> Mayor Leffingwell: In the whereas?

>> Spelman: Yes. 10 councilmembers will be elected those persons elected will be sworn in on JANUARY 6th, 2015. If you would like us to nail that down we can say this constitutes a transition period.

>> Mayor Leffingwell: When did it begin.

>> Martinez: November 5th, DAY AFTER THE Election.

>> Mayor Leffingwell: I guess I have a little bit of a problem with providing that service to somebody that's not officially a member

-- not a member of the council yet.

[10:52:28]

>> Martinez: Mayor, we provide meeting space to people each and every day all over the city. I don't think this is any different. These are obviously they have to be certified. The elections have to be certified. But I can't recall an election not being certified in my 20 plus years.

>> Mayor Leffingwell: It's a

-- it's a formality. But you have to do it. So councilmember morrison.

>> Morrison: I just want to note that it will, I think that it will be important for them to get email addresses and access to outlook, they are going to need to get signed on and trained on email because they are going to be immediately under open meetings and all of that. So we'll have to ask the clerk to work with them on that so that they don't step into it right away.

>> Mayor Leffingwell: So the motion now defines the transition period as november 5th to january 6th?

>> Spelman: That's correct, yes.

>> Cole: I have a question.

>> Martinez: Mayor pro tem snooks, I just have a question of councilmember morrison saying that the

new councilmembers will be immediately subject to open meetings before they are actually sworn in.

>> Morrison: Well, I guess we could ask our attorney that question, but they're going to be doing city business with the city email address.

>> Spelman: They don't have to.

>> Morrison: And they don't have to? This gives them an email address. So if they are using that email address, I hope it's only for city business.

>> Correct.

>> Morrison: And so would that be subject to open meetings?

>> I don't believe that

-- that they will be officially city officials until they are sworn in. So as far as open meetings

-- but if the documents that they are receiving are coming to a city address, we will have some records retention issues we will need to deal with. So the records retention act will apply. But as far as open meetings and things like that, those issues won't apply.

>> Morrison: But they will need to know not to delete emails and things like that.

>> Yes, the clerk I believe has information that she gives all newly elected folks when they are officially sworn in on those different types of policies.

[10:54:42]

>> Cole: Can I ask the city attorney, you brought up a good point I guess actually the mayor brought it up about the fact that people who are elected aren't official councilmembers. So they're not having meetings, they're not voting, they're not subject to open meetings unless they have a city email. Is there any other city responsibilities that they are responsible for at that time? If they are not

-- I'm just trying to ask if we are forgetting anything legally.

>> As I mentioned records retention is the one thing that we would just want to make sure that we were retaining any kind of official documents coming into the city because they're coming in on our server. There are some legal issues and right now I'm just drawing a blank, but they're not subject to all of the legal requirements that we traditionally talk about when we talk about open government. It is perfectly okay to provide the space, that's clearly a public purpose, that is no issue. I have

-- we have prepared a list of all of the different things that we want to talk to them about, but I'm just drawing a blank right now. But as far as this particular resolution is concerned, I don't think that there are any issues, legal issues that I would advise the council about. I think that this resolution is fine and that it is perfectly okay to do what this resolution is contemplating.

>> Cole: Thank you. I just had some concerns about that. I certainly support the idea that the newly elected councilmembers will need a transition period and transition office space and I'm glad that we are able

-- will be able to provide that. But I am glad that we had the discussions about the limitations on their authority.

>> Mayor Leffingwell: This one is a little strange for me, I plan to vote no on it. All in favor say aye.

>> Aye. Opposed say no. I vote no. It passes on a vote of 6-1 with yours truly voting no. I believe that brings u to

-- item 82. Zoning case. Is that good afternoon, mayor, chuck lesniak, I am standing in for mr. Rusthoven

at the moment. I can speak on the lake austin overlay. This is I believe you approved this on first reading.

[10:58:00]

>> Mayor Leffingwell: Correct, public hearing is closed.

>> Uh-huh. We're here to answer any questions and
-- that you might have.

>> Mayor Leffingwell: These are both of arounds, we should entertain them separately. I entertain a motion on item 82 for second and third readings. Councilmember morrison.

>>

>> Morrison: If I want to make an amendment that would and discussion the issue of variances and whether or not they are administrative or not is that 82 or 83.

>> That would be 83.

>> Morrison: Okay, great. So I will make a motion on 82, then, to approve on second and third readings.

>> Mayor Leffingwell: Motion by councilmember morrison to approve 82 on second and third readings.
Is there a second?

>> Riley: Mayor? If I could just ask a question of the maker of the motion. We have heard from the friends of lake austin that they have been meeting with staff to discuss the issues on both 82 and 83. They have asked if we would consider these for only second reading today. So that they could have another couple of weeks to try to work everything out. So I would be happy to second the motion if it were just for second reading in light of the ongoing discussions.

>> Morrison: Mayor, could I ask the staff a question?

>> Mayor Leffingwell: Yes, go ahead.

>> Morrison: So we've been at this a long time, there have been long, long task force meetings and lots of time in between. I guess I'm concerned about just kicking it down the road if we're really at the end of the line already. And so I would love to have your perspective on that.

>> Thank you, councilmember. We have met several times with friends of lake austin. As recently as this week. The meeting that I had with

-- with their representatives is this week, they didn't raise any issues regarding the overlay and so
-- so I

-- I think that most

-- my understanding is that there are not any remaining issues on the overlay that they have been hearing from folks. They may have been communicating other issues certainly to council that I'm not aware of, so we would recommend second and third reading.

[11:00:23]

>> Mayor Leffingwell: We still need a second on that motion, is that correct.

>> Morrison: I have a question.

>> Mayor Leffingwell: Well, let's see if there's a second on the motion.

>> Morrison: I might want to withdraw my motion.

>> Mayor Leffingwell: Councilmember morrison.

>> Morrison: If we ask you the same question on the next item, will you have a different answer? Because as far as I'm concerned it makes sense to align the readings if we're only going to do second reading on one, we might as well only do second reading on the other.

>> On the other item there are three issues that the friends of lake austin discussed with them. This week. Same issues they've been raising for about the last six weeks. I think it's in my opinion it's a -- we're at a point to call the question. I'm not sure that any further discussions between staff and the applicant or staff and the friends of lake austin would bear much fruit. So I think that I would also recommend second and third reading on the other one as well.

>> Morrison: When we get to that you will be able to tell us what those points are still so we can address them.

>> Yes.

>> Morrison: So I'm going to leave my motion at second and third.

>> Mayor Leffingwell: Is there a second for that? That motion dies for lack of a second.

>> Riley: Mayor, I move we approve this item on second reading only.

>> Mayor Leffingwell: Motion by councilmember riley to approve on second reading only. I believe that's councilmember spelman on the second. Councilmember tovo.

>> Tovo: Because I'm recusing myself on certain items, I need to double check that we are right now before us is the overlay or the ordinance itself?

>> Mayor Leffingwell: We're on the ordinance, item no.82.

>> Tovo: Okay. So please let the record reflect that I am recusing myself as I did last time on items related to bulk heads and boat docks and I have listed those for the city clerk.

>> Mayor Leffingwell: Does that mean you are recused on this item?

>> Tovo: With regard to the ordinance, on 82, yes, just the portions of the ordinance related to boat docks and bulk heads and I have enumerated those for the city clerk as I did last time and it's my understanding that it's fine to say general rather than reading there you all of the specific provisions within the ordinance.

[11:02:42]

>> Mayor Leffingwell: All right. Further discussion on item 82? Councilmember morrison.

>> Morrison: I'm sorry, chuck, so the variance

--

>> I actually think that we've got this backwards. We may have introduced it incorrectly. 82 is the boat dock ordinance, 83 is the overlay.

>> Morrison: Does it matter

--

>> doesn't matter which we do first [multiple voices]

>> 82 is the boat dock ordinance. I had them backwards.

>> Morrison: With that, mayor, I would like to make an amendment, because this is the boat dock ordinance

--

>> boat dock and shoreline development regulations.

>> Morrison: We need to have a discussion if we're going to have one about are variances going to be administrative versus

-- which is what the draft had versus what our interim ordinance was, was bringing them to the land use commission.

>> That's correct. In may of 2012, council passed an ordinance amendment requiring that all variances to 25-8 and 25-2 that were administrative within I believe 500 feet of lake austin go to the land use commission and that ordinance is still on the books. The proposed ordinance that you have before you today takes it back to what it was prior to may 2012 where primarily it's cef, critical environmental feature variances would revert to being administrative as they are in most areas of the city.

>> Morrison: And what we heard during the testimony, during the public hearing from

-- from a couple of folks that were down here, was a request that we keep them under the land use commission as opposed to going back to the administrative and their point was that the

-- this is a special area, it is

-- it is our water supply or impacts our water supply and we had

-- so we had left that discussion with a request to staff to go back and find out how many actually had come forward during those two years that

-- that we were sending them to the land use commission, because certainly we didn't want to start to overburden the land use commission. It was my understanding it was two per year; is that right?

[11:05:02]

>> It's two that we find in the records, discussions with staff. We think that it's probably a few more, probably somewhere six or less. I would say probably on average we're looking at three to six per year.

>> Morrison: And I know the ones that we discussed, chuck, were rim rock, where there were variances to cross it to bring a

-- to bring access.

>> Access to shoreline development, usually to docks, that's the most common variance.

>> Morrison: Right. I can see that shining some light on those discussions can in fact improve things or I've seen that myself when we looked at designs for when we were actually looking at zoning cases. But the rim rock is an important environmental feature, it helps to stabilize the cliffs and all. So given that it's really a very small number, I would like to make a motion and I don't know if

-- if the maker wants to accept it as friendly, that's great. Otherwise vote on it, that we take the ordinance back to having the variances go to the land use commission.

>> Mayor Leffingwell: Councilmember riley?

>> Riley: If I may ask a question of staff. Chuck, I have not been keeping up with all of the conversations that staff have been having can the groups that are interested in this

-- with the groups that are interested in this. Can you give us a brief summary of the extent to which this particular issue has been discussed and where it stands?

>> Sure. For most areas of the city, there are a number of variances to arrears regulations, chapter 25-8 that are allowed to be done administratively. Along lake austin the most common ones are critical environmental features. And occasionally there are wetland variances, critical water quality zone

variances and rim rock variances. And rim rock is by far the most common. I would say 90% of them are probably rim rock variances. Elsewhere in the city, we can do administrative variances for changing the buffer for those variances. How far development has to set back from those. With rim rock very often it's down to zero because they're having to cross it. So they have to cross the rim rock itself, which means it's a zero buffer, historically we have done those administratively until council changed the ordinance in may of 2012. As councilmember morrison indicated we've had half a dozen or two in the last couple of years that have gone to the land use commission that would have been done administratively. If administrative variance is denied, which does occasionally happen, the applicant does have the ability to request a land use commission hearing and variance to the land use commission and meet those findings of fact. There are also the findings of fact for land use commission variance are more stringent than for an administrative variance and so it is a higher bar. It takes more time. There's a fair amount of staff time involved to prepare for the land use commission process. It adds time for the developer. And costs for the project owner. Probably adds anything anywhere from 30 to 60 days to the review of a project.

[11:08:33]

>> Riley: So has this been a subject of discussion with the stakeholders?

>> Yes. The lake austin task force recommended leaving it as is, with the land use commission. The -- there are some stakeholders that prefer it that way with going for land use commission. There's some stakeholders I would say primarily property owners in the development community that prefer the administrative process. And I think staff's recommendation is to go back to the administrative process and from my perspective, as the environmental officer, we would be treating the shoreline of -- variances along the shoreline of lake austin differently than we treat anyplace else in the city, including the barton springs zone for some of those critical environmental features. I'm always for greater environmental protection. I'm not

-- I don't think in my opinion as environmental officer, I don't think an administrative variance process diminishes the level of environmental protect. It does get greater scrutiny, is certainly a more public process if it goes to the land use commission, but I don't think that it provides necessarily additional environmental protection.

>> Okay. I do see mr. Bowie in the back of the room. So I might just invite him to address this issue. Jed, we're just talking about a particular issue about whether or not variances should be required to go to the land use commission or whether they should be

-- whether we should allow them to be approved administratively. I knew that you have been involved with the friends of lake austin in discussions with staff. Can you briefly convey your perspective on this?

>> Okay. Thank you councilmember, mayor, councilmembers. I am a representative of the friends of lake austin, eric moreland is on his way right now to address any questions you have from a technical perspective and has a lot of history with it. Over the last couple of months, we've been meeting with chuck and chris and have had some very good conversations, what eric has tried to do is pair down the number of issues that the friends of lake austin have had. It's come down to really three. One is the tram issue. One is the grandfathering of boat docks and one is the licensing agreements. And what we have respectfully asked is that to consider this on second reading today, allow us another couple of weeks to

work with chuck and his team to see if we can get resolution because the neighborhoods, the stakeholders would like to resolve this. There's just some gray area that eric can probably address better than i. But as far as process and what you want that to look like going forward, I think we're fine with everything. We wanted one last attempt to kind of resolve that.

[11:11:20]

>> Riley: Specifically on the question of whether variances should be required to go to the land use commission, do you all have a perspective

--

>> I don't think so. I think at the end of the day, eric may kick me under the table or correct me when he gets here, but we just wanted another couple of weeks to talk through those issues specifically.

>> Given that the task force did recommend that the variances go before the land use commission, I'll be willing to support that on

-- for purposes of second reading if there is a serious issue with that, we can hear about it on third reading and revisit the issue.

>> Yes.

>> Tovo: Mayor?

>> Mayor Leffingwell: So it was that a friendly amendment? And who was the second? Councilmember spelman also accepts it. I'll just say that I will vote against this on second reading because of that amendment. Councilmember tovo.

>> Tovo: I just have a clarification to ask of staff. Mr. Lesniak, is this amendment proposed to amend part 20 in the draft ordinance?

>> The variance issue?

>> Page 22. The amendment that was just proposed

--

>> 25-8-42, yes. Yes.

>> Tovo: Part 20?

>> Yes.

>> Tovo: Part 20. The section currently reads a variance under this section may not vary the requirements of article 13 save our springs initiative.

>> Yes.

>> Okay. Thank you.

>> Mayor Leffingwell: Okay. Down to the main motion, approval on second reading only. Those in favor say aye. .

>> Mayor Leffingwell: Opposed say no. I say no. Passes 6-1, excuse me, 5-1 with councilmember tovo recused.

>> Tovo: I'm just recusing on the items related to boat docks and bulk heads of which that is not one.

[11:13:21]

>> Mayor Leffingwell: They are not contained in item 82. So the vote is 6-1 with myself voting no on

second reading. Now we will take up item no. 82

-- 83.

>> Riley: Mayor, I will move approval on second reading only.

>> Mayor Leffingwell: Councilmember riley moves approval on second reading. Seconded by councilmember morrison. Further discussion? All in favor say aye.

>> Aye.

>> Opposed say no. Passes on a vote of 7-0. We will try to get through item 84. Councilmember spelman?

>> Spelman: Thank you, mayor. We have beat this one to death, haven't we? [Laughter]. At the second reading a couple of questions were raised by that other guy named bill and mr. Bunch asked a couple of questions which I believe mr. Guernsey and mr. Lloyd were

-- wanted some time to take a look at. So withdrew an amendment to the main ordinance that I had on the table at the time for purposes of giving them some time to take a look at it. They have now taken a look at it, so I'm going to put a couple of questions to them. These are more paraphrased questions put forward by bill bunch at second reading. Who should I address them to? Greg, to you or to [indiscernible]. Craig is standing up, must be greg. First question, in existing b 2, this is with reference to the nine year plat provision which is section 21-1-552. It is clear that nine years only applies for any lot, final platted, for a project that started with a preliminary plat application. Under this motion, this is -- this is bill's reading of my motion to amend 25-1-552 as we discussed a few weeks ago.

[11:15:44]

>> [Indiscernible].

>> Allow me to remind you in the simplest possible way. Here it is again. Under the motion which is now making its way yet again for I think the third time, down the table, according to bill, it flips. If you start with a prefilm and then final plat a small part of it, this keeps the entire prelim alive rather than the final platted plot. This is my understanding this is not true. If you start with a preliminary and final plat one small piece of that the a the duration, at the end of the period for which preliminary plans are alive, when the preliminary plan expires, everything that has not been final platted has expired and the only part which is still around is the final platted part. Who is right? Will a small part of the final plat keep the entire prelim alive or that one part.

>> It will only be alive for that one small part. The remainder of the preliminary plan would expire. I would note one caveat there is a provision in the code to ask for an extension of the preliminary. You could go to the land use commission and ask for an extension. It's correct. If the preliminary plan expires, then all those lots that are not final platted would also expire.

>> Spelman: Okay. The expiration of a preliminary plan means exactly what it said, the expiration of a preliminary plan unless it is superseded by something else like a final plat. Okay. Similarly, under e, when a project starts with a site plan application, this is current e rather than my proposed amendment e, where it starts

-- project starts with a site plan application under this amendment any living building permit on a small part of the site plan would keep the entire site plan alive for the nine years rather than just keeping that part under the building permit alive. My understanding is that that's not true either. A building permit

would keep a small part of the site plan alive for the duration of the building permit, which as we've discussed could be extended for a long time period as long as you are making forward progress, but would not have any effect on the remainder of the

-- if the site plan expired, didn't pull the building permit on all of the site plan, everything you don't have the building permit on would be expiring, is that accurate?

[11:18:12]

>> Yes.

>> Spelman: Thank you for cutting through that blizzard of words with a nice simple answer. So again readily speaking, if I've got a big permit, preliminary plan or a site plan, which is covering a lot of ground, and I put in a final plat for

-- for one small piece of that, and the preliminary plan expires, everything is not platted expires. Ditto with the site plan. If I get a building permit on a small part and the site plan expires, having is not building permitted at that point has expired; is that right?

>> Yes.

>> It has been expressed to me some concern that this is not written expressly in the code. Is there any rope to be concerned about the current

-- what the code currently says? Is there a loophole here, any kind of a gray area?

>> Not to my knowledge. It's not expressed in the ordinance before you. It's expressed in the subdivision section or the site plan section of the code.

>> Spelman: Okay. Last question. It was my belief at the time I first proposed this and it remains so until you change my mind, which I hope you won't do, that the amendment, this is the flat 9 amendment which I have made twice before. I haven't sent you a copy of it because you have seen it twice before. Although it has been slightly rewritten by mr. Lloyd for this third special reading. What I maintained the last couple of times I put this forward was that this is a simpler and cleaner and more direct means of accomplishing essentially the same thing that we were accomplishing with several more parts in the staff version of the ordinance. And all I'm saying here is except as provided in subsection c of this section, or in section 25-1-551 expirations generally, that's the part where it says if all permits associated with the project expire, the project expires. A project, except for that, if the project expires nine years after the vesting date approved for the project under 25-1-541. Now, the argument that I would make is that this basically does the same thing that all of those other parts in the staff draft did, with the exception of giving a little bit more time for a project that begins with a final plat. Is that an accurate statement, greg.

[11:20:45]

>> If all of the permits expire, the project would expire, those other sections speak to lives of different parts. What you are offering I guess as an alternative to that I guess theoretically, if you required one of those applications and that application expires, then

-- [indiscernible] in lieu of the existing language, it speaks to if you didn't continue with one of those permits in this series, then it would expire after that.

>> Spelman: For example, if I start with the preliminary plan, the preliminary plan has a duration period. There's a period at which the preliminary plan will expire. If I don't do anything with it, my project expires at the same time the preliminary plan expires. If I final plat a part of take preliminary plan, the rest of the project would expire except for the part that I had final platted, that would continue. But of course I would have to continue doing something with it for the project to continue.

>> That's correct. In order to keep that project alive, you would have to submit I guess the next application in the series and prior to that expiring submit that following application all the way to conclusion, which I guess would be the building permit and then getting certificate occupancies for that building.

>> Spelman: You would have to have a live permit on the project for the project to stay alive. If you have no live permits on a prong, the project is

-- the project is expired even if you haven't gotten to nine years yet.

>> Based on the language shared with me that you passed out, that's my understanding as well.

>> Spelman: Thank you. Mayor, I like to move approval on third reading of item 84 as amended by this sheet which I have just handed out on the dais, you have seen this before. I will move approval of 84. In a subsequent item to allow councilmembers morrison and tovo to vote against it, I will then move the amendment. But first let me move approval of the item itself.

[11:22:47]

>> Mayor Leffingwell: Councilmember spelman moves approval on third reading of the ordinance with the amendment he just discussed.

>> Spelman: Mayor, I will remove the amendment, I will put that separately.

>> Mayor Leffingwell: Is there a second? Seconded by councilmember morrison.

>> Spelman: I move to amend the main motion by adding the language which

-- amending as written in the language, the piece of paper that I have just passed around the dais.

>> Mayor Leffingwell: You are making that as a motion? All right. So is there a second for that?

Seconded by councilmember riley. Councilmember morrison.

>> Morrison: I have a question for staff. Have a. So you said this would be the same, but there's one difference, some people thinks that adds clarity the way it is in the current draft. There's one difference, it's my understanding that a project based on a final plat not associated with a preliminary plan will now instead of having a four-year life it will have a nine year life, is that correct?

>> That's my understanding.

>> Morrison: To me that's a substantial change. I'm not going to support it, I think it's certainly not supported by members of the community that we've been involved with.

>> Mayor.

>> Spelman: It has certainly been supported by members of the community that I've been involved with. We've just been involved with different members of the community it sounds like. The final plat is different from all of the other permits that mr. Guernsey and his staff take up in that it requires a substantial cash outlay. If I put up a final plat, I have to post fiscal for all of the infrastructure associated with that final plat. Put an escrow account, that means that I have to put up a bunch of money in advance. It is rare that the developer will put up a bunch of money on speculation for a project that he

or she does not know that he or she is going to be able to build very shortly afterwards, because they don't want to put a bunch of money up in a bank account they can't get access to. I think it is a very rare case that we're talking about a speculative case. If I had one I certainly wouldn't start with something that required me to spend a bunch of money.

[11:25:09]

>> Morrison: I think that in fact that's

-- that's an interesting scenario to lay out there. Because now somebody can put that money up and know they have nine years to come up with the rest of it as opposed to knowing that they should only be doing that in a very secure environment. So it's

-- so it's

-- to me it strikes me as a significant shift in the way those would be used.

>> Spelman: Let me offer another argument for you.

>> Morrison: Okay.

>> Spelman: The backup argument is this. If I start with a final plat and only get four years with the current version of the ordinance, I decide I want more time, even if I'm willing to part with the money and put my money where my mouth is for a longer period, which I think is

-- as I mentioned a moment ago rare, if I want more time all I've got to do is preliminary plan the same project and then follow up with the final plat. I get exactly the same benefit but I get a longer time period. That seems to me that if people want nine years, they're going to find a way of getting that nine years simply by swapping out what permit they start with and I don't think we're really accomplishing anything by requiring a final plat to have a shorter time period, nobody is going to take advantage of it.

>> Morrison: I guess that I would

-- that's just a different perspective. I think it opens up a whole new avenue that we don't have now in our code and, you know, there's a lot of concern about making sure that we have clear and

-- clear predictability and are protecting our environment by not extending grandfathering for a long, long time. I think this does. We will probably just have to disagree on that. I will point out I don't think what we have in here now is that it pulls together the expiration dates and I don't think it's such a horrible thing to have. I

-- I think we'll end up disagreeing, I won't be able to support the motion.

[11:27:10]

>> Mayor Leffingwell: So the motion is on the amendment. By councilmember spelman. Those in favor say aye.

>> Aye.

>> Opposed say no.

>> No.

>> Mayor Leffingwell: Let me see a show of hands. Those in favor say aye. Passes on a vote of 4 to 3 with councilmember tovo, morrison and mayor pro tem voting no. Brings us to the main motion. As amended. All in favor of that say aye.

>> Aye.

>> Opposed say no. Passes on a vote of 7-0. Without objection, we are

-- okay. One quick

--

>> point of order, Brent Lloyd, assistant city attorney. I just want to make sure that we do everything in a ship shape manner and council at the last meeting as you recall there had been some talk of potentially doing project consent agreements as a standalone vote on all three readings. That did not come to pass and so the parts of the ordinance

-- part of the ordinance that's before you only requires a vote on third reading and specifically that's division 1 and 2 of the whole new code section

-- article that we're adding, that is before you only on third reading. But the balance of the ordinance, which includes division 3, the expiration piece, then all of the other parts of the ordinance that haven't received much attention, the extension, the life of preliminary plans, some of the other procedural parts of the ordinance, those require a vote on second and third reading. So I believe the motion that council voted on

--

>> Mayor Leffingwell: Vote of 4-3, that passes on second reading only.

>> Okay.

>> Mayor Leffingwell: No?

>> Right, that's correct.

>> Mayor Leffingwell: No, no, the ordinance passed

-- the ordinance passed on a vote of 7-0. Excuse me. The amendment passed on 4-3.

[11:29:16]

[Multiple voices]

>> as long as council is clear for the portions of them that

-- the portions of the ordinance that require a vote on both second and third reading, that that's your intent to pass the entirety of it, both the part that's before you only on third and the part that's before you on second and third, then I think we're clear. I just want to make sure that that's clear.

>> Mayor Leffingwell: Clear as mud, thank you. [Laughter].

>> Mayor Leffingwell: Yes. [One moment please for change in captioners]

>> mayor?

>> Mayor Leffingwell: Councilmember Spelman.

>> Spelman: What alternative do we have, Mr. Guernsey?

>> I believe Mr. Lloyd has prepared a free-standing ordinance should you choose to consider it that would allow you to take

-- allow a project consent agreement to be brought to you after the ordinance goes into effect prior to the end of the month that would allow it not to go before planning commission and not to go before environmental board but come to you directly.

>> Spelman: Am I right if the consensus comes from somebody in the law department we do not have a posting problem with it?

>> That's my understanding.

[11:31:20]

>> Mayor Leffingwell: Is this going to be quick, mr. Lloyd? Because we're past our break time.

>> I think so. I've not prepared any free-standing ordinances, but I think if council's desire is to make it so that a project consent agreement that is applied for in the month of june does not require the board and commission review that normally will be required for a project consent agreement, I think that can be done thoroughly within the scope of the ordinance by adding a new part 12 to the ordinance as an uncodified section that would simply say an application for a project consent agreement submitted within the month of june does not require review by the land use commission or the environmental board.

>> Mayor Leffingwell: Do we need to reconsider our previous action to include that?

>> Yes.

>> Mayor Leffingwell: I'll entertain a motion to reconsider for the purposes of including that statement.

>> Spelman: Moved.

>> Mayor Leffingwell: Councilmember spelman moves. I believe councilmember morrison seconded. All in favor of the revised motion to include that language say aye. Opposed say no? That passes on a vote of six to one with councilmember tovo voting no. With that without objection we are in recess.

>> Mayor, minor point of order. We didn't actually make a motion. The motion we voted on was to reconsider. Now we have to vote on the motion.

>> Mayor Leffingwell: I made

-- I stated that the motion was to reconsider and include that, but

--

>> Martinez: I saw some troubled looks in mr. Lloyd's eyes. That's the only reason I'm bringing it up.

>> Mayor Leffingwell: Are you happy with that, mr. Lloyd, with that action?

>> From

-- if there's not a point of order objection that's raised on the dais, I think it's fine. I think the council's intent is clear to reconsider and amend your prior

--

[11:33:22]

>> Mayor Leffingwell: I think that was clearly stated unless there's onan objection on a point of action, that action will stand. So without objection we're in recess. Tow he graduated with a bachelor's degree in cinematography and film production with honors from the university of texas. Saul paul has performed and provided music for such clients as we are social, the national retail federation, the n.F.L., The n.B.A., South by southwest and countless others. The musician with a message performed his inspirational brand of acoustic hip hop in vancouver, canada in april and will be in barcelona spain in june. And make sure you check out his latest work, tower to tower dream in 3d. Please help me welcome saul paul.

[11:39:17]

[Applause].

>> I was able to meet with city officials and share how awesome the city of city of austin is. I'll be going to barcelona next. That will be awesome and amazing. I love my city. If you cut me, I bleed, but I bleed orange. It's saul paul day so I guess there are a couple of proclamations. One of them is eat rudy's barbecue. That's what I eat. There's a lot of great barbecue in the city, but personally I love me some rudy's extra moist. And two, I want you to live your life to the fullest. That's what I'm all about. Myself I was able to graduate from the prestigious university of texas at austin, but it was after I was incarcerated at texas state penitentiary convicted of four penalties. But I changed and now I use my life as a testament to encourage others. So I have this thing and I want teach you to do it right. My second proclamation is chunk the duece to foolishness. Everybody put your peace sign up. Turn your hand backwards facing you. Bend your wrist 90 degrees. Go back where you started, repeat. That's how you chunk the duece. In case you're wondering what it is, it's acknowledgment, kind of what you say when you're leaving and you go buy. It's like chunking the duece to foolishness, anything that maybe holding you back so can you live your dream to the fullest. This song I wrote is the most recent song, the song I actually recorded when I went to vancouver. It's called mama and dedicated to my mama. My mom actually died in a car accident when I was three years old and I had a grandmother raise me. She did the best job she could. She was awesome, she showed me love. Everyone calls her big mama, but I call her mama, this is for her.

[11:45:15]

[applause].

>> Tovo: Thank you. Another big round of applause for our creative ambassador, saul paul. [Applause]. And it's now my privilege to present the following proclamation. Be it known that whereas the local creative community makes many contributions toward the development of austin's social, economic and cultural diversity. And whereas saul paul has demonstrated a high level of expertise and leadership in his creative discipline and his dedicated efforts further austin's status as the creative capital. And whereas the economic development department of the city of austin strives to open new die logs and strives to work with austin's creative community and other markets worldwide, whereas we are pleased to make saul paul an official creative ambassador for the city of austin. Now therefore i, kathy tovo, on behalf of lee leffingwell, mayor of the city of austin, texas, do here by proclaim june 12th, 2014 as saul paul day in austin. Congratulations. [Applause].

>> Tovo: Good evening, I'm councilmember kathy tovo and it's my pleasure to introduce the following guests and proclamations on behalf of our terrific open space program here at the city of austin. Since 1998 the city of austin has been purchasing property out right and also through conservation easements to create the water quality protection lands, along with our many community partners to include the nature conservancy, the hill country conservancy, the hays county and u.S. Department of agriculture, natural resources conservation service. The land was purchased with 156 million dollars' worth of voter approved bonds. So thank you to all the austin voters who helped support this important program. And it included an additional \$21 million' worth of partner contributions. So for the past 15 years the city has

acquired more than 27,000 acres with support from our voters, 27,000 acres. We acquire open space for many reasons. We acquire it first and foremost to protect our water quality and quantity and to protect our future water supplies. To limit the amount of water that would otherwise be pumped out of our aquifer by private owners, to protect our endangered species and to sequester carbon so they fulfill all of those important goals that we hold dear here in austin. And in preserving these lands we're also preserving in perpetuity a vital aspect of our natural heritage. I'm so pleased to recognize here the efforts of our tireless staff who work. It's an interdepartmental team from real estate services, watershed protection and the water utility and they've worked more than 15 years to put together this amazing portfolio of lands. And so we will be recognizing them here shortly. Right now I'm going to turn it over to mayor lee leffingwell who is going to introduce some of our special guests.

[11:48:56]

[Applause].

>> Mayor Leffingwell: Thank you, councilmember. This is really a special occasion for me. 16 years ago the decision was made to acquire land in the barton springs recharge zone and the contributing zone to protect water quality. In fact, these purchases were dubbed water quality protection lands. In my opinion this is the biggest single step that has been taken to enhance water quality protection in the city of austin, especially in the barton springs, edward's aquifer. A lot of organizations have sprung up to take advantage of that. I'm very proud that the city of austin has partnered with the hill country conservancy and the nature conservancy to work together, as kathy said, to acquire at this point almost 28,000 acres of land, including development rights to that land. If you want to protect water quality, if you want to restrict development, the way to do it is ownership, to own that land. The man who came up with this simple, yet brilliant idea was mayor of austin during that period who decided that the best way to do it was to acquire

-- purchase development rights. We continue to do that to this day. We have funded it through several bond cycles. I believe I'm correct in saying since I've been on the council and have been mayor over \$100 million has been approved by our voters for this purpose. So jenny plumber over there has played a very active role over many years, as have all of these folks in our watershed protection department. I call on the granola crunchers and the berk instock wearers, austin has its own department of that and done a fantastic job. With that let me introduce former mayor, now state senator, kirk watson who started this ball rolling.

[11:51:16]

[Applause].

>> I'm very honored to get to be here with the mayor and councilmember and I see councilmember slusher back there who was on that council when we first did that. And while I'm honored and pleased to get to be here as part of this, there were a lot of people involved and darrell slusher was an important part of this. Let's give him a round of applause. [Applause]. I'm not going to give a long speech and filibuster here tonight, but what I will say is this, when I came into office in 1997, one of the things, one of the goals that we wanted to achieve, our politics had been badly divided. We had a defacto two-party

system in this community. It wasn't republican and democrat, but on days it could feel as bad as anything you might see in washington, d.C. And what it was was it was development versus the environment. And one of the goals that I said I wanted to achieve when I became mayor was to try to bridge that gap, to try to end some of that. And part of the waugh we did that was through the purchasing of land because it did a couple of things. One is as the mayor pointed out is it protected the aquifer and protected our water quality. But the other thing is it said the landowners, that you can participate in this. You have a way to participate. We were paying market value or we would create conservation easements and I'm hoping that junie or someone will tell you about how much of that land is held by way of conservation easements where people are still using that land in that more natural state. It was

-- the idea worked and you hear me say this a lot about a lot of different subjects. We live in a very special place. Austin, texas is very special and one of the pieces of evidence about how special it is is we started this in 1998. It was the first bond election after the 1997 election when the new council had come in. It was the very first bond election that we were able to put on the ballot. And the voters approved it with a big margin. And since that time as the mayor has pointed out they have approved time after time after time the ability to move this forward so that now we have this sort of land purchase and we are a model for the rest of the country and really the rest of the world. The partnership that the real estate council played in all of that, the hill country conservancy, the nature conservancy, I want to say thank you to them because who would have thought we have come this far, but again special people in a special place with special voters. And I would be very remiss if I didn't take one moment to say thank you to junie plumber and nancy McClintock who I spent a lot of time with those two.

[11:54:38]

[Laughter] and really a lot of time with those two telling me how I needed to do it a certain way. Those two helped us with the science. Nancy was brilliant on the science. Junie was brilliant on getting the land into our hands. So we get to today say a great bit of thanks to those two, but also thanks to all of the people of austin, texas over the years that have voted to do this wonderful protection of our nature. So thank y'all very much. Councilmember tovo, thank you for putting this together. Mayor, thank you.

[Applause].

>> Mayor Leffingwell: Now I have a whole bunch of distinguished service awards for these folks over here. Would you like to come out and stand behind me? The bad news, we've got a whole bunch of these. The good news I'm only going to read one of them. [Laughter] this award happens to be for junie plumber, distinguished service award for 15 years of open space acquisitions to help protect barton springs and the edward's aquifer recharge zone. Junie marie plumber. And the rest of the open space team are deserving of public acclaim and recognition. After s.O.S. Passed bond money was approved for purchase of land protected from development. The most recent purchases of the searcy and hudson ranches results in a contiguous block of conservation easement and fee simple lands that now total over 12,300 acres. Figurer than the garner state park

-- bigger than the garner state park, enchanted rock, pedernales falls, inks lake and lost maples combined.

[11:56:47]

[Applause]. The total area protected by the water quality protections land program is more than double that acreage and protects more than 23 percent of the recharge zone and seven percent of the contributing zone for the barton springs segment of the edward's aquifer. We are pleased to recognize the city of austin staff members who have worked diligently for a decade and a half to make these acquisitions and help preserve austin's national treasures. This certificate is presented in recognition there of this 12th day of june in the year 2014 by the city council of austin. So congratulations, junie. This is for you. I'm going to let you come up and say a few words here in a second. Marcia schultz. Thank you. [Applause]. Nancy McClintock? Willie conrad? Kevin thurston. Matt McCaw. David johns, the cave man, where is he? Mike personette. Aaron wood. Now I will let junie marie come up and tell her story. [Applause].

>> In 1988 my first parks director was charles jordan and charles used to make us practice every friday to picture austin 50 years back and 50 years forward. He used to say we shouldn't have our job if we couldn't do that. How interesting would it be to think in 2064, much less today, that the tract protected will be known as rare and special just like pease and zilker and my favorite, mary morsi park. What an acquisition. What a highlight to be on a team for 15 years. As a team we've celebrated marriage, children and the loss of loved ones. We respect each other and really value each other's opinion. Besides, we have a lot of fun. In addition to water quality and all the things mentioned with open space we've protected our dark skies. We have archaeological sites. We have the rural character of our hill country. We have wildlife habitat. We've assisted 17 families with conservation easements which comprises 60 percent of our acreage today. Further, the we've had 14 million in federal grant dollars to further our money. We've protected a large part of the barton springs recharge zone. We have large contiguous areas, but we have survived four bond packages, four mayors, three city managers and several retirements, and too many attorneys to even count.

[12:00:04]

[Laughter] I'm thankful for voter approval. Support of our elected officials and city hall endorsement. But most of all, I want to thank everyone up here with me because all that they bring to the table and how important they are to me. I guess now is the perfect time to say we're out of money. [Laughter] and there's still more land to be acquired.

>> I've heard you say that a time or two!

>> Mayor Leffingwell: We just gave you money.

>> I spent it. So don't stop now. Thank you. [Applause].

>> Mayor Leffingwell: Thank you, junie. Now I want to bring up the man who actually manages our wild lands division, willie conrad. Willie manages not only the water quality protection or so-called prop 2 lands, but he also manages the balcones preserve lands. Willie, welcome. [Applause].

>> Thank you, mayor. I want to start out by just seconding senator watson. Austin is a special place. Our community has created this fabulous heritage for our community. It's a masterpiece. It's been an honor for me because our voters, our city councils and our management have all allowed me to participate in a

small part in this legacy. And I'm really grateful for it. Also I just want to take a minute and thank my peers here because I've learned so much from them over time, I've grown as a professional and a person and I really value their friendship and their companionship and working together with them and it's an honor to be here tonight. Thank you. [Applause].

[12:04:44]

>> Mayor Leffingwell: The mayor's health and fitness council was created back in 2004. It was called the mayor's fitness council until then. In fact, until very recently it was called the mayor's fitness council. But with the renewed interest in nutrition as a vital part of a healthy life-style appropriately changed the name to the health and fitness council. Since its inception it's been indicated to making our city the fittest, healthiest city in the united states. Because of rising rates of preventable and chronic diseases and conditions like diabetes, obesity, heart disease, lung disease, stroke and cancer, the mayor's health and fitness council has been working tirelessly to reverse these unhealthy trends, lower health care costs and increase the quality of life to all austinites. To this end in late 2006 the mayor's health and fitness council created the partner certification program which recognizes local organizations for their dedication to implementing effective work site wellness programs in the areas of tobacco free living, physical activity, nutrition and mother friendly policies. To date mhfc has certified over 30 organizations and today it would like to recognize its most recent partners, so it is with great pride and honor that we welcome the following organizations as the mayor's health and fitness council, certified partners. And I'm going to recognize the leader of this organization, lou earl, to bring those folks out. [Applause].

>> Good evening. Okay. If

-- I'm going to go through a little bit after summary on each of these organizations and the fine work that they're doing and I'll invite them up and give them their plaque and if you can come over here and hang on for the picture we'd appreciate it. Our first organization is capital metro transportation authority. Cap metro. They've achieved our highest goal, highest level certification. It's the gold level certification. This gold level certification shows they have achieved certification through the locally recognized ceo cancer gold standard certification program and have taken extra steps locally to ensure access to general preventive services for all their employees. I want to thank linda watson, who is the ceo of this organization, and her folks for being here today. And congratulations.

[12:07:38]

>> Our next organization is 3 m, if they're here. I didn't see them earlier. They're here, great. They achieved certification last fall and we are happy to recognize their dedication to leading by example. Their program has helped create healthier employees and a healthier community. Russell, sandy, bit si, thank you so much for coming. [Applause]. Communities in school of central texas is our next recipient. They achieved certification in may of this year. Communities and schools a dedicated team of staff members formed a wellness committee to help make this certification happen. Employees worked together on wellness initiatives and motivated one another. It was a great group efforts. Congratulations and thanks for surrounding central texas students with a supportive community, empowering them to stay in school and achieve in life. I want to thank suki stein houser, their ceo and their whole team for

being here today. [Applause]. Luminex corporation. We are honored to have them join our growing list of partners. Luminex values the health of its employees and believes the participation in this community effort will help to not only improve health, but to also attract and retain talent. Thank you, nancy fairchild and sissy laura for your dedication and support. [Applause]. Next is national instruments. Just became certified in may. Having a brilliant wellness program is a part of their company's culture and they place a high value on their employees health and well-being. Thank you to mark finger, their ceo with national instruments and his whole team for his leadership. Thank you, mark.

[12:09:38]

[Applause]. Our next certification goes to frost insurance agency. They achieved certification in march and we appreciate all they do to help their employees live happier and healthier lives. At frost promoting health and wellness isn't just another to-do item, it a staple of their culture. What they truly believe to be right. Thank you to bruce for your continued efforts and leadership in this regard. Thank you, bruce. [Applause]. And finally, last but not least, the city of austin achieved this partner certification in may of this year, which is an incredible accomplishment. The city of austin cares strongly about the health of its employees and strives to offer a premium employee wellness program. Thank you, healthy connections and thank you, mr. Mayor for your dedication to this cause. [Applause]. I want to thank all of our folks here today for what they've done to improve the lives of their employees and to help make austin the fittest city in america. Thanks a lot for everybody. [Applause].

[12:14:54]

>> Mayor Leffingwell: It's my privilege to recognize a couple of city employees. Actually, a whole bunch of people worked on this project, but two are here tonight. I'm going to read their names, of course, and then read the names of those who are not here, but they had the very important task of creating an internet interface, if you will, so that people could go online and determine what district we're in. If you don't know what I mean by determine what district you're in, maybe you haven't been paying much attention for the last year and a half. But we are beginning this transition for the first time in the history of the city of austin to a district-based council representation system. And so it's a new thing for us and it required a lot of folks to work pretty hard on this project in the city. And these employees have done a great job. They work for our ctm department here, in making information readily available to anybody in austin. So we have certificates of appreciation for all of them. Again, I'm knoll going to read all these certificates because they're all basically alike with the exception of different names, of course. So I'm going to read one. And then we'll read the names of the rest of the folks. It's a certificate of appreciation for creating a web map regarding the new single member voting districts that are easily accessible on the city's website. Aubry district attorney is deserving the thanks and recognition. The initter off map allows residents to determine which districts they are in by simply entering an address or street name. The council resolution called for the creation of such a map to be a priority. Thanks to their expertise and available data, the city's i.T. And geographic information systems group was able to save the city thousands of dollars over the cost of using an outside vendor and to implement the solution two months ahead of schedule. This certificate is presented in recognition of the gis team's excellent work in helping

to implement 10-1, presented this 12th day of june the year 2014 by the city council of austin.
Congratulations, aubry. Aubry district attorney.

[12:17:25]

-- aubry dresher. Maria coleman. I'm going to read the names
-- the rest of these folks and you can pass their certificates on to them. Jim barry. Stacey meeks. Shaun McClarkin. And john cooke. Congratulations
-- no, one more after john. Ross clarke. These folks are too busy at home resting up after their hard labors and creating these maps. Thank you. [Applause]. Either of you want to say a couple of words? Go ahead. You don't have to. Okay. Let's just give them another big hand for their great work. [Applause].
>> Martinez: It my honor to present the next proclamation. We are recognizing tonight puro chingon collective. We might have to have some bleeps for our spanish speakers. It is a latino art trifecta that is transforming the artistic community in austin and beyond through their projects which aim to promote and redefine their cultural identities. The collective consists of claudia aparico-gamundi right here, james

[12:19:48]

[indiscernible] and claudia zapata, who began as co-workers at mexicarte museum. Their work expands from public art, most recently having designed all of the grounds of grounds of music festival to designer toys that were revealed at the fuse box festival to their publication that recently released its fourth issue. The work puro chingon collective is doing in our community is exactly what makes the city the unique creative center that it is. I'm going to present a proclamation and then ask one of these very shy individuals to say a few words. The proclamation reads be it known
-- wrong proclamation. [Laughter] take two. The proclamation reads: Be it known that whereas puro chingon is a try link al arts trifecta, the means of non-traditional spaces, toys and magazines. And whereas the members are austin artists, claudia aparico-gamundi, james [indiscernible] and claudia zapata, who met as co-workers at mexicarte museum and whereas they have produced the arch publication produced monthly, latino teen programs at the puro chingon social club, designed the music festival and recently completed a 96-foot mural in downtown funded by the downtown austin alliance grant. And whereas the city is pleased to recognize the collective's many accomplishments in just their first two years. Now therefore i, lee leffingwell, mayor of the city of austin, texas, do here by proclaim june 20th, 2014 as puro chingon collective day in austin, texas. Congratulations. [Applause].

[12:21:53]

>> We started out at a bar saying we could do something and it turned into an llc, it turned latino skills that were formed and it turned into a creative entity that we are proud to call austin as its home. So thank you very much for everyone here who does not know about puro chingon collective, who does not think or know of any artist specifically, now you know three and one collective that will definitely be around for a long time. So thank you very much and we look forward to producing more creative

possibilities and more creative entities for our city. Have a great day. [Applause]. Okay, folks, lori anna, can you hear me? Hold on, we're having trouble hearing you. Let try to turn it up a little bit.

>> This means so much to me. It's so nice to [indiscernible]. I love you guys.

>> Martinez: So folks, I will try to get through this without getting emotional, but it's going to be hard. I've known lori anna since she first arrived at fox 7. She and I happened to be speaking to the kids at webb middle school. One of the very first weeks she was here in town and when I had just gotten elected to the city council. We've been friends ever since. Lori anna hernandez aldama is one amazing human being and tonight we're here to armor up with her and continue to stand and fight with her. As many of you know, she was a fox 7 anchor in austin. She has since had to leave because she is currently battling leukemia. She is battling it at st. John's hopkins and we are here to present a proclamation. These are some of her colleagues from fox 7 in austin who are standing in on her behalf and I will try to read this proclamation and let lauren speak. The proclamation reads, be it known whereas lori anna hernandez aldama has long been a proponent of health and wellness and after her recent diagnosis with leukemia, lori anna is a staunch advocate for healthy living, using the slogan armor up. She continues to encourage people to live a healthy life-style and to make empowered decisions to detect disease early. And whereas because of her own experience lori anna also is focused on raising marrow donorship among minorities to improve the likelihood for these populations to find matches. And whereas we're pleased to recognize the work of lori anna hernandez aldama in her armor up campaign and trust that her will power, determination and fight along with the work she's done to keep herself strong will enable her to triumph in her battle against leukemia. So now therefore i, lee leffingwell, mayor of the city of austin, texas, do here by proclaim the year 2014 as the year to armor up with lori anna hernandez aldama. Thank you so much.

[12:26:08]

[Applause]. Lori anna, we'll try to let you say a few words. It kind of breaking up, so try and speak loud and clear and slowly for us.

>> Okay. I'm touched by austin and love you so much because [indiscernible] since I came here. They've given me the toughest [indiscernible]. And so my message to everyone is to armor up and face it because you don't want to come in here and have to fight cancer. You don't want to come in here and try to save your life. So my message is for everyone to armor up, no matter what you might battle. You never know what's next and if you have to fight cancer you need to be strong and it will save your life. I'm honored for austin, I'm honored for fox 7. I miss all of you greatly. And it's the hardest part, not the chemo, but being away from my baby, gabriel, not seeing him and not having him recognize me and also being away from my friends, like all of you who mean so much because you're my support system. And I don't know a single soul here. So thank you for all you guys continue to do. Thank you for being strong. [Applause].

>> Martinez: Keep fighting, lori anna. We love you.

>> Real quick, hi mama.

>> Hi. Thank you so much. I'm sure you guys are all eating healthy.

>> We are. I'm kind of taking over that role. And trying to force dave to eat healthy in the mornings. But it's still not really happening.

>> Martinez: They made us make an all healthy peanut butter cookie today and the only thing I could think of was you, thinking of you.

[12:28:09]

>> We are armoring up here at home. You're our inspiration everyday. We're so proud of you. We love you and we miss you so much. And we think about you everyday and we know that you're going to fight this and you're going to be home to gabriel and cesar very soon.

>> Yeah. It will take 2014 to fight it and I hope all of you continue to fight it with me and go get strong and armor up yourself. So thank you and god bless all of you. Thank you for all the prayers as well. It means the world to me.

>> Martinez: Lori anna, I want to say real fast reading all your updates and first of all, we miss you, but we wouldn't wish what you're having to deal with on your worst enemy. I never have a doubt that you will beat it and what excites me so much is what an incredible advocate you'll be to help other people for the rest of your life who are going through that. I have no doubt about the impact you will make on other people's lives for decades to come after this.

>> That's my goal to survive this and go out to help others. Thank you. [Applause].

>> Come give some speeches in austin or something.

>> Thank you, everyone. Love you guys.

>> Bye!

>> Martinez: I want to give a special thanks to our city hall staff who have been working all week long to make sure that went smoothly. Thank you very much. Really appreciate it. [Applause]. Now I'd like to have mona gonzalez from river city youth foundation and some pretty stellar fathers come down for the next proclamation. So while they're making their way down, river city youth foundation has been an essential organization to the austin community for many years, but more specifically for southeast austin and dove springs. Their service has empowered many families and most recently I had the opportunity to join them as they sponsored the 14th annual father's parade and fiesta at the river city youth foundation headquarters. It's always an incredible and fun event. It was just an honor to be there with them this year. You know, we have father's day coming up this sunday and I think what river city youth is doing is tremendously important. And as I said saturday when I was speaking to them, it's not just about fathers, it's about mothers too because sometimes moms have to take on that role and certainly my mom did when I was a young kid. So it's just a special day coming up sunday. So we have a proclamation we want to present to them. And then I guess I'll have mona say a few words or maybe a father. So be it known

-- the proclamation reads, be it known whereas fathers in our community are a precious resource, playing a votes role in the well-being of our children and the future of austin. And whereas the 14th annual father's day parade and fiesta is an early event aimed at increasing the positive involvement of fathers in their children's lives to foster success in school, personal growth, good citizenship and a brighter future and whereas river instead youth function, dell, lowe's, fathers active in communities and education, austin fire and police department, the springs community which church and capital area food bank sponsored the parade and accompanying festivities and whereas we join river city youth foundation and the other sponsors in honoring local fathers and their commitment to the future of our

youth. Now therefore i, lee leffingwell, mayor of the city of austin, texas, do here by proclaim june 15th 2014 as father's day in austin, texas. And I'll present this to mona.

[12:31:57]

[Applause].

>> Thank you, mike. It's indeed a privilege to be here today and to be in the midst of so many wonderful dads in dove strings. We had an essay contest in the schools as part of this celebration and I want to name the winners, jesus munoz from perez elementary. And his dad is jose muniz. And jackie with a lien hinojosa welsh. And luis gomez. These kids competed to win the essay contest. They have won and we're extremely proud of them because it was an exercise in using their creative skills, but also a way to honor their dads. So this is all about family. It's not just about dads. Dads role models whether it's your uncle, grandpa, could be your pastor, could be a neighbor. But most of the time it's your dad. And in dove springs just like in any community it's growing really fast. And more and more dads are leaving families and we want to stop that. We want things to go better for our children. The research does show that those kids who have active, involved dads who are positive in the lives of children, those children go on to do better in school and go on to do better in life. We want the kids to do better. So today with me I want to introduce a couple of dads who are here. I'd like to start with -- freddie, would you be comfortable coming up? Fred disproportionality is a dad of four beautiful kids, adam, nathan, alejandra and also of freddie. And he will tell you in a moment why freddie is so special in his life. And in his wife's life. Liz bets you're here to join the family as well.

[12:34:14]

>> Hello, how are you? First of all, I want to thank the city of austin for -- and everybody that was involved for naming the baseball fields at dove springs rec after my son. I thank you guys so much for that. Me and my wife met 22 years ago and we've been together 22 years. Four wonderful children. We lost our oldest son to cancer, so we also fight with lorianna. Being a father is very special. I didn't have a dad as well. My mother raised me. So it was very important for me to stick around and dads need to be there for their children so they can look at their grades, see how their doing. They can help in every way. Being fatherless is not [indiscernible] and we need to fight for that, but yes, I thank you guys so much for all that you do here in austin and continue to celebrate the fathers that are out there. Thank you so much. [Applause].

>> I'd like to introduce george morales who is here. George is a kid who grew up in dove springs and we have the honor tonight of having his dad here. George, you wanted to say a few words about your dad.

>> This is my father, jesse morales. I have five brothers and so you should have a father that's number one, inspirational and number two, motivational. My father inspires a lot of people, a lot of people we grew up to finish school, raise your families right, stay out of trouble. That's the way I was raised. My father also taught me to go after everything I wanted, to be very vocal, even when I was irritating a lot of people.

[12:36:40]

[Laughter] but the big thing is fathers should be there to guide your children. Fathers can be there to tell them right from wrong. Fathers can also be there to navigate their children. Mothers do that as well. A lot of mothers pick up the slack from the father or if the father is not present the mother becomes the father. But it is very important that we recognize fathers for all the hard work they do out there. And for you fathers out there, continue to

-- continue to be your son or your daughter's or your grandchildren's super heroes because that's what they need. And again, this is my father, jesse morales. This is my super hero.

>> Martinez: Okay. We have one last one and I don't think we can get everybody from austin pets alive down here. Why don't

-- just come up to the railing at least. In the last proclamation of the evening it's an honor to present and recognize this amazing animal advocacy group here in austin, austin pets alive, for the love your rescue pet day. As an owner of five rescue pets, two boys and five pets, this is a cause that obviously I hold especially dear and the efforts that we've joined in together with austin pets alive as an amazing partner to the city of austin. On june 22nd several austin businesses will be helping austin pets alive by pledging a portion of their sales to this fantastic organizations as the largest no kill city in the nation, we have an animal communities that always ready to give back. Apa will follow up to inform us about other ways to support our furry friends and this day and location where we can go to celebrate love your rescue pet day. So we'll ask ellen to speak in a minute after I present the proclamation. It reads, be it known whereas austin is the largest no-kill city in the nation. With the help of austin pets alive and other save pets group the rate 20 from 80% to 90% 20162008 and 2010.

[12:39:42]

[Applause]. Whereas love your rescue pet day is a celebration of pets that have been rescued from lives of abandonment, neglect, cruelty or plain homelessness and how they in turn have rescued their new owners and whereas on this special day citizens can shop and eat for a cause to help keep austin no kill. There are special dog park events and food and drink specials and pet friendly restaurants all over town. And whereas this is the second annual celebration sponsored by austin pets alive to show our pets how much we love them and to celebrate the fact that we live in a city that prizes its companion animals. Now therefore i, lee leffingwell, mayor of the city of austin, texas, do hereby JUNE 22nd, 2014 AS LOVE Your rescue pet day. [Applause].

>> I'll ellen jefferson, executive director of austin pets alive. Thank you, mike, for that. We're really excited about june 22nd and a day of celebration. Of course we're here mostly to work and to achieve other things today, but I think it's important to also celebrate what we're doing and why we're doing it so this is really exciting. And our website is going to have the interactive map so you can see the businesses that are supporting us and people can go out and eat and shop and we'll get proceeds from the day so that we can save more animals and keep austin no kill. And I just wanted to end with one quick thing. I was at a restaurant and there was a guy from france sitting next to me and he was telling one of his friends visiting from france about austin and he saw my t-shirt and was talking like I wasn't there saying

-- I can't do a french accent, so I won't try. He said in austin you don't buy, you adopt. And I was like all

right! They got it. They learned!

[12:41:45]

[Cheers and applause]

>> Martinez: You guys, you have to promise you're not all going to sign up on the agenda item tonight, otherwise we will be here until next week. Thank you so much for being here. I really appreciate it. . .

[13:09:57]

>> Mayor Leffingwell: We are out of recess and for the record, I want to clarify that item 22, apparently there is some confusion about that, that item was approved on the consent agenda earlier today. Council member martinez.

>> Martinez: Mayor, if we could, item 28 is ready to be acted upon and I don't think there is any speakers signed up.

>> Mayor Leffingwell: There are no speakers that want to speak.

>> Martinez: Move approval.

>> Mayor Leffingwell: And so we will take item 28 off the table.

>> Martinez: Move approval mayor.

>> Mayor Leffingwell: Council member martinez moves approval. Second by council member morrison. Is there any discussion? All those in favor, say aye. Aye. Opposed say no. It passes on a vote of 6-0, with council member spelman off the dais.

>> Tovo: I am recusing myself on this item.

>> Mayor Leffingwell: Indeed, 5-0.

>> Riley: I am recused as well.

>> Mayor Leffingwell: Down to 4-0. We are getting closer, 4-0 with council member spelman off the dais, council member riley, council member tovo recused.

>> (Indiscernible). [Laughter].

>> (Indiscernible).

>> Mayor Leffingwell: Okay. That brings us back to

-- now we can start on our zoning cases.

>> Thank you, council member and mayor, greg guernsey, planning and review department, the first item I would like to offer and present all three of these for your consideration is basically a discussion postponement. Let me read all three items into the record first, item number npa-2014-0027..01 for the property located at 2208 west austin boulevard. This is in the west austin neighborhood combined area and it is a proposed land use map to mixed use for neighborhood. Commission forwarded to you without a recommendation. Next is 94, c14 l 2014- 0015 for the 2208 lake austin boulevard for zoning mixed use, or lo-np combined district zoning and it was forwarded to you without recommendation by the council and 95, case c14-80116rct, this is a restrictive covenant termination for the property at 2208 lake austin boulevard. The planning commission did make a recommendation to grant the restricted covenant termination. The applicant represented by ms. Alice glasco has requested indefinite postponement of items 93 and 94 and request action on 95. The neighborhood is here tonight and is

opposed to the postponements of 92 and 93 and would like 92, 93 and 94 to be all considered

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[13:13:11]

>> Mayor Leffingwell: You mean 93, 94.

>> Guernsey: Excuse me, 93, 94, 95 to all be considered tonight.

>> Mayor Leffingwell: We will take this up as a discussion postponement and we will hear from one representative from the neighborhood and one representative from the applicant to discuss the postponement only. I don't believe there is an issue with postponement on item 95.

>> Good afternoon, mayor and council members. I am alice glasco, representing the applicant, and the reason we would like postponement of items number 93 and 94 is because there is a valid petition under item number 94 which is rezoning and we would like an indefinite postponement so we can reach out and connect with some of the opponents and hopefully try to

-- to continue to have a dialogue with them. That's why we are asking for an indefinite postponement to do that. However, on item number 95, this is a restricted covenant termination. It really does not affect the other two items. 93 is a flum amendment which is to comport for item number 94 for zoning, so the restrictive covenant, structured today, it was 1980 that limits this property to one use, professional office use only. Whereas all of the other properties along lake austin boulevard, from mopac to exposition boulevard that have

-- which are all zoned commercial except for the u.T. Properties do not have such a restriction so they can all of the other uses under gr, go, lo and cs zoning which they have and we are one of three properties with lo zoning and the only one resorted to one use. So if you were to terminate covenant and postpone the other casings indefinitely, obviously if we are not able to convince those who are opposed, we either let the cases expire and not come back to you at all, or if we are successful, then we can pay a renotification fee and come back to you when we've achieved some agreement. The restrictive covenant is also

-- we ask that you terminate the restrictive covenant today because if we choose not to come back during the indefinite postponement period, we would then proceed with

-- it would allow us to use the accessory use that are permitted under lo and also have the ability to have access to those uses that are allowed. Thirdly, the federal

-- you also would be conforming with the federal fair housing act because the rc, which is a public restrictive covenant is not in conformance with the public fair housing act. In 19

-- there are uses that are

-- that are

-- you are required to have and they are permitted under lo, but because of our restricted covenant states all you can have on this property is just professional office, that means that you, the city, because of the restrictive covenant is by the city, you as a city are in violation of the fair housing act. I say not permitted because in the 1990s, if city's law department and planning department was issued citation from the federal fair housing organization due to complaints that the city did not allow those uses, group homes.

[13:16:47]

[Buzzer alarming]

>> Mayor Leffingwell: Okay. It seems to me, though, it makes sense

-- these are all related cases and they would have a common public hearing.

>> Correct.

>> Mayor Leffingwell: That they would all be either postponed or all not be postponed. What is your problem with that? Approach?

>> Well, the reason we want to separate those two is because the

--

>> Mayor Leffingwell: You still vote on them separately in the end. But that just means we have to have two different public hearings. We have to have one tonight if you hear number 95 and you have to have basically the same public hearing again for 93 and 94.

>> That's if we come back, where we don't have to, we may not proceed with those cases if we are not able to work with the petitioners, because 94 has the valid petition. 95 does not have a petition. It requires a majority

-- I mean just

--

>> Mayor Leffingwell: You are opposed to postponing 95?

>> Correct. We are opposed to postponing that because we may not need to come back for 93 and 94 but would need 95 to proceed with development.

>> Mayor Leffingwell: All right.

>> Of the property.

>> Mayor Leffingwell: 3 minutes for the

--

>> thank you.

>> Mayor Leffingwell:

-- neighborhood representative opposing the postponement.

>> Yes, good evening, mayor and mayor pro tem, members of the count, Blake Taulett, West Neighborhood Group and also a part of the West Austin Neighborhood Contact Team. We like what the mayor said. We want you to look at this holistically, one public hearing. We

-- they have've had one postponement. We actually had more people at 2:00 o'clock but people's lives

-- we are all volunteers and our lives have drawn a couple of people away but I am here we are ready for the public hearing. We would like some

-- we would like for this to begin or end one way or another tonight if possible. We are not

-- as I said in a letter of opposing this, if the

-- if the public hearing starts tonight, regardless of the outcome, as long as we, I guess, get the first vote, or the withdrawal, we don't have a problem with a restrictive covenant being passed by y'all after that but, again, we are volunteers. This is our summer coming up. If they get indefinite postponement, they have that and they have at least 6 months to make their mind up. It leaves us in limbo for 6 months.

There is a valid petition here. I talked to the people who signed the petition. They are solid

-- the first time I talked to applicant tonight is the first time I talked to him in several months. They

postponed this a month ago. As far as I know they have not contacted anyone officially as the contact team or the neighborhood association or myself in that month. They say they want to reach out. I don't think there is anything to really discuss. It's either

-- I would

-- that's what we are asking. We ask that we go ahead and have the public hearing now. We know you have a lot of people here. We would be very willing to limit our discussion on each side to 5 minutes, 10 minutes. You have everything in front of you. Thank you very much.

[13:20:19]

>> Mayor Leffingwell: Council there is a request to postpone items 93 and 94. Entertain a motion on that, request for postponement. Council member spelman moves approval. Would you suggest that they

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>> Spelman: (Indiscernible).

>> Mayor Leffingwell: Indefinite? The motion is for an indefinite postponement which would require renotifications. Is there a second to that motion? Second by council member riley. Any discussion? Council member morrison.

>> Morrison: If I could ask staff, two things. One, the applicant made a reference to, until the application expires. When does the application expire?

>> Guernsey: Typically when an application comes in expires in 180 days. There are ways to ask for an extension beyond that. But there is a mention of indefinite postponement is good for six months typically and it would require renotification if that was actually granted, we would not be able to come back and have a hearing unless there was notice provided in the newspaper again and mailed notice of the property owners within 500 people, as well as (indiscernible).

>> Morrison: Thank you. And the second question I have and I realize it is about 95, but I am sort of trying to consider whether I would support just 93 and 94 being postponed and that was a suggestion that we have to approve termination of the restrictive covenant because it violates our fair housing laws. Any comment on that?

>> Guernsey: I think ms. Glasco is referencing to certain uses that are falling under the civic category. There are families homes, group homes. Those are the uses that are protected by the fair housing act. Typically we do not prohibit those. In instances when we do through a zoning change. Notice staff is pretty careful when doing a conditional overlay to make sure those uses are allowed. There has been existing housing. I think the unique circumstance in this case is the property had it zoned

-- right now this allows for a mixed use, although the way the

-- does not allow for mixed use, and, therefore, no regular housing single family homes, duplexes, multifamilies is permitted under the current lo zoning so I probably have discussed that a little bit with law because it is a little bit unique circumstance. You are discriminating

-- I don't know if you can build a single family home on the property today but ms. Glasco is correct. Historically we have allowed family and group homes and not prohibited them by a zoning ordinance and allowed them to remain in those zoning categories where they are allowed. So I don't have a direct answer. I would actually have to converse with law on that a little bit. But they are protected class of

housing under the fair housing act. I would agree with that.

[13:23:19]

>> Morrison: Somebody could, in fact, use this for that, because even if the restrictive covenant were there?

>> Guernsey: Yes, I think that could be argued.

>> Morrison: I guess that would be argued. Okay. Thank you.

>> Mayor Leffingwell: Motion on a table for indefinite postponement.

>> Morrison: Mayor to finish up.

>> Mayor Leffingwell: We should confine the discussion to the merits of the postponement at this point.

>> Morrison: Right. I will do that and tonon to say I will not support the postponement. I think it's frustrating for neighbors to have to deal with things over and over and there was no outreach in the past month postponement so I would prefer to deal with them tonight.

>> Mayor Leffingwell: Those in favor of the motion to postpone say aye. Aye. Opposed say no.

>> No.

>> Mayor Leffingwell: Show of hands, in favor. Passes on a vote of 4-3 with council member tovo

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>> Spelman: (Indiscernible).

>> Mayor Leffingwell: Council members tovo and morrison voting no, the vote is 5-2. So now we will deal with item number 95 alone.

>> Cole: Mayor.

>> Mayor Leffingwell: Mayor pro tem.

>> Cole: I am concerned about the issues that were raised about the fair housing about so I am going to make a motion that we go with the planning commission recommendations.

>> Mayor Leffingwell: We have a public hearing.

>> Cole: Oh, we have speakers.

>> Mayor Leffingwell: Yes.

>> Cole: Several, okay.

>> Mayor Leffingwell: Do we need a presentation on this?

>> Guernsey: Yes, mayor, briefly case c14-80-016rct restrictive covenant termination. Property located at 2208 lake austin boulevard on the termination would remove limitation restricted to a professional office use only. It was recommended to you on 8-0 vote by your commission, is also recommended by staff. I will pause if you have any questions.

[13:25:21]

>> Mayor Leffingwell: Any questions of staff? Okay. A speaker for the applicant. Ms. Glasco, you do have people donating time to you? Carrie patterson here? Is she here?

>> Yes, she is here.

>> Mayor Leffingwell: Vance elliot.

>> He is not here.

>> Mayor Leffingwell: You have 78 minutes.

>> I don't need that much time.

>> Mayor Leffingwell: Take as long as you'd like. [Laughter]

>> I will refer to the ordinance that is here, staff made a recommendation, again, the request to terminate a restrictive covenant which prohibits all uses except one use for the property and we would appreciate your support as recommended by the planning commission. Thank you.

>> Mayor Leffingwell: Okay. Those are all of the speakers that we have signed up for and wishing to speak. And I am going to consider these neutrals to be against? Do you want to speak against? Blake toulette and mike tanody. Not wishing to speak. So that concludes our list of speakers. Now, mayor pro tem.

>> Cole: I make a motion to close the public hearing and go with the planning commission recommendation, to terminate.

>> Mayor Leffingwell: Motion by mayor pro tem to close the public hearing and approve the planning commission recommendation. Second by council member spelman. Any discussion? All those in favor, say aye.

>> Tovo: Yes, i.

>> Mayor Leffingwell: Council member morrison.

>> Morrison: I am uncomfortable with this because I think these all should be collectively dealt with. On the other hand, I understand that removing this restrictive covenant will allow them to have an accessory use of residential that I hope will satisfy the applicant adequately and maybe the zoning cases will go away completely, so I am going to support it.

[13:27:34]

>> Mayor Leffingwell: Council member tovo.

>> Tovo: Yes, I have an additional question for staff about the fair housing issue. I thought I heard -- I thought I heard someone say that the city would be required to allow group home, and was it family home?

>> Guernsey: Yes.

>> Tovo: Within

-- within the property, if the applicant is so chose to do that?

>> Guernsey: I would discuss that matter with the law department, but my understanding is that we would probably end up allowing that use because of the fair housing issue, yes.

>> So the restrictive covenant remaining in place wouldn't be an impediment to that.

>> Guernsey: For those types of limited uses. It couldn't used necessarily as a single family dwelling in its entirety but because of

-- it's like a 1997 u.S. Supreme court case that made group homes and family homes and the occupants of those a protected class on the farris housing act. Normally those uses we have allowed if the base district allows for those uses.

>> Tovo: So I guess then what I said was accurate, whether or not the restrictive covenant stays in place is not going to prevent people from having a group home or family home within this category because we have

-- we have law that says
-- a fair housing law that says they ought to be allowed to do that.
>> Guernsey: Correct.
>> Tovo: Can I ask ms. Glasco, then, to
-- I think I need
-- I believe you mostly addressed in your presentation the fair housing issue." You summarize for me why this is important to your client beyond the fair housing issue.
>> Well, the reason I brought that up as part of one of the cleanup items for the restrictive covenant because all it says is you have to have one use. In terminating it, we get to have equity in other uses that are allowed. In addition, then it would be
-- you wouldn't have that restriction. The reason I bring that up, when the
-- when the federal fair housing agency started
-- the land development code was discriminatory to those, we asked the law department, the assistant city attorney then, Mike English and I, were the ones who met with the representative for the federal fair housing agency to walk him through what are city code and our procedures and some of the things that had been cited were conditional overlays and restrictive covenants for private uses. So my point in removing this, it's clear that's not also included through that prohibition, at the rc.

[13:30:26]

>> Tovo: I am very clear that we want to comply in every aspect with the fair housing law. I guess what I am asking is, since it seems like, you know, there are mechanisms for complying, whether or their restrictive covenant stays in place, why else is it of benefit to your client.
>> Regarding what?
>> Tovo: Removing the restrictive covenant.
>> Other than just the conformity is that the
-- in addition to other uses, there are accessory uses that are allowed. For example, if you are zoned commercial you can have a accessory residential use that does not exceed 50% of the square footage, so that would be a benefit we would get.
>> Tovo: Thank you. I guess that's what council member Morrison
--
>> that wasn't clear.
>> Tovo: That's part of the rationale from your
--
>> that is the rationale, that it would allow us
--
>> Tovo: Thank you. I was trying to understand the rationale for doing so. Thank you.
>> Thank you. Sorry for the lack of clarity.
>> Mayor Leffingwell: Are we ready to vote on the motion. All those in favor, say aye. Aye. Opposed say no. Passes on a vote of 7-0. And now we have one item that we skipped over from the morning agenda, the agenda item number 122, I would like to go back to that and then we will go back to zoning. Number 122 was pulled by council member Riley. There are no speakers.

>> Riley: Mayor, council member

-- well, item 122 is the item related to 93 rainy street is being relocated as part of a redevelopment project. We've recently received input on that from both the rainy neighborhood association and the chair of the mac advisory board and so I prepared amendments just to try to address all of the input we've gotten from both of those groups and it is fairly straightforward. It sets time constraints on when we expect to see movement on this. It includes both the rainy neighbors association and the ms barrientos cultural severe board and the hispanic quality of life advisory commission and then it directs the city manager to refurbish the house on the cord within 365 days with the funds from the rainy funds when available and to have funds available for the rainy street history center within 90 days. It is based on the input we have gotten from thyme around we checked with staff to make sure it's workable. I think it's all pretty straightforward.

[13:33:29]

>> Martinez: Mayor.

>> Mayor Leffingwell: Council member martinez.

>> Martinez: I would like to move approval of this item so council member riley can add his amendments to it.

>> Mayor Leffingwell: Council member martinez moves approval. Second by mayor pro tem cole. Council member riley.

>> Riley: I would offer the yellow page as an amendment.

>> Martinez: I accept it as friendly.

>> Mayor Leffingwell: Mayor pro tem, do you accept those amendments as presently?

>> Martinez: Council member morris was the second.

>> Cole: Council member morrison was the second.

>> Mayor Leffingwell: Council member morrison. You sound a lot alike. So do you agree? So those are incorporated. Further discussion? All those in favor, say aye.? Aye. Opposed say no. Passes on a vote of 7-0. And while we are down in that territory, we do have a public hearing that has not speakers, is item number 119, public transit center public assistance concerning the city of austin complete streets policy. Entertain a motion on that. Council member moves to close public assistance public hearing and approve. Second by martinez. Council member morrison.

>> Morrison: I have a question from staff about the complete streets. I suppose somebody got correspondence questioning the environmental pieces that are made into consideration. Is there a staff member that can speak to this? Maybe not.

>> Mayor Leffingwell: They can speak on any subject, I think.

>> Morrison: I want to confirm. I want to understand

-- here comes katherine. I understand there may have been sort of an addition to the complete streets documentation with a nod toward taking care of the environment and I wonder if you can just confirm that.

[13:35:44]

>> Gordon assistant director, transportation department.

>> Morrison: We had some questions

-- I know Katherine is familiar with it, about a gentleman that was concerned about environmental considerations when we are doing complete streets. Can you confirm

-- did you, in fact, go ahead and make a change to what we are looking at.

>> We modified the language to include environmental.

>> Morrison: Great. I wanted to check on that and make sure we didn't need to go that from the dais. Thank you.

>> Mayor Leffingwell: Other comments?

>> Riley: Mayor.

>> Mayor Leffingwell: Council member Riley.

>> Riley: I want to thank Gordon and the staff who worked on this a listening time. I know a lot of departments were involved, a lot of community members and I really appreciate it and I think it really will be beneficial to the city for a long time so I appreciate it.

>> Mayor Leffingwell: Okay. All those in favor, say aye. Aye. Opposed say no. Passes on a vote of 7-0.

>> Spelman: Mayor.

>> Mayor Leffingwell: Council member Spelman.

>> Spelman: We you are in that territory, we may want to postpone 120 to the 26 of Juniper Council member Morrison's suggestion this morning. In order 10:00 o'clock this morning, it wasn't in order, but it is in order now.

>> Mayor Leffingwell: It is in order and the request was made earlier. Council member Morrison do you want to address the motion.

>> Morrison: I do want to address the motion. It turns out people are opposed to the postponement and there are three people signed up who want to speak and I think they cover the gambit of postponed or not and so I think we ought to hear from the postponement.

>> Mayor Leffingwell: One speaker from each side on the postponement only, not on the merits.

>> Morrison: Well, actually, if we could, could we hear all three of them, because they all have three different perspectives?

>> Mayor Leffingwell: You want to hear the case, then?

>> Morrison: Yes, and then I will make my motion to postpone, assume they don't talk me out of it.

>> Mayor Leffingwell: Okay. First speaker is Carrie Lasseter. P. Of.

[13:38:01]

>> Thank you, Mayor, and Mayor pro tem and Council. I

-- earlier I sent you an email and I will read a small part of the email. The email has a lot more details in it. I believe that this park should be named Tom Lassiter Park and that's what I am proposing and asking of the Council members. I did not get the opportunity to share my story with the Parks Board and I would love to be given that opportunity as well as the opportunity to share my story with the South Austin Neighborhood Association members. If there is anything that y'all can do about that, I would greatly appreciate it but I will be really quick so I don't run out of time and share parts of my story about you. A little history and background about the park land. It is located on the exact parcel of land

that tom lasseter purchased in the 1960s. When he purchased acreage it was outside the city limits, and thick woods, barely walkable in level of land and low lying area as the creek ran through the center of the land. Tom lasseter cleared the land by hand, carefully trimming the oaks and elms and built rockwalls on the main creek bed and then hauled in many loads of dirt to tie in the center of the land on both outside of the rock retaining am. He literally built the land that it current park sits on. He also designed and built a bridge to drive a across the street and then as a architect, he designed to build a two story rock home, designed in the style of an old german farmhouse. This was constructed mainly from architectural parts from demolition and it remai on the park property for a while before it was demolished as part of the city parks department. How do I know this? Tom was my father and I grew up on this parcel of land. Please let me share a little bit more about tom lasseter, other than the fact that he built up the land itself, tom lasseter was a very well known, recognize and respected austin citizen and businessman from as early as 1960s until his death at age 85 in 2011. He was always very involved in community affairs and volunteered much of his time most of his life. He was a world war ii and korean war veteran and member of the naval reserves. As a long time austin architect. He was involved in the design and construction of many austin commercial buildings, downtown restorations and downtown revitalization projects. He served on the board of directors with austin jc and served on board of directors from the ymca of austin from 1966 to '75. He was a federation chief of the indian guide program.

[13:40:55]

[Buzzer alarming] general chairman of austin upturn, a two day symposium in 1980, on the revitalization of downtown austin and the first charter member of the a wannas club of austin in 1994. He was involved.

>> Mayor Leffingwell: Thank you, ma'am, are you wrapping up?

>> Okay.

>> Mayor Leffingwell: Thank you. Brian king.

>> Good evening mayor, mayor pro tem and council, brian king. I am president of the south lamar association, actually the founder of that but I am speaking to you tonight as a citizen and I am advocating the name of the park be the south lamar neighborhood park. When we organized our neighborhood association better than a dozen years ago we had a branding and identity problem, bordered by south lamar, oltorf, railroad tracks, ben white and manchaca and we had a tough time figuring out what are we going to call our neighborhood. So I think it important be a branding and focal point for our neighborhood, that it be named after the association that brought it into being. One of the early things we identified in the neighborhood association is we didn't have a park for any of the 10,000 of our resident >>, so we worked long and hard, I personally tried to broker a deal for two properties. Didn't come through and we did a zoning case which helped us get acre and advocatedded for bond money to get additional money to fund the park. Now we have a wonderful park but I think it needs to be branded with the south lamar neighborhood association. We did go through a process with the neighborhood association and we

-- and we tested some new unchartered ground. We went into online voting and we went to instant runoff and we thought we were being progressive and would do this all in one step. At the end of the

day it was like one tenth of a point between two names, south lamar neighborhood park and the name of the road that it's on, del curto park, which has put up a sign already temporarily branding it del curto park, which I have a problem, so the council, we had a point, two names will come forward and we come down to lobby it and let you decide. When it came to pard, the lady also, ann, also, representative of the hastor unity church there had two names, one was timely filed and one was not, and then part one of that they said broker a deal and we empowered a member to broker a deal that didn't go back to a neighborhood deal but it went forward and went to del curto park with ideas of naming a bridge and pavilion of people and so it got jumbled up and we got a neighborhood associations perspective. I hope we could but we tied. I was hoping to be advocating for one of those two names now here, rather than a draft ordinance that proposes this brokered deal. So I am hoping that you will support or maybe give the opportunity to decide from those two names, one, that resounds with everybody in the neighborhood. Again, I think you kind of dance with one that bring you and the south lamar neighborhood association is what brought that park into being. The house is no longer there. The church is no longer there, those folks don't live in the neighborhood association anymore. I have five seconds. Wraps it up for me. Thank you very much for your time. Have a good evening.

[13:44:30]

>> Mayor Leffingwell: Thank you for paying attention to the clock. [Laughter]. Bruce evans. Bruce evans. Okay.

>> Council, I am the parks chairman for the neighborhood association, and while brian and I do -- we are next door neighbors and very good friends but we don't agree on this particular issue. The wonders. And the problem is, we did as a membership -- we came up with two at the time. I didn't like either name. I wanted to call it blue bonnet park, or berry speckle park, something more personality than the name of the association or the street, but my wishes fell on deaf ears even though I was a park chair and I was able to see this project from what the genesis was. We picked it up and the city finally stepped up and started building a park and today we've got a gorgeous park, and pard has done a great job with that. We sent those two names to the pard and they came back to us and said, well, we need to talk because there is another application. So I was appointed to go in and discuss that issue, and we were not able to come to a consensus at that meeting. That was with pard parks development coordinator and I was asked to come back again and we worked at it again and we got real close. The other applicant and the -- and the neighborhood association. In fact, at the next meeting, which was just this past april, I was empowered to come into that meeting and broker a solution. We had -- the parks board had heard it and they wanted to -- they wanted a clear-cut decision, so we went back to the drawing board with gregory over at montez, I believe, over at the pard, sat down with the other applicant. The other applicant decided that it was, indeed more appropriate because the neighborhood association had walked this thing through from one end to the other to have a little more say I it, and faced with those two names the neighborhood association came with and having been empowered by the neighborhood association to choose myself which one and the solution I wanted to put forward, I said the del curto park. Logistically, I felt it was the best choice of the two, as far as logistics go on the park.

[13:47:45]

[Buzzer alarming] and I would recommend that you take action on that 7-0 recommendation from the parks board tonight and go ahead and finish this thing. Thank you.

>> Mayor Leffingwell: Thank you. Those are all of the speakers that we have. Council member morrison.

>> Morrison: Thank you, mayor. I appreciate these three folks coming down to sort of lay out the situation here. Mr. Evans, I appreciate your willingness to step up into the firing range and try and broker a deal, and I certainly appreciate the stories about mr. Lasseter. This is a very exciting park, not only because it's a beautiful park but because of the way it came into being of the neighborhood, you know, keeping their focus on finding a park and then it was really made possible with a community benefit that was offered

-- part of the land that was offered from the development just to the west of it, so it really displays a lot of good things that can happen in austin. My discomfort is that

-- that we have never

-- it was close in the first place between del curto and south lamar neighborhood and that's when there were other

-- other names on the table when they did the instant runoff and all of that, and it was still close, it came out the two of them. So I haven't

-- for my comfort level, I would really like to be able to hear from the neighborhood if those are the two choices

-- obviously lasseter park could still be on the table but I would like to hear from the neighborhood. Do they prefer del curto or south lamar neighborhood. And so that's why I

-- the motion I am going to make is that we leave the public hearing open and postpone until this

-- this until june 26, because I understand there is a neighborhood meeting on the 19th, or something like that, so the vote would be able to be taken and we would

-- can I just get that confirmed from bruce or brian. Is that correct?

[13:49:53]

>> (Indiscernible).

>> Morrison: Okay. So there is a meeting between now and the 26th

--

>> (indiscernible).

>> Morrison: Okay. And so hopefully they would be able to add this to their agenda and we would be able to get a clear indication from the folks that live down there. So with that, I'd like to postpone

-- make a motion that we postpone this until the 26th of june with a request that the neighborhood association, if they can, please take a vote between del curto and south lamar neighborhood.

>> Leffingwell: Council member morrison wishes to postpone this item until june 26.

>> Martinez: Mayor, I would like to second it but I have a question for staff. Do we know if there is a parks board meeting between now and the 26? Because I think ms. Lasseter makes some good points. Obviously the neighborhood feels very strongly about two names that aren't taking into consideration

the gentleman that cultivated this piece of property, so I want her to have a fair shot at getting her side of the case heard as well, and I don't think she will get that at the neighborhood meeting but I think she could get it from the parks board. I don't know if we have a parks board meeting between now and the 26th. Being a world war ii veteran, korean war veteran and he is also an amazing golfer. He was, he had five holes in one in his lifetime and he shot 66 at age 66 at onion creek golf course. [Laughter] so

--

>> Mayor Leffingwell: So I am assuming that is a second? [Laughter].

>> It is if we can get it to go back to the parks board so ms. Lasseter can have the opportunity to present her case too the parks board. [Applause]

>> Mayor Leffingwell: You can give direction to go back to the parks board. The only question is do they meet before the 26th. Can somebody answer that question from staff?

>> They meet on the fourth tuesday so it could be the tuesday before that.

[13:51:54]

>> Martinez: I will second that with the direction to send it back to the parks board on june 24th, the tuesday before the council meeting.

>> Mayor Leffingwell: All right. Second on that motion. All those in favor, say aye. Aye. Opposed say no. Passes on a vote of 7-0. And I trust we don't have any more of those maybe postments. And now number 96.

>> Thank you, number 96 is c14-2013- 0081 for a 1 point 6 tract of land between 517 east

-- the property is 517 east oltorf street and the applicant submitted the request and is asking for gr-co-np district zoning for an existing church. There is a desire by the church to add a new community room addition on to their existing building on the property. The property already developed with several buildings in a large parking area surrounding it. There had been some confusion regarding the amount of existing impervious cover and currently as staff understanding it, the existing impervious cover is at 79.0%. Originally there was a request for go zoning which would have gained them 1% more but it wouldn't have been enough to add the community room addition. The staff recommendation was to grant the gr-co-nm zoning that would have limited restrictions to 35 feet and limit uses that are permitted in sf2 district and make them subject to a neighborhood traffic analysis that would have limited trips to 1100 until such time as the street is widened on sherwood to 30 feet, that there is all right restrictions on size of the facility and the driveways are brought up to code. The planning commission did consider these items and they came forward and actually recommended denial of either the go or the gr zoning, even with the conditions. The property itself, as it's located on the east side of the property, across sherwood, there is some single family homes and duplexes in sonessed sf2 and sf3. To the west is a parking center and

-- sharpening center and apartments with ms zoning and to the south is sf3 and sf2, duplexes along the lane and single family residential and to the north across oltorf street, there is existing retail shopping center, restaurants, convenience stores with cs-co-gr zoning. With that, I think I will pause and let the

--

[13:55:13]

>> Mayor Leffingwell: Questions for staff? Okay. We will hear from the applicant. If you need more time, there are people donating to you. Frank balboa, are you here? Rodney bennett? Rodney bennett? So you will have up to 11 minutes.

>> Thank you, mayor. Mayor and council, if you recall, this was heard by council at a previous meeting, when the application was for go. Staff supported that position. However, it was deemed after a survey was done that that wouldn't

-- it was deemed after a survey was done it would not do any good at impervious cover. A church habitat the site since the mid '50s. As far as I know we do not have a parking problem. If you recall from the previous discussions, we were trying to figure out how to get the needed square footage for the fellowship hall. There was questions about

-- discussions about going to the board of adjustment for somewhere in the neighborhood of 200% therein and I think it was generally discussed that it probably wasn't a good hardship and quite a large application for a variance. At that same council meeting, there was discussion by some of the council members and myself about perhaps we could go with a gr-co, which would limit the site development regulations of gr and prohibit all the other commercial uses, except

-- prohibit all commercial uses and only allow uses that are permitted civically sf2. We currently have sf2 zoning. The flum map shows we are supposed to be a civic use, so we are proposing, with our development, to remain a civic use in conformance with the flum. It will just be that we need this for the impervious cover. And as I said, since then, I think staff recommendation based on the fact that it's been changed considerably, with the conditional overlays that's been presented to you, the height of the building, prohibitive commercial uses and the site development regs as well as the tia, that I think their position is to grant it under those conditions with those modifications. We have met on several occasions with the organization, or some of the representatives of the organization. And we just don't seem to be able to get there. The church should be entitled to have a fellow ship hall that accommodates the use of their membership and that's basically what we are asking for, is to allow that. We've talked about neighborhood sharing plans. We have talked about

-- not directly but we've talked about variances. We've also talked about financial incentives, but still we are just not able to get there, and this is about the only way that I think myself and staff can figure out if they would be allowed to build the fellowship hall. Because the flum limits us to civic use which we are and will be with the addition and anyone else coming behind us wondering if they should buy the property and want to do anything other than a civic use would be back to you for a flum amendment and for a zoning change to lift whatever conditional overlays so I think the insurance is there that would limit the use to a religious assembly use and the other civic uses which would currently be permitted right now. Be available should you have any questions. Any further questions.

[13:59:24]

>> Mayor Leffingwell: Council member riley.

>> Riley: You said there is discussion about sharing plans. I know the neighborhood said they aren't sure what the neighborhood would look like. Have you had discussions on it?

>> We have had discussions on it and the architect can say that, the sharing plan is from the

neighborhood association and the city of austin and not for private entities and it has to be in the right-of-way according to what is on the computer and it's for usually things like landscaping medians, additional sidewalks, and those kind of things rather than the proposal to put the retention pond in the right-of-way, which I suppose could be done but I think it would require a license agreement or some special approval to deviate what the neighborhood sharing plan currently requires or calls for.

>> Riley: There was also some discussion about rain gardens and other things that would make -- that this use more palatable to the neighborhood. Has there been any head way on that?

>> Yes, and again I think the architect has pictures and pictorials to show you that. As you know under any project in the city of austin, right now you only have to capture for the proposed new construction and not the total site. So we are certainly going to have to comply with the code as far as the addition that we are proposing because it's a code requirement. We are not required, however, under code to -- to detain and water quality the whole site. [One moment, please, for change in captioners]

[14:02:09]

>> thank you for the opportunity to speak on behalf of our client. I want to extend a note of thank you. Having sat here the last five mears and watched what you have to go through. Just to say thank you for your service. Really. [Applause] really. It's a hard job, and I do not envy you at all. So, I think to address katie mattera

-- councilman riley about the discussion. We find it is a two thousand square foot addition. That is about the extent of it. Jim addressed a number of the issues so I will try not to be redundant. As jim mentioned, the church has been there since the 1950s. They have an existing fellowship hall that is in bad shape. They want to expand it by slightly 2,000 square feet, the graphic here, the small pink area, that is the noon prairie coverage. That is it is extent of what they want to add. The asset is 1.28 acres, this is a 2,000 square feet addition on the building. The issue is they're already over the amount of impervious coverage that the zoning will allow, 45%. They're at 79%. The church has asked for a zoning change for the site that is more consistent with the church use and occupancy but allow the impervious coverage to allow for the addition of the fellowship hall. When we met with the council, there was a proposals to receive the gr zoning but to be encumbered with the restrictions, including height, except for the impervious coverage to allow us to move forward. It seemed to be a good compromised and addressed the neighborhood concerns future development of the site under new zoning. As jim pointed out, they have a legitimate concern about the site becoming something that they would like not to be there. It is to allow the church to move forward with their development, but anyone else that might have the property later on, they have to go to the police commission and so forth and go through the process. The church accepted this proposal and offered rain gardens and bios wells. Jim pointed out the code requires us the runoff for the amount of area we're adding, our addition is approximately 2,000 square feet, we would typically require a four hundred square feet of rain garden. The neighborhood has gone to great lengths to work with us as well. They have two engineers living in the neighborhood that have drafted t drawing as something put forward as something by the neighborhood for rain gardens. The difficulty here is the rain garden that they're asking for is to capture the runoff of the entire site rather than just the area that is added. While that is no doubt the best solution for the site and best solution for the neighborhood, unfortunately, with a very modest budget that the church has,

this would eat up an inordinate amount of the budget. So in discussions about this, there were two factors. The cost and the amount of disturbed area would require a full site plan, which would be costly in time and money. What we're trying to achieve is a happy medium that addresses what the church is trying to achieve and address the neighborhood's concerns for future development and runoff. The last discussions that we've had, again, with a lot of council input and help, is there are some neighborhood partnering programs that are available through the city that would allow for some of the cost of the additional runoff area to be offset by the city. And unless I'm mistaken, the way it would work is whatever the cost would be, the city could do up to 50%, the applicant could cover the other 50% and that could be in cash or in in-kind donation with sweat equity or plants or what have you. The church trying to agree to the neighborhood's concern, they said the area listed as 500 square feet is the amount for the addition itself. The church would kick in an additional not to exceed figure of \$5,000 towards the other half that the city would not cover with the partnering program. The unfortunately thing is the partnering program is not something that the church can apply for, the neighborhood would have to apply for it. There are two parts to it. There is the part to allow them a license agreement to work in the right-of-way. And a second part, which would be the application for a grant. So what we're asking for here is for help from y'all to try to create a win-win that would allow the church to move forward with their project and they would cover the expense of the runoff from their own building plus the runoff from the existing building. And then they would work with city to try to create this other situation where we could use the partnering program to offset the other costs. So that's really the proposal that is at hand. And return for that, the change in the zoning would be granted. So if you have any questions, I'm available for that.

[14:07:39]

>> Ok. We'll go to the other speakers signed up against. First is aloa matthews. A lowa ala matthews. Are you aloa. Donating time is marty christman. David carro lee. Carl esh howser. So you have 12 minutes.

>> Hi, I'm aloa matthews.

>> Mayor leffingwell: Set the clock for 12 minutes.

>> I will not take 12 minutes. I will give marty back his time.

>> Mayor leffingwell: Take marty christman off and assign nine minutes.

>> I'm not going to repeat anything the applicant said about how we got here. We would just hope the neighborhood association voted to support going to the board of adjustment a year ago. To ask that they give a variance based on a hardship, because the church does not have a fellowship hall. All the other churches in the neighborhood have a fellowship hall, and we were under the assumption that this would be the hardship. Because they do not have a fellowship hall. Saving nation has a fellowship hall, my church, first presbyterian has a fellowship hall. We thought that would be the hardship. They went to police commission

-- they went to planning commission and were voted down 7-0. And planning commission voted 7-0, preemptively on the staff recommendation of g.O. I'm showing this map today of the zoning of the area. You will see it is the s.F. 2 neighborhood plan, it is the real skinny, highlighted area. All around it, there is only s.F.2 single-family or multifamily and we have a great concern that if the area is rezoned as g.R. That some day it will become something that is too much for this residential area to bear. We visited

with several council members, we have been given a proposals. I was given a proposal two days ago, but I'm not a unilateral person to say, yes, I can agree to this. We're coming to ask you to protect our neighborhood. Marty will talk more. He came up with the design of the rain gardens, and everything. But what we would like to do is ask for the council to realize this is a single-family neighborhood. There is a lot of elderly people that live in this neighborhood. We haven't even touched on the traffic issues. There are people who can't get out of their driveways now. And I was going to show a picture, there are some pictures of the parking lot of the church that we have that we were just really hoping that the church would build on the existing impervious cover that they already have. I know it will still trigger, again, that they need to get a permit, but we can support them, again, at board of adjustment. They have a lot of parking that they don't use, and it seems like it would be reasonable for them to build on the existing impervious coverage. If you look at the picture, this is the south end of the property. This is on a Sunday. They're not using any of the parking places. We are worried that if, you know, if zoning is changed so they can build their building, at some point, we will get something that is too much infrastructure-wise, human-wise, for this neighborhood to bear. This is on a Sunday. There is another picture of the rest of the parking lot with very few cars in it. So, you know, pictures are worth a million words, I don't have to go on about this. There is a lot of empty parking space there. I know when we met with council member Riley, he came up with a lot of suggestions, and one of the landowners adjacent to this property said, in his neighborhood plan they had ruled out certain types of zoning. And then the council had come back later and had changed that. Had voted against, you know, they had said this would never happen here. If I could walk away from here tonight and know that g.R zoning would always be a church as they're proposing and no other uses, other than s.F.2, I could go back to my neighborhood association and say, ok, we have a promise, in writing that nothing else g.R. Or s.F.2

-- no g.R. Uses would be here other than s.F.2 or civic. I could ask them to consider that. I can't unilaterally agree to things that we haven't voted on. So I'm going to let Marty talk a little bit. Marty is our wonderful engineer, and he came up with the getting the survey accurately reported. And thank you to the council for asking for that survey. We have been trying to get it for several months. So thank you very much for your time.

[14:13:25]

>> Cole: Martin Christman. You have two minutes.

>> Thank you, I'm the chair for the South River Citizens Neighborhood Association. We have for the past -- at least 10 years on protecting our watershed, Glen Creek, and we're just uncomfortable with this zoning changing from a maximum allowable impervious cover of 45%, up to an allowable impervious cover for 90% for the g.R. Zoning. I want to clarify that the stormwater control measures that we proposed would be in exchange for a variance an impervious cover variance. Our neighborhood association is not

-- has not voted to approve in any form another zoning that's on the table tonight. One of the concerns that we have for the upzoning and as good as the uses have been restricted with the c.O., but there does not seem to be any sort of mitigation

-- excuse me, mitigation for the permanent increase of impervious cover that we will see here. Glen Creek is heavily developed urban watershed. There is a lot of money that is spent by the city in

mitigating the erosion of glen creek down into stacy park. And we really appreciate those projects. We just feel this incremental increase from 45% to 90% would be just another cut in the death of a thousand blows. We know the impervious cover now is 79%. But if this lot does get developed in the future, we feel comfortable knowing it would be reduced to a maximum of 45%. So I'll take any questions, if you have any.

[14:15:25]

>> Cole: No questions, mr. Christman. Councilmember riley.

>> Riley: Mr. Christman, I understand you author said the plan that we saw that showed rain gardens and the ushgs bump into the rain gardens and that was done in anticipation of a variance. Do you see any value in getting any of the improvements think like that in place, independence of whether there is a variance or not there is currently runoff from the adjacent side to this side, heading straight to the creek, and that if this was an opportunity to actually get rain gardens to provide some water quality advantages. Do you place any value on getting rain garden like that in place on this site?

>> Definitely. That was the idea. I met with another engineer, my neighbor, mike kelly an engineer with the city. We brainstormed what would work for the site. That generated the figure you saw. I should clarify, all the control measures were on their property, they weren't in the right-of-way. We didn't think -- you can't see it in the overhead shot, it is steep, it slopes down to the adjacent street. It would be very difficult to construct a cost-effective rain garden on that slope in the right-of-way.

>> Riley: Ok. You would rather

-- assuming the zoning change

-- if the zoning change were just denied and the board of adjustment denied a variance, as they likely would, yeah, your preference would be just to see the existing conditions remain in place than to get any rain garden there, even

-- under any circumstance?

[14:17:53]

>> I think I know where you're going. I am in favor of exhausting the board of adjustment option or variance option. And if that doesn't work, I think we are willing to, you know, talk again about, you know, other alternatives or options.

>> Riley: Ok. Thanks.

>> Cole: John david swain. John david swan? Joan howser. Joan howser? Ok. That concludes our speakers wishing to testify.

>> Council, mayor pro tem. There are uniquenesses not there as required by code. And just today, we were asked earlier, in a meeting with several of the people that spoke about ok, if we delayed our project and filed an application to the board of adjustment, it would come up in august or september due to their scheduling. And if we got there and the board of adjustment said no, would you support the zoning change? The answer was no. So if we delayed three months, went there, and if they did say no, then we're at the same place with the same arguments with the same people when all we're trying to do is simply add a small fellowship hall addition to the church. We think that the parking has not been a

problem, to my knowledge. To my knowledge, it is not overloaded. It doesn't overload the streets. We have adequate parking. We have 140 members in the congregation. It is expected to grow. But we don't think the fellowship hall will cause an increase in population of our members. It will be there as an accessory use. Additionally, I think it was indicated to you that they didn't have any assurance that it wouldn't be used as commercial. All they had was a promise. I say if this passes, they have a law. They have a law that assures them that it won't be anymore than what we talked about, other than site development regulations and the civic uses that is allowed in the sf 2, which is currently allowed in the current zoning. It is this impervious cover thing we're trying to get over. So I think any

-- the law is a better

-- well, I don't know. Some promises are broken, but the law is usually the law. So I think that has more weight, in most cases. And that should be the assurance necessary to do it. As indicated we are adjacent to an m.F.6 high-density apartments and different forms of commercial on the north side of old fourth. On the east side, the church has three houses, one is occupied by the pastor and the other by the associate pastor and the success of the church, I believe. So I don't think it should increase any volume as traffic. Council, I think this is the only way that we can give the church something that is certainly other churches are entitled to or have as a use to their church. And it seems the reasonable approach to ensure, as discussions we had earlier, that this continue of overlays would accomplish all the things we talked about. I'm available should you have any other questions. Thank you.

[14:22:06]

>> Mayor leffingwell: Councilmember riley.

>> Riley: I understand the applicant is committed to putting in the 500 square foot rain garden to provide treatment for the water coming off the additional impervious coverage?

>> Yes.

>> Riley: I don't think that can be required by the condition of an overlay.

>> I believe it requires us to capture and cleanup for the new addition.

>> Riley: We will visit with staff about that. Any other improvements that the applicant would be willing to commit to?

>> Well, on the driveway side of the property

-- I don't have that up there

-- but on the driveway side of the property on sherwood, a lot of the water comes from the adjoining property into our site and into the street. Directly down our driveway. We have looked at putting a dissipator curve across there that would deflect it from going straight down the rapid concrete into the landscaping that is currently there, into the grass to filter as part of a diversion to cleanup well.

>> Riley: That is something you would be able to commit to without city funding, the parking around you, you could commit to that.

>> We could do that as part of the budget, yes.

>> Riley: What is the term? A speed bump.

>> A dissipator to deflect the water so it goes left and right. Instead of going down straight in the driveway, it would go out over the grass and flow, to filter.

>> Mayor leffingwell: Other comments? I think this is ready only for first. Ok? Entertain a motion.

Councilmember riley.

>> Riley: I move to close public hearing and approve on first reading only, grcomp zoning with the following conditions. First a prohibition on all uses other than the civic uses that are allowed in s.F.2. And then I would like to visit with staff about how we can memorialize any commitment to the water quality improvements. Greg, can you offer any guidance on that? We understand the applicant is willing to commit to install a rain garden to commit to this improvement and install a dissipater or diverter to divert from the adjacent side from the landscaping there. Is that appropriate for a public restrictive covenant.

[14:25:08]

>> It is probably a public restrictive covenant. We can review that with my staff prior to the second and third reading.

>> Riley: Last statement is relating to the amount of impervious coverage. There is currently 79% of impervious coverage on the site?

>> Yes.

>> Riley: Gr would allow 90%, but we could reduce that.

>> You could.

>> Riley: 2,000 square foot fellowship hall, if we could figure out what percentage they would be bumped up with the 2,000 square foot

-- I would have said 80%, I'm not sure

-- it might be over that. Let's say 85%, subject to revisiting that on second reading. Just have the minimum amount of impervious cover to allow them to have the fellowship hall. And then the height limits, I understand they're not looking to go higher than they currently have.

>> That is right. Staff actually recommended 35 feet.

>> Riley: I can't recall, were there other conditions imposed.

>> Recommended a traffic analysis to limit trips to 1100. Some additional improvements to driveways being brought up to standard and some additional conditions on square footages limitations.

>> Riley: Ok.

>> If those are what you are asking for. As part of the staff recommendations.

>> Riley: Yes, all of the conditions in the staff recommendation.

>> Mayor leffingwell: Motion by councilmember riley. Close the public hearing approval of first reading. The staff recommendation, and I believe you have some additional conditions and some instructions to come back with additional conditions on second and third reading. Is there a second? Second by councilmember spelman.

[14:27:14]

>> I understand the neighborhood's interest in a variance rather than a zoning change. I visited with them. I frankly don't see this as an appropriate case for a variance. I don't believe the board of adjustment would either. The board of adjustment has a very emphatic, at least recently that they do not want to grant variances in cases where a zoning change would be a more appropriate solution. You

can see why that would be the case. If we just handled everything by variances, our corridors would be lined with s.F.3 and other zoning that doesn't reflect what is there and figure out what variance they got to allow the particular thing there. This is always been a church, the neighborhood plan calls for this to be a civic use and that's the only sort of use that would be allowed by this zoning. I understand the fear about future uses, but frankly, both the neighborhood plan and this zoning would prohibit any use other than the civic

-- exact sort of civic use that has always been and contemplated by the neighborhood plan. In addition to that, what we have

-- we have an opportunity here to not only get water quality treatment for the runoff from the fellowship hall that they're providing but also an opportunity to provide treatment for the runoff from the adjacent site that is going down into blunt creek. It would actually be a benefit over what's there now. So I think it is a reasonable request.

>> Mayor leffingwell: Further discussion? All those in favor say aye. Opposed no. Passes on vote 5-2. Did you vote no? Passes on a vote of 4-3, with council members, tovo, martinez and morrison voting no. Council member martinez.

[14:29:19]

>> Martinez: When we have time concerns, we go past that time. It seems like this item 60 would be next in order. I'm asking for clarification.

>> Mayor leffingwell: That is incorrect. Right now, 101 is set for time certain of 10:00 p.M. To 2:00 p.M., I think everyone has that understanding. They set these up with 5:00. 5:15.

>> The point is that it doesn't come up before that time. If we have gone past that time, we typically go back in numerical order of the agenda.

>> Mayor leffingwell: This has been our practice for a long time. And this item has priority since it is scheduled for 2:00. So we'll call up item 101.

>> Thank you, case c 14 for the property located at 1307 waller street. This is a zoning change to sf 4 a, zoning category which stands for single-family resident, small lot, with a conditional overlay. And that staff is recommending on this property. Property itself is 4,118 square feet. The staff recommendation was to grant the sf 4 acomp zoning with an impervious cover limit of 60% of the gross site area. Interior side yard setbacks, 5 feet. And the rear yard a minimum of 5 feet. The planning commission's recommendation was to vote to deny on a 7-0-1 vote. The sf 4 mp zoning. This case came forward as a result of some code citations that were issued on the property for exceeding impervious cover, parking compliance and the location of a pool house in the rear and side yard setbacks of the property. The property is developed with a single-family home and was part of originally an urban home subdivision that had a pervious cover limitation of 45%. At the time of construction, it was compliant with those limitations. Through time, there was a pool permit that was issued by my department. The pool permit actually exceeded that 45% limitation because my staff understood that this was a small lot. Under small lot amnesty it was allowed cover of 65%. That permit was issued. A second permit was issued after that, using the same assumption which boosted the impervious cover to about 63% on the property that allowed for parking to be located in the front yard of the house in a brick-paved area. To the rear of the property, there were two linear ribbon strips that were provided for parking on the back of the

property. That were removed. Parking was then put in the front so they could maintain the parking minimum parking requirement of two spaces. There was a desire by the homeowner to remove those from the rear lot because of the swimming pool and the adjacency to the lot to the rear. There was a pool building erected in violation without any permit or approval from my office for that structure that is really along the rear and crosses the rear property line and along the side. Tin roofed, has a structure to it. There has been also issued that have arisen about parking up the alley. Not necessarily within the paved alley, which runs along the southern portion of the property. But adjacent to the single-family home and the paved portion of the ally. And where parking would be on a river rock material that's half -- I would say about 5 feet in the alley area. And half on the private property owner's property. There are other structures that are along the alley that take access from the alley and park off of the alley. Just as this property would to the rear and the garage portion of the existing single-family home, which takes access and vehicles would be seen either on the urban strip off that alley or through the garages along the property. As I mentioned before, this is zoned single-family 4 is the proposed zoning request. The difference between that and an urban home category principally would probably be the impervious cover. Unique feature of the urban home regulations, that if this lot were actually smaller in size, to be only 3500 to 4,000 square feet in size, you would actually get more impervious cover of 65%, as allowed by our code. I don't know all the particulars in how that came about, back in the day when the urban home category was created, but that was something that would have been allowed by that. The owner is seeking, because of the errors made by my department, to seek a zoning change, also seek board of adjustment variances, as a remedy. And has worked very diligently, I think, with the neighborhood today. I think there was a meeting last week with regards to this to no avail, at this time. There was a question that came up at your work session a few weeks ago about a proposal by the property owner to dedicate some additional land to the city to be part of right-of-way. I've had a conversation with howard lazarus, and I believe the council is in receipt of a memo that -- whether or not he would accept that.

[14:36:00]

And his answer to me was: Not at this time. And I believe that was conveyed to each of your offices. So this is a difficult case. Certainly the zoning is one where it is single-family. And in that sense, s.F.3 generally allows for uses like duplexes or garage apartments. S.F.4 a would not. The issue here is the small size of the lot. And mistaken by my staff, it was not urban home but under small-lot amnesty. With that, I'll pause. I think the applicant has a presentation, and I believe you have 10 to 15 speakers.

>> Mayor leffingwell: Questions for staff?

>> Spelman: Brief one.

>> Mayor leffingwell: Council member spelman.

>> Spelman: I suppose we have had a situation where the small lot dropping down to 45% for a slightly larger lot where that issue has come up before. Are you aware of a case like that?

>> I'm not aware of a case like that, but I'm sure there are many properties that are between 3,500 and 4,000 where they have taken advantage of that 65%.

>> Spelman: I just did the math. Is there a number

-- can you think of more than a few lots that are somewhere between 4,000 and 5,778 square feet?

>> Council member, not off the top of my head.

>> Spelman: These would not be small lots but relatively small lots that qualify for sf 3 zoning?

>> That is a possibility, yes. If the property owner was successful either through the planning process or dedicating that right-of-way to make that lot smaller, then certainly that is something that we would consider. But I'm not aware of another mechanism to address it, other than asking for a variance to relieve that.

[14:38:19]

>> Spelman: For example, one way to cure the problem is for the homeowner to dedicate part of the property to the public, making the property smaller, giving more allowed impervious coverage and therefore allowing the issue to be cured.

>> As I said, there might be an offer. He's not in a position to accept that. I will tell you the area they had suggested to dedicate was already part of the sidewalk easement that has been constructed on the property. So there is already a public right to actually cross private property through that sidewalk easement.

>> Spelman: The point I was getting at earlier, is there any other cases that have a similar condition as this. Too big for small-lot zoning and slightly too big and therefore the impervious amount is gone dramatically down.

>> I can't tell you where they are. I believe they exist.

>> Spelman: You haven't had an issue with this before, that you are aware of.

>> Not that I'm aware of.

>> Mayor leffingwell: We'll hear from the applicant. Are you representing the applicant?

>> I am, my name is torria english, I'm the property owner.

>> Mayor leffingwell: Torria english and is chad simon here? Chad? You have six minutes. Excuse me, seven minutes.

>> I want to first give you background on myself and to explain that I don't have development experience. I don't have real estate experience. I'm a stay-at-home mom of two young children. And after

-- I'm glad it was already explained that we went through our pool company got the pool permit. Then it was over a year after that, that I found out on my own that we needed a second car parking requirement. The pool company actually requested that we pull up the parking strips because it was in close proximity of the pool. Our backyard, as you can imagine, is very small. And so once I understood that we have a two-car parking requirement to be in compliance and that we only have one car parking currently with the garage, I went down to the department assistance center and waited in line, talked to people about what I could do to get my home in compliance. So that, you know, where this adventure started. Amber mitchell, the development assistance center recommended that we put the parking in the front yard. It was, you know, we checked the central east neighborhood plan. It was an allowable option. And we checked with susan walker regarding the impervious cover, and at that time, I had no knowledge of an impervious cover limit on my home. Other than amber bringing it up to me and asking me to go to susan walker and reviewing the pool permit and understanding that I had small lot amnesty and was qualified for 65%. We went through a very long arduous process of installing the front driveway

and we spent significant amount of money, over \$20,000 making it look like it was an extension of our porch, so it would be within the character of the neighborhood and in the character of our home. And during that process, code compliance came out to review it twice and found no violations. During the process of the construction of the driveway. And we finalized the permits, they were approved. Code compliance came out again and identifies that we were not, in fact, qualified for small lot amnesty and that we were

-- we did have a 45% limit. At that time, we were threatened with a \$2,000 a day fine to resolve the situation. And that's when I just

-- you know, I went and got a lawyer because I realized I have no idea how to resolve this and I have no knowledge of the code and what is allowed. And they recommended as a long-term solution, the rezoning. I do feel that, you know, I appreciate that the city staff has admitted their errors, but I do feel that these errors did come about because of the size of my property, and that it doesn't necessarily fit perfectly in an s.F.3 box. It is actually a small lot, it is just not small enough. And I appreciate staff's recommendation to rezone to sf 4 a, which is more appropriate for the square footage of my home. I brought the

-- I was present

-- I am president of the neighborhood association. I brought this rezoning application before the neighborhood association, requested their support. Listened to concerns regarding precedent. Impervious cover concerns. And I took those seriously. We looked at impervious cover. We have done, you know, willing to do drainage study to make sure it won't negatively impact my neighbors. I went door-to-door talking to people to explain the situation and explain exactly what we were doing. These were improvements we had already made on our home. Nothing we were planning to develop. And the majority of the people were very supportive and very responsive. That's when I gathered the letters of support from these people that were unable to attend the neighborhood association meetings. And in february, the neighborhood association board decided to not accept these letters and also not follow-through and contact these people. So when you hear from the neighborhood association tonight, I ask that you just consider the fact that not

-- it is not representing fully the neighborhood itself. And that I did take the time to talk to my neighbors and did hear they supported it. The neighbors were less concerned with my property and more concerned with the fact that the city was, you know, giving permits and approving them and finalizing inspections and then turning around and saying that they were not valuable in terms of relying on them. And I do think that this is an issue. I'm not trying to go to council members and ask for a solution that occurred due to city error but a solution that occurred because my property did not fit into the s.F.3 requirements. It fits into the s.F.4 a requirements. I guess

-- I just

-- I'm very nervous, obviously. But I do appreciate your time in considering that my intentions were very honest, and I do respect the laws and the codes that you have in place. And I did my best to try and follow them. I was intentionally trying to bring my home into compliance and I brought it further out of compliance. I just ask that you help me find a resolution to this. When you're making your decision tone, I

-- tonight, I ask that you make it on the appropriateness of sf 4 a for my property and not necessarily based on the people that come here tonight stating that they're representing the neighborhood when

there are many people that have, you know signed support for me but are unable to make it because they're elderly and have small children. I myself, it is difficult for me to come tonight and get a baby-sitter for nine hours. And so I just ask that you consider that what the neighborhood wants, it makes sense for them to not want to set a precedent for everyone to have maximum impervious cover, but [beep] what we're adding is not a huge amount of actual impervious coverage. That we've added.

[14:47:12]

>> Mayor Ieffingwell: Yes, ma'am.

>> Thank you for your time.

>> Mayor Ieffingwell: Jeff howard, donating time, katie van dyke. Nathan rayford. He's here. Caroline simon. So you have up to 12 minutes.

>> Thank you mayor. Good evening council. My name is jeff powers. We're here on behalf of jeff english. We have a powerpoint to call up. Thank you for your time and patience tonight. This is, as greg mentioned, a staff error case. You have seen some of the staff error cases recently, unfortunately. I think a lot of it has to do with the very complicated code. I think your code is sometimes considered unusable. Nevertheless, it is a staff error. I think the way you have dealt with this in recent cases, sort of almost a guiding policy, perhaps is a reasonable zoning change that corrects a staff error is something that I think the city will entertain and consider and do. So what I want to share with you tonight is how s.F.A.C.O. That staff recommended is that reasonable zoning change. This is a picture of the house. It a beautiful home, well maintained. This is a family that does a great job maintaining their house and great community servants as well. So as I stated reasonable zoning changing to correct staff error has been sort of the recent policy of the city. First thing I want to point out is sf 4 a is single-family zoning. In fact, it is single-family small lot zoning for small lots in areas of moderate density. It is an infill option. As I was go through in a minute. Sf 4 a is compatible and consistent with the neighborhood plan. And the neighborhood plan recognizes that the existing pattern of development is small lots with high impervious coverage. Urban infill options complement that existing pattern. Sf 4 a is a reasonable option because it fixes the mau that you were

-- flaw that you were alluding to council member spelman. It will result in less impunchious

-- impervious coverage in this lot than on a 4,000 square foot lot. Less impervious coverage than would be allowed on a smaller lot. Tell not set a precedence because of the conditional overlay, certainly it is not a binding precedent. On the neighborhood plan, city has encouraged families. It sought to increase homeownership and sought to attract diverse homeowners and sought to increase the number of housing units and encourage density through the use of urban infill tools. The neighborhood plan actually contemplated an anticipated that there would be projects that would have more impervious cover on smaller lots. It wanted that result because it would increase homeownership and increase units. The neighborhood plan wanted 2600 square feet on 4,000 square foot lots for those goals. This is the excerpt from the neighborhood plan. Not only does the city encourage this type of project, and these type of

-- this family to move to east austin. The city permitted the improvements as greg pointed out.

[14:50:54]

[Beep] is that 12 minutes? .

>> Mayor leffingwell: Would you reset it for nine minutes, it was set only for three. You have quite a bit more time, should you need it.

>> Thank you. This outlines how the permits were done. Original building permit, 45% impervious coverage. Staff pool permit. In addition to 65% as noted as being allowed. The pool was also inspected. Not just permitted there was a subsequent inspection after the construction and they were approved. On the driveway permit, confirmation of 65% impervious coverage allowed. The driveway was permitted. Inspected approved during the city. During the inspection, the code compliance came out. It was during construction code compliance came out, said no violations. For your information, here's the original permit. Here's the pool permit. There's the note that says 65% impervious cover is allowed. You can see in the back of the house by the pool, the two strips that were discussed. There was a pump house that was put in, actually the pump house was put in and I think the pool equipment was in before construction was completed and it passed inspection as well. We recognize that the pump house issue is a separate issue not related to zoning, we'll have to get variance for that. Not sure the neighborhood has a huge issue with it. We'll have to address that separately. Here are some staff e-mails, again from susan walker, you can see the questions were asked. What is the impervious cover according to staff? According to the permit, 65% is allowed out of variance because you have small-lot amnesty. After that, driveway permit was issued, construction was completed. Here is evidence of the driveway permit being issued. These were reasonable improvements that the englishes sought. A pool for their children. A parking space to comply with parking requirements. They followed staff instructions. They obtained staff-required permits, passed inspections. You will hear, I think, perhaps from the neighborhood or from neighbors or individual neighbors a drainage issue. 45% plat note. There is a 45% plat note for impervious cover. That was put there in order to get a detention waiver, in order to satisfy drainage requirements. The property at the time, it was subdivided, had 7% impervious cover. The developer wanted to put up to 45% impervious coverage. Wanted to do a detention waiver. Put a plat note on it. It is not an agreement with the neighborhood or anything like that. It was an understanding in order to get a detention waiver. The e-mails are here that there are drainage issues. We have done a drainage study. It hasn't been reviewed by the city. It will need to be reviewed by the city. But the initial findings in the drainage is that there is no adverse drainage as a result of the existing impervious coverage. This is the recent memorial day rain. You can see, this is the neighbor's property across the alley. You can see that the water flows from both sides to the middle of the alley. It takes, follows the alley
-- excuse me. It follows the alley to the street. And it flows from east to west. The driveway that is in the front yard that is at issue is actually downhill from that. And it actually is sloped so it flows straight into the street and not into the alley. So after city encouraged this type of development and this type of family, after the city permitted it, inspected it, they come along, said oops, we made an error. And they threatened here's a solution, fix it or you will start getting fined \$2,000 a day. A variance would be unlikely because the board of adjustment does not consider staff error a hardship. The chair jeff jackus said that. There are really no other solutions other than sfa 4 co. Is appropriate, it is single-family, the neighborhood plan is consistent with that. And I wanted to show you this slide in particular so you can see the difference between current zoning which is sf 3 urban home and zoning staff recommended to you. You can see that impervious cover is the only real issue minimum lot size, setbacks. The uses in sf 4

a it is more restrictive in sf 4 a than sf 3. The only difference is the impervious cover. That is the only difference. Here's the flaw in the urban home provision. We have talked about this. You go to 4,001 square feet, you lose 800 feet of impervious cover. No logical reason for that. Here's the math on the house. In this case, the englishes lose 743 square feet because it was too large. Sf 4 a conp is recommended by staff. They determined this is a reasonable zoning and that zoning is appropriate. Rezoning does not set a precedent in the sweet hill neighborhood. First of all, what you do tonight is not binding on a case that comes before you tomorrow. There is no such thing as a binding precedent. The conditional overlay restricts the sf 4 a and if you look at sweet hill, there is a wide variety of zoning categories in the neighborhood. There is m.F. , L.R., Csmu. It is a diverse central austin neighborhood. Let's see what this one says. Oh, and we heard some objections, as well. This is the whole area is sf 3 and sf 4 and I want to be clear, sometimes you have sf 2 next to sf 1. And sometimes you have sf 3 next to sf 2. We're proposing sf 4 next to sf 3. This is not unprecedented. This council did this recently a few months ago at 920 east 53rd street where they rezoned property that was sf 3 to sf 4 a and there was sf 3 all around it. It is not unprecedented or unusual. It is consistent with planning principles. This is a reasonable zoning request. And as a reasonable request, we think like perhaps the other cases and recent policy before you, this is maybe one where we can use the tool of zoning to correct the staff error and in that way, the city can honor its commitment. You know, a permit by a city ought to be a commitment that folks can rely on. If they can't rely on the permit, what can they rely on? This is an opportunity to honor the city's commitment with the reasonable zoning request. I will be happy to answer any questions you may have.

[14:58:25]

>> Mayor leffingwell: Thank you.

>> Thank you.

>> Mayor leffingwell: We will go to those in opposition. I have a special list made up by the people on the computer list. We'll go in the order on the paper list. Luisa brensmid. Luisa. Donating time to you is tracy witty and john file. So you have, it looks like nine minutes.

>> Thank you.

>> Greetings mayor, mayor pro tem, council members, I'm luisa brensmid, secretary of the sweet hill neighborhood association. I've lived in the sweet hill area for 19 years and resident of central east austin for 23 years. I love my neighborhood. I'm raising my small children in sweet hill and plan to retire there happily. I'm proud to be here representing our members in our beautiful historic area. I'm here to share with you that our neighborhood association is opposed to this rezoning and stands with the signatories of what will be a valid petition nearing 50%. And as you know, your planning commissioners voted 7-0-1 to deny in opposition to this rezoning for this property. That kind of unity is rare. The one abstention noted that he agreed with his colleagues about this case. Do I have

-- oh, thank you. 1307 waller is in the middle of sweet hills sf 3 residential core giant to the swedish hill historic district. It is one of four properties created re a subdivision in 2006 of regular lots and developed under the urban home designation. The applicants and their attorneys would have you believe they are robbed of the fair allotment of impervious coverage.

[15:00:34]

[One moment please for change in captioners]

>> ... Urban home regulations make it clear that their lot being subject to impervious cover of sf3 and 45%. Their subdivision notes appended to their deed specify impervious cover limit in square footage and the engineering report for their property stipulates their lot will maintain an impervious cover at or below 45%. Beyond that ms. English queries city staff whether she had impervious cover variance for her pool. Her language suggests she knew she only had 45% and she knew she would need a variance if she went over. In fact, last week she stated in our meeting she did think at the time she had 45% because she had sf3 zoning like everybody around her. In pursuing their multiple development projects distinguished appointed city staff instead to the urn signed erroneous pool permit rather than subdivision notes, urban home regulations and the developer construction permit all make it clear the high limit is 45%. The owner pool company issued a school permit and stated the parking strips were removed at the time the pool was constructed. In that case, the owner and the pool company should have filed a residential revision after issuance permit, to advise the city of that change. They did not. The applicant also stated in our meeting that the strips were removed because her pool company told her there are rules limiting proximity to parking to pools. I spoke with the person who designed their pool and filled out their permit and he stated there are no such rules an parking strips are removed when there is an impervious cover issue. Here we have the barbecue pool and pump house installed in 2011. As you can see, the pump house is inches from the utility pool and is, in fact, over the utility easement with no permissions from austin energy. The pump house is also located on the side lot line and over the rear property line.

[15:03:58]

>> Great. Thanks.

>> City residential reviewer supervisor kelly stillwell notes pump houses do need to follow setback requirements and this pump house in violation. The pump house and that is not in the proper location or on that limit. And then ms. English stated she didn't know what was removed from the backyard was required. She did she found it when she consulted a remodeling consultant to change the single car garage to a fourth bedroom. This zoning to our membership and neighborhood meeting, ms. English said she had no plans to convert her garage to living space or convert her property. She stated the relative moved out several months ago and there was no more need for remodel. However, there is now str one permit application open for this property. The first plan to replace both parking spaces was to make room for garage remodel was to excavate city right-of-way. They were stopped twice by code enforcement and apd, here is their front plan to concrete their front yard which faces sweet hill park and now they have important parking lot, they park illegally even though parking signs were erected and even asked repeatedly by the neighbors to stop. Is this what we had in mind by urban home. Parking in the front yard is not allowed in urban home except in a driveway leading to driveway or garage. Front yard is not to be counted for parking space at their urban home, yet they are. Current conditions at this property exceed reasonable use and rezoning of sf48 to have zone and impervious cover setback limits does not in any way make them reasonable. It is insistent with the city's zoning principles that exhort

staff and all of us to promote special treatment and exhort treatment and have undesirable presence. We need the city to uphold the land development code. If you uphold you will undermine the validity of the unfill option and the agreements you made with our neighborhood planning area to which you asked to accept more residential density, not to assess impervious cover. Keep in mind this rezoning would not be to accommodate more housing but to accommodate a pool, patio, planters, pump house, parking lot and the ms. English said they are giving up their quote some day the ability to have a duplex. Duplex requires 7,000 square foot. If there is anything we can agree on today, I think, that lot is not that large. Let me close by saying nothing like a compromise was proposed by the neighborhood by the applicants for the representative during the postponement period. Each proposal was a variation on the theme. We want to keep all. They offered no true concessions. Please indicate to the applicants rezoning out of their way out of egregious errors is not the precedent you want to state. Despite mr. Howard's assertion with sf4a without a conditional overlay is still in our name. The one he cites is not in our neighborhood at all and is 10,000 square feet. Pleads direct them towards a more reasonable solution which the sh and a board repeatedly offered them in our meeting and our communications. Restore front and side yard to impervious cover and we will work with you to maintain the improvement in the backyards. Thank you all for your time and attention. Good night. Oh, do you have any questions.

[15:07:52]

>> Mayor Leffingwell: Thank you. Bill my minor and set the timer for 3 minutes.

>> Good evening, mayor, mayor pro tem, council, my name is bill miner, a long time resident of sweet hill, past president and frequent participant on the sweet hill neighborhood association. I want to speak briefly about my concerns about the activities of the applicants

-- swede hill

-- of the applicants and their activities on the property, aggressively trying to secure support for rezoning at the expense of the neighborhood and the traditional commonsense and integrity that we value within our neighborhood membership. In january of this year, the board of directors was given this by ms. English and then the board of directors voted unanimously to recommend to the membership they not support the rezoning request. Ms. English as she spoke earlier went door to door canvassing the neighborhood asking residents to sign a letter reportedly from the neighborhood association board that indicated support, not opposition. And she did, in fact, represent to folks that she spoke to that the city wanted to tear out her pool and the fines for her code violation would cause her family to lose their home. The swede home neighborhood association board members distributed their actual recommendation on the zoning case to membership by email and hard copy. Nevertheless, ms. English brought 28 signed letters to the neighborhood association meeting when the rezoning issue came for a vote in february. She presented the letters to the secretary calling them absentee ballots and one of them counted in her favor. The secretary replied they could not be verified because they were unverified ballots. Traditionally the swede hill neighborhood association used voice vote only. On one occasion, in the 19 years' history of the neighborhood association has there been a written vote, where ballots were created with choices, written, distributed and counted by the board members. Never has therein there been a situation where an applicant wrote ballot language or distributed, collected and delivered ballots or proxy votes. February vote was delayed until march, while this was discussed,

subsequently the board met and decided to remain with the tradition of a voice vote. When that vote was held, the board members

-- the board and the members of the association overwhelmingly voted in opposition to the rezoning as you saw 24-4. Ms. English undeterred submitted the unauthorized letters to planning commission as a sign of neighborhood support. We do have the amp letter from the neighborhood association.

[15:11:18]

[Buzzer alarming] in your packet dated and signed and ...

>> Mayor Leffingwell: Thank you, bill.

>> Done. Thank you, sir.

>> Mayor Leffingwell: Shawn garrettson.

>> Good evening, mayor, mayor pro tem, council, my name is shawn garrettson, I am one of the four houses that was portrayed in that resubdivision, I think I am the only house of the four that still has the 1940s home. The other ones are new. I am also the vice president of the neighborhood association, so in a time when the applicant had some conflict of interest, I ran those meetings and those were a couple of meetings. As you can probably tell, I mean, this case is unfortunately a lot more than about zoning. You're probably in a situation where you are almost feeling like parents to figure out who said what and you are obviously hearing differences of opinion. I can tell you in my 15 years of experience of living in east austin and in working and being in leadership roles in different neighborhood associates, I never have seen something like this, never seen impropriety of a president, never seen the president of a neighborhood association represent herself

-- misrepresenting herself as was discussed and I find it repugnant. I also want to describe something that was described in their application as backup which is an easement that I granted to her

-- to the applicant and then also to another adjacent neighbor. When I bought my house

-- it is one of the older flag lots. The flag portion I did not have access to because there was a fence when I bought it that goes all the way down to the alley. The applicant asked me if I was interested in letting them have easement access. I said, yes, absolutely, let's work that out. I let both of the adjacent landowners have access to the easement. Just to show you how the applicant operates, nothing was signed, there was no payment exchanged. I went out of time on a business trip, came back and the fence was already built on my property. That's how they work. That's how they operate. It's a case of asking for forgiveness. I hope you understand that. I am also in the process of remodeling my house. I had a building permit that I let lapse two days ago, 180 days went by, I hadn't started it yet. That is a whole other issue but I want you to know, everybody does, as my architect walked me through the process, the first page of any architectural renderings shows the site area, impervious cover, et cetera. It is very, very clear. She's known that. Applicant known that since day one when they bought that house. So I hope you do understand our position. I hope that you do agree with us and understand that our process in getting the membership to vote is valid. I know they've tried to discredit that as well. So thank you very much for your time.

[15:14:14]

>> Thank you, paula reckton.

>> And my time is

-- I am sorry

--

>> Mayor Leffingwell: 3 minutes.

>> I have donated time.

>> Mayor Leffingwell: Not on the list I was given.

>> Electronically it should be donated time from Charles Reckton around Steve Macon.

>> Mayor Leffingwell: We can go back to electronic and not use both lists. Your neighborhood folks submitted this list. If there is somebody that wants to donate their time, how about Rod Sidenberg, Steve Macon.

>> I will right here.

>> You have 6 minutes.

>> Thank you, thank you very much. Good evening, Mayor, Mayor Pro Tem and Council members. My name is Paula Reckton. My husband lives at 1305B Amer Street, directly across and facing alleyway shared at 1307 Waller and we have a significant concern about the rezoning and our property and the Swede Hill neighborhood in general. First is the impervious cover on adjacent properties. A search of the T-CAD shows within the boundaries of the neighborhood there are 38 lots below the SF3 minimum lot size of 5750 square feet, that is not surprising in an old East Austin neighborhood. However the applicants are using lot size to justify rezoning to SF4a, the fact is there are no other SF4a lots within our neighborhood but there are many lots like 1307 Waller. The applicant adding 17% more impervious cover has increased runoff but there are also three properties uphill and adjacent to the applicant, part of the subdivision you heard about from Shawn that could qualify for this benefit, since they were subdivided and built together as an urban home subdivision with 1307 Waller. The effect of an additional 17% has been obvious to us, but the greater threat will come as more owners come forward seeking the same special treatment, that the applicants are seeking in order to remedy the violation of the limits of zoning and their plat notes. Within the 200-foot radius, there are 8 properties on our block which are not standard SF3 lots. A cumulative effect of 65% for all would have a substantial impact on the drainage for everyone. Within the small footprint, we have to work with, my husband and I have thoughtfully landscaped with rock and gravel to hold and direct the accumulation of runoff during heavy downpours. That includes rock swells, French drains, guttering, and a rain barrel. Our downhill neighbor has a pier and beam foundation. He receives what we cannot contain during sustained heavy downpours. We are also concerned about misrepresentations by the applicant to city staff regarding the right-of-way we share. The handout contains emails from March to July 2013 showing the applicant repeatedly requesting to develop the formerly grassed part of the right-of-way with concrete, while acknowledging they couldn't use it for parking. Despite this a type one driveway was ultimately constructed in the right-of-way and used for parking. The alleyway changing to parking for up to the 8 properties that can access it would devalue our property substantially. Additionally, we have been impugned by the applicant of obstructing the right-of-way and access to their garage. However, the photos submitted actually demonstrate the vehicles owned by us are parked in our private drive, not in the right-of-way. We have no desire to restrict anyone's access and you will note on the marked photo, there is enough right-of-way space to exit the single car garage when two cars present in our drive. Finally, as the only property that does not

have frontage on waller street, emergency vehicular access must come to us via the right-of-way. A standard fire truck with a ladder requires 21 and a half feet of width when the outriggers are deployed. Any reduction in the width of the alleyway for private use prevents a public safety issue for this city. Please consider these issues I have raised and deny the zoning as the planning commission recommends. And I will finish by saying that you will see subsequently on the petition opposing this zoning by the neighborhood, you will find names on that petition that have signed letters for ms. English when she initially went out with the letters. Upon walking the neighborhood, we learned what they were told and when they got the full picture, they said, yes, we would like to join your petition. So we currently have 49.8% and that includes having swede hill neighborhood within that 200-foot buffer. Thank you.

[15:19:51]

>> Spelman: Mayor.

>> Mayor Leffingwell: Council member spelman.

>> Spelman: Ms. Recton, I have a question for you. The applicant
-- where would you like the applicant to park her cars?

>> I would prefer it not be in the right-of-way, first and foremost.

>> Spelman: I got that part.

>> I think that's where the sticking point today in trying to come to some sort of agreement was.

>> Spelman: Okay.

>> That

-- for the neighborhood, the front parking is a big issue because it's

--

>> Spelman: Right in front of the front porch like that.

>> In the front porch, yes. I think the neighborhood would support them having a single garage and a variance for one

-- for having only one parking space.

>> Spelman: So if they had space for one car, not for two cars, that's okay with you?

>> Yes.

>> Spelman: If they have the second car, they will park in the street like other people do that?

>> A lot of neighbors do, and we do, too.

>> Spelman: I understand but you don't want it parked in front where the yard used to be and not in front of the right of way, I presume because it makes it difficult for you to get around the car for you to park in your own drive way. Is that right?

>> Currently it does not but what it does, the parking itself and the way they have developed it does increase their impervious cover in that area and that's right adjacent to the alleyway and when the rain is coming down hard, it

-- it literally flows over the driveway. Some of it goes towards the street. Some of it doesn't. Mr. Lazarus, the head of public works came out to assess the driveway with his engineer and said the driveway as constructed doesn't really drain as it should towards the street, that part of it is going back towards the east side and the slope is not

-- is not really what it should be.

[15:21:57]

>> Spelman: Not consistently draining from east to west?

>> Yes. And to say that

-- to say that the drainage is a problem now, it is, but the bigger, broader picture is the concern for more properties getting 65% in this residential core. People I talked to about the petition tell us stories about the water backing up their foundation. One older lady who lived around the corner, her foundation is crumbling from that type of effect. This is east austin, old infrastructure. Drainage should be of a high priority.

>> Spelman: If there were

-- the reason I start with the car because that seems to be the most difficult place. She has to put her car some place. She is putting it in the side yard. She paved the side yard because she wants some place to park the car. Parking in the street is not a problem for you?

>> It's not a problem for me. I categorize, selfishly as a property owner whose property faces this, the side parking is for egregious, not only for the precedent it settings because the driveway has been extended and there is along that north side of the driveway, there will be many

-- there will be opportunity for the other property owners to say, that's perfect. That's exactly what I need. And how is the city going to say no to that? And then we end up with an alley right-of-way just lined in cars. So that's part of the problem.

>> Spelman: Sure.

>> Personally, I don't have as much problem with the look of the parking in the front, but it is

-- it is not part of the urban home aesthetic that this neighborhood bought into and their car on the street would be much more accessible.

>> Spelman: Thank you very much.

>> Thank you.

>> Mayor Leffingwell: I think the next speaker is rodriguez sidenberg.

[15:24:05]

>> Thank you. Good evening. Rob.

>> Good evening.

>> I am rob sidenberg and I live a few houses away from 1307 waller and my wife eicodevelopped 1307 waller and the houses along the block base. I would like to provide the historical context, two of the main goals was to have the look and feel consistent with the neighborhood and not to change the zoning to satisfy not only ourselves but also our neighbors. We decided the best way to do that is get special lot infra classifications for the lots to increase density slightly well maintaining the family home character. With that came requirements. We felt none of those would affect our plans adversely. For example, covered porches, covered front porches were required in the urban lot. We always intended to provide ample front porches. The code stipulates parking is not permitted in the front yard. That, too, was fine with us, since for aesthetic reasons we intended to put the parking to the side or rear of the

houses. During the subdivision process we understood that given the size of the lots, there would be no relief when it came to impervious cover restrictions, that also was fine with us. We hired a civil engineer to investigate potential impacts on drainage and it was determined we were not subject to water detention because we were maintaining pre-existing flows. Our engineer requested a retention waiver that the project would result on quote neutral net effect on any downstream drainage systems. To maintain the zero net drainage impact as said, put in place maximum level impervious cover was entailed in a per lot basis and detailed on the approved and recorded plat. The applicant's attorney stated that, I think implied to a certain extent that we were trying to game the system a little bit by getting a detention waiver and so on and so forth but I would just have you note that prior to our resubdivision, there were actually two lots where there are now multiple lots and the impervious coverage that would have been allowed at that particular time was 7,454 square feet. Our final plat allowed for 7,175, so what we actually did by

-- by subdividing in such a way and agreeing to the impervious coverage restrictions as we agreed to allow actually less impervious cover than would have been allowed prior to our resubdivision, so I think it's very important that this be looked at as an entire subdivision. It is four lots all together. It wasn't and shouldn't be viewed in isolation. For example, 1309 waller, right next door is only 488 square feet over. So could they also donate 488 square feet in order to gain a greater
-- buzz was
-- impervious cover, and with that, I will finish, thank you for listening.

[15:27:12]

[Buzzer alarming]

>> Mayor Leffingwell: Thank you. Council member morrison.

>> Morrison: Mr. Sidenberg I have a question for you. I appreciate that history, because what I think I may have heard earlier was, oh, it said 45% impervious cover on the plat just because, well, they were just saying what it is for sf. You were saying there was a whole discussion about impervious cover when you actually did that subdivision, to have the urban home.

>> We had a civil engineer, water street engineering, matt moore, we studied what it was and so at that time on per lot basis impervious cover restrictions were given detailed. In fact, one lot, which is actually 4,139 square feet, the impervious coverage restrictions on that are 39%, not even 45. So I think it's a little dangerous to say, oh, just because we can get it to sf4, then we are entitled to 65% when all of this was looked at as a whole, correct with the civil engineer and back and forth with the city at that particular time.

>> Morrison: Holistically and for the point of ensuring the drainage and the runoff was going to be okay?

>> That certainly would be the issue, yes.

>> Morrison: All right. Thank you.

>> Thank you.

>> Mayor Leffingwell: Last speaker is rick mcgee and the clerk can mark off steven macon. He donated time to pull la recton. To paula.

>> You guys are putting in long hours. One thing that the first speaker mentioned is the planning commission voted 7-0-1 against the request. One thing to add to that is there were three cases in a row

that night that had staff errors and we were the third one. The first two went with the claimant, if that's the right term so I thought we would have lost due to the staff error but we won. So to you it is a zoning case, but to me it is about being a good neighbor. What constitutes a good neighbor? To be nice is nice, but to be a good neighbor is to be respectful. What does that mean? It means you follow the laws, you follow neighborhood guidelines and you don't do any harm. If you do harm, you take initiative, you work with your neighbors, you get city involved if necessary. You take initiative and you fix the problems.

Since I moved into the neighborhood

-- I am a new guy and have been there less than a year so I don't have the history that that people have here. I installed gutters and french drains and recontoured the shape of my land because I am two houses south of the hill of 1307 waller, so if there is going to be a drainage problem, I might be the recipient of the water but I am not complaining about that. That's what I should do as a good neighbor. I also work with paula and charlie and steve, neighbors uphill from me to coordinate drainage on the side of my property together as the good neighbor should do. The englishes haven't called me, haven't knocked on my door, haven't sent an email, haven't given me a tweet, not that's important. What they have done is bring things together formally for the neighborhood meetings and they've hired attorneys and tried to find a way to browbeat the staff for the staff to agreeing the staff is at fault, the staff should make a mistake. They should pay for any harm that's done. That's not what a good neighbor does. Planning commission made a good decision. I hope you talked to them and respect their views. And I think you know the right thing to do. Thanks for your time.

[15:31:08]

>> Mayor Leffingwell: We can have three minutes rebuttal from the applicant.

>> Thank you, mayor, I hope to not use all three minutes and toria english will use the balance of my time. This is the false narrative I was afraid we would hear. As for planning commission, the reason planning commission voted the way we did is we were told there would be a staff postponement and in fact we were told the staff would pull the item from the agenda. The applicant wasn't there. Presentation wasn't prepared. The planning commission only heard one side of the story and that story was the same vilification that you have heard today. I was surprised when I heard there was no true concessions when just before we walked in here to hear this case, she acknowledged we were so close, there were real concessions made by my applicant through three meetings, meeting last week and in five hours negotiations today. Again, false narrative. I am going to let tori speak to some of the things that were said, one, mr. Garrettson and frankly I am troubled and we need to be careful about using words like "repugnant." I was at the neighborhood meeting that was in question, and, in fact, the neighborhood went against prior policy, ms. Brin smaid used this policy of accepting written proxy votes. We have emails to that effect. I am surprised the conduct of that neighborhood meeting. My client didn't act any way of shape repugnant. I can testify to that. There is no dispute there was a staff error. There is no dispute there is a flaw in the urban home calculations. There is no dispute the plat note was a land use restriction and for a detention waiver and in fact the applicant could have done drainage study and paid the fee and had more impervious cover. The flat note was to justify the detention waiver. No dispute sf4a is a small lot in moderate zoning and no dispute the neighborhood plan encourages this on a 400 square lot and no dispute that the staff recommendation has less impervious cover coverage

on a slightly larger lot and I will let ms. English address some of the other comments.

[15:33:25]

>> Mayor Leffingwell: You have less than a minute.

>> Fire truck probably cannot sit down this

-- fit down this right-of-way space because it is bookended by telephone poles and the right-of-way that ms. Rector has is covered by boulders so she is not allowing the access to her neighbors down the alley. If she feels I am not allowing access, even though our space is open. The front yard parking drainage goes into the alleyway and out into the street. We haven't seen any evidence from neighbors, if there was evidence from neighbors that they have true damage to their homes due to impervious cover, we are happy to do a drainage study to see if it's due to our home. In terms of me misrepresenting the association

-- [buzzer alarming]

-- you can talk to any of those people that I talked to. Please talk to them directly and not through other people.

>> Mayor Leffingwell: Thank you.

>> Thank you.

>> Mayor Leffingwell: That's all of the speakers. I will entertain a motion on item 101.

>> Spelman: Mayor.

>> Mayor Leffingwell: Council member Spelman.

>> Spelman: Not ready for a motion yet but I have a couple of questions if you don't mind. Both sides suggested that there had been a lot of conversation this evening. One, I think Mr. Howard mentioned, five hours worth of conversation between the neighborhood and the applicant, and I would like somebody to explain to me what happened over that five hours and why we are still here, an hour later, after starting this case, if there has been five hours of discussion. Mr. Howard, are you around still? Come on back. Did you actually talk to the neighborhood for five hours about this?

>> Back and forth, over a five year

-- five year. Five hour

-- over five hour period, obviously not continual five hours but over period of time, staff and some of the council staff facilitated the discussion and we had a lot of back and forth.

[15:35:36]

>> Spelman: And that was case to face between you and your client and Ms. Brinsmaid and her neighbors or shuttling back and forth.

>> Shuttling back and forth.

>> And you had a mediator.

>> Yes, we did.

>> Spelman: Who is mediating?

>> Jerry Rustoven from Council member Cole's office.

>> Spelman: Now we have to pay Jerry overtime on that.

>> Mayor Leffingwell: (Indiscernible) nevermind.

>> Spelman: Never mind. From your point of view, how close did you get to an agreement?

>> I am not entirely sure. There were

-- there were several times during the negotiations where we felt like that the issue was coming down to front yard parking or side yard parking, and my client expressed willingness to give up front yard parking in order to have side yard parking, even though my client has invested heavily in that side yard parking and my client offered to mitigate drainage impacts that there would be. But it wasn't entirely clear

-- there were different times during the negotiations where we thought maybe the neighborhood was proposing

-- or the neighbors, I should say, were proposing that might be an acceptable alternative but maybe there were terms and conditions. At the end, it was

-- that was withdrawn or maybe clarified it wasn't made.

>> Spelman: Critical issue that you seem to have been talking about is where can she park her car. Am I right?

>> Yes, we would pull up front yard if we can have the side yard.

>> Spelman: So you happen to be close by, and you seem to be party of this conversation. From your point of view, how close did you get to an agreement?

>> I have a feeling that mr. Rustoven was being optimistic and mr. Anderson as well. I thought we were pretty close, also. We did reach a point where we thought we would go off and talk about the deal. I am just going to get my notes. There was file amended plat to get the lot urban home designation under 4,000 square feet and then the restricted covenant co for the existing impervious cover but removing the front yard parking, restoring the parking in the rear, and restoring to vegetation and mitigating the drainage issues on the front and side yards, right.

[15:38:16]

>> Spelman: Would that have been acceptable to you and your neighbors.

>> And postpone the case until the resolution of the elements were seen through and I think there were some variances they would need that this would not control and that was, I think, the pump house, but it turns out that in the end, I believe the neighborhood stuck on no parking in the right-of-way for the emergency vehicle purposes but also they were restoring their second parking spot in the back and so they have one in the garage. They have one in the back. They didn't need a third, and I think that their side

-- but I

-- mr. Howard, he'll be here with the right-of-way parking because I think that was a real sticking point.

>> Spelman: Right-of-way parking meaning street in front or on the alleyway?

>> The right-of-way in the alleyway was a sticking point.

>> Spelman: Okay.

>> The

-- we thought the discussion was simply not putting parking in the back. I think there was some discussion about that at some point during the negotiations but we thought it was very simply, you know, what are the terms in which we can get parking on the side. We will

-- we will eat all of the money

-- or my client will eat all of the money that she put in the front yard and pull it up but what are the terms to have parking on the side. I think parking in the back got confused as we talked about potential other solutions but it came down to can we park on the side.

>> Okay.

>> We don't need

-- just to clarify what ms. Brensmaid said, we don't need parking on the side, garage parking and parking in the back. We didn't need that. We were looking at parking on the side forgiving up on parking on the side.

>> I want to say thanks to Jerry Rustoven for working. I didn't mean to impugn you. I was just thinking there was a misunderstanding of the parking and restoring to the backyard.

[15:40:18]

>> Suggesting somebody is optimistic doesn't constitute impugnement. Jerry doesn't seem to be offended, I think you are fine.

>> Thank you, Jerry.

>> Jerry, do you want to weigh in on this? I am not naturally Judge Judy but it seems these people need a marriage counselor or Judge Judy than city council, somebody needs to cut the baby in half.

>> We spent many hours this afternoon. The deal on the table

-- and I felt we came pretty close

-- is the applicant would stall the zoning case, indefinitely, take out parking in the front. Put the parking strips in the back so they have the required two spaces, one in the garage, one in the back. In real life they didn't want to use the ones in the back because frankly the pool and they had children and the neighborhood was actually not using the space but wanted the space there so if the home was ever sold they would have the two required spaces. The neighborhood would not oppose the donation of the right-of-way, basically the sidewalk becoming right-of-way instead of being sidewalk easement which would give them what they need for the impervious cover. And the neighborhood would not oppose the variances for the pool pump house cover structure that's in the easements in the back, and then we got down to the parking on the side of the house which was really the sticking points. I think at that point everybody was in agreement to all of those terms, in addition to the drainage study on the water. When it got down to parking on the side, original offer is there would be

-- we found encroachment easement going back to council to allow them to use the parking space that's there today. There is a no parking sign in front of it but that's where they have been parking their car. It came down to, I think, in the end whether that parking encroachment easement was permanent or whether it would run with the property, in other words, the future owner could do it. We were talking about that at one time. At that point we broke for dinner. When we came back, there was not an agreement of what I said but that's what the talking points were. When we came back

-- I have to say that

-- when I came back the neighbor said they could not support the parking on the side at all, in other words, could not support the encroachment agreement and Mr. Howard said his client only would accept if the parking on the side of the house was left permanent. So left permanent side parking and no

side parking. At that point we gave up.

[15:42:41]

>> Spelman: I understand, but there was an agreement that it didn't have to be in front of the house and they could tear up the brick driveway in u loo of the front yard.

>> Yes, the neighborhood wanted it out and they offered to take it out.

>> Nobody is complaining about the pool and the pump house and they would support the pool in the pump house and the only question is where the heck can my car go?

>> Yes.

>> Spelman: Why can't the car go in the front

-- on the street?

>> It can. It can be parked on the street.

>> Spelman: Howard.

>> Well, first of all, that would

-- obviously you need another variance because you would have only one parking space. Secondly, it would diminish the value of the property because most people want to have the ability to park more -- two cars on the lot. So I think that, you know, this would compromise the value of the property, and so from my client's perspective, they built a very expensive driveway with permission and ask to pull that up and they don't get another parking space back. I think that parking in the street also has been the problem in that neighborhood for events. It's very near the u.T. Various facilities. It gets crowded and we've heard that there are plenty of people in the neighborhood who are maybe not here tonight, the concern they have is they want to see new projects have two car parking on the lots because they don't want parking in the street. And so, you know, our sense is, is there needs to be a compromise, a give and a take. If we give up front parking. What

-- what is there

-- what is there in exchange? And it seems like side parking would be the compromise. I am sorry, I answered your question too long.

>> Spelman: You did. That's true, but that's okay. We are where we are. The two parking strips in the back, are those ripped up?

[15:44:44]

>> Those are gone.

>> Spelman: Those are still gone. If you can put them back in as permanent parking spaces, I understand where ms. English wouldn't want to park that, but it is close to the pool and she could park on the street. If she could park in the street rather than parking strips in the back, take out the brick work in the front, restore the side yard to something vegetative or nonimpervious cover, she can park her car wherever shes to, as long as either it is in the back or the street, sounds like we've got a deal. Can you live with that?

>> Well, I am not

-- I am not authorized to negotiate at the podium.

>> Spelman: I understand that.

>> I understand what you are saying.

>> Here she comes.

>> I want to say side yard is pervious, not impervious cover. It is gravel. To clarify that point and it is not illegal. We have been ticketed and the ticket has been dismissed in municipal court. Just to clarify that. In terms of your proposal, the

-- the reason that we thought the side yard parking would be a good solution is because it's a way for the city

-- it's something that the city can offer us, because we know they can't offer us \$20,000 or whatever for their

-- for ... And not to mention the time and the process that I went through to do this and, yes, we do care about the value of our home. We are not aggressive landowners that are just trying to make a buck but we are trying to be responsibly using our properties. I have been at the neighborhood meetings and every time a developer comes, they say where is your parking. Can't park on the street. I don't believe the neighborhood in general

-- maybe these two people, it's in t pference, because it's not directly in front of their home, but in general, the neighborhood does not support parking on the street. ; But that said, the neighborhood is not here today and I do request if we have to pay, again, to remove front parking to relandscape our front yard, I do request the state offer us a side parking.

[15:47:16]

>> Spelman: You would have legal parking space in the back where the two strips used to be and I understand where gravel currently is. You could park there if you want to. You don't want to because it is too close to the pool but that would be legal parking space which would not diminish the value of your house because it would put two legal places to place your car. Does that make sense?

>> Do you think a person buying my home would feel that was a usable parking space, for their car?

>> Spelman: I don't know whether it would be or not but I think there is some people who

-- I don't know. But there would be two legal parking spaces, neither in the right-of-way.

>> It would meet the parking retirement. Is that what

-- the parking requirement?

>> Spelman: Yes, it would meet the legal parking requirement, and frankly, ms. English, with demand for houses in austin the way it is, you won't have any trouble at all selling this house. It will go very, very fast.

>> I am not planning on selling the house. I am planning on raising my children there. Just so everyone understands. But, again, the proposal is, for me, it's not a long term solution to the problem that we face with our yard. I mean, this issue arose because code compliance was called out to my home repetitive times and I have a new phobia of code compliance and I feel that my home. [Laughter] needs to be zone r zoned correctly.

>> Spelman: Join the club.

>> And I strongly do not feel the sf3 zoning is going to

-- if I kept that, I don't feel that that would prevent more error

-- you know, more errors coming up, more violations coming up in the future. And so that
-- that is why I

-- you know, I prefer that solution honestly

--

>> Spelman: I understand.

>>

-- Because I think a long-term solution that deals with the challenge of my property.

[15:49:17]

>> Spelman: That would be a long-term solution. It would be giving you two parking spaces. It would be legal and nobody is going to have any question further about the pool or any of the stuff you did in the backyard. Also, this whole problem goes away and you and your neighbor can start sharing sugar with one another and stop yelling and putting boulders in one another's way.

>> I don't know, after the people call police on you several times, I am not sure we can be friends again. I have to discuss any proposal with my husband. I have been calling him. He is out of town right now. We were going back and forth when we were negotiating. I am not making a decision on my own at the moment but I still believe that rezoning the best solution.

>> Spelman: I understand your point. Mr. Rustoven, if I can ask you a few questions

-- I would like to ask mr. Rustoven a few questions.

>> Mayor Leffingwell: I would like to interrupt and say, first of all, I believe this is set for first reading only but I have been handed a note

-- I want you to know this

-- that travis county is now under a tornado warning. They have reporting tornado in the ground in cedar park, lakeway residents, winds 70 miles an hour, and it's headed for austin, downtown austin. It will be here in a few minutes. I wanted to pass that on to you. [Laughter]

>> Spelman: I can't possibly top that, we will all duck under the seats in a minute but in the meantime, if I want to enact the agreement which I think the broad outlines are in front of this instrument here, what would I use?

>> I think the first to use the pass it on first reading with direction from the staff to continue talking to both sides with the terms of whatever deal you would like us to pursue. Not all of the things that have been discussed here are items that can be approved on second or third reading. Some are in the mid of process. Some are future council processes, possibly, but if you pass in first reading it will give us time to go and work on the work we need to do. We need direction from you on exactly you would like us to work on. So we could the ball root rolling on the

-- we could get the ball rolling on the processes.

[15:51:59]

>> Spelman: Let me issue you the starting point. So the motion then would be sf4a on first reading, only for purposes of keeping this discussion alive, not because we expect sf4a.

>> Correct.

>> Spelman: Second issue, direction to staff to try to pursue an agreement between the neighborhood and the applicant along the following lines: That the brick work in the front yard be removed and replaced with landscaping, that the concrete on the side yard be removed and replaced with something wh pervious, that legal parking spot be made available in the back of the house next to the pool and that -- this is the hard part

-- I don't know what instruments you can use but it's up to you to figure out. That's why we pay you the big bucks, jerry, that there would be some way whereby ms. English would be assured if she ever parked her car not in the back legal parking space but in front of the street, that nobody will call the code compliance people to try to ticket her car because of that. And in addition, that the neighborhood would support any variances necessary in order to culture all of the stuff that happened in the backyard. That seems roughly like the deal that you thought you almost had before dinner. Is that right?

>> Right, with the exception of the side parking, both sides were in disagreement about the side parking but with the exception of that, it was the deal that was outlined.

>> Okay. It seems to me the side parking is a luxury that ms. English can't afford in this case. She will either have to park in the back or park in the street. That will be my direction on council members if they would like to join in on this or come up with a better idea.

>> Mayor Leffingwell: Present a motion to close public hearing approve on first reading only.

>> Spelman: And issue that direction

--

>> Mayor Leffingwell: With directions for further negotiations. Is there a second.

>> Cole: I will second.

>> Mayor Leffingwell: Mayor pro tem seconds.

>> Tovo: Mayor.

>> Mayor Leffingwell: Discussion. Council member tovo.

[15:54:05]

>> Tovo: Mr. Rustoven, I have a question for you. In the course of the discussions about what was agreed on and not agreed on, I think I heard you say one point of agreement was that the

-- that there be a dedication of land to the city and that's how

-- and the impervious cover

-- becoming compliant with regard to impervious cover is going to thing on that.

>> I forgot to mention that in the motion, that was the essential crux of the whole deal is that they would be allowed to reduce the size of the lot by about the 100 square feet which would bring them into compliance with the 65% impervious cover without a need for the zoning case to be finalized.

>> However, I believe the applicant went down that route and the public works department said we have no need for property, nor do we want to accept it.

>> That ideas has been floated but a formal application has not been submitted.

>> But we did get a memo from the public works department director which I assume he will continue to standby, which is that I forgotten the language and I don't want to summarize it incorrectly but maybe you have it there and can do so for me, but I am not sure why

-- I am not sure what would have happened to render that previous opinion different.

>> Well

-- greg guernsey planning and department review, I spoke with public works and chuck said given the information he had at this time, this is his opinion. I think he was looking into public benefit that may have been offered, perhaps to deal with the drainage issue, he would reconsider that, but it is not a final, it said given what information he had which was not a lot, he was not inclined to accept it based on the information that I was able to get and presented to him prior to making that decision.

>> All right. Thank you, and if it appears that the application is going down that path again, then I guess I do have some follow-up questions about some of the language in that memo as part of our work session discussion, we did ask pretty specific questions about what was the process of evaluating the criteria and the kinds of donations, under what conditions does it make sense for the city to accept that, what kind of liability does the city have once it accepts it. So, again, if this the deal

-- if the action hinges on the donation of that land to the city, then I would like to have all of those questions answered, particularly those about liability in terms of city liability.

[15:56:42]

>> Mayor Leffingwell: Those in favor of the motion say aye.

>> Aye.

>> Opposed say no. Show of hands the ayes. Motion fails on a vote of 3-4, motion tovo, riley, martinez and riley voting no. So that's that. And morrison voting no. So that's that. The next case. Before we do that, our meeting by the rules has to end at 10:00 o'clock. It is now 10:00 o'clock. So if there is a motion to waive our rules and extend the meeting past 10:00 o'clock, this would be the time for that. Council member martinez so moves. Second by council member spelman. In favor say aye.

>> Aye.

>> Passes on a vote of 7-0. [Captioner lost power]

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[16:03:27]

>>> tanglewood forest.

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>> I'm chick chick, tracking severe weather even tornado warnings up in burnet county, warren sex.

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>> tanglewood forest, tanglewood forest,.

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>>> tanglewood forest.

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>> I'm chick chick, tracking severe weather even tornado warnings up in burnet county, warren sexes of williamson and travis, we will be tracking this for you, hour by hour, minute by minute with all of the latest warnings, for now be aware anywhere west of i-35 is where the worst of the storms are, strong winds, hail and possible tornadoes. Chick chick, chickens, chickens, chick chick, chick chick, ky3, ky3, comprehensive plan, comprehensive plan,.

>>>

>>>

>> we had a tornado touchdown earlier, now a tornado warning is in effect right here for western travis county. Until 10:15, lakeway, bee cave, west lake hills, see you in just a minute. Chick chick.

>>> Severe weather alert from ky3 news.

>> Right now tornado warning for travis county. These pictures of funnel clouds in burnet county taken by jason owens about an hour ago. Confirmed tornado near austin. Live coverage with chief meteorologist chicago.

>> Still dealing with the potential of a tornado. Let me zoom in and show you the areas that I am concerned about. A reported at 93:45 in leander. Multiple funnel clouds. For that reason the sti vista, hudson . Ars for funneld be j

[16:11:45]

>> it would be inconsistent with current city densification efforts and have a detrimental impact on the housing stock. Thank you.

>> Next speaker is cata carbon.

>> Good evening, mayor, council, our association along with neighbors did vote to support the zoning change for the brile y's business location at 2117 north land, a long standing non-conforming use, it's a valuable business and we think that

-- that all of the conditional overlays as listed by the applicant, that except for of course the ones that would violate fair housing, would feel comfortable and legitimatize a long standing use. However, we

did vote to oppose

-- the neighborhood association as well as the adjacent neighbors to oppose the upzoning on 2119 north land as it represents loss of housing that's inconsistent with the tremendous pressure to densify. In our neighborhoods. Proximity to commercial properties on burnet road was part of the applicant's rationale for zoning. Council, you just agreed to proceed with the burnet road corridor study. Why not wait and see how the corridor study leads development on streets adjacent to burnet road. As mr. Canceloci mentioned there are three sf properties in a row that are seeking rezoning. Again, we agree with 2117, but not 2119 or 2121 that's coming up next. Thank you for your time.

>> And three minutes from the applicant. I would just say that

-- that in a broader context, this block section between

[16:14:01]

[indiscernible] and burnet is obviously mostly commercial. It has been for a long time. It faces a high intensive use across the street which is the parking lot for the

-- for the shopping center. We did

-- we did try to engage the neighborhood as the second committee meeting which we postponed our initial zoning and platting commission hearing to attend. We were not allowed to discuss some of the issues that they had at that meeting. I simply wasn't allowed to bring up anything. What I would have said to them, what I would like to say now is that I think they're forgetting that we are proposing a mixed use as part of the conditional overlay. So we're not necessarily taking away any housing stock. With the mu-co among other conditions we are proposing, residential is still an option down the road. For right now, what we're trying to do is fix what is an implement problem, which is people walking back and forth, imminent problem, consolidating the use on the two adjacent sites. Installing a shared driveway. Fixing the parking issue, and

-- and maintaining a cohesive use on these two adjacent sites. We think that it is appropriate. We think it's sort of a best case scenario, worst case scenario would be that the zoning gets denied, owner has to sell, vacate and sf-3, combined, ripe for duplex zoning or use, engulf and devour incorporated comes in and puts in a series of duplexes then what do you have. What we're trying to do is maintain that and stay away from that.

>> Mayor Leffingwell: I think that you missed that one. Just late, you know.

>> Right. So with that being said, I think that we have engaged the neighborhood as much as we can. I think it is a good policy to allow graduated zoning in a more restrictive manner as you go from burnet towards montague, I don't think it is an issue of neighborhood creep so to speak. Thank you.

[16:16:18]

>> Thank you.

>> If I can question. First reading only.

>> I understand that. What your applicant is originally conditioning for, what was granted by zoning and platting, do you have a recommendation for zoning and platting recommendation.

>> No we don't.

>> Spelman: Move to close the public hearing and adopt the zoning and platting on first reading only.
>> Motion by councilmember spelman to close the public hearing, zoning and platting commission recommendation on first reading. Is there a second?
>> Seconded by councilmember martinez. Is there a discussion? Councilmember morrison.
>> Morrison: I want to say I'm sort of perplexed by this case and the next one that we're about to hear. So I'm okay with
-- with supporting it on first reading, but I am interested in
-- in studying this a little more. It's a tough case. I need to be reminded what the zoning and platting recommended.
>> No-mu-co for tract 2. On 2117 tract 1, we have gr-mu-co, on 2119 they are recommending no-co.
>> Mayor Leffingwell: Know-mu-co. Why are these combined in one item? Why can't we make a decision on them separately.
>> You can make a decision. But it is one item. As
-- as you can make a different suggestion for each track, but it's one item. And you might ask mr. Guernsey why, not me.
>> Tovo: Mr. Guernsey, why are these combined in one item.

[16:18:19]

>> They are contiguous, owned by the same property owner. Even if they weren't the same property owner, they are contiguous and can certainly file a single application with multiple zoning requests. Within that, think of larger tracks, you might have a shopping center where portions of it are zoned gr, might be zoned for a liquor store, that might have cs 1 zoning and another track that might have office zoning, it appears to be, this is a smaller property and they've asked for two different zoning changes on different portions of the property. Based on the need.
>> Tovo: I assume that we have the ability to take them up separately. If we decided to do that.
>> You could recommend what the commission recommended or modify those in either case.
>> Mayor Leffingwell: The commission treated them separately.
>> I guess that I would ask the makers of the motion if they would consider separating those out, I'm supportive of the one and not the other.
>> Mayor Leffingwell: What is your
-- what is your motion from the amendment or
--
>> sure, my friendly suggestion [multiple voices] would be that on two
-- 2117, tract 1, we support the zoning and platting commission recommendation and then I am not there yet with the no-co-mu. It's no matter. If you want to keep them together tonight
-- we can consider taking them up separately on another vote.
>> Mayor Leffingwell: Okay. Those in favor of the motion say aye. Opposed say no. Passes on a vote, first reading only. 6-1 with councilmember tovo voting no.
>> Thank you, mayor and council. Our last zoning map change for your consideration is item no.104. A zoning case c 1420140029. Known as central charm next door to the case you just considered to the west at 2121 north land drive from sf 3 to lr-mu as amended. The staff recommendation was to grant lo-

mu-co combined district copying with a conditional overlay 300 trips per day. The zoning and platting commission was to grant know-mu-co combined district zoning with a 300 trip limitation. This property is also unplatted. It's also developed with an existing

-- home on the property. I'll just note that the

-- that the applicant has requested the neighborhood commercial to allow for a mixed use zoning on the property, would convert the residence and garage to a commercial office mixed use. They are recently represented by a new agent, michelle [indiscernible], it would be representing to you, she noted to me before the meeting they are really interested in two particular Ir uses and would be agreeable to other office uses and I'll let her explain that to you. Right now the property to the north has the cs and cs 1 zoning in the commercial shopping center. The cs-co and sf 3 zoning which is further to the east to the south is sf 3 single family residences and to the west is sf 3 with single family residences and an office, at this time I'll pause and I'll let the applicant come

-- agent come forward and explain the modified requests that they have. And I'll be happy to answer any questions that you may have at this time. We will hear from the applicant now. Set the clock for five minutes.

[16:22:52]

>> Good evening, councilmembers, I like the start of thunder. I will try to be brief, I would like to go through quick background and show you visuals. I'm michelle limp. I have recently

-- michelle lynch, I have recently signed on to assist the owner with this request. You may be familiar with the site, there in red south of the h.E.B. Allendale center west of burnet road. There's a closer view that shows you the surrounding zoning, you can see across the street we have the blood and tissue center, the h.E.B. Center to our west we have an office and to the east we have briley's which you just heard and a couple of other office and commercial uses. Here's a land use map that shows you the current land uses red is commercial, purple is manufacturing, pink is office. Yellow is single family. You can see that we are asking for red with the Ir and our adjacent neighbor just asked for pink for office. This is looking back from burnet road towards, to the west, seems there again the commercial character that exists today on both the south and north of north land. This is the actual structure at 2121. Which has been sometime used for a single family residence and most recently for a short-term rental. To the left, I guess, of your screen would be the office that you just voted on the last case and we do share a driveway there as you can see. Our case is sf 3, about a 7,000 square foot lot. [Thunder]. Exciting. The house is 833 square feet. Detached garage is 450 square feet that would be the units that are -- my client would like to add on to, to continue residential uses on the property. We do have a heritage tree, we have a shared driveway. I mentioned the uses earlier. The proposed zoning would be to an Ir-mu-co, that would allow for a mix of residential office and commercial uses. Why do we need Ir? We need Ir because we need to have the food sales use specifically and general retail sales convenience, my client is part of a co-op farm that has some artisan jams that they sell that they would like to sell at our property. They have a licensed commercial kitchen at another property. We need food sales for that purpose. We could use it in no or lo but called an accessory use limited to 10% of the square footage of the actual structure, about 83 square feet, sort of the size of the bookshelves in your office. This is one of the actual products, it has won some awards in san francisco for good honors and blind food tasting.

[16:25:40]

[Indiscernible]. So this is the product that we're looking to sell. Here's an example of selling those at the farmers markets. So specifically, I know the zoning is confusing because of the staff recommendation versus the zoning and platting commission recommendation. But simplistically we are seeking Ir-mu-co zoning but limited that to the no site development regulations and uses with the exception of allowing food sales and general retail sales convenience. That would include a 300 vehicle trip limit per day. The staff did recommend lo-mu-co with a trip limit. The zoning and platting commission did recommend mu-co, what we are proposing is similar to the zoning and platting commission recommendation plus two uses. Here are those uses that would be prohibited. We looked at the site development regulations in making that decision. Sf 3 is what exists today, know is the most similar category to those, we do not need the Ir intensity, simply two uses, we are fine with no regulations.

>> We will meet all drainage requirements and all compatibility requirements. The existing uses to the north and south are largely commercial today. So our goal is just to continue that transition of zoning from the east to the west. The dot that you see on the picture today is a point where we would like to show you the existing character of the street. Again the yellow line there is looking from the east to the west. H.E.B. Allendale village to the north, it has a service entrance for deliveries and truck parking with semi axle trailer trucks. This is the existing condition to date on this particular block which is not residential in character. This is what you see when you stand in the parking lot across the street today. Looking back at north land with an existing office. If you stood at that office and looked back at the center, this is where the 18 wheelers come in every day. This is the corner of montview and north land, again where the truckloading comes in. These are just a few of the vehicles that were seen that day. This is the character looking the other direction where there is a clear delineation of residential. And this is looking back.

[16:28:02]

>> Mayor Leffingwell: Time expired.

>> Understood. Just wanted to note the encroachment. Happy to answer any questions, thank you.

>> Okay. Before we go to those signed up against, just been handed an update tornado warning for travis county expires at 10:30. In two minutes from now. So that's good news. The tornado watch for central texas continues until midnight. Tornado damage reported in burnet county, southwest austin appears to be most threatened, news is suggesting residents in southwest austin take shelter as the storm approaches, bee caves area, several trees down. That's the latest and we'll continue to update about 20 minutes. David orshalac, opposed.

>> Mr. Mayor, councilmembers, thank you for your time. David orshalack, I live in allendale, this is clearly a house, the applicant just presented it as a house, people have lived in this house, they say this is not an encroachment of commercial into residential, that it's clearly commercial, we say it's clearly residential. At this point in time, I just do not understand how we can give up housing stock. In the previous case that was before you, you just voted to give up an sf 3 property just because the business had outgrown its location and didn't want to find suitable commercial property. This is another case

where someone has a good business idea yet they want to take away housing stock. We have people moving here every day, trying to densify all of our neighborhoods, please don't take away any more housing stock. Thank you. Can't scare you guys off, huh?

[16:30:19]

>> I'm back. Mayor, mayor pro tem, council, thank you. 2121 north land again the a and a executive committee and neighbors oppose the rezoning change. It represents loss of housing to commercial zoning. This request has gone from gr to lr, I don't know what it is now. But it is a type 1 short term rental, which as you know is owner occupied and if jerry rusthoven is still here, he will remember the str chats about it doesn't mean that you can't live in a short-term rental and it is residential. Again, we would just like to see it stay at this. North land as you go further down is completely residential. There are half million dollar homes for sale on that street. We think this owner can sell cans out of her home using the cottage industry rules. That's how she presented her case to us at the very beginning, it's just morphed into different uses, we just don't know where it's going. Thank you.

>> Mayor Leffingwell: Three minutes rebuttal from the applicant. Are you waiting for something? 23. Councilmembers, I would just like to remind you again that there is existing and commercial encroachment on this block. The last statement to the west when you look to the west very residential, very significant. That lin definitive. It is past our property. Our property is up closer to burnet road. There's a very clear definition, so I do not feel that we are changing that character today. The character already exists. We are not taking away housing. We are still allowing for housing with mixed use and my client does intend to have a residential unit on the property. She had looked at the cottage industry rules passed by the state. They are very nebulous and confusing and they do not allow her to operate the business as she would wish to do so. I am happy to answer any questions that we respectfully request your support for this rezoning change. Thank you.

[16:33:01]

>> I have a question.

>> Ready for first reading only? Mayor pro tem?

>> When you say it will not allow her to operate the business she used to because it's state rules, can you explain that a little bit. I want to try to understand what she is giving up to be able to be in this location.

>> My limited understanding she would not be able to sell the incidentals that go along with the jam sales, pot holders, cook books, spoons, things related to that business. Councilmember tovo.

>> Tovo: Mr. Guernsey, I have a question for you. Along the lines of the ones that mayor pro tem cole was just asking the applicant's representative. One of the speakers, ms. Carbon talked about cottage industry rules, can you explain whether those would allow the applicant to sell

--

>> I'm not versed on the state cottage industry rules for selling jams and jellies.

>> Tovo: Mr. Guernsey, I'm disappointed.

>> I'm stumped on that. I would have to come back and explain it at another day after I read about jams

and jellies. [Laughter]. I that I that I heard you say, are you in agreement that the cottage industry rules would allow her to sell the jams and the jellies? If not anything else.

>> I'm not 100% clear on that, either. That is something that is a new law that we're investigating. Our understanding from our limited knowledge is that would not allow her to sell a certain amount of the jams and incidentals to go with that.

>> It's very possible it might allow her to sell jams and jellies to some extent, to some limited -- it may be limited.

>> Certainly happy to look into it further.

[16:35:01]

>> Tovo: Okay, thank you.

>> Mayor Leffingwell: I would entertain a motion on item 104. Councilmember spelman?

>> Spelman: With the understanding t ms. Rogers lynch will look further into the cottage industry restrictions and authorities and report back to us on second and third reading, I believe this case is ready for first reading as well as the last one was. So, mayor, I am kline are inclined

-- I'm inclined to on first reading only close the public hearing and do it her way, Ir-mu-co with no site development standards and o uses with two Ir uses allowed, that would be

-- food sales and general retail sales, convenience and limitations 300 vehicle trips per day.

>> Mayor Leffingwell: That the zoning and platting recommendation.

>> Spelman: No it's not. This is actually the applicant's recent request.

>> Mayor Leffingwell: Okay. Motion by councilmember spelman to close the public hearing and approve on first reading only with the conditions he listed. And we'll furnish that to the clerk. Is there a second?

>> Cole: I'll second.

>> Mayor Leffingwell: Mayor pro tem seconds. Discussion? Councilmember riley?

>> I will support motion. But I think it's

-- consistent with our last vote. But I do take the neighborhood's concerns very seriously and I think mr. Arshalack and others make a very good point. We are at risk of losing housing stock here. I think the availability of mixed use on these lots may help, especially in the future. But more importantly, as we go forward with a revision of our land development code I'm very hopeful that we will have

-- we will be better prepared to offer

-- to have better tools to provide the missing

[16:37:01]

[indiscernible] housing types in locations like this within close proximity to our corridors and transit lines like we're going to have very soon right along this section of burnet. I wish we had them in place now so if the same case came up a few years from now we would be in much better shape to address it. But for now this seems like the best we can do.

>> Mayor Leffingwell: Okay. Councilmember morrison?

>> Morrison: Yes, this is a case that

-- that I'm for the going to be able to support. I appreciate the case that has been put forward, but when

I see the

-- the f 2 behind it just to the south and across the street, I feel like we've already

-- with the previous case done some transition zoning and to

-- to have it move forward

-- farther, especially given that that commercial would then back up to what is sf zoning, it feels like a

-- like a slow intrusion into very solid housing stock. So I don't feel like I can support it.

>> Mayor Leffingwell: Further comments? Those in favor say aye.

>> Aye.

>> Mayor Leffingwell: Opposed say no. Passes on a vote of 5-2, councilmember tovo and morrison voting no. [One moment please for change in captioners]

>> Mayor Leffingwell: So are there any questions for staff before we go to our public hearing? If not, first speaker is gabrielle vaughn.

[16:39:16]

>> Mayor, mayor pro tem, council, thank you for your time this evening. My name is gabrielle vaughn.

I'm a resident of manchaca and member louden. The city and county are in dire need of more affordable housing and for our community to continue to grow as a vibrant and diverse place to live in, we are in full support of the development of affordable housing in our area. We welcome it with open arms. What I'm here to voice opposition against is the specific location being proposed for this affordable house,. I would quickly like to touch on a reason this specific location is not appropriate. One is safety and traffic concerns. Lowden lane is a small dead end road that intersects 1626. Perhaps you are aware fm 1526, it has long plagued the county with traffic problems. Lowden lane has a stop sign at this intersection, 1626 has no stop sign, no traffic light. Directly across the street from this intersection is manchaca elementary school. During the mornings and evenings and people are going to and from work and when children are being dropped off and picked up from school, this entire area becomes a traffic quagmire that often requires the assistance of police. Now, using the numbers provided by the developer of this proposed apartment complex, they are proposing 192 residential units with over 390 parking spaces. Comparing that to the current number of people living on lowden lane, which is just over 20 residences, we're talking about an increase in population and vehicular traffic of 900 to 1,000 percent. As daily commuters of this area, we strongly feel the intersection of lowden lane and 1626 is ill equipped to handle this traffic increase. Secondly, the specific location proposed for this project on lowden lane is two and a half miles from the nearest bus stop and it's over two miles from the nearest grocery store where there's fresh food and produce for people to buy. If someone were so ambitious to try to walk to the nearest bus stop or ride a bike, you would have to travel down lowden lane which is a small two-lane road with no sidewalks or street lights. Most of 1626 is constructed in the same way. The fact of the matter is that this is not a safe pedestrian neighborhood and public transportation is not within walking distance.

[16:42:18]

[Buzzer sounding] I've spoken with officials at cap metro and they have no plans to extend bus lines to this area.

>> Cole: Thank you, mr. Vaughn.

>> Thank you for your time.

>> Cole: Doug moreland. Doug moreland.

>> I am mrs. Doug moreland, I'm susan moreland. I was taking the place of my husband, he had to leave to play a show.

>> Cole: We'll ask the clerk to note that change.

>> For the past 14 years, we've lived and worked in manchaca, texas on the corner of fm 1626 and lowden lane. Lowden lane extends only three-quarters of a mile south and it stops as it's framed in by bear creek a feeder to onion creek and the union pacific railroad on the east. All of the lowden lane properties were in doug's family's farm. IN THE 1950s HE STARTED Selling off his property in roughly 5 to 15-acre lots for single-family residences and small farms. In 1969 the simple lane was built by residents wiley lowden and his son. These properties are central to the historical manchaca community which holds rich heritage and well grounded life. Arcadia's images published an historical book on manchaca preserving stories of our past. So now a california company is trying to secure taxpayer money to build a 192 unit two and three-story apartment complex in the middle of our single-family neighborhood. This is a 15-acre property which is halfway down this road. They propose a community center, a swimming pool, a paved over parking area and water retention areas which would demolish the shade trees, level the natural hills, pave over the majority of this rich soils and require a large portion of the land to be dedicated to detention ponds to deal with the unnatural and toxic levels of runoff from rain water. The proposed inclusion of its own community center and being gated in from outsiders makes this development its own community inhibiting full participation in our manchaca community. Manchaca has a community center a short distance to the entrance to lowden lane. The need to run water and sewer lines would be unprofitable for any privately funded development. These utilities are not needed or wanted by the residents of lowden lane and they were nowhere else to extend past there. A development this size, the number of tenants and height of the buildings would drive out the families that have lived there and star warded this land for over a century. This project placement is not in line with the comprehensive plan or any local neighborhood ideals. It goes against the city recommendation of locating on or near a bus route. As a community we ask is this private outside company considering these interests as they speculate on the continued growth and needs of central texas. If no consideration is given to the established homes and way of life here, then it's hard for us to see this project as anything other than exploitation of land and resources utilizing government funding for profit. As involved community members, we've urged this company to consider developing on a more suitable property, a location not within the central historic community of manchaca or within an established single-family neighborhood. But along one of the more developed roads in the area that already has access to silts and services.

[16:45:59]

[Buzzer sounding] thank you.

>> Cole: Thank you. Laura sturtz. Laura is not here. Cashia blair.

>> Good evening, mayor pro tem, councilmembers. My name is keisha bullwear, we're the developer. We're working in partnership with strategic housing finance corp which is the development arm of the

travis county housing authority. And we are working with them to diversify their portfolio of affordable housing properties to bring opportunities across travis county. This particular location is in precinct 3, which has a very high income level, this particular census tract has a median family income of 82,000, and it is the desire of the housing authority to provide opportunities across the county in high-income areas. Students here, for example, would be going to aikens high school. We do understand this would greatly change the character of lowden lane and we have been trying to communicate with the residents to mitigate those implications. We've had a traffic analysis done. Even though the size of a property would not require it. No traffic mitigations were recommended from the traffic engineer. We've had educational impact analysis done by aisd and all of the local schools are able to take in new students that would come from this proposed development. So at this time I'm asking for a resolution of no objection from the city council. And in your consideration, I would ask if not here in precinct 3, then where? I know not every site is perfect and, you know, based on the discussions tonight, neighbors are not going to be happy with change, but I think we have a responsibility to provide housing opportunities across the county. And I'm here for questions. Thank you.

[16:48:28]

>> Cole: The mayor is back.

>> Mayor Leffingwell: Go ahead.

>> Morrison: I do have a question, ma'am. As I look at the map, it does look like putting a multi-family smack in the middle of a single-family

-- and I gather there's no zoning out there.

>> Correct.

>> Morrison: If he with zoned, we would hopefully not do that because it wouldn't be consistent. So what do you look for in compatibility? Do you just look for a piece of land that's big enough or do you actually try to find a place that actually fits this?

>> We do look for compatibility, but we have a long-term view. When we develop properties, we're long-term owners. So if you kind of widen the map, you will see coming from i-35 headed west, there are a series of luxury apartments. Coming down 1626, and if you come from the west, there's single-family homes headed towards the manchaca area. So what the housing authority has seen is that this site is in the path of development and is being developed with high-income residential properties and they want to preserve an opportunity to provide affordable housing to their constituents in this area.

>> Morrison: Are there

-- I will widen the map a little bit. But it looks like this

-- your property goes deeply into the neighborhood. It's not on 1626.

>> Correct. It's about half a mile down the road.

>> Morrison: Right. Did you look along 1626?

>> We did. We have looked extensively. We've been looking in this area for over a year and have not been able to find other suitable sites. We have put in a service extension request for water and wastewater from the city of austin and we're bringing that about half a mile down to the property. In other areas there's more restrictive impervious cover or you have to cross a railroad to bring utilities, so based on what we've been able to locate over about the past year, this is the best site we've been able

to come up with.

[16:50:45]

>> Mayor Leffingwell: Larry tilford. Has he spoken?

>> Thank you, mayor and council. My name is larry tilford, property owner on lowden lane and I would like to say amen because I just heard a prayer about trying to get this project on lowden lane, which it does not fit. In the words of gerald daugherty, our county commissioner, he says this is the first meeting that he's ever been to in our community to where the whole community is 100% against this for safety reasons and traffic congestion, and it just does not fit. Most of these tracts were 5-acre tracts that we own, our families own, and we've lived there for a long time, and we have

-- we have found another tract that we have presented to amtex to consider, which the county commissioners have pulled off a vote to give them time to explore this tract. And that is what our prayer is is that they will put this on 1626, which is a better road to have their traffic come out which is next to the fire department, across from the post office. It just fits so much better than what the lowden lane does. And I'm asking you to vote no on this so that they can consider this other piece of property and basically save lowden lane. If this project goes on lowden lane, it will greatly impact us from our way of life and also wildlife. If we have a bastrop-style fire, we will have to walk out because of the traffic. To have that many cars on that road. If we have a train derailment, we will have to walk out. So that's our concerns and that is our prayer, that each one of you all will consider this of what we're faced with. The tornado doesn't bother me because this has been a tornado in our life for the past few months and we're hoping you all will help us go away. Thank u any questions?

[16:53:12]

[One moment, please, for change in captioners]

>> Mayor Leffingwell: ... Affordable housing complexes and the availability of transit and if so, is that available here?

>> My answer is this is outside the corporate city limits so it would not be eligible for city funding and smart housing would not apply in in particular development.

>> Mayor Leffingwell: But our

-- does our resolution relate only to city funding, or does it rel support?

[16:55:20]

>> Our resolution only relates to no objection, really, not to support.

>> Council member riley.

>> Riley: The resolution you are referring to initiated a process that would apply in cases, both in cases where we are providing funding and where we are considering support for tax credit projects, but that is not in effect yet. We just initiated the process.

>> Mayor Leffingwell: That is the resolution we passed. It didn't finish the process. I don't think that expresses the intent.

>> Riley: If I may, mayor.

>> Mayor Leffingwell: Go ahead.

>> Riley: You make a good point, I think. This is consistent with a trend I have expressed some concern about, that we have been seeing more and more affordable housing projects that lack any transit access and this one is 2-miles from the nearest bus stop. As the neighbors pointed out, you would have to travel on roads that have high speed traffic and have no sidewalks, no shoulders, no lighting. It is. No lighting. It is a completely car dependent location. If you live here, you will have to have a car, which is especially troubling given this project since this place is supposed to have residents of 60% below median income. I don't think we are doing long term affordable housing when we place residents that will be completely dependent on cars to access any shops or services whatsoever, so with that in mind, I move to deny.

>> Mayor Leffingwell: Motion by council member riley to deny. And council member martinez seconds. I am going to support the motion to deny as well. Council member tovo.

>> Tovo: Mr. Potter, do you know what the deadline is?

>> I am sorry, they don't have a particular deadline, in this noncompetitive tax credit arena.

[16:57:28]

>> Tovo: I see. Do you have any understanding of

-- one of the speakers talked about another property on 1626.

>> I am not aware of that. The developer would probably have to answer that.

>> Tovo: Thank you.

>> I just wanted

--

>> Mayor Leffingwell: I am sorry.

>> Tovo: I have a question for her.

>> Mayor Leffingwell: You have a question for her, go ahead.

>> Tovo: I do have a question for her and the question is what I directed to mr. Potter. Can you talk about what your interaction has been with the other

-- with the neighborhood on the other property that was mentioned?

>> Yes, I also just wanted to correct the record. This development would be eligible to households at 60% of the median family income, not below, and what we have found with this population is that they do have cars, but what we have offered is that we will provide a shuttle to the nearest public transit stop until such time that this area, precinct 3 votes to be a part of cap metro. They have not done that and we also are not serviced by carts. We have spoken to both transportation entities. Specifically to your question, a new off market site was brought to our attention last week on 1626, and we have been investigating that site. As I mentioned, we have been looking in this area for over a year and based on our preliminary analysis, it is not feasible because utilities would have to come across the union pacific railroad. So we are

-- we are still continuing with that analysis. We haven't given it to commissioner dowdery, but with our preliminary analysis, it does not look like a feasible site.

>> Mayor Leffingwell: Council member morrison.

>> Morrison: I have a question for mr. Potter. Do you know, has the county acted upon a resolution yet?
>> I do not believe that they have and I spoke with a representative from commissioner daugherty's office today who just wanted to clarify that both city and county had to issue a resolution of no support for this application to move forward with the state.

[16:59:43]

>> Morrison: You mean no objection?

>> You are right. [Laughter]

>> thank you. You are getting better at this than I am, the tax credit thing.

>> Morrison: I am going to support the motion because I think this is not only troublesome access wise but we don't have the opportunity

-- nor necessarily would we want it

-- in order to do zoning or the etj but I do to support something that would really go against the zoning principles. I can't support you.

>> Mayor Leffingwell: All in favor of the motion to deny. Say aye. Aye. Opposed say no? Passes on a vote of 7-0. I believe that brings us to 121.

>> Thank you, mr. Mayor, kevin from the watershed protection department. I have done lots of flood plain variances and I don't know if I have done one while it's raining. So this is a first for me.

>> (Indiscernible). [Laughter].

>> Thank you. The item before you tonight is the flood plain variance request at 801 barton springs road. It is in the east bouldin creek watershed. It is just down the street, if you will, across from the parmer event center. There is the site outlined in red. It is entirely within the 100 year flood plain and partially within the 25 year flood plain of east bouldin creek which runs along the back property line. As you can see, there are significant flood plain on barton springs road as well, both to the east and the west. That water is actually coming from west bouldin creek which is to the west and it's spilled out and spilled down barton springs road. Here is a close-up view of the property itself. This is an extremely complex flood plain situation, to put it lightly. Essentially what is happening with this floodplain situation is east bouldin creek goes out of the bank and flows to the site to barton springs road. West bouldin creek as it's pouring water down barton springs is trying to push water back from east bouldin back to barton springs road. While we have

-- we obviously have floodplain maps for this area and floodplain models, the applicant has gone through significant effort, well above and beyond what we typically see for floodplain variance requests, in order to determine how the proposed development would affect floodplain elevations. There is a footprint of the building that's proposed for the site. As was noted in the rca, council approved a pud for this property back on march 3, 2011. The proposed building on this site is a 9 story mixed use office building with both restaurant and commercial office space as well as 5 levels of above ground parking. The finish floor elevation of the building is 3.3 feet above the 100 year floodplain and the foundation, the well more than the majority of the foundation is actually pier and beam. There is a small section that is slab on grade but it is somewhat significant to the overall area of the foundation itself. For if 100 year floodplain in front of barton springs road is a little above 2.9 feet and a need plain depth itself about the building itself is about one foot deep. With this property being located here and the right-of-way in front

of the property being within the 100 year floodplain, the property doesn't meet the safe access requirement which is one of the requirements in the floodplain regulations. Often we see this request coming to council for floodplain variances where the property itself is entirely in the floodplain and the right-of-way in front of the property is entirely in the floodplain and that is the case here which is why their request is for variance to the safe access requirement in addition to somewhat of a typical request which is excluding the building footprint from the drainage easement requirement. We talked about the safe practice criteria in the past. To reiterate a few things. The criteria states you have to get from the building to the right-of-way all in an elevation that is 1 foot above the 100 year floodplain. The intent is to protect the citizens and the people within the building so they have safe ingress/egress during the time of flood but it's also a provision to help protect first responders that may need to access the building at the time of the flood. As I stated, the depth within the street within the floodplain is within 2 feet.

Current use of the lot

-- the current use on the lot is food trailers, there used to be a restaurant on the filling station in the back and the foundation still exists. This element increases the density on the lot significantly. However, when we analyzed the hardship conditions for property since there is no development

-- technically development on the site now, we would consider this to be a hardship condition if they didn't get the variance since there is no way really for them to meet that rule. Now, we've

-- I have been showing this in the past and certainly it worked earlier but it's not going to work now. The video of the safe access that I like to show that does indicate why the safe access rules require

-- is important because it shows how water flows in the street and can landlock a building and not give the occupants access to the street as well as safe for first responders to the house itself. Summary of findings and to reiterate the applicant's significance for the floodplain modeling, we have done what we call a 2d modeling for some - modeling and the engineers produced 2d modeling which is complex modeling, because of the complex flood situation and their modeling efforts reviewed by city staff indicate the proposed development would increase water surface elevations on the site. Obviously there is a lot of water back and forth on the property but the building itself won't increase water surface elevations. There is no safe access out of the floodplain and there is additional occupancy proposed in the floodplain based on the existing use. I did state that the finished floor elevation is above the minimum required, minimum required to be one foot in this situation. They are at 3.3 feet. In addition, we talked a little bit about the hardship condition. One thing I did want to touch on, at the time of the pud, we did have extensive conversations with the applicant's engineer at that time about the floodplain rules and we talked about safe access and we talked about floodplain impact and tried to come up with a way

-- they tried to come up with a way how they could meet these rules. At the time of the pud, their

-- their plan really was to get access to the property that's to the west of them through an access easement, and if I could go back, it would make a lot more sense. See the property to the west, they could

-- their plan was to get an access from

-- at the rear part of that property out to bouldin avenue, out

-- we've talked to that applicant about whether they had discussions with the other property owner and they said that they have and they could not come to an agreement, so that

-- we did have a conversations about floodplain variances at the time of the pud and they felt that that

was the way they were going to move forward is trying to get access easement but the current applicant and owners and engineers weren't able to get that agreement in place. Staff is recommending denial of this variance. I would really clarify that a little bit. The main issues we have density in the floodplain. We have talked a little bit about this in the past with some residential properties of requested variances that increase density. Again, from what a use could be on this site compared

-- you know, compared to what they are proposed which is a significant use, I would say a lot of people, essentially, that we will have to deal with in a flood situation, is that density within the floodplain that is of concern to us. In addition to if flood risk for all of those people, 2 feet deep in Barton Springs Road and the distance you would have to walk to get out of the floodplain is significant in our opinion and that's really the reason for our recommendation for denial. Again, I did talk a little bit about the hardship condition in so much as they have shown

-- they indicated that they have done some due diligence to try to talk to the neighboring property to get access to easements and that didn't come to fruition and there is no other way to get safe access to the property. There is a draft ordinance in your packet, and there are three conditions on that draft ordinance, I just want to point those out. Prior issuance of the building permit, we need structural certification which is basically after they do the building design, the structural engineer or architect would provide documentation that the design can withstand forces of the flood. Prior to issuance of certificate of occupancy, we need drainage easement requirement, save and except the footprint of the building and elevation certificate which is a standard survey document provided to us that indicates that they did build the building to the required elevation. I believe the applicant is here. They have some comments as well and I am happy to answer any questions you have.

[17:10:09]

>> Mayor Leffingwell: Council member Tovo.

>> Tovo: Could you just review for us, during the time of the PUD application, some

-- some neighbors who watched that process believed that there had been some assertions about the ability

-- the ability to build without seek floodplain variance and you had alluded to some that had taken place prior to the PUD application. Were there commitment to seek floodplain variance?

>> I wouldn't say commitment but there was understanding they could meet the safe access requirement with the access easement from the neighbor, and if they met that, while it would still be a floodplain variance, it would then be a variance that could be handled administratively. The one item they aren't meeting for administrative floodplain variance the staff could handle is a safe access requirement. So the time of the PUD had not completed, you know, a lot of the detailed engineering work but they had an understanding and they had a feeling for themselves they should show an impact and get the items for administrative variance and felt they could get safe access from the neighbor and from the time of PUD 2011 until now, that hasn't happened.

>> Tovo: I think I heard you say this but there is no other way to be sure to access, other than get an easement from the neighbor?

>> Right.

>> Tovo: Okay. Thank you.

>> Mayor Leffingwell: Okay. We want to hear from the applicant.

>> My name is ron thorough, and I represent the landowner for the variance request and the first is to see what exists out there today. Everybody is aware the site is vacant except for food trailers. The second slide. It shows you a quick rendering of how the building is going to look on this property, this property has been through a site plan review process and this is the last item in association with that, issuance of that site development permit. The architect for this project is in attendance tonight and available for any questions. Haff and associates is the civil engineer for this project and they are available if you have any more technical questions. This, again, is another rendering of the front of the site. This is a location which y'all are all aware, again, of where this property sits with relation to 811 barton springs and the other part of barton springs and the next slide I will go

-- you have 811 to the west and the dougherty arts center, parmer events center, long center and parking garage for then and then you have mcphail's, sandy's and water field and then the 1121 which is the austin energy building and then with that you overlay the floodplain and you see similar properties with similar floodplain conditions. Yes, the property depth at the

-- the water depth at the front of the property in the right-of-way is 1.9 feet deep for the 100 year storm event. The response by the fire department for this building is going to be exactly as it's going to be for 721 barton springs and 811 barton springs, the fire department is going to come to the front of the building at the barton springs right-of-way and enter the building from there. The exist

-- the exiting the right-of-way is exactly the same as the other two buildings on each side. Cross access is an issue that was sought. It was sought not only with 811 but also with 721. 721 is austin energy's building. 721 would also not enter into an agreement for safe access. It doesn't meet the conditions of the safe access but it would have provided an opportunity for a safe haven. That, again, was denied by austin energy. And I am glad mr. Shunken pointed out level of analysis for this because it was in depth and the city of austin will benefit greatly by this analysis, as well as how they deal with other properties along this floodplain area. There is a long list of items that will come about with this project. David honeycut, the owner of the property will go through that after my presentation. There are extra measures this project has put forward in addition to the pud and these are very much first responder related items. They are providing nonrequired fire service elevator in the building, upgrading the garage construction which will also includes sprinkling of the structure and a nongarage steer and stand pud and this was along with the fire departments

-- the owners and the fire department agreed to and the pard will provide the following measures, they will element a tenant awareness program and they will have detailed instructions to tenants about the proper safety and locations for exiting and execute safety drills that are

-- that are to increase the awareness for the proper execution. The finished floor elevation is going to be minimum of 2 feet above the floodplain, the the analysis again reflects no adverse impacts. The site is being cut to allow for additional flood storage of waters and the old restaurant had surface parking. I would offer you that is probably the worst thing that cub on that property today because all of those cars could be on the floodplain and cause significant flooding conditions in this area. This property is no different than any other project built on this property, again, the park is no different than any other project. The neighborhood plan asked for 60 feet. Didn't matter whether you put a restaurant here or bathroom or whatever, there is still a floodplain variance for the property. Doesn't mean a project is not warranted. I believe certainly this project is warranted for this site. With that, we respectfully can any

consideration y'all have positively for this and I am available if you have any questions and with that, I am going to pass it over to david honeycut, who is the owner of the property.

[17:16:46]

>> Mayor Leffingwell: David honeycut, next speaker.

>> Mr. Mayor, council member, I am david honeycut. I guess we started on this project in 2006. That was the second term of

-- of bush's term in office and now we are, 8 years later, in the second term, two years into obama's second term and we are still trying to get site plan approval for this project. [Buzzer alarming].

>> Mayor Leffingwell: Disregard that one. You can start over. [Laughter]

>> okay. I am going to try to work this button here, I guess. Is this my control here?

>> Mayor Leffingwell: 3 minutes.

>> Okay. Okay. Here is the site. With respect to the neighbors, by the way, we have worked many times to try to work something out with the adjacent neighbor, doing things we thought were beneficial to that project and we were willing to pay for access out of the floodplain and regardless, we were unable to strike a deal with them, so we tried often, many times. A list of the items that come with

-- development things we are tried to do to

-- we have tried to do to further enhance this area and earn our right to develop this site include water quality rain garden system, public access easements to bouldin creek. Many of these items, of course, were heavily negotiated in the process to get zoning on this site. 20% open space. I would also say that not only did the development site as we proposed it not further impact the floodplain. It in effect lessens it because there is more pervious area than there is currently on that site and it is right now almost entirely impervious. Increased landscaping around the project. I think in conjunction to that, which we will list in a minute, are the participation of the great streets project. Art in public places in the building or exterior to the building. 225,000 in contribution to the austin parks foundation that I think is designated for butler park across the street, immediately adjacent to la von center. To the long center. Mixed of uses including office restaurant and retail space, that is not exactly right. It's one restaurant space and officer. So we don't have

-- and office. It is not additional retail space. Just one restaurant space downstairs and four levels of office. Excuse me. I don't know what I just did. Okay. Well, I know what it is. Anyway, we also have integrated pest management plan for the building. We are participating in the group builder program. We have a car share program that I think was really important to council member riley. We are providing additional parking for overflow for the long center when events are taking place. We have 94 bicycle parking spaces. We are contributing \$25,000 to the police department and as I mentioned earlier, we are participating in the great streets program and I think that this project will help inspire more people to do similar things along the road. In conclusion, this is a hyperinflation think list of incremental benefits the development

-- [buzzer alarming]

-- the variances for the development in the floodplain, a condition as existed on this site and all properties

--

[17:20:37]

>> Mayor Leffingwell: Your time has expired.

>> Pardon me?

>> Mayor Leffingwell: Your time has expired.

>> Well, thank you.

>> Mayor Leffingwell: Thank you. Edward reyes. Edward reyes, apparently not here. That's all the folks signed up willing to speak on this item. I have a couple of questions for staff.

>> [Indiscernible - no mic]. Can.

>> David king.

>> Mayor Leffingwell: Go ahead.

>> I will be very brief. Mayor pro tem and council members, I would ask that you consider putting a stipulation on this pud agreement here that requires the property owner to not file an equity suit to reduce the property

-- to place property values of this property after getting all of these amenities increased entitlements from this pud agreement. I could just imagine that once they get this thing built, they are going to go down there to tcad and say, oh, it's in the floodplain. It's not very valuable. Knockdown my appraised value. So I ask that you keep in mind as you grant these entitlements to these developers. Thank you. [Applause].

>> Mayor Leffingwell: Well, I am not sure that would be legal. I would like to get a legal opinion on that. But the questions I have for you are this. Number one, is there some kind of exemption for the existing businesses that are operating there in the floodplain?

>> No, there is not.

>> Mayor Leffingwell: Are they operating legally or illegally?

>> That's a tough question. [Laughter].

>> Mayor Leffingwell: Well, I mean, you are the expert.

>> The process to put a food trailer on a site has certain permit requirements but doesn't have, say, a site plan permit requirement so it doesn't come through for a review for some

-- some zoning items or floodplain items. However

--

[17:22:50]

>> Mayor Leffingwell: Should it?

>> I think it should.

>> Mayor Leffingwell: Should it be required to?

>> I think it should.

>> Mayor Leffingwell: It is a health and safety regulation.

>> Absolutely. Placing structures in the floodplain, it can float away.

>> Mayor Leffingwell: I think really the biggest danger, not only to them, because they obviously won't be above the floodplain, their floor space, et cetera and their customers won't be in a floodplain, but in

the event of a flood, those structures would likely be swept away and cause major damage down the way. So that

-- that is a concern to me. I just didn't think of it until I heard this presentation. The second thing is, it looks to me like every building along that section of barton springs road has the same access problem. And I believe you showed that the access is into the 100 year floodplain, not the 25. That's correct? Shows on your map?

>> This property doesn't have access in the 100 or the 25 year floodplain.

>> Mayor Leffingwell: Well, I was

-- from the front of the property, the north side of the property is

--

>> that's the only

--

>> Mayor Leffingwell: It looks like it's in the

--

>> it's in the 100 year floodplain.

>> Mayor Leffingwell: That's what I said, 100 year. So it has access into the 100 year floodplain like all the other buildings along that same road. And finally, I am recalling from distant memory somewhere that there is a certain depth of water that rescue vehicles can

-- can operate in. I am thinking it's about two and a half feet, something like that. Can you verify that?

>> We have talked to the fire department about that and, I mean, there

-- in the past, and we have heard people say, you know, it's one and a half inches, is about an amount

--

>> Mayor Leffingwell: One and a half inches.

>> Sorry, one and a half feet, it is late, 1 and a half feet is a depth that some of the trucks would then

-- maybe their intakes would intake the water but me talking specifically to the fire department about this site specifically, actually, they don't have a set criteria to say, you can drive in one and a half feet of water or you can't. It's a safety issue for them to drive through water, period, for the same reason it is form any other vehicles. You can't see the road. You don't know what the p condition of the road is and it's just not safe.

[17:25:15]

>> Mayor Leffingwell: Yeah. Well, obviously, that's the safest course of action but they are large vehicles with big wheels and big tires and I do specifically remember that discussion from a few years ago, that they would operate at a certain depth. But the main concern to me is the applicant is totally deprived of any use of the property without this variance. Number two, it's not a residential building, is it?

>> No.

>> Mayor Leffingwell: It's a commercial building, so it's not really increasing the number of inhabitants.

It may be increasing the number of patrons from time to time but obviously if it's raining that hard, they might not be down there patronizing those businesses, so I would be concerned if it were a residential but I am not so much, so I would tend to

-- I think I would tend to support the request for a variance with the conditions that you listed. Any

other comments? Council member morrison.

>> Morrison: So I wonder if I could ask staff a question. The things that are problematic to you, that keep you from able to support this is there is no safe access? And just to be clear, there is safe access from the building next door, from 721 and

-- is that correct?

>> If they could get from their property to the high ground behind the building next to them, they could walk on the high ground to bouldin avenue. They just don't have that direct connection.

>> Morrison: Okay. Great. And

-- and then the other is that it's additional occupancy. And do you actually consider residential versus -- versus retail versus office as different levels of safety for occupancy?

>> I do, yes. I think that

-- the mayor pointed out, the office use and the restaurant use, so the time that you may have somebody in that building is less than

-- or the residential use. Unfortunately, a lot of our floods happen at night and that's when offices typically are closed, and obviously that's when people are at home. So we do consider that, and that is, I guess, a benefit for this development that is not a residential.

[17:27:46]

>> Morrison: But it is office, not retail. So people go theoretically, 8:00 to 5:00, whereas a business where people come in and out.

>> Except for the one restaurant at the bottom.

>> Morrison: Except for the one restaurant. Do you know how

-- I guess what I am wondering is, if it were a smaller building, would you be less concerned? Because there would be fewer people, fewer additional occupants?

>> I would be, but I mean, I can't say that

-- what that size would be, it's just

-- this is a lot of density in the floodplain. We have a lot of rules in the city and a lot of master plans in imagine austin convention that promote density certainly in this area, but promoting that density in the floodplain from the flood risk perspective isn't the best idea, so if some sort of

-- you know, if it was a smaller density in the floodplain area, that would be something we would consider more beneficial.

>> Morrison: So I guess

-- and one more question, is this maxing out

-- is this plan maxing out the allowable zoning and the entitlements that go with it?

>> Actually, I will leave that for the applicant to answer.

>> Morrison: Okay.

>> Because it's a pud, it is a little different than just the standard zoning rules.

>> Morrison: Okay. Great. Mr. Thrower, can you answer that question?

>> This is ron thrower. I will leave it for aaron balmer, the architect who can talk about the square footage of the building.

>> Hi, aaron homer. To answer the question, it's not completely maxed out for the pud. Pud allows

96,000 square feet and we are below that, so ...

>> Do you know how much

--

>> it is around 87,000.

[17:29:47]

>> Morrison: Okay. Thank you.

>> Thank you.

>> Tovo: Mayor.

>> Mayor Leffingwell: Council member tovo.

>> Tovo: I think this is a question for mr. Thrower. As I recall the site before it was rezoned to be a pud was subject to a

-- why don't you tell me. Was it the 60-foot height?

>> I have gone through the transcripts for the pud and I notice the neighborhood plan called for a 60-foot building here and I believe that's the entitlements we were entitled with the zoning at that time.

>> Prior to the p.U.C. Rezoning and after the p.U.C. Zoning, the site was subject to 96 feet. 96 feet and a lot of conditions. Yes.

>> Tovo: Thank you, mr. Thrower. To me the condition to rezone it as a pud has greatly contributed to the fact that we are now considering a variance to put increased density on this site, so I

-- do we have a motion? Oh, then I will leave it to hear whether one is forthcoming.

>> Cole: Mayor.

>> Mayor Leffingwell: Mayor pro tem cole.

>> Cole: I do recall when we zoned a piece of dirt to pud but I am very much persuaded by the comments of staff about the safety issues and we have had to deal with floodplain issues with this council for the past 6 months in an extraordinary way so I will go ahead and mo defeau any the floodplain variance and to close the public hearing.

>> Mayor Leffingwell: Say your motion.

>> Deny the floodplains variance and close the public hearing.

>> Mayor Leffingwell: Motion by mayor pro tem cole to deny. Is there a second? Second by council member morrison. Council member morrison.

>> Morrison: I realize that it's not unreasonable to get something built on this property. But I do think that the point that the zoning was done and the ability to do the excessive density

-- extra density was done with

-- in mind that they were going to be able to have safe access next door, so to me, it seems to make sense to either find safe access or scale it back to something that didn't add the extra density so that we could scale back mr. Shunk's concern about the added occupancy, so I think it's a farathane to deny it

-- I think it's a fair thing to deny it or to see if they are interested in interested in scaling it back.

[17:32:50]

>> Cole: Mayor.

>> Mayor Leffingwell: Mayor pro tem.

>> Cole: Can I speak to Mr. Thrower and the applicant how it can be scaled back to allow some safe access?

>> Mayor Leffingwell: I don't think scaling back is going to allow safe access.

>> Mr. Thrower, can you help me here? Do you know of any alterations that you could make to the proposal to allow for safe access?

>> There is not an alternative that's available. Like I stated earlier in my presentation, it doesn't matter what goes on this property, whether it's a 60-foot building, a ten foot building, a bathroom, whatever, there is going to be an issue of safe access.

>> Mayor Leffingwell: Or a trailer.

>> Or a trailer.

>> So there is no scaling

-- there is no option on the table other than to simply deny the zoning if we are concerned about

--

>> there simply is not and another concern is scale of this project but you have to understand what we are dealing with here. You have a situation today where a lot of cars can fit on the property today and those cars are going to be a huge problem if there is a flood that runs through that creek. There is a tipping point associated with the project that requires for structural parking of the cars to get them up and out of the floodplain, as well as getting everybody involved with the occupancy of the building, up and out of the floodplain and we certainly believe that what we are providing here is that scale. Scaling back is not going to get rid of the variance whatsoever.

>> Cole: Let me speak to professional staff please. You have strong sentiments about the safety of people who potentially might occupy this dirt and against

-- and in favor of denial of the variance. And I would like to understand, is there any alternative you would be more comfortable with?

[17:35:14]

>> I guess I would take us back to the time of the pud and the discussions that we had with the applicant about the access easement. That's a pretty typical conversation we have with the applicants that don't have safe access. Open up your horizons and look around and see what is available, and if there is another property but it's private property, approach the owner around ask about access easements. It doesn't happen a lot but it has happened and it's an option in this case that would have given them safe access. And the city is not party without negotiation with the property deals. I have no idea how the negotiations went but the initial discussion we had in 2011

-- pardon me

-- was to essentially build a building on the site and then you would have to have that available and then a walkway on the site and access easement and some sort of paved path to get to bouldin avenue.

That's

-- that's a

-- you would meet the safe access requirement in that case and that would then, you know, make

-- from a flood risk perspective, make me feel much better as a floodplain administrator about having a

development that meets that really important safe access rule.

>> Cole: You are saying it is too late now to ask for that access easement?

>> Well, I mean, I am not sure when it's too late. I mean, they could

-- we have talked about it in the past and they understand that that

-- that is an option. I am not sure if it's necessarily too late.

>> Spelman: Mayor.

>> Mayor Leffingwell: Council member spelman.

>> Spelman: Do any of the buildings on this block meet your access requirements?

>> The one right to the west I have which have direct access to bouldin.

[17:37:15]

>> Spelman: They have a paved route going to bouldin avenue?

>> Maybe I should clarify that. I am not sure there is an actual door, an exit on that west side of the building. The property itself does have access. I mean, whether the building has an exit that is at the appropriate elevation or not that gets up to the high ground in the back, I am not positive about. The building

-- what the property does, I am not sure the building and the occupants meet the safe access rule.

>> Spelman: If I asked your advice, you would say pave the route that takes you from bouldin to the backdoor?

>> Right.

>> Does the austin energy building have safe access?

>> No.

>> Spelman: Presuming the applicants can't get to the building on the west and the building on the east, if the applicants could get to safe haven of the austin energy garage, that building, would that make you feel better about this case?

>> I think they have safe haven in their own building. There is plenty of space there. You have more space if you have the austin energy building, also. But they are all in the floodplain. They all have safe haven. They all have enough space and this certainly has parking garage space for more people. So there is plenty of space in my opinion.

>> Spelman: There is lots of high ground to hang out in while you are waiting for the water to abate. But if you want to leave at any given point, you can't leave. That's the issue?

>> Right.

>> Spelman: Mayor

--

>> Cole: I have another question.

>> Spelman: Go ahead.

>> Mayor Leffingwell: Let me say first, just clarification. There is that safe access within the building itself. Because it's built above the floodplain. The only question is getting

-- getting in and out. Correct, right?

>> Yes, the building itself is 3.3 feet above.

>> Cole: The mayor's question goes exactly to what I was wanting to your honor. How tall is the

-- what is the height of the 100 year floodplain?

>> The 100 year floodplain is 3.3 feet below the finished floor of the building, which is 2.3 feet above the minimum requirement. So they are building it

-- they are elevating the building significantly above the 100 year floodplain which minimizes flood

-- the risk to the building itself and the occupants that are in it, so, you know, from the

-- from the finished floor perspective, that's certainly a positive thing.

[17:39:41]

>> Cole: Mayor, I am going to withdraw my motion.

>> Mayor Leffingwell: Mayor pro tem withdraws the motion.

>> Spelman: Mayor, I move approval. Does this require readings all three readings.

>> Mayor Leffingwell: Council member spelman moves approval on all three readings. I will second and obviously for the reasons I have previously stated, finished floor level is well above the 100 year floodplain and the 25 year floodplain level. It is not a residential building. It's on a street where all the other buildings are affected in the same way, at least on the frontage road and there is no other
-- there is no use of that property without this variance. Including food trailers. Any other comments?

>> Cole: (Indiscernible).

>> Mayor Leffingwell: All those in favor, say aye. Aye. Opposed say no. Passes on a vote of 5-2 on all three readings with council member tovo and morrison voting no. We are working our way along to
-- all right. We are down to our evening time certain items which will take
-- which we will take in order. The first is the 5:45 which will be item number 62. And we have a
-- somewhat intimidating list of speakers in the public hearing, but my understanding is I have a written list which is much shorter. Is there any opposition out there, raise your hand if you oppose going by these lists that have been furnished by the respective sides for and against? Okay. I will go by these lists. Any questions before we begin our public hearing? Council member spelman.

[17:41:51]

>> Spelman: Just so I can plan the rest of my evening, mayor, how much shorter is that list?

>> Mayor Leffingwell: Let's see. There is

-- looks like 30 minutes per side.

>> Martinez: Mayor.

>> Mayor Leffingwell: Council member martinez.

>> Martinez: Just for clarification, you said item 62. I believe the list you have is for 60?

>> Mayor Leffingwell: No, it is for 62.

>> Martinez: All right. Thanks.

>> Mayor Leffingwell: Right. So we will start down the list of those four in the public hearing. The first speaker is richard victorin. Richard victorin. Apparently not here. John johns. Is john johns here? Are you john johns? Eric goff.

>> I was trying to save you some seconds. Good evening, maybe good morning, I am not quite sure. I

--

>> Mayor Leffingwell: Still evening.

>> All right. I am happy to support item 62 to have more granny flats in austin. There are some clear minor changes that we can make to the existing code, increase the supply of housing in austin. I am happy to announce that aura, a grassroots nonprofit has endorsed this item because it increases abundant housing and also reduces dependence on cars.

>> Mayor Leffingwell: You signed up on opposed list.

>> No.

[17:43:52]

>> (Indiscernible). Do you want to confirm that before you ...

>> Mayor Leffingwell: Signed up against on the computer and on the paper.

>> I am on the for list.

>> Mayor Leffingwell: You are on the for list? The in favor list?

>> Yes, yes.

>> Mayor Leffingwell: Go ahead. It has something to do with your deal.

>> Okay. So I don't need the time we talked to confirm that. The short of it is that having parking requirements on lots means that you are going to devote more of the property to impervious cover for no reason. There are houses that exist that are currently below the housing -- the parking requirements because of the older homes, that to build something for a family member or renter to live in, would require a significantly paving over the lot for no apparent purpose. I have neighbors that are trying to build things for elderly sisters that are minor that are minor issues with set back and the house that I rent there is space for granny flat, a garage apartment but there is not space for the additional parking. It's

-- it seems like the commonsense to explore the issue which is what this resolution calls for, and to bring back specific recommendations for you later on exactly the change but given the lack of abundant housing in austin it seems prudent to explore how to make it easier to build more homes. Thank you.

>> Mayor Leffingwell: Okay. Stewart hersh.

>> Mayor and members of the council, my name is stewart harry hersh, and like most in austin, I rent. Most of us who rent don't show up when you take up these resolutions in the same numbers that the homeownership minority does. But when prices increase in the places we rent, we would like more options, rather than fewer options, to live in more neighborhoods rather than fewer neighborhoods, where most of us live and we could never buy a home. That's why we rent. We know that if you pass this resolution, we will still have limited access to parts of town that have the following obstacles that will remain in place. One, there is maximum build out based on impervious cover that's already on the ground. This won't help that. And there are deed restrictions as we learned when we move duplexes off of bergstrom way back. There are deed restrictions in same neighborhoods that prevent more than one family living on a property. Can't prevent that, either, so the fact this can happen city wide is an illusion for those who are representers, but for those parts of town that don't automatically exclude us, we ask that you consider the following

[17:46:59]

changes: One, smaller lots for garage apartments, two, three tandem parking spaces or four spaces on a 15-foot wide driveway so that we behave normally, like we behave on holidays when our friends and family come visit us and they park behind each other. It seems to work because we get along somehow. And, three, submeters for water instead of separate meters because it's cheaper do it that way and you still get the water conservation benefits. As the renter majority, we want more options in the marketplace rather than fewer. I have lived in multifamily for 30 years, and in some parts of town, people take up your parking space and you have to park on residential streets. And I have seen parents encourage their kids to come talk to us when we park on their streets because our cars aren't as fancy as theirs are to tell us to move our car from the front of their property. If we don't, we get egged. So this is an emotional issue for many of us in the renter majority. This is about exclusion. There are some parts of town who feel that if you can't own a house at the price point that the people who already live there do, you shouldn't be allowed to live in your neighborhood and your kids shouldn't be allowed to go to school with them. This is a step in the right direction because it's a conversation, not a decision, and I respectfully ask you to pass this resolution and recognize that the most of us could be potentially benefited from this even if the homeownership majority isn't. Thank you. [Buzzer alarming]

>> Mayor Leffingwell: Thank you. Cory brown.

>> Good evening. Thank you for giving me the opportunity to speak about the value of granny flats. 30 years ago my parents lived in a tiny no garage apartment. Mom walked to work, she was a teller at bank, a few blocks away. Dad finishing up grad school and they knew about spending money because they had a burger king buy one get one free and they could go on a double date with their friends. They couldn't afford much but they could afford the tiny apartment. 15 years ago I looked into a tiny in law apartment because I was afraid to move in with my parents, they had moved away. It was all I could afford and I was able to build up enough freelance design business that I could quit the job I hated going to every day. I couldn't afford much but my tiny apartment afforded me economic opportunities. Reducing barriers to in law apartments, granny flats or garage apartments is low hanging fruit when it come -- low-hanging fruit when it comes to affordability in austin. There are people drowning under rising rents and property taxes and hours spent sitting in traffic but every time there is a proposal to help ease strain on these people, a small yet vocal group comes not of the woodwork to change it. Most gully of all, some have granny flats of their own, it is like wearing a life jacket and somebody trying to keep their head above water, don't come up too fast, you might get the binz, I urge you please vote for this issue. My neighbors and I are welcome as equals because we all have been there and they are an important part of our character and there are professionals and a couple with a herb garden better than mine and maybe in the future there will be five apartment garages, one above my garage where I didn't have to pay a chunk of my yard for a building where my retired parents could live, a place they could live without worrying about rising rents but that can only happen if we start moving forward today. Thank you.

[17:50:56]

>> Mayor Leffingwell: The next speaker is steven yarick.

>> Good evening. My name is steven yarick and I am the homeowner in the holly neighborhood and I

bought this because it came with garage unit. It is a small unit, and it was built in 1947. It would not be legal to build today, mostly because it doesn't have the parking requirements. It is cited that I could make parking to meet the code but would require paving over half the backyard. If we are talking about impervious cover, let's make better use of the impervious cover that we already have which is our streets. We already paved over a lot of austin for the streets, most dramatically underparked in the city. Let's make better use of it. I clearly support this resolution and

-- and echo some of the previous calls to say this is the lowest of low-hanging fruits, to start this conversation but I think we can do better than the resolution, and I would encourage you to amend it to cover a broader scope. The number one thing would be to drop the 500 square foot requirement. That seems to me to be entirely arbitrary. We already have well established standards at 850 square feet. And even 850 square feet we have incredibly complex code for accessory dwellings, two family use when the lot is over 2,000 square feet and secondary lot use when it is between 5,750 and 7,000 and one is subject to mcmansion. Other one isn't. We add another layer of complexity to the code, you know, how many more hours of professional time, architects, engineers, those kinds of things, is a homeowner going to have to invest in in order to decipher the code and be able to build a unit? It seems to me the purpose of the intent of this resolution is to make it simpler, not to make it more complicated. So I would encourage you to drop that requirement. On the subject of size, I think there is a couple of other models to look at for reference. One of them is vancouver which sets a cap of 900 square feet but also scales that down based on floor ratio area, 4.6 dedicated to adu and this allows a 4-foot adu on a four foot square lot and this allows the decision to be in the neighborhood plans because some have adopted small amnesty and not but if they adopted that, we can put 80-foot adu on primary lot in addition to a secondary primary dwelling and also the internal adu of portland, oregon, which allow people to convert spaces within their primary structure into accessory dwelling, whether it's an attic or somebody an empty nestor, into a home office, they can convert that, as long as it is also than total 40% of the building. They can build additions to them that are not separated. One thing embedded is the 15-foot separation between the primary and accessory unit.

[17:54:12]

[Buzzer alarming] I encourage you to adopt this resolution and encourage you to broaden it. Thank you.

>> Mayor Leffingwell: Okay. One more

-- two more speakers. Andrew elder signed up for 6 minutes. While you are doing that, folks sign out up for number 60, there are 51 of you signed up to speak. I would like to request you consider limiting your public input to 30 minutes a side and if so, be getting a list together in the order in which speakers you want to select for that. Okay. For some reason, I don't have it, but thank you, I will find it. All right. You have 6 minutes.

>> Thank you, mayor, thank you, everyone. I appreciate your consideration on item 62, for me this is a personal issue and a important city wide issue. I have a daughter who I know one day will require assisted living. Even with about ten years of head way looking towards her future of some degree of independence, our options are extremely limited and very expensive. What I would really like is nothing more than for my daughter to be able to stay nearby, receive support from my family that really we are the most qualified caregivers for her and for her toes will have the privacy of her own dwelling but with

the security and love of her family nearby, adu would be ideal to allow this situation. As we look down the ten year road I think it would also be ideal for one of my parents to come live with us. It would be ideal for us to have someone like Stewart to be able to have a place that we would welcome him to be a tenant. But the financial hurdles of building an adu are significantly, it costs fair amount of money to build. Regulatory requirements make it nearly impossible. And in my case, they seem completely absurd. My daughter will never drive a car. My mother if she came with us hasn't owned a car for ten years and the requirements that put driveway, a parking space for an additional unit would basically mean paving over my garden, water capture system and all that add insult to injury of the impervious cover. So I feel like accessory dwelling units should be commonsense affordable housing. They are built and paid for by the people who need them. They give benefits to many other people in the process. They don't require subsidies. They don't require bond initiatives or tax hikes. They provide income to owners trying to provide escalating taxes and provide economical and responsible housing for people who desperately need. This has been around a long time until postwar seized our use to watering yards instead of people and consequently we hear issues about adus and I am sure we will. Fortunately we have an example in Portland where adus have been revitalized through smart zoning initiatives to help build a resilient city. Some claim adu is a backdoor for commercialization of our neighborhood but in a survey of 80 adu owners in Portland, the Oregon Department of Environmental Quality found primarily, 80% of all adu is being used as someone's primary residence. Concerns about overflow parking. What happens if we remove the parking requirements? Again, the survey from Portland found nearly 2/3 of adus resulted in two cars parked on the street, adu residents less likely to bring cars. If they do, they park somewhere already available on the lot. 2/3 of them don't result on any impact on the street. Overall adus add were to contribute 0.33% to the on street parking load in Portland. 0.33% is a rounding error in parking. And then the most important part is addressing affordability in our city. As we talked about, garage apartments were always the affordable housing around Zilker but we decided to make them so scarce to be an endangered species and so now we have something we can look at in 20 years and hopefully in 20 years have comfortably to live in, accessory dwelling units and in affordability in Portland, interestingly enough, 20% of the units were listed as either free, perhaps maybe for family members or others, or very low rent. So basically through this measure, we might expect to get the same affordability or better than we get, from, say, VMU and the rest of the units come at a market rate but be aware the market rate for 400-foot square apartment is less than the market rate for house in an interior neighborhood which is basically the only other option for most people. Thank you for your consideration on this issue. I look forward to having the option to move forward with this in the future.

[17:59:26]

>> Mayor Leffingwell: Julie Montgomery. Ing.

>> Good morning, I think we are officially past midnight now, so council members, mayor, my name is Julie Montgomery and a resident of Central East Austin, District 1 and also a member of AURA. And I would like to ask you all to please vote for this item in favor of this resolution to make granny flats easier to build. This is a quick outline of things I would like to discuss with you tonight. The first is -- I am going to give you my main take away right up front so that part will hopefully stick. I know it's late and then I next would like to talk about my own personal situation

-- our case study of trying to build a granny flat in our backyard, and then last, I would like to discuss what I consider to be the true meaning of neighborhood character. So the main take away I hope that you will get from this is that the granny flats, everyone wins on affordability. Renters get new affordable housing options in the central city. Home owners get help with runaway tax property bills. And obviously the city and our school district and the county will get additional property tax revenue and so those are all wonderful things. I heard some kind of outlandish claims today, suggesting that for some reason small apartments wouldn't be more affordable. [One moment, please, for change in captioners]

[18:01:48]

>> we're interested in building like a single studio apartment in our backyard. That that would cost like \$75,000. It would be very small. Using our property tax rate of 2.46, roughly, that would cost us annual property taxes of about \$1,847. If we only charge a very affordable monthly rent of \$500, which is reasonable, we would have an annual rental income of \$6,000, and obviously \$6,000 is a lot more than 1850. In fact, with a net after tax income of 4153, it would have entirely paid for our 2013 property taxes on our own house that we already have and maybe leave enough left over for a nice night at alamo draft house. I want to give what our experience has been. Ours has been two payments, that's how I like to think of it. We'd like to be able to build a granny flats

-- I have, I think, at least nine minutes?

>> You have three more minutes.

>> I was also going to take John John's time since he wasn't here.

>> Mayor Leffingwell: Be my guest.

>> Thank you. So we'd love to be able to build a granny flat in our backyard if the same reason many Austinites have. It would be nice to have money to offset the cost in living and short term

--

>> Mayor Leffingwell: Disregard me. I'm talking to them.

>> In the longer term we'd love to be able to have this as a housing option for our parents. So on the left is my mom and my stepfather. They live in northwest Austin. If, you know, in the next few years, if we were to have a kid, it would be wonderful to be able to have them spend the night sometimes and not have to make that commute back and forth, if they were going to be helping me take care of a baby. On the right are Andre's parents and they live in Utah. Sometime they might not want to live all the way out there by themselves and it would be wonderful for us and them to be able to stay in a granny flat in our backyard, and that really would be a granny flat. We're lucky to live in central east Austin, which has widely approved the granny flats to be allowed in small lots. And this is especially nice since our neighborhood has gotten way too expensive for our parents to be able to buy anywhere near where we live. So we started really getting involved in looking through the code and trying to calculate out compliance site plans with all the setbacks and, you know, all of those requirements, and we even got as far as sketching out a floor plan. Then we visited permitting review where dreams go to die.

[18:04:49]

(Laughter.) then and we found out that under current code, we'd have to cut down enough trees to

create not just one parking space but actually three. Our house is an older house and we've been grandfathered to have no off street parking. But we were told if we built a granny flat we would be tickling the code beast and would have to build parking also for our existing house. Here's what current code would have us sacrifice in the name of off street parking. This is a beautiful tangelo tree, plant by the people who owned the house before us. It produces fruit and provides life support for pollinators facing collapse. This is a tree, home to creatures large and small, and large. This is my cat stalking a bird. She doesn't actually live in the tree, don't worry. The trees we would have to cut down to provide this parking provide breeding grounds for migrating birds. That's a great crusted king fisher, I believe. These are other trees that we could potentially have to completely remove to satisfy the parking requirements currently in code. But I know you're asking if we didn't chop down these trees and pave our yard, where would our granny flats tenant card go? Well, I have a wonderful solution. Anywhere on the street. We live on a corner lot. Catty-cornered to us is a cemetery, across one street is an emt lot, and across the other street is our neighbor's side lots where they never park any cars. We have an access of on-street parking. So we just could not in good conscience destroy our trees and these animals' habitats for entirely unneeded car parking. And with that, our granny flat plans came to a halt. To summarize, rigid parking requirements damage the environment and reduce housing smile. As the city becomes more multimodal, parking minimums become not insidious. Many of our visitors don't bring a car, they walk or ride bikes wherever they're going. And I'd like to discuss briefly sort of what I see to be the true meaning of neighborhood character being. Because granny flats are fully compatible with our neighborhood character. Our neighborhood is welcoming values inclusiveness and embraces a live and let live spirit. It's mixed income, diverse in both age and race ethnicity, and home to both owners and renters. That's the neighborhood character I want to preserve. Those are my priorities. Austin has been my home since 1986, which is long enough to know it defines our city's and our neighborhood's character is not the size and shape of our buildings, but rather the values we embrace and the way we treat one another. That's what defines character. Council members, if you value inclusiveness and affordability, if agree that people of all ages, incomes, and backgrounds are actually worthy of calling austin home, I urge you to vote yes on this item. Granny flats are a small but easy way to help preserve the austin we love, the austin we know not by our eyes but by our hearts and minds. Thank you very much.

[18:08:08]

[Applause]

>> Mayor Leffingwell: Okay. Now we go to those opposed, starting with ora houston.

>> Thank you, mayor, members of council, I'm ora houston. I know why you keep it so cold. You're trying to keep us awake.

>> Mayor Leffingwell: Keep us awake.

>> I stand before you tonight, or this morning, asking you to please withdraw this resolution regarding accessory dwelling units. The expanded council will be seated january 2015, and it is imperative that they not be shackled with a process, resolution, or ordinance that has not yet been vetted by communities impacted in all ten districts. It is not wise to pick and choose when and where an ordinance is appropriate, or when and where it is not, without public input prior to framing the task. Likewise, it is

not wise to make a blanket resolution throughout the city prior to public input. Input from the public stakeholders, shareholders, if you will, must be done prior to drafting the ordinance or the resolution and most certainly before wasting valuable staff time drafting an ordinance. One of the major stakeholders is the university of texas in this conversation. It is just short of 4,000 beds. And before we start talking about how to manage this issue, we need to have a conversation with the university of texas. There are suggestions in the resolution which cause me concern regarding unintended consequences on neighborhoods by the lax nature of the requirements referenced. We all know if this resolution is passed and the city manager begins the process to develop an ordinance, it is difficult, if not impossible, to recalibrate for authentic stakeholder input. What statistics are there to prove that because of the proposed changes in the resolution, there will be affordable units? However affordable is combined in this document, and it is not defined, or that a person who is elderly will be able to age in place in one of these units, or that a person with different abilities will have a place to call home in one of these units. If portland and other cities have statistics and can show how they measure the outcomes that you are hoping for in the areas referenced above, please ask them to share the data with the public before any action is taken. I am continuing to be befuddled by the changes in ordinances being rushed through at the last minute, rather than waiting for code next to make sure that we all are engaged in the same conversation. That's a concern to me. I thank you for your time, and I hope we all that you out before we go freeze to death.

[18:11:29]

>> Mayor Leffingwell: Mary Engle and set the clock for six minutes for Mary.

>> I'm going to talk fast. Hello. I'm Mary Engle. I'm president of the Austin Neighborhoods Council. On Wednesday the Austin Neighborhoods Council Executive Committee passed a resolution and opposition to item 62, the auxiliary dwelling unit resolution, which you all received. After studying the council's adoption resolution and the other action items, we have objected to the reduction of the parking requirements. The action items in the resolution were written so haphazardly that they would chip away at all neighborhood fabric that defines and makes Austin what it is. We would be moving backwards, not forwards. This proposed council resolution would undermine the carefully crafted compromises, balances, and assumptions upon which the existing neighborhood and area plans were based and depend. This seems to be a mad rush to undermine the land development code revision process that is now underway. By voting for this council resolution, we feel that this is an attempt by some to preempt and predetermine the code next process, which is currently taking place. Furthermore, this proposed resolution disrespects the community's good debate, participation, and city processes, such as neighborhood planning processes, by circumventing code next and violating the directives of Imagine Austin for respecting the existing neighborhood plans. The main problem with this council resolution is the rejection of regulatory barriers such as parking requirements. Removing parking requirements on properties just displaces cars to the street, thus creating congestion in neighborhoods. We already can build secondary units on 33 properties in the urban core. We're not opposed to granny flats, garage apartments, or secondary units. But what it is about is how much data is there for units that would be generated on substandard lots. During the Imagine Austin process, the comprehensive plan, we were provided with a zoning capacity analysis written by city staff. Right here it is. And it says that Austin has

the capacity right now, with its current zoning entitlements, to double its population. So, again, I would ask, you know, what is this adu resolution really about? We have capacity on the ground right now to double our population with our zoning. Affordable housing? This resolution is not about creating affordable housing. There's no guarantee that an adu would create affordable housing on single family property because building a secondary unit increases a property owner's taxes, which, in turn, impacts rents for secondary units. That affordable housing argument is a red herring. There are two other points I'd like to make about affordability and densing. Creating more density creates affordable housing. This is a false argument that keeps coming up again and again and we need to stop this. The second point would be a more sensible way to measure density for austin, would be that our resources, such as water, should

-- should determine density limitations. So should our lack of infrastructure for the people who live here now. Let's face it, everybody comes to austin with a car. Sometimes more than one. I only have one. I share it. And it's old. If we austinites were truly serious about reducing the use of cars, then perhaps we would provide multimodal trappings options. Austin has provided some options to this end right now, and that's wonderful. It's a step in the right direction, but we must do more. We lack bus routes that really service our transportation needs. We lack sidewalks that provide simple and serious options for that truly car-free, urban, walkable city that we all desire. These gaps in infrastructure need attention now for existing residents of this city. And I know you've heard this before. So, in summary, please consider these arguments for the well-being of our neighborhoods and the whole city. Please understand that losing parking requirements have already been loosened by the urban core parking reduction of 2004, and they've already impacted

-- that already impacted us negatively as well. That's what I'm hearing from neighborhoods, and I should know. I have 85 of them that belong to

-- 85 neighborhood groups that belong to austin neighborhoods council. The austin neighborhoods council executive committee respectfully requests that the city council withdraw this resolution to authorize auxiliary dwelling units prior to and separate from the code next comprehensive code revision process. Thank you.

[18:17:08]

>> Mayor Leffingwell: Thank you. [Applause]

>> Mayor Leffingwell: Joanne barnes. Set the clock for six minutes for joanne. I only

-- going by the list that we all agreed to, it's six minutes, unless somebody else on this list wants to give up their time.

>> I have a young lady sitting right there. And we signed up really early.

>> Mayor Leffingwell: All right. David king, paula simpson, sammy easterday, or betsy greenburg, would any of you like to give up your time?

>> I will make my comments as brief as possible.

>> Mayor Leffingwell: Okay. Set the clock for six minutes.

>> I won't guarantee it. I am joanne barnes. I'm vice president of the university hills neighborhood association. I've lived in austin for 46 years. I'm very familiar with what is going on in this city, having been politically active all this time. First of all, I'm amazed. Listening to what was being said. I don't think

any of you even read this resolution. It's not about granny flats. We have plenty of opportunity for granny flats already in this city. What this resolution is about is all about changing the city code to allow units

-- these microunit housing entities to be built. That's not allowed in the present city code. This resolution is to allow the city manager to go move forward with his staff, the proper staff, change the code so that these micro-units under 500 square feet will be allowed. That's number one. Number two, to change the city code that you don't have to have any parking with these micro-units. That's what is under discussion here tonight and what this council is going to be voting on. Nothing more and nothing less. As I said, we've already had the right to do

-- and we do it, for granny flats, and the use of the word granny flats is nothing but camouflage to stir up a lot of emotion. I got kind of tickled. The neighborhood associations are always criticized for being emotional, which we're not, we're very business like. Tonight the emotion was coming from the so-called special people in austin, texas, business people who pride themselves on being cool all the time. No. They fell for the granny flats thing. That was pure just propaganda, had nothing to do with this. And as far as if this

-- if councilman riley, who is sponsoring this business about getting the code change, we're told it's not going to hurt anything. I've got news for you, writing the resolution, quoting the

-- that's under discussion tonight, there's a comment about the city that proposed it

-- portland? Was that it? It states right there in that resolution that that city of portland documented, and our people picked it up in their research, that doing these mini units, these micro-units in portland caused traffic problems for the neighbors adjacent to these units. They all parked on the streets, so they are having cars and they are going to be parking. That's what this is about. Let's just cut to the chase and cut out all this fat, this extra talk. Forget granny units. It's not about that. It's about changing the city code in two things which I just told you. It is strictly about getting permission for micro-units of 500 square feet and less in this city now. And the reason that we're not in favor of it

-- and by the way, I'll go on the record, I'm not, I'm opposing this, as if you didn't guess, but

-- and the reason I am is because, like I told you, I've been here 46 years. I've been active in this city, in all components of it for 46 years. I know what's going on. This is just put off, very cleverly done

-- congratulations

-- to try and get people to focus on anything besides what's actually supposed to be approved by you all tonight. That's the two things you're going to approve, change the code, from there on. I'm going to cut it short, because we are, as I understand, have other things. But I will say one last thing

-- by the way, it was cold in here. So I'm going to go home, and I recommend you all do the same thing, and I'm going to get me a cup of hot chocolate with some brandy in it. And you all have a little bit

-- oh, by the way, good morning.

[18:22:13]

>> Mayor Leffingwell: I don't have any power at home, so

-- [applause]

>> Mayor Leffingwell: No point in going home. I don't have any electric power. (Laughter.) david king.

>> May I have three minutes, mayor? Okay. Thank you, mayor, mayor pro tem, and council members.

There's no doubt that the character of the neighborhoods throughout austin will change if the recommendations in this resolution are implemented. Squeezing larger and taller buildings onto small lots will increase impervious cover. So the impervious cover is not about the parking. It's also about squeezing more buildings onto existing properties. It will reduce the privacy that we have in our neighborhoods and make neighborhoods more crowded and congested. And, yes, it does recommend eliminating parking requirements, but just like the last speaker said, portland had to go change their adu ordinance because what they found is, really, people do have cars that rent those adu units. So let's get some facts on the table. More impervious cover will intensify storm water runoff, like tonight. Erosion and flooding, particularly during heavy rain events. More pollutants will be washed into the creek stream and less rain water will recharge springs and aquifers. In addition, impervious cover will magnify the heat by retaining heat and reducing open green space for vegetation and trees. And the adu resolution says that it will be affordable but there's no data to back that up. The major causes for housing affordability problems are not granny flats. It's because of the rapid growth policies that have driven up the demand for housing and inflated housing prices, combined with falling incomes for low and middle income families. That's the major problem. This is not going to solve that problem. You can do more to address the affordability problem by moderating the fast growth policies to allow the housing market to stabilize and focus economic policies on jobs and training for lower and middle income families. Although they're referred to as granny flats, they're more likely to become commercial short-term rental units, which will further erode the single family character of our neighborhoods. The resolutions state that the ADUs WILL BE MORE EFFICIENT

-- Will allow more efficient use of the infrastructure, but doesn't acknowledge that existing infrastructure in established neighborhoods must be upgraded to handle the increased density in traffic. Upgrading old infrastructure neighborhoods is very expensive. How much will it cost and how much will that make our property more unaffordable? We already know that existing transportation infrastructure cannot handle current population in austin. How can it possibly handle the estimated 100,000 new residents that are expected to move here in the next few years? It will take at least ten years for significant mass transit infrastructure to be built and come online. In the meantime, how will the character of our neighborhoods change when we dramatically increase density with insufficient infrastructure? How livable will the neighborhoods be when they become more overcrowded and congested? It will diminish the single family neighborhoods, ending up with neighborhoods less affordable and less liveable. Please vote no on this issue.

[18:25:59]

>> Mayor Leffingwell: Paula.

>> Thank you and good morning. I will be very brief. I oppose the resolution as written, and I ask the city council to withdraw the proposed resolution and carefully consider the appropriate areas for adu changes before changing the city code, and to exclude from any future proposal those neighborhoods where deed restrictions do not allow for secondary apartments. While my neighborhood is currently in opposition to proposed infill options in the south austin combined neighborhood plan, which includes secondary apartments, I feel this resolution undermines the progress we have made to date with city staff and the planning commission to reach a solution. Please withdraw this resolution from

consideration until it has been thoroughly reviewed for appropriate areas of the city to adopt this resolution. Thank you.

>> Mayor Leffingwell: Thank you. Sammy easterday.

>> Thank you for this opportunity to talk to you. You've all had my e-mail, which I outlined all the reasons why we oppose this. I'm president of the coronado hills creekside neighborhood association and our board unanimously opposes this and asks you to withdraw it. No, no, no. And you said are a bad idea and do not decrease cost of housing, rental or purchase. They do increase the tax burden of neighboring residents because the residents with the adu, the tax is up, and then the adjoining property taxes go up in subsequent years. They do destroy any character restriction of a residential neighborhood. They do make builders, developers, real estate, and investors wealthier. They do escalate the cost of rental or purchase of residences and we have research to show this with one or two outliers. They do not help the disadvantaged, marginal, or residential owners. They're a disaster for austin. They're bad for our community. They're in direct contradiction to 207 of manage austin that says preservation of the existing neighborhoods in the natural environment must be considered top priorities of comprehensive revisions of city code. The only stakeholders in the attempted debacle are bona fide single family homeowners under tack, not builders, developers, speculators, not council members and not planning department. I will financially support council members to oppose this going forward. I will work as I can for council members opposing this and I will encourage as many people as I can to do as I will do. In conclusion, portland is not a comparable city. They have a transportation system that is far in excess of anything we have. They have 24/7 buses on most of the residential streets, and I know people that live there, and I've been there, and their housing costs and their adu costs are very high. Thank you.

[18:29:33]

[Applause]

>> Mayor Leffingwell: Okay. That completes our list of speakers on item 62. I entertain a motion -- oh, excuse me, one more. Betsy greenburg. You're right.

>> My name is betsy greenburg and I'm the vice chair of campac. I have a lot of reservation about this resolution. The idea this will help people pay their taxes and provide affordable units is appealing but unfortunately unrealistic. If owners can't pay their taxes, they don't have the resources needed. The cost benefit analysis was interesting but she ignored the major cost, namely the cost of construction. Those that do have the resources to build these units are going to want to rent them for the maximum possible amount often this means vacation rentals, and that just doesn't provide housing for austin residents at all. In fact, if this council is concerned with affordability, I don't understand why short-term rentals are allowed in residential neighborhoods. My neighborhood, like many in older central austin, has many lots that are between 5750 and 7,000 square feet. This is a densely populated neighborhood. Our streets are already congested with parked cars from overoccupied houses, although the streets are two-way and allow parking on both sides, cars often have to pull over to let other cars pass in the opposite direction. This is a safety concern affecting cyclists, passenger cars, and emergency vehicles. The last thing we need to do is add to this problem by exempting accessory units from parking requirements. Although the concept of living without a car is appealing, the fact is that people continue to own and park cars. A recent editorial from the portland tribe union make exactly this point. I'd like to read a line that says:

The reality is that public transportation doesn't serve everyone's needs. And that's important. It certainly doesn't here. When a recent survey of east side portland apartment buildings, those were the micro-units, ones that have no parking, showed that 72% of occupants who have no parking still own cars and those cars end up on the street. Finally, the action items in this resolution are simply too loose and too unclear. I urge you strongly to vote against this resolution. Are there any questions?

[18:32:13]

[Applause]

>> Mayor Leffingwell: Thank you. Completes the speakers. Council member riley.

>> Riley: Thanks, mayor. I want to thank people for staying soily. I know you've been here many hours and I appreciate you being here, on both sides. I take this very seriously. This is a difficult issue but really the overriding concern for me is that we have a very serious housing issue here in austin, and we all know that and we've known it for some time. We knew it at the time that we approved our comprehensive plan which says on page 31, housing costs are rising, and maybe long-term residents of austin, particularly low income renters, are finding that they can no longer afford to stay. The problem is particularly acute for young single people, students. I think ms. Houston showed a newspaper from the texan indicated that they're short 3,900 beds. The problem has manifested in the stealth dorm issue that was affecting many of the neighborhoods in north central austin because there were simply no other options, so people were living in these situations, in these housing situations that really are not optimal. Accessory dwelling units, secondary units, granny flats, whatever you want to call them, they address that problem of providing housing, especially for people who are

-- want to live alone, especially the young

-- the small secondary units that we're talking about, yes, 500 square feet or less, and in addition to providing housing for those folks, it also addresses another problem, which is the problem

-- the affordability issues that are facing long-term homeowners in austin. That is another side of the affordability issue that many homeowners are finding it difficult to stay in their homes that they've had for years because the property taxes keep going up, and they can't afford to stay there. Our neighborhood

-- our comprehensive plan addressed that, too. It says in the policy recommendation, hnp 15, on page 138: Protect neighborhood character by providing opportunities for existing residents who are struggling with rising housing costs to continue living in their existing neighborhoods. I've heard from a number of people that said there's no way

-- they don't think they're ever

-- they're going to be able to remain in the places they've been for years unless they can generate some revenue stream to help them offset the costs that they're facing. And that's exactly what these secondary units offer the possibility of. Now, I realize there are concerns about neighborhood character. That's no doubt a very serious issue. But think about what we're talking about here. And, yes, the resolution is and I made principally at the very small units, micro-units punctures to call them that. They're 500 square feet or less. Specifically because that is the type of housing that would provide

-- would really have the most minimal impact on a neighborhood that we could do. How are you going to provide housing options in an existing neighborhood in a way that

-- in a way that is minimally disruptive to the existing character, if you could get very small units in there behind the existing unit, that is one way to do it. That's my

-- across the country, units like this have been referred to as invisible density because we're not talking about great big new apartment buildings being put in neighborhoods, we're talking about very discreet housing opportunities that are none people's backyards that don't have to disrupt the character of those neighborhoods. Our current code requirements actually pose some problems with that, as ms. Montgomery pointed out, actually for many people, they would have

-- just to place one small unit in their

-- in their backyard, they would have to pave three, sometimes four parking spaces on their yards. Now, having lived in a neighborhood that faced that, that was affected by parking requirements as we transition from residential to commercial, I can attest to the impact that has on a neighborhood character, when code requirements require a lot of paving, you get a very significant change in character. That is what current code is compelling, is a lot of paving of yards, and we can address that by easing those requirements so that we don't have to

-- so ms. Montgomery can keep her trees and bushes, and so others don't have to pave their yards. There may well be issues with parking. Mr. Elder pointed to data from portland that suggests that actually the impact of additional parking is really very minimal. Ms. Montgomery pointed to the example of her streets that actually have abundant space there on the existing streets, existing impervious cover that's already there, that is simply sitting unused where there's plenty of room to park cars. Anythings to that we have tools, so if, for some reason, parking does start to become a problem in some places, we have an abundance of tools to deal with that. We can restrict parking on one side of the street or the other. We have residential permit parking, we have parking benefit districts. We have all kinds of ways of dealing with the parking

-- in the event that it does become a problem on the streets. But frankly, when it comes down to it, the real issue is that right now

-- I'm more concerned about housing people than I am about storing cars. We really have an issue of providing access to housing for people who want to rent affordable housing in the central city. We also have an issue with enabling existing homeowners to remain in place. And this resolution attempts to address both those issues. And so I'd urge its approval.

[18:38:00]

>> Mayor Leffingwell: Is that a motion?

>> That is a motion to approve, yes.

>> Mayor Leffingwell: Motion by council member riley, second by council member martinez.

>> I won't go through the list that council member riley just went through, but I will say, I'll actually repeat what stewart said. This is the start of a conversation. This doesn't change the code, this just starts the process. And if there are concerns that need to be addressed or that can be addressed, that's was the process is for. So we'll have public input at the planning commission, and then stakeholder input in meetings, and then eventually when it comes back to council, another public hearing as well to try to make sure that as many concerns as possible are alleviated. And this is the normal process. This is how we get things rolling. And so I just want to make that very clear because it sound like some of the

concerns that are being raised tonight, it's as if we're adopting this and changing code tonight. We're not. We're simply saying we think this is worthy of consideration to let's run it through a stakeholder process and come back to council at a later date with recommendations. So for those reasons, I'll be supporting the item to start the conversation.

>> Mayor Leffingwell: Any other comments? Mayor pro tem.

>> Cole: Thank you, mayor. I appreciate all the comments tonight and want to say I'm a part and have been a part of a multigeneration a will household, so I certainly understand the comments related to that by ms. Montgomery, and I also appreciate stewart hirsch's comments about living in apartments and affordability. I especially understand the affordability concern and as a general rule, I would agree that having more housing stock does increase the affordability of homes, but I also think the driving force in that is the LOCATION OF THOSE ADUs AND IF They are located in the central city, there's no guarantee that they're going to be very affordable. I have really become increasingly concerned about our code next process and the buy-in that we're going to get from it. And I know that we can't stop as a council from passing all resolutions and giving up on land use regulations, but I do think some items are particularly fit to go through the code next process. So I'd like to ask for a friendly amendment, and if it's not friendly, then I'll make a motion that we actually consider this item in and you said as

[18:40:49]

-- INADUs AS PART OF CODE NEXT.

>> Mayor Leffingwell: So your motion basically is not to approve the motion.

>> It's to amend

--

>> Mayor Leffingwell: But to include it in code next. Next.

>> Cole: Yes.

>> Mayor Leffingwell: Do you consider that a friendly amendment?

>> No, mayor, I don't.

>> Mayor Leffingwell: All right. That is not considered friendly.

>> Cole: Okay. I'd like to have a vote on that issue.

>> Mayor Leffingwell: Motion for amendment by mayor pro tem. Is there a second? Second by councilmember morrison.

>> In the resolutions that talk about initiating the code amendments, those would be eliminated and this would become a discussion point for consideration by our consultant team and others engaged with the code next process.

>> Cole: Exactly. Item number 4 would say the city manager is directed to consider all of the above in the part of the code next process.

>> Morrison: Thank you.

>> Cole: And I would also add that it would be a priority consideration for code next.

>> Mayor Leffingwell: Other comments? Motion for the amendment is on the table. Council member riley.

>> Riley: I'm not certain we're posted for that, but I'd be happy to vote on it, anyway.

>> Mayor Leffingwell: So councilmember morrison.

>> Morrison: I wanted to say it's entirely the right way to go, and I think we should be increasingly concerned about the integrity of the code next process. But more technically, you know, in our -- in imagine austin, which I've heard quoted left and right here, we planned to do code next. And we're starting to do that. We also said in imagine austin that amendments to the neighborhood plans would continue to use the plan amendment process. And if we were to adopt -- if we were to adopt a blanket adu proposal like this, we would, in effect, be amending many, many neighborhood plans. And so I think to take this approach and do it outside of code next, which is foreseen in imagine austin, of course, to do it outside of code next violates the imagine austin's plan, comprehensive plan, and I -- I guess actually I think it's a legal question that I need to ask also because our charter says that any development regulations that we adopt will be consistent with our comprehensive plan. And this would be inconsistent with our comprehensive plan, if you ask me. So I have a legal question about how we can even be considering it.

[18:44:10]

>> Mayor Leffingwell: How we can be considering council member riley's motion or

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>> Morrison: Yes, mayor. I'll say it again, because it is inconsistent with imagine austin, which explicitly says that changes to the neighborhood plans will be done through the neighborhood plan amendment process, and this will blanket change the neighborhood plan, not using the amendment process.

>> Mayor Leffingwell: Remembering once again that this is only a resolution to start the process, I think any legal issues might be started out in the course of that.

>> Morrison: Well, mayor, if I may, I think that it really would be germane to this discussion, why would we want to set off on a resolution that would take us into efforts that would be violating our charter?

>> Mayor Leffingwell: I think that will be decided by a vote here momentarily.

>> Morrison: I thought we could get a legal opinion on that.

>> Mayor?

>> Mayor Leffingwell: We want to hear the legal opinion if there is one.

>> And maybe it's not fair to ask you to do this at 1 o'clock in the morning, but I was referring to

-- I can find the section in the charter. It's 10, section 6. And there's plenty

-- there's at least two places in imagine austin that say that changes to the neighborhood plans would be done through the plan amendment process.

>> I'm assistant city attorney, and could you remember morrison is correct that it's required in the imagine austin plans. However, this just initiates a process to develop an ordinance, and I think all of the factors related to neighborhood plans can be considered during that process. It doesn't commit the council to adopting a particular set of regulations. And so the resolution that's before you is not -- is not in violation of any legal requirements.

[18:46:22]

>> Mayor Leffingwell: Thank you.

>> Morrison: Okay. But I guess what I would like to follow up with is to get sooner rather than later an opinion on, would it be consistent with imagine austin to adopt an ordinance that implemented these units across the city, because they would be inconsistent with

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>> Mayor Leffingwell: Any comments? Councilmember martins?

>> Martinez: I'd like to add to that, maybe it's how it comes back to council, in the form of it can only be adopted through the neighborhood plan amendments as they come to council, and neighborhoods can individually determine their own fate through that process. I think that's exactly how it should come back to council, but we can't get it there until we start the conversation.

>> Mayor Leffingwell: Okay. Council member tovo.

>> Tovo: I was asking if we're going to vote on the amendment.

>> Mayor Leffingwell: We have an amendment with a second. All in favor, say aye. Opposed, no. Show of hands. It fails on a vote of 3 to 4, with council member riley, council member martinez, and myself and council member spelman voting no. Council member tovo.

>> Tovo: I've distributed a sheet that I'll talk about in a minute, but I just want to highlight a few points that have been raised but I think are worth mentioning again. Austin allows garage apartments on many lots, in many areas of our city. Many neighborhoods have also elected, or at least a good number of neighborhoods have also elected to allow secondary units, granny flats, accessory dwellings, whatever you want to call them, lots that are 5750 square feet. So in addition to allowing them on 7,000

-- on lots that are 7,000 square feet or more, we also allow them in many areas of our city on 5750 square feet lots. So, you know, we have the ability to create these now, so there's been a lot of discussion about it. We've received some e-mails in support that sound like they don't understand that particular fact, that we do have the ability right now, many homeowners do, of creating these secondary lots. As has been discussed, what we're talking about here is waiving some of the regulatory requirements that are

-- that really help, in part, protect the health and safety of the people who live in our neighborhoods. And so there's a very important reason why we have things like impervious cover limits, because, among other things, it helps ensure that we're not going to have flooding in our neighborhoods. We have parking requirements, not just an aesthetic concern, not maybe even primarily an aesthetic concern. As you've heard, it helps keep cars off the road so we have access to emergency vehicles to people don't have to pull over on one side, as happens all the time on many of our central city streets, and probably in others as well. You know, certainly there are areas of our city that don't have parking issues, and where there may be access off street parking, and the neighborhoods in those areas may be very happy to waive parking requirements to have accessory dwelling units in those areas. I attended a neighborhood association meeting earlier this week, it was golden creek's neighborhood association, where they spent probably 30 minutes talking about parking issues and what a big concern they are for many of the residents in that area, and how it's affecting their quality of life. And they have in some areas residential permit parking and other tools. And I hope that the discussion we've heard here tonight signals a commitment to keeping those parking permit programs because in many areas of our city that have them, or in several of the areas of the city that have them, they've also gotten word that perhaps those are changing. So I hope that we are committed to keeping those programs because they're important. But in any case, you know, the rules that we have are matters of neighborhood

livability, safety, and there are reasons we do these through our neighborhood plans and allow those to proceed as amendments. So in light of that, and in an interest of not overriding our neighborhood plans, but in rather respecting them, I would say, sure, let's start this discussion about accessory dwelling units and whether there are regulatory barriers that should be considered for removal. So I've distributed a motion sheet that would align with, I think, the major goals of your resolution. It initiates not a code amendment process, but a stakeholder process, and then continues on in that vein. It would initiate a stakeholder process to be convened by the city manager with appointments by the city council to discuss, and then I picked up on your language, to discuss reducing regulatory barriers for the DEVELOPMENT ADUs. The second item talks about

-- notice I've switched from talking about an organs to infill options, which gets to the point you just made, councilmember martins, that one way for this to proceed forward, rather than a blanket one size fits all approach, that would then be sort of an

-- rather than something that makes an area unique from others. So I propose that as friendly. I hope it will be. And I'm happy to talk more about it.

[18:52:15]

>> Mayor Leffingwell: Council member riley.

>> Riley: Actually, the resolution on the floor does actually include

-- does actually direct the city manager to develop additional RECOMMENDATIONS FOR ADUs AND That certainly could lead to recommendations about modifying our existing infill options. So I'm completely

-- I'm totally on board with having that conversation. But not instead

-- not instead of having a

-- not to completely replace having a discussion about the citywide requirements. I think one issue with infill options is the

-- is that the time we're talking about

-- it would already be

-- we'd probably be in the time of code next by the time those would take place, in any significant degree. In it meantime, we have lots of instances where people would be subject to very significant parking requirements, for instance, which aren't really currently addressed by the infill options at all. So we're not talking about changing the neighborhood plans in that respect. Our neighborhood plans don't really

-- we don't have an infill tool that allows you to reduce your parking options. That really has

-- has been a citywide policy previously and I think it's appropriate to address it on a citywide basis.

>> Mayor Leffingwell: So the answer is, no, you don't accept that it's friendly. Okay.

>> So I will make that as a formal motion and I'll say, you know, what this resolution before us does is create two paths. One is an ordinance that waives parking requirements. The other is to convene a stakeholder process. I would say just in the interest of staff time and resources, it would make sense for those issues to be combined and have one stakeholder process that addresses the issues, allows for there to be discussion, and then if there are recommendations or suggested ordinance changes that bubble up, then have those come forward and be initiated, rather than jump right into it. You know, if the interest is in starting a conversation, we start a conversation with stakeholder discussions. We don't

ask our staff to develop an ordinance that then will go to planning commission for review and a recommendation to council. That's not a discussion, that is
-- that is really a decision from council about what is best for the whole city. That's not a discussion about what is right for individual areas. And, again, there's a very big difference

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[18:54:46]

[applause]

>> there's a very big difference between an ordinance that is citywide and a blanket proposal, versus allowing for consideration of infill tool, and whether our existing infill tool could be tweaked to accommodate some of the options that you discussed. That's my motion.

>> Mayor Leffingwell: So just to be clear, your motion is this yellow sheet. Is there a second for that? Council member morrison seconds. Okay. Ready to vote on this item. Council member spelman.

>> Spelman: I'm concerned about both of the options we're looking at here, partly because I'm concerned about the kind of conversation we had in the public hearing leading up to it. What we have are

-- appears to be two armed camps with their own very fine-grained, very deep-set opinions on the subject. We've got people who are for ADUs, WE'VE GOT PEOPLE AGAINST ADUs. The people who are against them are way against them and people who are for them are way for them. And it seems to me that what we ought to have

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>> Mayor Leffingwell: Hold it down.

>> Spelman: Some of the people who are against this ordinance ACTUALLY HAVE ADUs. I have one, too. I understand. And I think what I'm referring to, I guess

-- let me be more fine-grained so you understand what I'm getting at. They're against this ordinance because they're against broader dispersion of these, against giving them to smaller units, against giving them to all neighborhoods. Now, I'm not probably capturing everything you're talking about mary, but I think I understand what you're getting at. And it seals to me the best way for us to move forward is not to convene a stakeholder process because the stakeholder process is going to be providing people with exactly the same opinions with a different platform to air the same opinions they've already got. What we ought to have is some sort of process where we can provide more information about the economic value of these things to individual homeowners, the cost of more cars on streets to individual neighborhoods, whatever change in neighborhood character there has been in other places where these things are provided as a matter of right, in the same sort of way that this organize would do, and I don't know whether we're going to get that from which process. How are we going to bring more light on this process? That's a question both council member riley and council member tovo.

[18:57:17]

>> Mayor Leffingwell: Council member riley.

>> Riley: Having been through many hours of meetings at the commissioners and planning commission, I

can attest those are not simply processing directives from council. Those are actually, at least in the past they have been very meaningful, substantive conversations where we get

-- where those bodies would get significant input and think about it carefully, we have very bright individuals who are very good at gathering information and weighing it and making recommendations, which I know this council takes very seriously. And so I really mean it when I say that this

-- the resolution for us would initiate a conversation and would give us something concrete to look at because specific proposals that we could consider and we could get input from the planning commission, and I think that that really is

-- that process is very well suited for having a well-informed conversation about the housing pressures we're talking about. So I feel

-- I feel comfortable with the code amendment process that's before us.

>> Mayor Leffingwell: Council member tovo.

>> Tovo: Well, I would agree with many of the things council member riley said, certainly as a member of the

-- former member of the planning commission and former member of the codes and ordinance, I agree that discussions there are substantive, the people on the planning commission spend lots of time with the issue, get good testimony from the public. But the conversation I think has been a fuller you know on this issue is the one that you and I attended at the hide park planning team, where they were considering, as is our process, an amendment

-- neighborhood plan amendment that would allow the construction of secondary units on smaller lot sizes. And to me, that discussion, the discussion began there, there was a presentation, there were discussions about the economic impact, positive and negative, positive for homeowners. I also heard discussion, maybe not there, but maybe on the list serve discussion that followed about potential impact on adjacent homeowners if the evaluations of smaller size lots start to increase. So in my mind, the discussions, our neighborhood plan amendment process provides for an opportunity to have those kinds of discussions about the issues and the kind of education that I heard you addressing. And so, again, I would say whatever comes out of

-- whatever comes out of the stakeholder process I'm describing it should end up as an infill option that neighborhood planning teams can consider, rather than a blanket citywide ordinance. But I would favor a stakeholder process that allows for that kind of discussion, rather than the relatively more circumscribed process that's being initiated here, which really kicks off an amendment, again asks our staff to go write some

-- draft something, bring it to our planning commission for approval, where they will, at most, discuss it in maybe two codes and ordinance meetings. It's not going to be an ongoing stakeholder process, it's going to be, I would guess, a two-meeting kind of discussion, and then possibly did understand of course another one at the full planning commission.

[19:01:34]

>> Mayor Leffingwell: Okay. The vote is on the amendment by council member tovo. In favor say aye.

>> Cole: Aye.

>> Mayor Leffingwell: Opposed say no. No. It fails on a vote of 3-4, with council member riley, martinez,

myself, and spelman voting no. Council member tovo.

>> Tovo: Mayor, I have another one. [Laughter]. I am sorry, I know it's late and I know y'all are

-- [applause] I know many of you are not here for this issue and you have been here all day and I appreciate your patience, but we need to give all of the issues our full attention. So given the stakeholder discussion rather than the ordinance failed, this would make the changes we just discussed -- its would change the language in the first therefore be it resolved from an ordinance to a neighborhood plan infill option

-- excuse me, neighborhood plan infill options. The next change would

-- the same thing, change ordinance to infill tools. I will explain why I am talking about them as plural in a minute. Number 3 would delete the mc and add a line, the stakeholder process will not consider changes to height, impervious cover, or setbacks, and then the fourth remains the same. And so this makes it clear that it's not

-- it is not a city wide ordinance but, rather, a set of infill tools that would be available for neighborhood teams to consider. I refer to it as plural because I think it would be most prudent if the majority of the council intends to proceed on this path of initiating a code amendment to offer neighborhoods the option. The infill tool as it currently exists and the infill tool with the option of waiving parking. Because in some areas it may be perfectly represent and the planning teams in that area to include business owners, renters, and property owners might elect to that but it is a good option for their area. Other plans teams might not. We have talked about impervious cover, height and setbacks. I notice the sponsors of this resolution deleted specific reference to impervious cover from the resolution that's before us today so I am hoping that this is fully in line with their intent.

[19:04:13]

>> Mayor Leffingwell: Council member riley.

>> Tovo: I will propose that as friendly.

>> Mayor Leffingwell: Council member riley.

>> Riley: Mayor, as I mentioned at this

-- at one outcome of this process might well be that

-- that we have additional info options or that we have

-- or that we modify our existing info options. I am perfectly open to having those be on the table for consideration as we go through this process and I am happy to work on language that makes that clear in the text not resolutionch but I also think that some code changes should be on the table as well. I mentioned, for instance, the parking requirements have not been addressed as options of the past and I don't know that making parking

-- having a patchwork of different parking requirements all across the city really moves us in the direction that

-- that we want to be going with the code next effort. As you know, the code next consultants have pointed out that

-- that having

-- having different requirements all over the city really adds a lot of confusion and creates difficulty in staff in applying our code, so I don't think we should be limited to making changes only in the context of

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>> Mayor Leffingwell: So you don't accept it as friendly?

>> Riley: No, I don't.

>> Mayor Leffingwell: Council member tovo.

>> Tovo: Well, I will be happy to make that has a formal motion. And I will just point out that we have different parking requirements now. We have very different parking requirements in the central business district than we have elsewhere. And you are highlighting the need to wait for the code next process which is what many people have said all along, because we will end up with

-- you know, that's one of the reasons why many people have urged that this be withdrawn and it be a consideration during the code next process rather than ad hoc code amendment changes here on the dais. So I make that

--

>> Mayor Leffingwell: Amendment by council member tovo. Is there a second? Second by council member morrison. So the vote is on the amendment by council member tovo. Those in favor, say aye.

[19:06:26]

>> Aye.

>> Mayor Leffingwell: Opposed say no. No.

>> No.

>> Mayor Leffingwell: That motion fails on a vote of 3-4, council member riley, martinez, myself, and council member spelman voting no.

>> Spelman: Mayor.

>> Mayor Leffingwell: Council member spelman.

>> Spelman: Allow me to suggest some language to council member riley which I think gets in a way where he says he wants to go. The first section of the resolve calls for an ordinance, doesn't say what kind of ordinance. I suggest we amend that first part of the resolution with the following line: The ordinance could be in the form of a

-- the ordinance could be

-- let me try again. It's very late and I am not very articulate right now. The ordinance could be in the form of all which would be applied city wide or it could be in the form of neighborhood plan infill options.

>> Mayor Leffingwell: He said the ordinance can be applied city wide or infill options.

>> Spelman: That's better. You are wider awake than I am.

>> Mayor Leffingwell: I don't know about that. [Laughter]. Council member riley, would you accept that as a friendly amendment?

>> Riley: Sure.

>> Mayor Leffingwell: Council member martinez.

>> I have another suggestion, mayor.

>> Mayor Leffingwell: Okay.

>> That would be pick number 3, add

-- in this resolution add to the following in 3, construction of this ordinance should take into account the

effect of similar ordinances in peer cities on the supply of housing, particularly affordable housing and in the character of single family neighborhoods.

>> Mayor Leffingwell: Council member riley and martinez accept that.

>> Spelman: That would call on the city staff to examine the neighborhoods and examine what happened when similar ordinances were applied there.

>> Mayor Leffingwell: Will you please furnish that language to the clerk?

>> Spelman: I shall do so.

[19:08:27]

>> Mayor Leffingwell: Okay f okay. So the vote is on the motion by council member riley as amended by council member spelman to friendly amendments. All those in favor, say aye. Opposed say no. Mayor pro tem, you are voting no? That passes on a vote of 4-3 with council members tovo

-- [applause]

-- morrison and mayor pro tem cole voting no. And now we go to item 68. 68. I am going in order of the time certain requests of these items, which is normally the purpose of time certain requests. This is our 6:00 p.M. Time certain. So I don't have a list of speakers. I will go down

-- there are only 10 speakers, I believe

-- 7 speakers. Ellen jefferson. [Applause] donating time

-- donating time is

-- it will speed us along if we can go ahead and let us talk so people can hear. Patty rotunda. Is patty rotunda here? I don't see her. Monica brendon. Monica brendon. I am calming the names of people donate

-- calling names of people donating time to you. Robin abbot. So they all left you. You have 3 minutes.

>> Okay. Great. I only need one minute. I just wanted to say that apa

-- austin pets alive fully supports this initiative. We believe that it's necessary capacity for our city to be able to serve all of the animals that are at the city shelter and the large dogs have the hardest time finding foster homes and adoptive homes and they need the most space so we assembly that adding capacity for dogs, specifically large dogs at the city shelter is a very, very good move. And up think it will decrease the total risk to the animal population in the shelter. So we would ask for your support on this item.

[19:10:53]

>> Mayor Leffingwell: Thank you. Michael van derberg. [Applause] michael van derberg. Kelly patrick. Jane morgan. Jane morgan. Schvot dunnwor. Annette malasky.

>> Good morning, mayor, mayor pro tem and all the other council members. I happen to be (indiscernible) oak hill dachshund society, my partner. Between us we have taken in 28 dogs

-- or 28 cats and five dogs of about 25 years we have been together. I know first hand how hard it is to get any animal adopted, and sometimes people don't even want to go to far reaching places to get any animal, so when you have a central place in town, where everybody knows where to come to find these animals to adopt, it is a huge deal, a very huge deal. I know there is a new animal shelter out here that is

city run, but I don't even know where it's at. I have not a clue. I hear the words mentioned on various newscasts but I still have no idea where this place is at. All I know is it's out here on the north side of town. That's a far place for me to go, and when my neighbor lost his dog, patches, because this place was open in central, I was able to take patches downtown and he was able to come and get patches back in the morning. So central location is a very big deal for austin alive and other -- for anybody. Especially the animals involved. I've spent a lot of money over the years, myself and barbara, and we love our animals. We do the best for them, but I think it's time that the city of austin does its collective fair share for all the animals in town. Keep a central location. It's very important. This is the heart of the city. How we treat our animals is just as important as how we treat each other.

[19:13:53]

[Applause]

>> Mayor Leffingwell: Bev luna.

>> (Indiscernible).

>> Mayor Leffingwell:68. Bev luna.

>> [Indiscernible - no mic].

>> Mayor Leffingwell: Okay.

>> Martinez: Mayor.

>> Mayor Leffingwell: Council member martinez.

>> Martinez: Yes, I just want to go ahead and make a motion to approve item 68 but I will make some brief comments, that this is just preparing an item for our continued budget deliberations to increase the kennel space at the new animal center and, you know, at first this was not something that I would have been supportive of because I wanted to see that we could achieve no kill and maintain no kill and our staff and our volunteers and our adoption partners have proven that we can do that but abigail is constrained at the current site and she is asking us to consider this year increasing that space so she can continue achieving 95% of live outcomes so that's why we put this item on the agenda and why I am happy to support it. So I move approval of this item.

>> Mayor Leffingwell: Council member martinez moves approval. Second by council member morrison. Any discussion? All those in favor, say aye. Aye. Opposed say no. Passes on a vote of 7-0. [Applause].

>> Mayor Leffingwell: That brings us to item 60. [Applause]. (Cheering and applause).

>> Martinez: Mayor.

>> Mayor Leffingwell: Could I ask you to clap if you'd like, but please don't yell.

>> Martinez: Mayor.

>> Mayor Leffingwell: Council member martinez. We have a number of speakers

-- I have a list of speakers here.

>> Martinez: I understand. I have some questions, though, that came in prior hand in the conversations leading up to this that hopefully by getting staff to respond to some of these

-- to the four questions that I have, it could potentially cut down on the speakers that have concerns about the traffic impact analysis so I believe gordon is here to answer those questions. Gordon we had a bunch of concerns raised about the traffic impact analysis and the comments I made the other day at the work session and maybe that rob made regarding using historical data to do some modeling. So I

just wanted you to walk us through a description of the general process for a traffic impact analysis, including the scope, timeline and data collection methods.

[19:16:47]

>> Gordon durr, traffic transportation department. The traffic study that is being discussed that will be part and part of the master plan, we would have outside firm do that. We will do what we typically do, do counts and train accounts and tube accounts but also look at the traffic patterns in the area and if the connection is made, what potential traffic would be drawn to that, where that traffic would come from. We are talking about one that not only serves cars but bicyclists and pedestrians, and so it's really trying to get a picture of how the system would operate differently in the whole area.

>> Martinez: Based on the conversations that you have been involved in, what is the timeline that we are talking about for the study to take place? When would it start, how long would it last and when would it be complete?

>> There would be a bit of a lag here as we go through the contracting process. We would certainly have the process in place by the fall in school

-- when high school is back in session. That's when a lot of the data can be taken. I think the resolution presents that we would

-- that traffic study would be made available for 50% of the design of the street is complete and be done in conjunction with the master plan with the rest of that.

>> Martinez: Once that traffic analysis is done, are you prepared and willing to meet with the stakeholders in this resolution and present your findings to them and let them ask questions?

>> Certainly. Certainly.

>> Martinez: And so your plan is to go ahead and do it after the school year commences this fall so that we can take in the full impact of parents and students that are interacting with the same exchanges for the extension of that is going to go? Yes and probably we want to collect data at the peak

-- when the ball field is being used so we would have the data set complementary to the work we will do in the fall.

[19:19:03]

>> Martinez: In the resolution we were provided language to add to it regarding the historical data as a component of the analysis. In what cases do we use historical data and what categorizes data as still valid and not stale?

>> Well, we will do some counts but also look back at the counts

-- we have data from 30 years ago. The state does counts every 2-3 years. We will look at those as a general feel for the area and see what trends have occurred. But we will look at the historical data but we will also look at contemporary data about with this new connection through, where right now people use lamar or mopac and there is nothing in between, there is going to be new opportunities and we need to quantify that and really help to understand what that means.

>> Martinez: That leads to my last question. Will the tia include analysis on the expected future impact of traffic including neighborhood use, park users, the public transit and the traffic generated by the

mopac improvements for the managed tollways?

>> Yes.

>> Martinez: Thank you, mayor. Thanks, gordon.

>> Mayor Leffingwell: Okay. We will go to our public hearing. I have a list here, which I am going to go by. I understand everyone has agreed to it. Sammy joseph is first. These are speakers representing wayament. Wa.

-- Representing waya.

>> Mayor, council members, good morning, I am sammy joseph, chair emir to us for the west austin youth association. For the last 50 years, the players of the west austin have had the privilege to play on athletic field on lamar beach property. In 1979 after serving the children of west austin 30 years t west austin optimist club passed the torch to the west austin youth association by our late great leader, dr. Harold brumley, it has grown into recognized youth center that has 30 youth programs in a positive and very safe environment. Paya invests over \$1.7 million a year in austin's youth and serves over 35,000 children from over 30 zip codes in austin. Waya does, with 400 volunteers. All of these children are served regardless of financial needs, physical disability and most important, regardless of their athletic skill level. Why isn't investment in austin's youth not only in the classrooms also. Every year through the impact tomorrow program, waya gives back to the austin community five scholastic scholarships to local high school seniors. At waya we teach if you plan on winning you have to do it off the field, too. Waya is a very popular chance league program is a great example of this. Special needs children are given the opportunity to participate in mainstream activities while being mentored and coached by young waya volunteers, ages 9-18. We know the champs league is the first opportunity these young people have to understand the importance of giving back to their community. At waya, we feel like character counts as much as talent. Running, throwing, kicking, catching, take a distant second place to our philosophy of teaching positive life skills, such as discipline, teamwork, good sportsmanship and responsibility. We know that those life skills will serve these children for the rest of their lives in a far more important way than any athletic skills they have in the field. Waya had a strong great relationship with the parks department the last 15 years and we look forward to our continued good private/public partnership we currently with have them. Last year waya entered into 25 year lease with the parks department on the fields on lamar beach. We are committed to raising 6-\$8 million, not only to invest in the park land on lamar beach but more importantly, invest in the youth of austin to help and continue to grow into fine upstanding sidss. Waya always has and always be open to all austin children. We feel like it is a great working example of a truly great work in public-private partnership with the city of austin. Thank you for your time.

[19:23:49]

>> Mayor Leffingwell: Wayne brumley.

>> Good morning, I am wayne brumley, president of the west austin youth association. Back in the end of february, I was here during the chapter 26, change in use. Our main concern at that time and it still is today is the safety that. The safety problems that the road can bring. Council member martinez, thanks for clarifying with the traffic impact analysis. I don't have a problem saying that was my concern and thank you for clarifying that with staff. We

-- as y'all probably know, any time any piece of property is developed, the main thing or the first thing that starts out is some sort of a preliminary plan. Then you move on to a traffic impact analysis. The problem we have here and the concerns is the need of the master plan and I realize the cart is the horse in front of the cart

-- cart in front of the horse, sorry, it is 1:00 o'clock in the morning, but

-- and I realize we are trying to do all we can to camp up with that. I think all y'all recognize that's a problem and I think you are doing your best to try and correct that. The biggest concern that we have is safety and the at grade crossing creates a lot of concern and a lot of safety fears for myself and a lot of people at waya. The thousands of children that are there are going to be too curious as the train goes by. Right now the train goes by and people can look up the bushes and see it. Transportation has done an excellent job of

-- with the bike lanes and the wide sidewalks as it is designed currently. However, those bike lanes and the sidewalks are inviting to children to be able to use those as a method to go sleep with their curiosity and watch the trains go by. We are fearful of the at grade crossing. I am not sure what you can do about it today but I just want to put it on the record that we are very, very nervous and very concerned about the at grade processing. I know the last thing you want is a child's endangered or any deaths or anything. I realize that. That's our concern but please hear us. Child safety is our biggest concern. Thank you.

[19:26:49]

>> Cole: Thank you. Melissa morrow, please.

>> Thank you, measure, mayor pro tem and council members for your time and service. My name is melissa moore and I am the executive director of waya, west austin youth association. I am here tonight to support agenda item number 60. The reason we are here today is because of the pressler street extension and our concerns that the current design does not address critical child safety issues, long term management of the park and the safety of those traveling through the park. Waya has been a collaborative partner with the city for over 30 years and we recently renewed that partnership to extend for another 25 years. We have been active and vocal participant in the pressler stakeholder meetings conducted by the transportation department for over a year. Our volunteer board members and staff have spent hundreds of hours meeting with the other stakeholders, transportation department, parks department, awana, aisd, council members and others about the impact this road will have on all parties and make sure it is designed for the complex and sensitive location that it presents. Waya went further and hired our own engineers, pate dalton engineers to work with creative sound alternatives. Transportation agreed those suggestions provided additional parking with improved circulation, a better tie in to round about and helped reduce steepness of pressler, and yet they did not incorporate those suggestions into the current design. This resolution represents the minimum that our city leaders should consider accessible in the planning and implementation of a major thoroughfare through a park designated for youth sports adjacent to a high school. We are asking for traffic impact analysis and lamar beach program be done before finalizing the design and alignment for pressler street and most importantly we request the city council approval the final design to ensure stakeholder input and concerns are addressed. Traffic input analysis will contribute to a better safer design of the road. Master

plan will ensure the highest and best use of the park to serve the public. Together a traffic impact analysis and master plan that is done before the design of the road has the potential to save tax dollars and lives. Before you spend millions of dollars on this road, spend a fraction on that on a traffic impact analysis and a master plan to do it right for 50 years to come. Thank you.

[19:29:35]

>> Cole: Thank you, melissa. Next, we have sandy campion.

>> Dear mayor and the city councils, I am sandy campion, I am the principal of austin high school. I have served as an administrator at austin high for approximately 20 years. I seek your support of the resolution, item number 60, regarding the lamar beach metro park and proposed pressler road extension, because I am very, very concerned about the impact the current design will have on the safety of our 2,130 students. Therefore, safety of all of my students is my number one concern. I first learned of this proposal design for the pressler road extension on may the 6th, 2014. What concerns me the most about the proposed design is the amount of students who will walk and drive across the proposed at grade railroad crossing at the end of pressler road and 4th street. While the railroad is near austin high school, it does not currently propose a major risk to students because it is fairly difficult to reach. Again, it's hidden by trees and brush. It's out of sight and, therefore, out of mind for the majority of our students. Again, the currently envisioned design of the pressler road extension will create a path for our students to cross the railroad by foot, bicycle, or car on a daily basis. While one armed crossing guards are proposed for the intersection, in my mind, the increase in visibility and accessibility to the risk outweighs this small protective measure. I rarely think about the railroad as a risk to my students now and I am concerned it will become a daily student disaster waiting to happen with this new road access. I worry about the students' railroad deaths that have occurred near crockett high school, occurred in 2006, 2010, and three more students in the past three years. The easy access makes the railroad tracks more inviting to my students. The loss of even one student's lives is too much. In addition, I am concerned about the new traffic that will be generated in the proposed round about area for my student athletes who travel back and forth to use the waya fields for their la cross and baseball practices. Finally, I am also concerned that this new cut through will increase student, pedestrian, bicycle and car traffic around austin high school, through pressler road during our lunch period.

[19:32:54]

[Buzzer alarming]. I encourage you to partner with aisd and austin high school as your neighbors so that our concerns will be addressed in the proposed pressler road extension project.

>> Mayor Leffingwell: Thank you, ma'am.

>> This is great. I get to tell the principal to quit talking. [Laughter] I do have a question for you. And that is with the traffic study proposed as basically

-- as I understand it, people have suggested being done concurrently with the master planning during peak periods, during school, is that

-- does that eameliorate your concerns?

>> Absolutely. Traffic study first.

>> Mayor Leffingwell: Okay. Julie ballard.

>> I am julie ballard. I request that normal garcia be able to speak quickly and share but speaking as parents of austin high. I am here as parent of 15 year old daughter who is a student at austin high and I have two younger sons as well that will be following and will be at austin high probably another nine years. I want your support on the current resolution because I am concerned about the current design on our safety of austin high 2100 students, 250 teachers and staff as well as the constant flow of users of the lady bird lake hike and bike suggestion that are already affected by congestion in the area, it is a shame that aisd haven't been invited to be part of the conversations earlier around we seek to be collaborative stakeholders in part of the lamar beach master plan. Without official traffic study to reference, I want to offer my own assessment of it. The pressler extension will exacerbate the already heavy congestion for traffic on the austin east and west sides points, especially during drop off pickup hours. The pressler road extension is said to increase bus load downtown from the mopac toll road lane, this is said to have a round about with austin high in going and outgoing traffic which is studied with 16-18 year olds beginning drivers already challenged with traffic congestion in the area. East side of the campus, the proposed round about will feed additional cars into one lane of traveling to the east side flyover entrance on the flyover entrance on mopac. Cars currently line up on that location and start and stop and wait for students to exit during 8:30 and 9:00 a.m. And then cars sit idle in pickup times in the afternoons between 4 and 4:45 for the students to find the parent and get in the cars.

[19:35:56]

>> Mayor Leffingwell: One minute.

>> This will come a complete standstill twice daily for 35-40 minutes at a time. In addition students stay late for sports, music and are already dealing with rush hour traffic. West side of campus, car congestion equally backed up, along veterans drive to stephen f. Drive to cesar chavez and lake austin boulevard and drivers don't always yield to pedestrians and cyclists crossing under the bridge. It is good to note that every year we have newly licensed drivers and we are already challenged with traffic issues and I am pleased to hear the traffic study will occur during the school year and during peak dropoff and pickup hours so we can have data and good information for the design of the pressler road extension.

>> Ten seconds.

>> Briefly, I am norma garcia. My husband and I have two children at austin high. I encourage the austin transportation department to pay special attention to the -- the traffic patterns that have changed. [Buzzer alarming] given the resurfacing and the narrowing of lane that has happened since then.

>> Mayor Leffingwell: Thanks. Now we go to ryan clinton. 3 minutes.

>> Mr. Mayor, I had several people donate their time to me, including my wife who was not able to sign up because

--

>> Mayor Leffingwell: This has ryan clinton 3 minutes, ellen jefferson 3 minutes, rob hill 3 minutes, rusty tally, 6 minutes.

>> I was told it would be 4. All I need is 4. A lot of people.

>> Mayor Leffingwell: All right. 4 minutes. We will take that minute from somebody else.

>> In 2005 alone austin killed over 14,000 animals. That was over 1,000 every month. That was more than 34 every single day including weekends and holidays. That was more than one every 12 minutes the shelter was open to the public, but thanks to the leadership of you, our city council, a new shelter management and its commitment to life saving, and the heroic efforts of staff and volunteers at austin pets alive today we are the largest city in the united states saving more than 90% of all impounded shelter animals. That, of course, is subject to change at any moment and that's why we are here today. We are asking you to reaffirm the city's commitment to life saving by committing to including austin pets alive in the master planning process for the lamar beach area. A bit of historical perspective I think is important to put this vote into context. 7 years ago, in 2007, was one of the first times that several of you heard from me. This council, upon the amendment of then council member lee leffingwell voted to maintain a permanent adoption center at the telac site. An email from council member leffingwell to me afterwards, he said the vote to move the shelter to east austin was quote, unquote, void without a permanent shelter being built at the town lake animal spot. In 2008, just one year later, believe it or not, this council voted to direct staff to begin the master planning process for the lamar beach area including having an adoption center at town lake animal center, which did not happen. In 2009, animal advisory commission after more than a year of author row and robust citizen communication and citizen participation process, voted unanimously to have austin

- to recommend to the city council to have austin pets alive run the adoption center on town lake animal center after the city moved its main shelter east. And in 2010, the next year, this council unanimously voted to adopt and recommend
- the recommendations of the austin animal advisory commission, after that long and thorough and robust process and that recommendation to included having austin pets alive run the adoption center at town lake animal center when the city moved its main shelter east. So today while critically important is simply a small step on the path that has already been paved by this city council, by the austin animal advisory commission, and by the countless austinites who have supported your efforts, the efforts of the city and the efforts of austin pets alive. It is an important step but it is a mere step and not a leap. Also putting this into historical context is to note that of course there is opposition, as there has been in every small step of the way here. As we have heard today, the opposition has been telling you or trying to convince you to put a maximum feet restriction on the
- on the town lake animal center site that would be run by austin pets alive. I want to make clear to you already today that we vehemently and firmly ask you to reject that limitation. Such a limitation is not being placed on any of the other lamar beach partners being asked to participate in the process. And that limitation would also effectively kill austin pets alive's ability to save the number of lives that it's saving today at the current site. It would be a grave mistake. I would also note that in today's sign-up process, 259 people asked you to support this resolution as it is currently written. 8 opposed. That means 32 times more people asked you to support it as currently written than have asked you to change it. I will end by saying this: My wife and I met in 2005

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[19:41:41]

[buzzer alarming] -- when each of our lives began

-- when we began dedicating our lives to this cause. We got married since. We are now expecting our first child who we learned on monday is a son.

>> Mayor Leffingwell: Your time has expired.

>> I have one last sentence. I hope and I pray he will grow up in a city that continues the tradition of valuing and embracing the stewardship of our weakest

-- of the weakest among us. Thank you.

>> Mayor Leffingwell: Ellen jefferson. [Applause]. You have 3 minutes.

>> Okay. I am here to ask for your support for item number 60. I wanted to briefly go over the impact that we have created with austin pets alive, and the purpose of that is to

-- is to illustrate why

-- why we believe that we do deserve a seat at the table. We are asked why us. I want to tell you why us.

We created all of our programs

-- every one of our programs was created as a response to the euthanasia occurring at the city shelter.

The programs are not here because we love animals and want to spend our time around animals. There is a strategy involved in trying to stop the killing in the austin shelter. We since achieved no kill and our programs are being replicated all over the country. We were the first city to do this and we saved the city \$2 million a year by operating these programs. One thing that's very important to note is that the programs that we offer are not offered by any other agency in town. So if our program fails there is no other safety net for them or the animals that we save. However, if another organization fails, we have the capacity to take on what they do. So we have the capacity and we have the programs to keep austin no kill from here hopefully forever as long as we have a place to do it. Our programs depend on volunteers and our volunteers depend on accessibility and I want to show you the pie chart of the largest shelter point of more than 50% of animals leaving and going into other groups. The second page is a graph of the city's intake, the gray line is the city's intake and the orange one is austin pets alive intake from the city and the green line is the

-- is every other group and what you can see is that we've got the city's back, so when intake goes up at the city shelter, our intake goes up and we are following closely the needs of the city and through all of our programs. This shows the impact we had year after year since with started in 2008, there was 50% save rate and now we have 92% save rate with the city. If we were not here, it would be 74%. Let's see. I won't spend too much time on this but I want to show you the neonatal kitten program, gray is city outcomes of kittens and origin is intake from the city. We are taking the majority of the kittens coming in, the ones on bottle and without us, the city doesn't have a program. We are the program to help the city to save kittens. We take in in many behavior animals and it spikes went we have that, parvo programs, the gray is city's intake and the orange line is ours. We take 100% of the parvo puppies from the city, so I wanted to show you that because I think it's important to really understand and

-- [buzzer alarming] the

-- I hope that answers why we should be at the table. Thank you.

[19:45:24]

>> Mayor Leffingwell: Thank you. [Applause]. Rob (indiscernible).

>> I don't have grass but I have pictures of dogs, I think. Council members thank you. This is part of

austin having another park land jewel we will be happy part of while maintaining the status of largest no kill in the u.S. Something we are proud of. This may be the first step but your decision will set a precedent for our commitment to our city's value and character. With a program called rough tail runners that encourages people to run with shelter and rescue dogs and we support having austin pets alive as part of the program. Later, it was asked for the dogs to run with the hope that they will be easier to train. It works, you get happier, healthier and more adoptable dogs. We opened to the general public but it wasn't until the apa move fed to town lake animal center that it erupted. Though we are a program part of apa, we are part of a willingness and innovations to involve the public and also there is location, location, location. Since the move to telac has gotten more runners to do with dogs. We have more businesses and groups we can accommodate. More than 300 walks per month are made from telac and despite austin pets alive love of the program we can't run with city owned dogs which another reason why we need a partner like ap. And communities have sought our guidance, canada and australia, despite their fears of dingos eating their babies. They want to emulate not only a shelter program but how austin does things. The understandable argument is that park land should be for strictly public use and places like apa and waya have no use there but apa of rough tail runners and location have drawn more public use there making their corner of lamar beach more public park land than it ever been. It's made rough tail something austin owns and offers to our citizens. Austin magazine lists it as one of the things to do in the summertime in austin. It is particularly an outlet for ever increasing of population of people living downtown and apartments where dog ownership is so difficult. We say the lake is the heart of austin but it is really where we choose to put sacredly held things. We put music there, the old auditorium, the long center, therefore arts, and put the ymca for community health, butler parks for picnics. We put fields there for kids to play sports and we put a trail around it all for even to walk, run, bike, maybe free a dog from the shelter to see the outside world, if just for a little while. We also put telac there for a reason, maybe to keep the animals that that need us close where they won't be forgotten, where they have a better hope of finding forever homes.

[19:48:49]

[Buzzer alarming] austin pets alive has honored that and earned the spot and has a facility for the work they do.

>> Mayor Leffingwell: Please conclude.

>> They are part of the living heart of this city and this city deserves to keep the hard work where it belongs

>>

>> Mayor Leffingwell: Rusty (indiscernible). Rusty tally is not here. There he is. Okay. They have you signed up for 6 minutes.

>> Mayor, mayor pro tem, council members, I am rusty tally, I am an apa board member and capital campaign chair for apa. I want to thank you all for the work, thought, time that has gone into this important resolution, and I would like to summarize for you some of the hard work that apa has done, apa has exhausted its options for a new location. We tried to buy property for well over a year. Parks department tried to find other locations. One we actually thought would work well but it ended up having environmental and neighborhood issues. Another had no visibility and very poor access for our

adopters and volunteers. Travis county we even notified and they said they had nothing to help us with. We were founded to be the city's key partner in no kill. We have adapted our programs, as ellen said, to meet the city's needs, because we take care of the programs they don't have the money to fund. We take over 3500 dogs and cats per year from the austin animal shelter and we find them homes. To be successful, to keep doing the work to help austin succeed in its own directive of being no kill, we must have the following: We must have high visibility to keep the many large breed dogs that we bring in and save and find adopters for. We have to have easy accessibility for our adopters and our volunteers. Service the part of austin that is severely underserved which is central and west austin, especially with all of our downtown high-rises now. North and east austin is very well served by aac and the humane society. The city of austin has a commitment to having an adoption center on lamar beach as you heard before, but they have no funding for construction or operations. We can be that adoption center funder and take the financial burden off the city by raising funds privately. By not only building it, but operating it, which is as ellen again said, basically takes our \$2 million and does the work that y'all have committed to do. Towards the operating budget. Basically, you could go ahead and budget for it, but we are giving it to you for free. That's \$2 million a year. Apa has the support of the 3 other stakeholders, of awana, waya, and the ymca, to be part of the master planning process and to determine how we can all fit on the property. How often does it happen that all of those stakeholders agree to come to the table together and try to work something out? That's pretty unique. The property's 37-acres and we currently take less than 10% of that acreage. The master planning process should be approved to include the current four stakeholders and allow planners to do their job with no arbitrary size restrictions put on it. Let the planners decide what fits and what doesn't. Our pledge is to continue the private-public partnership with the city of austin shelter and take every dog and cat possible. We are willing to fit wherever the master plan says we are best suited, subject to having enough space to fulfill our mission. We will continue to be great neighbors with the other stakeholders as we fulfill our public-private mission to keep austin a no kill city. We will raise the funds to build a state of the art facility that austin will be very proud of. We will continue to partner with the citizens of austin who foster our dogs and cats, who walk our dogs on the trail, whose children learn about dogs and cats and who adopt our dogs and cats by the thousands because we make them available by saving their lives. Why us? Because as ellen said earlier, if any other nonprofit shelter failed, we would -- we would have the capacity to handle those animals. If we fail, there is no group that does what we do or can do what we do and austin's mission to be no kill will fail. It's that simple. We are one of the nonprofits that makes austin unique, largest city in the united states that has no kill status, saving over 90% of the animals that end up in shelters. The continued partnership with austin at lamar beach will ensure that that continues. We would be building and operating a shelter for austin's mission at apa's expense. That's a pretty good deal. And just remember, 259 people signed up to date in favor of the resolution as it stands and only 8 signed up in opposition so please support the resolution as it stands. Thank you very much.

[19:54:37]

[Applause].

>> Mayor Leffingwell: I have a question

-- I have a question for you. I

-- I guess I want to clarify

-- because I heard you use several different terms in the last few minutes about what you plan to build. I heard you use the word adoption center. I heard you use the word animal shelter. I don't see anything in the resolution that refers to an animal shelter. It refers to maintaining an adoption center on the property.

>> And

--

>> Mayor Leffingwell: That is my concern. I just want to make sure that what we are talking about is an adoption center, as we have now, continuing that operation, and not constructing a whole new animal shelter.

>> Actually

-- actually in this day and age, most animal shelters are referred to as "adoption centers" it is an interchangeable term. We are talking about keeping the operations of apa, whether you want to call it an adoption center, which it is, or a shelter, on lamar beach.

>> Mayor Leffingwell: Well, in my thinking, and it was mentioned earlier tonight by mr. Clinton, we would have a small animal adoption center as an adjunct to the animal

-- the city's animal shelter. That has come to operate by apa and that's fine, but what I

-- what I am concerned about is creating a whole new animal shelter similar to what the

-- what the city's animal shelter, back on that same site.

>> Well, we are there now as an animal shelter and we are

-- we are willing to build a facility that will be large enough, whatever that is, whatever fits in the master plan, that would help us keep

-- keep providing to the no kill mission.

>> Mayor Leffingwell: So you have answered my question. Thank you.

[19:56:41]

>> Okay. Thank you.

>> Mayor, I have a question.

>> Mayor Leffingwell: Mayor pro tem cole.

>> Cole: Mr. Tally, I have a question for you. I just want to ask you about the capital campaign, you have referred to that several times, and I remember at one point that there was a concern that apa could not build a new building, and have you provided any information, or can you give us any idea about your financial help with

-- that

-- your financial

-- it is late, with your financial help that let us know you are in a better position to keep this commitment?

>> We currently have a million 250 in the bank that is designated strictly for a new shelter, which was the gift from the matty's fund and I am with the capital campaign and we are developing our donors right now. I was one of the key development people for the private much that was raised to build the

long center. I was personally involved with raising \$65 million for the long center, so I think we have a track record of being able to raise money and we have a very nice amount of seed money in the bank that is definitely a good start.

>> Cole: Okay. You have not asked the for any capital improvement funding?

>> No, I have not.

>> Cole: Thank you, mayor.

>> Mayor Leffingwell: Council member spelman.

>> Spelman: While you are here, let me ask a very pointed version of the question that I think the mayor was getting at. How many square feet do you want?

>> Well, that's

-- that's part of why we say don't put size restrictions because we think part of it will depend on what fits and the master plans can figure that out but I will say when we did our due diligence in the southwest parkway we are trying to work with, that was a 12-acre site that had restricted impervious cover restrictions and we determined we could build something that would provide our mission for something like one and a half to two acres, so that was as small as we could go but it was about the size of land that we could possibly manage to work on, would be about 2-acres. If there is more, great. If there is not, we think we can work with that. But, again, our preference would be, since there is 37-acres and it's laid out extremely and efficiently, to let the master planners decide where everybody fits and if there is more land that we can use, great, but that's sort of a ring.

[19:59:32]

>> Spelman: Let me ask you a hypothetical question, if you had access to 2 or 3 or 5 or larger site elsewhere, would you still be able to main tape an adoption center as we usually think of it but maybe 5-6,000 square feet on town lake?

>> Would we be able to maintain the operations we have now in 5,000 square feet. Is that what you are asking?

>> Spelman: Let me be more specific. Right now you are located in one place. Suppose you were located in to two places. A relatively large shelter on something like a 2-acre site, maybe bigger or whatever, and still maintain an adoption center of limited size on town lake. Would that be something that you could do?

>> It certainly is something we would look at. We have been open to looking at pretty much every idea that has been brought to us. Our biggest concern with being in two places is operational costs. But certainly we are willing to look at anything that people bring to us. [One moment, please, for change in captioners]

>> Martinez: Principal I appreciate you hosting a meeting at your office and related your concerns and I'm glad that we were able to get aisd and the pta and other concerned folks involved, the board members. I think we have something here, as it was said earlier, everybody is on the same playing field. We've got our concerns all laid out in this resolution, we have a roadmap moving forward and we need to master plan this area as well as figure out how to safely implement the extension that is a necessary component of

-- of connectivity and transportation as the

-- as the managed toll lanes are under construction on mopac because the only access point is going to be right there at cesar chavez, not from any other vantage point. I just wanted to ask sarah a question about the master plan, sarah. We kind of talked about this tuesday at the work session. So the resolution speaks to directing the manager to conduct an expedited master plan. We know what that means, it's going to go down to you. You have to do this because this is parkland. Can you give us a ballpark to the timing, what does that look to you when we say an expedited master plan.

[20:02:28]

>> Sarah henley, director of parks and recreation. It means we need to work very closely with our friends in the purchasing department to work expeditiously to outline what we want to do, the scope of work. Then to make sure that it is legally the language is good and benefits the city as a whole, taking into all considerations of the stakeholders. Once we get that document drafted and then we send this out to hopefully get qualified consultants on board who would work with us and the stakeholders, that person then begins to set up a timeline and start looking at public meetings, online surveys, bringing in all of the different stakeholders, neighborhood associations having a various group of meetings and even doing stickies and those kinds of things and then wrapping that up, then sending it back out as a draft, here's what we have, isn't this what I heard you say, that kind of a step. Then finally going through the boards and commissions review for approval and support of that document, that plan and ultimately then back to council for approval.

>> Martinez: What do you think that timeline would be?

>> The least amount of time

-- I mean the best estimate for us from a staff perspective is at least nine months. Usually takes nine months did a year. As fast as you can expedite it, the one issue that always comes up, the more interest and more issues the longer it takes. Even as you heard with the pressler extension, some of the -- we had to willing back several times to the parks and recreation board because of issues and questions. We want to make sure everyone understands as long as we can't get to consensus or can't bring everybody in and have good meaningful discussions where people can say we may have to agree to disagree, that could drag out but the goal to get through all that, through commissions and boards and then on to council for approval.

[20:04:30]

>> Martinez: We left the specificity of a date to come back to allow you that flexibility. But there is a concern in may of 2015 our current agreement with austin pets alive expires, so do you think we could have this at least back to the new council by may of 2015?

>> We can sure do our best to try. I would say that's going to push it. It's going to really push it hard. When you add in the holidays, I have to say the holidays always takes a real toll on it with november, december, even january because people are on vacation. We will have a lot of the work completed. I think what we can say safely is we could provide a great update to council in 2015 in may. I'm not sure we will have it all wrapped up where we could give you a complete packet of recommendations.

>> Martinez: I appreciate it, sarah. Lastly mayor, before I make a motion for approval. I want to be

explicitly clear because the questions that were asked about what it is apa is going to be doing if they are able to be a part of the master plan and if we are able to site them on the site, my intention is for apa to have a facility to conduct and provide the exact same services that they are currently doing in the lamar beach area. Whether you want to call that an adoption center or an animal she recall. It is to allow apa should we get to that decision point and works out through the process, if they are able to stay on site that they continue to operate as they do today with all of the services they provide to us and everyone else in our community. That's my intention.

[Applause] so I will move approval, mayor, of the item.

>> Mayor Leffingwell: Motion to approve by councilmember martinez. Seconded by councilmember morrison. Councilmember spelman.

[20:06:38]

>> Spelman: Councilmember martinez and I discussed this on tuesday and I have a few, I think, friendly amendments and maybe one or two which may be perceived as unfriendly. Not intended as unfriendly in any sense, but they may not be things that you want to incorporate directly. I'm only confining myself to the be it resolved sections. On the first be it resolved asking for the city manager to come back at a particular point seems to me we may want to be more specific. Let me suggest the process be completed not by may 2015 because it's fairly clear that there is a good chance that sarah won't be able to get it done by 015, but we just cod tie that conversation we just had. The process is completed by august 2015 with the stay with us update in may 2015. Stay with us update would give us an opportunity to trigger a short-term change in the agreement with apa, give them two or three months if some change had to be made. If by may 2015 we understood where we were going to be over the long haul to actually create a long-term agreement.

>> Martinez: I don't have a problem with that. I would actually like to have an update before this council transitioned off to give additional direction during the new council.

>> Spelman: Status updates in may 2014 and may 2015. Good. One of the concerns that I raised.

>> Mayor Leffingwell: Accepted?

>> Yes.

>> Mayor Leffingwell: Go ahead.

>> Spelman: One of the concerns I raised we're talking about a small number of partners right now but downstream when you start a master planning process you might be able to

-- want to create some more. One way of not limiting the number of partners or potential partners that sarah could be working with in the master plan process would be to rewrite that second resolution something like this. The ... That includes waya, ymca of austin and ... It doesn't only limit those particular stakeholders but it does include them as stakeholders.

[20:08:52]

>> Martinez: That's fine.

>> Spelman: Terrific, thank you, sir.

>> Mayor Leffingwell: That's accepted by maker.

>> Morrison: I have a question. Just need a clarification. There was a clause I didn't hear you read to create a lamar beach master planning group which works to maintain partners operating in the site including so that you sort of

-- did you take out the which works to maintain operators.

>> Spelman: I did because I didn't want to presuppose what the master planning process is going to create. So long as the primary partners are stakeholders they are going to have a tremendous influence on what that master plan looks like. But I wouldn't want to tell anybody doing a master plan here is the master plan that you are going to be investing 12 months of your and your staff's life work on is going to say.

>> Morrison: I do think that it is going to working to keep waya on site and apa on site. Those are the two really. Although ymca obviously is involved. So that sounds like a big change, I just want to raise that

--

>> Mayor Leffingwell: I'm not sure I understand the change from the existing language yet. Could you highlight the change.

>> Spelman: Sure. The current language says create a planning group which works to maintain partners operating on the

-- operating on the site, including waya, ymca and apa, presupposing that this master plan will keep these particular people on this particular site.

>> Martinez: That is the intent.

>> Spelman: That is your intent. I'm asking you to consider a slightly broader intent which is create a master planning group including these three stakeholders and involving other stakeholders and see where the master planning process goes, not necessarily presupposing that these three are going to stay on this particular site.

[20:10:57]

>> Martinez: I don't think I can accept that as friendly. The intent is for these entities to be the operating entities on the site. We're not contemplating inviting another youth association or another group.

>> Spelman: Fair enough.

[Applause]

>> Mayor Leffingwell: The way I read it it doesn't include the way it's written now. Because it just says partners operating on the site including these. It involves other neighborhoods et cetera, et cetera. That may exclude any other groups, but I wouldn't necessarily read it that way.

>> Spelman: Mayor I'm simply trying to give sarah as much flexibility as possible.

>> Mayor Leffingwell: I will agree with that speel I'll skip that one. The third one the fourth resolve actually talking about the final design being completed. Rather than talk about a 50% design or some other arbitrary design percentage I think that we should just drop off the 50% of and say prior to the final design being pleased to the pressler extension, it's going to be presented to the city council.

>> Martinez: This 50% is very, very significant. It was a strong point in the conversation, I will say it that way. A very strong point in the conversations. I think we've got a compromise with all of the stakeholders, including the neighborhood groups who actually wanted stronger language, probably who you are hearing from. But we wanted to give some assurances to the stakeholders as well that we

wouldn't just proceed, you know, without some substantial planning and conversations and ultimately decision by council. So I can't accept changing that.

>> Spelman: Okay. What is the meaning of the 50% design in this case.

>> Martinez: Just basically puts a hard stop. If we don't have some assurances they can't go past 50% of final design, you know, until we have the stakeholders involved, until we have the traffic impact analysis done and back to the stakeholders so that they can provide input. It just basically says if you are stringing this process along so that you can keep going under construction and design, you're going to have to stop at 50% until you get some other work done.

[20:13:15]

>> Spelman: Do we have a sense at what point the engineers are going to hit a 50% design.

>> Martinez: I don't. Well, shouldn't say that. I think

-- I'm absolutely certain my staff does.

>> [Indiscernible]. Tells us.

>> Gordon [indiscernible] transportation department. Right now in most of our contracts we have 30% design review. I think we can in the scope of this set up a 30, maybe a 50% design review, but we are still proceeding as quickly as possible with the traffic study so that we get the issues addressed as early in the process as possible.

>> Spelman: That's certainly the most important thing that we do the right tia and make sure everybody sees what those results look like from the beginning. Is the 30 or 50% design standard easy to measure or is it a fuzzy concept.

>> Since we use it in every contract, all of the design contracts, I think we can

-- we understand what amount of work represents 50%, yes.

>> Spelman: Does 50% design mean about 50% of the work is done?

>> Theoretically that would be the definition. But as far as what undergroundwork, what surface work is done, I think there's some aspects of the geometric design that we would want to make sure we understand as we design the traffic study. So I think it's easy and it would certainly be not near the end of the process. So that if the traffic study shows that we need to modify, that we would still have the opportunity to modify.

>> Spelman: I won't try and incorporate this in the resolution, but I do want to get a acce

-- a sense of it. If we do a tia when we are back to full peak traffic levels at what point could we expect a 50% design to be ready?

[20:15:19]

>> We would have to talk to our public works partners and find out what they think on that.

>> Spelman: Would it be early or late in sarah's design process?

>> Hopefully they would be running in parallel but again I think by the end of this calendar year I think we could

-- probably be in good shape.

>> We could reasonably expect to get to this point before december.

>> Right. Anatomical okay. That's what I needed to to

--

>> Spelman: Okay. That's what I needed to know. Let me ask the really hard question. If we're talking about an adoption center as some people have been thinking of it, that is something like 5,000 square feet. If we're talking about a shelter as some people have been thinking about it, that is two acres. Seems to me that there is a big difference between a 5,000 square foot adoption center and a two acre shelter. Now we can give it different kinds of names but if we're talking about two acres or more in this relatively limited plot that's putting a tremendous crimp on the parks department capacity to be able to plan for all of the things we're talking about putting here. I feel very uncomfortable putting sarah and her people in a master planning process in a box where they have to accept a two acre lump of apa stuff. I think it's extremely important that apa be able to run the adoption center, we've been talking about that for years, the master planning process hasn't happened for years that's when we actually get a chance to do it we need an opportunity to do that. But I am not persuaded that we need to have that big of a lump. Councilmember martinez

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>> Mayor Leffingwell: When you say two acres, you mean 87,000 square feet?

>> Spelman: I believe when mr. Tally was answering the question he was referring to ground area not air conditioned area.

[20:17:23]

>> Mayor Leffingwell: When you talk about 5,000 you are talking about

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>> Spelman: 5,000 square feet air conditioned area or building space.

>> Mayor Leffingwell: How much building space would be talking about with the expanded

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>> Spelman: I don't know. He didn't answer the question. I didn't press him on it. It does seem to me if you are talking about something which fits comfortably in two acres, it's something considerably larger than a 5,000 square foot adoption center which seems to be minimal list relative to the total operation. That we need to hold open the possibility that apa would run its shelter operation, its large operation in one place and the adoption center in another. I just wanted to clarify with councilmember martinez and councilmember morrison that that is an open possibility here, that it is not a dead certain that apa is going to run its entire operation out of the old tlac site.

>> Martinez: That's correct. It's not a dead certainty. If they are able to find another site that suits them, that's up to them to make that decision. I think when mr. Tally was responding to your question, he was talking about the site on southwest parkway that we offered to them that he was referring to the two acres as the structure, the runs, the parking lot, everything that goes with what they would need. If we are able to create structured parking through this master planning process, that footprint dramatically decreases. I think he was responding from a standpoint of all of their needs including parking for volunteers and staff.

>> Spelman: I understand. He may not need two acres of did site. May be able to run a shelter on this site with structured parking and a bunch of other things in a smaller area. But from your point of view

councilmember martinez would it be a permissible outcome if at the end of the master planning process apa had a large shelter off-site and an adoption center on the site, would that be okay as far as you are concerned.

[20:19:23]

>> Martinez: If that's what was borne out of the master planning process absolutely, but that's not the intention. But if that's the outcome, then that is what comes out of the process. The intention is to master plan this with a full conversation that if apa can fit on this site and can run their operations, that we contemplate that in the master plan, that's going to come back to council for a final decision though as well.

>> Spelman: Okay.

[Applause] your intention is for apa not to be located anywhere else but to be located here. But if it turns out at the end of the master plan process if they are located at both places with ...

>> Yeah, if we find out they have to build on stilts and out of the floodplain and there's no suitable site there's going to be problems, doesn't work that way. What we're saying is we think it can work, but obviously we're leaving it open ended to let the folks that we hire to help us master plan it to make those decisions, make those recommendations.

>> Spelman: Again I'm trying to carve out as much space for sarah to work with as possible, I appreciate your flexibility, thank you.

>> Martinez:.

>> Mayor Leffingwell: Let me just say this conversation is very concerning to me because I was around when we went through the pain and agony, it was pain and agony of moving the city's animal shelter out of the town lake site into the lavender loop site the reason we went through that was to expand the park space. This is parkland. The idea was to have more parkland. Now what I'm hearing is we're planning on going right back there and the full intent is to put the same animal shelter, maybe bigger, on the site and we don't

-- we didn't gain that park land at all. So that's

-- that's very concerning to me. I think there has to be some limitation on the use of parkland by a non-profit organizations, by all of them frankly, so that our park space is available to everybody in the city, not just a few special interests.

[20:21:47]

>> Spelman: Mayor? If I could follow up on what you just said, what we've got now is a master planning master plan which includes waya, the ymca but

-- there will be space

-- [indiscernible] who are not members of waya or ymca or user of apa. Would it be consistent with your intention that we find a way of directing the parks department to find some space here for parks users who are not associated with these groups.

>> Mayor Leffingwell: I think that has been the intent all along. I would support continuing that policy through park space, essentially in downtown austin is limited and is very valuable and as we've seen our

parks, especially in this area, are almost overutilized. We're talking about right now 15,000 people a day, up to 15,000 people a day using the trail. That number is only expected to grow.

>> Cole: The reason I mentioned it, mayor, I don't see that mandate in this resolution. If we wanted to ensure that that intent, which I think is not necessarily consistent with the intent of the resolution continued we would have to rewrite the resolution or add some language to it. Allow to suggest one last bit of language consistent with the mayor's intent and certainly consistent with mine. On that last resolution that last be it resolved, we are leasing things that we want in the master plan to consider, environmental protection, sustainability, student safety, public amenities, alternative modal access to the park, parking options. We reiterate parking options to ensure that existing partners after construction are able to continue their current services. Okay. Overall design that both serves the needs of current partners and provides public benefits. We don't mention park users. We don't mention anybody other than waya, ymca and apa in this. Seems to me somewhere in here we ought to mention and park users and general public and everybody else.

[20:24:06]

[Applause] this might be a reasonable place to do that.

>> Martinez: Mayor

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>> Mayor Leffingwell: Is that a proposal.

>> Spelman: I guess the proposal is after the needs of the current partners insert the word and park users.

>> Martinez: I think if you finish reading that resolved it does say and provides public benefits. That's what the intention is of providing public benefits.

[Applause]

>> Spelman: Councilmember martinez I disagree. Waya provides public benefits, apa and ymca does, but they only provide public benefits in very specific ways to sometimes to small groups of people. I think what we're talking about with the park most of the time is a broad public benefit which is provided to anybody who wants to walk into the park. That is difficult to do in this parkland right now because so much of it is programmed. I understand the value of public benefits, that's a lot of what we're trying to accomplish here. But we're also trying to accomplish something broader than that. Broad public benefits to a large number of people. That is different from what's written here.

>> Martinez: I understand. Fair point. How about we add park users after current partners comma, park users and provides public benefit.

>> Spelman: That would be fine, that was my proposal.

>> Martinez: Thank you.

>> Mayor Leffingwell: Okay. That's accepted by the maker and the second. And I think that's a very good amendment myself. I think we have to make sure that the people of austin have a seat at this table, too.

>> Martinez: Mayor? I want to make a couple of closing commencement these are the people of austin

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[applause]

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>> Mayor Leffingwell: I guess I meant all of the people of austin, councilmember.

[20:26:09]

>> [Indiscernible]

>> and our students and our non-profits and our youth associations and the y are not special interests.

[Applause]

>> Edith: These are tremendous community partners that provide services and we talk about this all the time. We did it all day today. They provide services that we cannot provide them. Without them I dare say we wouldn't be the city that we are, we wouldn't have the services that we have. So I just find it somewhat troubling that we somehow label these groups as special interests, they're not. They're our neighbors, they're community members and they provide valuable service to our students, to our kids and to our animals. And so I'm going to continue to support this item and I want to just thank you all so much for all of your efforts getting to this point. We not done, we've got more work, you heard sarah it's going to take a year or so, but I know you guys are all willing to continue that work and I look forward to continuing to do that with you as well. Thank you all.

[Applause]

>> Riley: Just to be clear, we do expect that the master plan will be presented to the parks board and this council for review and approval at the end of the planning process? Okay. Just want to make sure that's clear on the record. Okay. Thanks.

>> Mayor Leffingwell: I guess that I would clarify with the addition of the update requirements, that those also be provided to

-- all of those reports be provided to the parks board. As well as the council. Okay. All in favor of the motion say aye.

>> Aye.

>> Mayor Leffingwell: Opposed say no? Passes on a vote of 7-0.

[20:28:10]

[Applause] that brings us to items 64, 65, 66. We will take them altogether. So you are signed up on 64, 15 and

-- 65 and 66, all three you will only be allowed to speak once. This public comment will include all three items. We will start off with this list. David king. Donating time claire deyoung, not here. Gretchen gardner. Not here. Joe master [indiscernible]. Not here. You have three minutes.

>> That's all that I will need, mayor. Thank you, thank you mayor, mayor pro tem, councilmembers. Thank you for being here so late in the morning listening to all of the citizens. Thanks to councilmember tovo for sponsoring these three resolutions, I really appreciate your taking this initiative. To help solve this inequity in our tax system. A report by the state comptroller's office shows that since 2000 the property tax burden in austin and across texas has shifted from commercial and industrial property owners to residential homeowners association. In 2000 residential homeowners association paid 45% of all property taxes, but by 2012 they paid 54% of all property taxes. The property tax burden has shifted to residential property owners due to the unfair property tax system that favors commercial property

owners. Use equity appeals and ... Appraised value of their properties. For example, Travis Central Appraisal District appraised

[20:30:52]

[indiscernible] on Southwest Parkway at \$177 million in 2010 and then sued TCAD on the basis of equity and the appraised value reduced to \$94 million. A few months later the A.M.D. Campus sold for \$165 million. What a sweet deal. Clearly the reduced appraised value was well below market value. In 2012 Samsung sued to reduce from 7 ... As a result Travis County school districts and City of Austin lost \$11 million in property taxes. Same year Austin gave Samsung over \$7 million in tax incentives. That's unfair. Then turn right around and sue to get their property taxes reduced. Unfairly. Anecdotal evidence shows that many commercial property owners in the city are appraised at just 60% of market value while residential properties are appraised near 100% of market value. Please amend item 66 to include a policy that prevents the city ... Granting p.U.D. Entitlements and density bonuses to companies that sue TCAD ... If you are not willing to do that, you should stop investing public money in and granting p.U.D. Entitlements and density bonuses to companies until their commercial properties are consistently appraised at 100% of market value. Please pass all three resolutions to help make the property tax system fair for all taxpayers. Thank you.

>> Susana Almanza. Laura Presley. Vicki [indiscernible]. Frances McIntyre.

[20:33:00]

>>> Thank you for staying awake. Mayor, Mayor Pro Tem, Councilmembers. I'm Francis McIntyre, speaking for the League of Women Voters of the Austin area. We are in favor of the agenda item 64, 65, 66. And wish to applaud the members -- the makers of these items. The Austin League of Women Voters believes in an equitable situation of taxation which assures an adequate revenue is easily administered and is consistent with economic and social and environmental goals. We also advocate for appraisals of taxable property at full market value. The taxing program should be understandable to the taxpayer and encourage compliance. Really, it comes down to an issue of fairness. Everyone should pay their fair share of the taxes that finance our government. The rub between residential property appraisals and commercial appraisals is, I believe, the result of unequal and unfair treatment from the appraisal district. The commercial properties that are rarely taxed at their full value use the same streets, the same sidewalks, police and fire protection and other city services that the residential taxpayers do. Yet the bulk of the taxes for those services comes from the residential taxpayer. It is important for the city to encourage a coalition building with other municipalities who are experiencing the same frustrations. I know they are out there because I just got back from a National League of Women Voters convention in Dallas and that was a topic of discussion among the Texas Leagues, we are also encouraged to see that you want to develop policy relating to the -- to the property tax protest. And hope that you will be -- that they will be forthcoming soon. Again, the league is very concerned about tax equity and believe the agenda items are a very good start for the city. Thank you.

[20:35:19]

>> Mayor Leffingwell: Richard [indiscernible]. Peggy morton, edie clark. Misspelled. Donating time is [indiscernible], jeanette squires, so you have six minutes if you need it.

>> Thank you. Mayor, mayor pro tem and councilmembers, my name is edie clark, I'm a leader with austin interfaith from [indiscernible] unitarian universalist church in district nine. I'm a retired public school teacher, I taught in title one schools and I was the teachers union president in spring branch independent school district in houston, texas and also the grandparent of three public school children. I'm really concerned about the effect that the loss of appraisal revenue has on our already overburdened public schools. All of our public schools across the state are underfunded and the quality of our public education is suffering as a result. In addition, loss of revenue in the city means a loss of funding for programs that could lift families out of poverty. Our current property tax system makes the wealthy wealthier, the middle class carry the burden while the poor get nothing. The following statistics were prepared by the city of austin demographer and they paint a picture of poverty in our city that is a direct result of inequitable tax policies. The first slide shows poverty rates by age group, race and ethnicity in the city of austin. In it we can see that the overall poverty rate in the city is 20.3%. It is even greater for our children. It's 29.5% for children under age five. And for children of color, the statistics are really shocking. 52.9% of african-american children and 44% of hispanic children in the city of austin. Next slide shows a comparison

-- let's see. Yeah the next slide shows the comparison for the greater austin area. And it is surprising to notice that the poverty rate is lower overall in the greater austin area. 15.5%. But we still see that the poverty rate for children of color is extremely high, 50.9% for african-american and [indiscernible] for hispanic children. But it is lower, the overall is lower in the greater austin area than in the city itself. Next slide shows the poverty rate in the state of texas. The overall poverty rate is also lower than in the city of austin. 17.9% overall and for children of color 38% of african-american children and 38% of hispanic children. Then if we also look at the next slide, it shows, there we go, it shows children under five, poverty by race and ethnicity and we can see from that slide that there are

-- showed 17,000 children in poverty in the city of austin. Of those, 77% are hispanic. And 14% are african-american. The next slide shows for comparison in the greater austin metro area, and there we see that there are 28,500 children in poverty, 69% are hispanic, 17% are african-american. The last slide shows the state of texas. Where we have half a million children in poverty. 68% hispanic. And let's see what

-- the african-american I believe it says 14% in the state. So the poverty rate in the state and in the greater austin metro area are lower than in the city of austin. This is heart breaking. This is shocking, this is wrong, this is an outrage, this is immoral. Shame on us city of austin. Because of undertaxation of commercial properties the central texas school district are losing tax appraisal revenue that are needed to fund our public schools. The city of austin is losing money that could fund programs that benefit families and lift them out of poverty. According to our allies at the city for public priorities the city of austin loses an estimate \$120 million a year in revenue. That is \$120 million that could pay for libraries, childhood literacy programs, parks, summer youth employment, prime time after school programs, capital idea adult workforce programs. With that amount of money we could really double our

investment in these programs and we could reduce the tax burden on middle class families. Our faith traditions teach us that the morale test of any society is how treats its most vulnerable members, by that measure the status quo fails. We call on council to pass the resolution to address the inequity and ... Lowering the tax burden on the middle class, thank you.

[20:41:12]

>> Mayor Leffingwell: Mary guerrero McDonald. You have been waiting a long time.

>> Yes, good morning, mayor, mayor pro tem, councilmembers. My name is mary guerrero McDonald. I represent boma austin, that's building owners and managers association. Boma austin has some 300 members who own or manage more than 90% of the commercial office space in austin, approximately 35 million square feet of space. Each of you has received our position paper on the issue of equitable methodology for appraising commercial property for tax purposes. Boma austin does not believe this is sufficient compelling evidence to support the claim that commercial properties are significantly undervalued on average. Unlike residential properties whose values are often more consistent and similar due to the availability of numerous similar neighboring or nearby properties, comparison -- the values of commercial properties may vary widely due to a number of factors such as income production, financing, occupancy rates, rent collection rates, location, accessibility, viability, visibility, street appeal, functionality, layout, design, zoning, commercial clarification, classification, available or lack of entitlements and many more. In short valuation of commercial properties is a much different and more complex process than it is for the vast majority of residential properties. As you know, travis county commissioners court voted tuesday not to proceed with the challenged current appraisals but opted instead to form a task force to work with businesses and real estate interests hire a professional consultant to assess the appraisal process and work with various other entities to develop a legislative solution. They are to be commended for not simply taking unproven opinions and assumptions at face value as a basis for immediate and perhaps popular action. But instead for first doing their homework with input from all stakeholders. We urge you to join in that approach. As tedious as that process may be, there may be no shortcuts to do things the right way. We understand and share council's concern for affordability and the absolute necessity of adequately providing for basic services like fire, e.M.S. And police, which are all funded by tax dollars and also for providing parks, libraries and other items to improve quality of life. The other side, the other side of tax funding, though, is spending. We have no choice, we must curb spending and do so with game plan without just identifying the desired function, service or feature and funding it. The appraisal process should be evaluated but fairly evaluated, not simply just to justify preconceived notions.

[20:44:39]

>> Mayor Leffingwell: Thank you, your time expired.

>> Thank you. Bill evans. [Indiscernible]. Bill morris.

>> He's gone.

>> You have up to six minutes.

>> Good morning, how is everyone. My name is bill evans, I have been here before. I'm president of the

austin board of realtors. Thank you for letting us speak to you this morning, as you are aware the austin board of realtors is a membership organization with more than 9500 realtor members in the austin area, our members are involved in all types of real estate transactions and we understand intimately the powerful market pressures that are driving up the cost of housing and with it the property tax appraisals of all of the properties. Austin area home sales currently has a little more than a two-month inventory of properties, which means that if no more properties come on the market, in two months there will be no more properties for sale. A balanced market should have about six months of housing inventory and that's according to the real estate center at the texas a&m. The surging demand that leaves us with only two months of housing inventory leads to rapidly escalating housing prices in the austin area and this in turn has been reflected in rapidly rising tax appraisals. Our members have been busier than usual this spring counseling their clients shocked at the increases in their tax appraisals and worried about their ability to pay their taxes. It is austin board of realtors is aware of the hardships posed by rapidly rising property appraisals and we are forming a property appraisal task force to take an in depth look with recommendations to move in the direction of a more fair and equitable property appraisal process. Speaking about item 64, adding mandatory real estate sales disclosures, the austin board of realtors shares the council's concerns. Processes associated with appraising and taxing property are very complex and we ask city council not to go for quick fixes in these items. The austin board and texas association of realtors have taken a strong stance against mandatory real estate sales price disclosure. The parties to a real estate transaction in austin and in the state of texas have a reasonable right to believe that the financial details of this transaction are their personal and private business. Depending on how they are structured, mandatory sales process disclosure agreements can place all sales price data into the public domain portraying the privacy that homeowners enjoy under our current laws. While it may sound appealing it's very unlikely to make any meaningful difference in the rapidly rising tax appraisals in travis and it would not necessarily improve the reliability of information available to appraisal districts when assessing these properties. For a variety of reasons, the sales price of one property is not necessarily a good indicator of taxable value of nearby properties or properties in the same neighborhood. Property sales prices can be misleading and that a simple number does not include sometimes complex terms of negotiation that were necessary to close the real estate transaction. Considering properties sales price without data about selling concessions can lead to artificially high tax appraisal values for the year the property was purchased and beyond. Implementing mandatory sales price disclosure could pave the way for the real estate transfer tax in texas that most states that require disclosure of this data use it did -- at this time texas is one of only nine states that does not have a transfer tax on real estate. Moving over to item no.66, related to property tax protestations, it would be a significant erosion of property rights to strip from a person or a business their right to protest property values. Property appraisals sometimes are arrived at from bad data or faulty assumptions. The protest option is a property owners right to show the appraisal district why the values they have been given are inaccurate. Taking away this ability would add significant and difficult elements of risks to a business because it could require them to pay without contest an unreasonably high property tax bill. The measure would strongly curtail the city's ability to attract businesses through chapter 380, the economic incentive agreements and it sets a very dangerous precedent. Thanks for your time and thanks for listening and thanks for letting me be here.

[20:50:07]

>> Mayor Leffingwell: Neil wise man. Angela garza. Tina canon. Robin abbott or gore ton turner, you have three minutes.

>> Thanks, council, thanks mayor for sticking it out tonight to almost 3:00 in the morning. I want to tell you a quick story about jenny, an 81-year-old residents of austin, texas, born here, raised here and lived in the same property for 81 years. Property that was given to her by her parents who lived there 40 years prior to that. Jenny is in the process of being in arrears in her taxes. Not looking for any reduction, looking for equity. That's what this discussion is about. Making this equitable. Homeowners pay 100% while commercial are in and 60%. Renaissance was recently on the books for [indiscernible] I'm sure there's a myriad of reason. Northcross mall sold for \$61 million. The hilton, \$8 million on the books sold for 16 million. The list continues to go on and on about the inequities in this taxing process. We're looking for fairness and we're looking for equity. We're looking for you all to stand with the homeowners and those who have made this a world class city that we all turn to in every list that we look at. This city is beautiful of the it's growing, but it should not be growing on the back of folks like jenny, I'm asking you to take the time to make this a fair and equitable process and make commercial property owners pay their fair share to be in this beautiful city, thank you for your time.

>> Thank you.

[Applause]

>> Mayor Leffingwell: [Indiscernible] brigid shea. Is sandy kelso here. You have three minutes.

[20:52:08]

>> Angela is here, she's given me her time.

>> Angela who?

>> Garza. Are you signed up? Up to six minutes.

>> Thank you mayor and council, I don't envy you being here until almost 3 in the morning. I understand that you feel rushed and you feel like you may not have enough time. But I know that's also a constant in governance. We never have the luxury of all of the time and all of the information that we want, we still have deadlines to act. But this issue has

-- is not new. The statesman ran several extensive sunday issues and I'm assuming that you've read them, but I'll hold them up here for you to see. The first one september 29th of last year, the headline was you pay more they pay less ... Shifting a greater burden to homeowners association. The next one that ran in november, documented this phenomenon. Headline called shifting the tax burden. There was a third one that RAN DECEMBER 29th. It's not

-- it's really hard to say we didn't know or we don't have enough time or we didn't realize there was a problem. So really I'm here to urge you to stand up for the citizens. The citizens need your help. And you have an opportunity today to do the right thing for the citizens. We have what most people knowledge including the association of the chief appraisers of the state of texas an unfair situation where large commercial properties are appraised on average at 60% of market value. Residential taxpayers and homeowners association are hurting under an unfair burden. I've lost track of the number of stories that I've heard from people as I've gone door to door who say they have to sell their home, they have to

move, they can't afford to live in their homes anymore. If you're talking with the citizens during your campaigns, I'm assuming that you are hearing similar stories. The citizens need you to act on their behalf and stand up and

-- behalf and to stand up and fight for them. This is clearly unconstitutional and needs to be challenged in court, that's why the action before you today is so important. You need to challenge this with the appraisal review board before it can go to court. You are checking the box, it's a formality and is a required step before this issue can go to court where it belongs. The reason it has to go to court is several step process here but the reason is to push the legislature to take action. We all love senator watson, but he's not in the majority. We can see how the legislature deals with equity issues. By looking at how they've handled school finance. The only reason the legislature has taken it up is because the courts have ordered them to. So that's why this is so important for you today. This unconstitutional issue has to go to the courts and that's why we're urging you to vote to challenge it today. We have a narrow window of time to take action to help our citizens. The clock runs out this YEAR, JUNE 17th. You won't really have another bite at the apple in advance of the legislative session for two more years if you miss this opportunity. I believe if you fail to act today you invite those who are hostile to local government to demagog on this issue. There's already signs they will push for appraisal caps and that will sound like relief to people if you fail to act. But appraisal caps will do nothing to correct the underlying inequity, all they will do is starve local government for the funds necessary to provide basic services. Police, parks, pools, roads, libraries and other essential services. It will allow the unconstitutional inequity to continue, so I am here really to urge you to stand up and fight for your citizens and send them a message today that you will fight for real relief and fight for your citizens and head off what could be much more hostile harm from the legislature. Thank you very much for listening.

[20:57:09]

>> It's been a long night waiting, I will do my best, we have a lot to say. Good morning, mayor pro tem, councilmembers. I'm a member of wild flower unitarian universalist church, I'm in district nine, I'm a leader with austin interfaith, I appreciate the statements made previously. I am not here to speak on behalf of homeowners association, I'm not a homeowner, but I believe this issue affects not just home ownership as important as that is. The effects of this inequity in our tax system has an effect on people like me. As a member of a central city congregation, the effect is seen because the majority of people who make up churches like my own or families with young children and elderly and retired both of whom are being pushed further and further out of the city because of the tax burden, so I've seen many families lost from my neighborhood and congregation because of the tax burden. My congregation the members of austin interfaith are committed to doing get out the vote ... We have begun hearing stories from our constituents, many of them are speaking to us about the burden that our current tax structure places on them, some of our congregations have been studying in our faith traditions what they should do to respond to it. Some of our catholic churches have been reading from the reading by pope francis, the joy of the gospel and I think that it's applicable to the subject matter that we're discussing tonight. So I will share it with you. Pope francis writes this year to say no to an economy of exclusion, no to the new idoltry of money and no to a financial system which rules rather than serves and we agree. He writes just as the commandment thou shalt not kill sets a clear limit in order to safeguard the value of

human life, today we also have to say thou shalt not to appear economy of exclusion and inequality. Such an economy kills, how can it be that it is not a news item when an elderly homeless person dies of exposure, but it is a news item when the stock market loses 2 points. This is a case of exclusion. Can we continue to stand by when food is thrown away while people are starving. This is a case of inequality. Today everything comes under the laws of competition and the survival of the fittest where the powerful feed upon the powerless as a consequence masses of people find themselves excluded and marginalized without work, without possibilities, without any means of escape. It is no longer simply about exploitation and oppression, but something new. Exclusion ultimately has to do with what it means to be part of a society in which we live. Those excluded are no longer society's underside or its fringes or its disend franchised. They are no longer even a part of it. The excluded are not exploited but the outcasts the leftovers. In this context some people continue to defend trickle down theories which assume that economic growth encouraged by a free market will inevitably succeed in bringing about greater justice and inclusiveness in the world. This opinion, which has never been confirmed by the facts, expresses a crude and naive trust in the goodness of those wielding economic power and in the sacralized working of the prevailing economic system. Mean while the excluded are still waiting to sustain a lifestyle which excludes others or sustain enthusiasm for a selfish ideal a globalization of indifference has developed. Almost without being aware of it we end up being incapable of feeling compassion at the outcry of the poor. Feeling a need to help them as though all this were someone else's responsibility at not our own. The culture of prosperity deadens us. We are thrilled if the market offers something new to purchase and in the meantime all those lives stunted for lack of opportunity seem a mere spectacle, they fail to move us.

[21:01:32]

[One moment please for change in captioners]

>> ... They reject the rights of states

-- and I say cities

-- charged with the common good to exercise any form of control. A new tyranny is thus born invisible and visible which unilaterally develops its own rules, debts and accumulation of interest make it hard for people to realize their own economies and keep individuals from their own purchasing power. To all of this, can produce widespread corruption and tax serving evasion and the first power and possession knows no limits in this system which seems to devour anything like increased profits. [Buzzer alarming] and then the palomino for a defied rule. And so we ask you to vote yes on all of these resolutions.

>> Mayor Leffingwell: Cynthia reynolds, ann kitchen. ,.

[21:03:48]

[Calling names].

>> Good morning again. I am here to speak against item

-- agenda item number 66. We keep talking about companies that we want to recruit to share austin's values. Is bureaucratic red tape one of those key values? This resolution is the sort of government that's driving business out of california and coming to places like raeilly, durham, and we are already getting

the reputation of being more like california because of things like this. Regarding this particular resolution, it would remove a company's right under

-- provided under state law for a fair and equitable taxation. The austin chamber opposes this proposed resolution. Thank you.

>> Mayor Leffingwell: Thank you. That completes our list of speakers for the three items. We can take them up separately. Entertain a motion on item 64.

>> Tovo: Mayor, move approval of this item. This is the item that talks about our legislative agenda and bumps it up to higher level of importance and I want to thank my cosponsors, council member morrison and council member spelman who added a lot to this resolution.

>> Mayor Leffingwell: Motion by council member tovo. Discussion? All those in favor, say aye.? Passes on a vote of 7-0. Take up item 65. Council member paster.

[21:06:03]

>> Martinez: I think there is going to be some changes to the motion. But I will just

-- while getting passed out, I will say that I certainly agree that if there are some inequities in the tax system, they need to be addressed but casting a broad net of this magnitude actually that have the absolute opposite effect of what we trying to do. When you talk about commercial properties as a whole, and specifically when you talk about old, aging apartment complexes and office buildings, where small businesses are, those are triple net leases, and if you challenge this appraisal and are successful and we recalibrate these, it will be passed on directly to the apartments that are arguably still affordable and to the renters of the office space that are arguably afford usual. [Buzzer alarming] so you won't have -- [buzzer alarming] good try, mayor. [Laughter]. So you won't have that effect. You will -- you may increase the revenue to the coffers of the city, but it will be borne by renters, not homeowners, some of our most vulnerable residents and some of the small businesses and so the case that ms. Cannon cited with the hotels is not completely true story was the appraisal can appraise the structure and not the contents and can't appraise marketability of a city like austin and that's part of the transactions like why the driscoll was appraised at whatever it was and then sold at \$67 million. It's because there is a tremendous amount of content. There is a tremendous amount of inherent value in the purchase for owning a hotel in downtown austin. I get the conversation. I am not saying I disagree with it but casting the broad net I don't believe is the right approach. If we want to get specific about it, if we want to do more studies so we can get more specific about it, I would be more than happy to support that but just challenging the appraisal district on all commercial properties I think would be unwise because we don't know what that outcome might be. We don't know just how bad the impact will be on some of our most vulnerable citizens.

[21:08:36]

>> Spelman: Mayor.

>> Mayor Leffingwell: Council member spelman.

>> Spelman: I agree with everything council member martinez said. Let me add one other thing. We, with the deadline of 17th of june, we are way, way behind the curve donning any kind of a challenge.

We should have started on a challenge last year. I don't think it is reasonably possible for us to gear up for any kind of a reasonable challenge before the appraisal board and if we can't put together a decent challenge before the appraisal board even if the intervening few months we could put together a decent challenge before the district court it seems like we aren't doing favors. I believe we need to start earlier around I believe that's where council member tovo is about to take us.

>> Mayor Leffingwell: Council member tovo.

>> Tovo: Thank you. First I want to thank the community members who have been so engaged in this issue and have raised this issue to a level of attention that it really deserves because property tax reform is really necessary and there is no doubt that we have a broken and unjust property tax system right now and I appreciate all of the work that so many of you here have done to really make sure that it is on the minds of all of our elected bodies and our elected leaders here in Travis County. In the last few weeks I believe we have learned a lot about challenge petitions

-- I know I have

-- and our staff really have as well, and I appreciate their work. As council member Spelman said, our challenge petition would be due on Tuesday. We would need to follow that up with a hearing as early as ten days later, and we learned today that to hire an expert would cost us anywhere from 150,000 to \$300,000 just to get us to the appraisal review board. So that's a big expense, and even with that expense, it takes time. These cases take time to prepare, and they take time to do

-- to do well if we are going to be successful. So it is

-- it's really clear that this is an action we need to take, but the

-- the amendments that I've just passed out

-- and I will read them so our audience can be aware of them,

-- sifts us on a path not to protest with a challenge petition this year but to begin now, to begin immediately to direct our city manager to go forward and begin hiring an appraiser, an outside expert and begin to do the kind of work we need to do to mount a successful case next year. I want to be very clear, we are not backing down. I certainly am not. This is an issue that needs to be addressed and we need to

-- we need to force a consideration of commercial property valuation and we need to do it

-- we need to do it right and we need to do it successfully and I believe that the amendments that I've made in this resolution along with cosponsor council member Morrison and with the help of our legal staff, I believe will put us on that path. So let me just walk us through these changes here. The first part in the whereas is really I just updated the language, when we posted this last Friday, the Travis County commissioners haven't yet

-- were contemplating taking action and now of course they arrived at what they are going to do so I made those changes. Be it therefore resolved as changed. As I mentioned I removed the section

-- or we have removed the section that deals with filing a challenge petition by the July

-- excuse me, by the June 17 deadline, 2014, and says instead the city manager is directed to work with other area taxing entities and experts to compile comprehensive evidence to compare targeted challenging position challenging appraisals of categories of commercial properties that can be proved to undervalued by the Travis County Central Appraisal District and b, to procure experts and c to provide bimonthly updates to audit and finance committee with r to the interim council with sufficient time for the council to consider filing the petition as early as possible after 2015 appraisals are complete and

before the appropriate deadline in 2015. So the intent here is to make sure that we are getting started right away, that the staff are able to go forward and hire the experts we need to begin to prepare the data and really allow us to mount a successful challenge petition next spring. And to do so in a way that really provides for

- has as minimal impact as possible on all of the taxing jurisdictions, not ours, because there is an impact on the tax rolls and the ability of the taxing jurisdictions to

- to make preparations for their budgets. Again, we are not backing off. We are moving forward. We are not moving forward as quickly as I and many of you would like on this particular issue but I think we are going to move forward in a way that allows us to be successful and allows us to achieve what I hope will be some

- what all of you have been here to advocate for this evening, which is a fair and just system of taxation here. In austin. So I move approval.

[21:14:06]

>> Mayor Leffingwell: A motion by council member tovo. Second by council member morrison. I guess the key points are

- to reiterate

- that no petition will be filed for this year, but preparation will begin to lay the groundwork for filing one next year, but that option will have to come back to council at that time for approval. Council member morrison.

>> Morrison: I wanted to speak to the motion. I appreciate the work that council member tovo has done on this and the adjustment to the language and I am happy to support it. There is no doubt that

- a couple of things. There is no doubt that there is a sense of urgency that the public has created for us and I appreciate that, because the fact of the matter is, there is a famous saying, I can't think what they are. You can't make real change without having the community and the people crying for that real change and that is there now. So I think that it would be a shame

- though the issue has caught fire

- it certainly would be a shame if the

- if that urgency, which really is going to be driving the change, were abated in any way by this action, and I think, in fact, it's not because this is very clear

- the language here is very clear that we are taking the steps, we are going to be looking for the experts, taking this step, and the fact of the matter is, there is a lot of work that an expert can do starting today to get everything ready so that

- and understand what the situation is right now so that when the new appraisals come out in april or may or whenever they come out, there can be a quick amount of work done for adjustments and then file, which will be great. We will get it into the queue quickly so that the issue of getting in the way of tax roll certifications isn't such an issue, so I think it's entirely appropriate and I think that the

- I am very concerned about taking a scatter shot approach, sort of a shot in the dark approach that costs us, the taxpayers, 150 to \$300,000. I can't

- I don't think that's good

- being a good steward of our funds. So with this motion, we will be on our way. We will be carrying

that urgency forward and all of this that the community has brought.

[21:16:42]

>> Cole: Mayor.

>> Mayor Leffingwell: Council member martinez.

>> Martinez: Just wanted to ask council member tovo, if your last resolve, I just want to make sure the language, when you say a targeted challenge, are you referring to trying to get some level of specificity where we take out possibly some of those properties that could have a negative impact on some of the renters and small businesses?

>> Tovo: I think that is very likely for a decision made along the way for the reasons you indicated.

>> Martinez: Thanks.

>> Tovo: My hope with the bimonthly report to to the finance committee from place where the staff would benefit from decisions making on our part we can provide the direction or decision making to really be as careful with our approach and as

-- as

-- I don't want to say targeted again, but really make sure that we are using our resources effectively and not narrowing in as soon as we can or as soon as it seems appropriate.

>> Mayor Leffingwell: All those in favor, say aye.

>> Cole: Mayor I had a comment.

>> Mayor Leffingwell: Mayor pro tem.

>> Cole: I want to thank council member tovo for all of her work and also to point out that not only as others have said, if not a delay but I think we have a better chance of being successful by hiring an expert and doing this work earlier because we know that the people who believe that the valuation of commercial properties is adequate will have the sufficient

-- more than a sufficient number of experts on their side so it really is much more prudent to take the time to do it this way.

>> Mayor Leffingwell: Those in favor of the motion say aye. Opposed say no. Passes on a vote of 7-0. Now item 66. Entertain a motion. Council member tovo.

>> Tovo: Move approval.

>> Mayor Leffingwell: Council member tovo moves approval.

>> Second.

>> Mayor Leffingwell: Second by council member martinez.

[21:18:44]

>> Spelman: Mayor.

>> Mayor Leffingwell: Council member spelman.

>> Spelman: I am am in a bit of a bind here because if I voted for this, I would be voting in favor of prohibiting businesses from doing something I have done myself, which is protest my property tax assessments. I thought they were too high. I went before the appropriate authorities, persuaded them that they in fact were too high and they adjusted them. I know how easy it is for the tax appraiser to

make mistakes or to adjust in the wrong direction and I know how difficult it is to get yourself -- to get all of the information you need the evidence and then sufficient shape to be able to persuade them that they were wrong and I am concerned that even if we say the policy should provide for reasonable exceptions, it is going to be very difficult to identify in advance whether an exception is reasonable or not. Council member tovo, have you had a chance to give much thought to the meaning of a reasonable exception in this context?

>> Tovo: At this point the reasonable exception that was in my mind was the one that the mayor raised in our work session, which had to do with clerical errors. My hope is that in the two months that we have given staff, they can come up with some very minimal, reasonable exceptions that might go beyond clerical and I will leave it there for now, although I have more to say about your comments.

>> Spelman: I am not surprised. [Laughter]. We have a lot of anecdotal evidence that have been provided to us in the last few minutes that some businesses are valued at far less than what the property is worth on the open market. I am persuaded it happens fairly often but that doesn't mean that every business is evaluated at 50 or 60 or 70% of its market value and it certainly doesn't mean that there are no businesses that are not evaluated unfairly at more than their market value. And it seems to me that

-- I feel very uncomfortable putting a business in a position where they cannot do something which they believe they need to do for fairness to themselves and their stockholders that I felt in fairness to my family I needed to do myself. Absent some better information for what the reasonable exception would look like, it seems it will be very difficult for me to vote in favor of this.

[21:21:09]

>> Mayor Leffingwell: It is 3:30 in the morning, I am not going to go into great detail. I will just say I will not support this motion, for many of the reasons that have been said and others. Council member morrison.

>> Morrison: I want to point out that I think this is a really important point that's in the last two whereases, and the fact of the matter is that if we

-- remember, we are only talking about companies that we do 380 agreements with. When we do a 380 agreement up front, we do web loci to decide whether it pencils out and that depends on the property values and the taxes

-- the tax revenue from that property value. If the property value, then, subsequently is significantly changed, then the calculations all change, and it might not pencil out anymore. So I think it's a farathane to put on the table. Either that, or if you are going to re

-- if you are going to change your valuation, because you are going to appeal it, then we ought to relook at the deal. [Applause].

>> Mayor Leffingwell: Council member martinez.

>> Martinez: The only thing I will add is we are not requiring any company to do anything. If they come asking for tax incentives they are asking for us to impose our portfolios on them. It is not us mandating to them. But more compelling than that is

-- [applause]

-- for me, you know, we do these deals where we take 40% of the property value and we put it into the

affordable housing trust fund. How are we going to achieve the goals that we expect to achieve on this piece of property by raising funds through

-- into the affordable housing trust fund if we don't put a stipulation that precludes these private developers to just go in and protest their property values each and every year? I just think that there is a better outcome. This is a start. It's got to come back to us in a couple of months. I

-- I am looking forward to having that discussion about what those exceptions might be. I can't think of them right now. I am sure the staff and others in the business community will come up with them. But when you base your web loci on a return on investment

-- and we talk about that on each and every economic incentive that goes before us, we talk about it being cash positive to the city. How do we know if it's as cash positive as web loci said if, over the next ten years, they are going to be able to test their tax value each and every year, so that's a concern.

[21:23:49]

[Applause].

>> Spelman: Mayor.

>> Mayor Leffingwell: Council member spelman.

>> Spelman: I think the presumption we are making is an appeal is going to be inherently unfair and that any adjustment is going to be inherently unfair and I understand and agree many, perhaps most of the adjustments on commercial properties have been unfair, particularly in the last few years with the increase in inequity appraisal lawsuits, I find it very difficult to believe that every single one of them is going to be unfair and that's an embedded assumption here I think and I look forward to what reasonable assumptions can be made. If someone had given me some possible grounds for reasonable exception other than clerical errors, I probably would find a way of voting for this, but right now since nobody can think of a reasonable exception other than a clerical error and I can think of a lot of reasonable exceptions that are not clerical errors, I cannot vote for it right now. I hope I will be able to vote for it when it comes back.

>> Mayor Leffingwell: Council member tovo. Did you have a comment?

>> Riley: Yeah. I share some of the concerns that have been expressed but I am willing to support this item for now, subject to revisiting it when the recommendations come back at the end of august. I will be interested in seeing staff's recommendations and in particular, I would like to see a number of issues examined over the course of the next several months which I assume staff will want to look into. Among those would be what have we seen among those who have been receiving incentives that are based on property tax valuations have we seen patterns of protests that

-- that

-- are there any particular metrics that could be applied to set some standards around

-- around reasonable exceptions? For instance, if

-- could we put some parameters in place on past evaluations, if

-- if an appraisal has stayed constant in a number of years and there is a protest to bring it down

because of some loophole in some state law, that would be one thing, on the other hand, if there is a sudden jump in the appraisal, maybe the appraisal district understands they are getting incentives and socks it to them and that could be a situation. Is there a way to put a parameter around those to allow

for reasonable exceptions, are there best practices in other jurisdictions where this sort of thing has been done? Is there reason to expect this would deter companies from ever applying for incentives, the whole range of respectable questions that would come up. I would hope that staff would be looking into those and of course making its

-- making the recommendations and I will be interested in seeing the report at the end of august.

[21:26:47]

>> Cole: Mayor.

>> Mayor Leffingwell: Mayor pro tem.

>> Cole: I appreciate council member morrison's statements about how this would work with web loci and we base our assumptions on having a positive return on investment on the property tax value and so I could actually think of an example for council member spelman that would be a reasonable exception, and that would be if we had granted an economic incentive to a company based on those projections when they were here, and they received their appraisal and they wanted to challenge it because it was excessive in their view and they challenged it and they weren't successful but they came to us and said, but we are not changing your roi. We realize that is a contract we made with the city. However long ago. And you will still have a positive roi and your challenging of our appraisal has nothing to do with the contract we made with you, so I can ski that as being a potential reasonable exception that we would want to consider.

>> Mayor Leffingwell: Let me just say I don't think that's ever going to happen because I don't think anybody is ever going to enter into an agreement with us as a prerequisite. I could be wrong but that would be my guess. Council member tovo.

>> Tovo: Thanks for the discussion. I have asked staff

-- it was in our q and a to ask staff to look at our past 380 agreement participants to see how many, if any, had protested their commercial valuations for all the reasons that have been suggested and are indicated in the resolution. We base our assumptions on those, and depend on them

-- on those valuations to remain constant, so, you know, I just want to clarify that I think it's good to have this discussion about reasonable exceptions, but really, the intent was to make

-- to provide for clerical errors, not to offer

-- if we are

-- if we are right now providing direction to staff what the reasonable exceptions look like, what I will say is what I don't expect are a lot of ways for companies to continue to protest their evaluations or continue to go forward and protest the evaluations because I think we need a policy if you are participating in our voluntary program you have a situation where you will not go and protest your commercial valuation. With that, I appreciate that all of you have stayed to this very, very late hour to talk about this issue.

[21:29:24]

>> Mayor Leffingwell: Those in favor of the motion say aye. Opposed say no. Passes on a vote of 5-2

with myself and council member spelman voting no. That concludes our agenda. Without objection, we are adjourned at 3:32 a.M. [City council meeting adjourned].