

City Council Regular Meeting Transcript –11/06/2014

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[04:03:29]

>> Mayor Leffingwell: Good morning. If I could have your attention. I'm austin mayor lee leffingwell. We will begin today with the invocation. As most of you know, next tuesday is veterans day so we're privileged to have for the invocation captain eric gerber, chaplain united states army. Please rise.

>> Good morning, mayor, city council, distinguished citizens of austin. I invite you to pray with me. Gracious god and loving god, I ask for your blessing upon this country two days after an election. This past election has proved many firsts on the national, state and local levels. May you grant the new elected officials strength and passion for what lies ahead for each of them. Today in this room I ask your presence always be in this chambers as decisions are being made for the people of austin. May they be fair and just. Lord, be with all the members as this council and staff make the transition to the newly formed districts. Lord, I also thank you for many years of service from our mayor. I thank you for the many hours of difficult meetings, emails and phone calls he has made while acting as our city mayor. May your peace be with him and his family as he leaves in the coming months. Let us start to think about finding a veteran to thank for their service to this nation. We also consider thanking a spouse and a child for the team work it takes to serve. Lord, please bless the brave men and women who are serving today. I ask that you be with them, that you would keep them safe in harm's way all around the world. May you grant them protection and strength. In your name I pray. Amen.

>> Mayor Leffingwell: Amen. Thank you, pastor. Please be seated. Before we call the -- before we call the meeting to order, as you may be aware at this point, we are in a renovated city council chambers. A lot of work has gone on for the past couple of months to accommodate the new council. I will speak only for myself and say it's great to be home. And everything looks great and so far everything is working. But I would like to turn it over to the city manager to make a few comments about what has gone on over the last couple of months.

[04:06:41]

>> Well, thank you, mayor and good morning, everyone. It is great to be home and I think if you look around the room, in terms of what needed to be done to get council chambers ready for 10-1, I think you'll agree that the folks that were involved in making this chamber what it is today have truly done an exceptional job. In that regard, there have been a lot of people involved in giving the chamber ready and other facilities at city hall including new council offices and the council's board room where they hold executive session. Those facilities are nearing completion, but we have finished the chamber and as the mayor said it's good to be home. This is our first meeting in this chamber. The person on my staff who has provided just exceptional leadership in getting this chamber ready and providing leadership with respect to all of the other facility changes associated with 10-1 is assistant city manager sue edwards. She's just been an exceptional leader. I will tell you that sue has a history with this -- with city hall, and in particular with council chambers as in the course of doing this work I happened to have the privilege of seeing a photograph of sue standing in this chamber when it was originally being -- being constructed. So in terms of designating a leader for this most important task, this most important project, we couldn't have had anyone better and more capable and more knowledgeable about how to do it right than assistant city manager sue edwards. And so having said all of that, I'd like to ask and invite sue to come to the podium. There have been lots of other people involved and I want to have sue come and recognize them. Many, many city staff people and, of course, the contractors that have been working alongside sue and the staff that has made this chamber what it is today. So sue, thank you for your leadership.

[04:08:57]

>> Thank you. Mayor and council, I wanted to -- it wasn't me. I was there, but there were many, many people who made this chamber a success and who made all of the other places that we met a success. And because they are always behind the scenes and because they are very quiet, because we rarely give them recognition, I wanted to take the opportunity this morning before we start this council meeting in this new chamber to recognize those individuals who have really made it happen. And because there are over 90 people in a number of different departments, I am not going to call off their names, but as I talk, you will see them scrolling through the power point. And I also want to ask each one of them, and they know who they are so they can't just hide to come back up in the front so I can talk about them a little bit.

>> Mayor Leffingwell: Sue, there's a portable mic there

-- oh, you've got one.

>> Is it on? No? Yes?

>> Mayor Leffingwell: No, really on. I guess I spoke too soon about everything working great. So

-- [laughter]

>> these are not all of the people that made everything work since last june when we started this project. They actually started it before june. June really got us working. And we have atsm, who is our

[04:11:09]

[inaudible]. We have austin energy, we have the transportation department, the city clerk's office, the

city manager's office. Pio, our corporate pio folks. Our communications folks. Ctm. Fleet services. The mayor's office. Real estate and public works. So I want to tell a little story about what happens behind the scenes. When we first decided that the only places we had to meet was austin energy and the commissioners court, there were a lot of logistics that I never thought about that these folks did. And I want you to know that before the council meeting started, they were there days before and they had brought over a lot of equipment, not just a little equipment, but a lot of equipment over to austin energy. And for days they set it up and for days they tested. And on the day that we had our first meeting over at austin energy, some of them that were there at 6:30 and they left very late that night. And so you can imagine that putting all of the equipment that they had in trucks and making sure that it got over there, making sure that it was set up, tested it and tested it, and what they said was we really want to make that work because we want it perfect for the city council. That was to me an amazing thing to see how much time they spent. When we then had to go over to the commissioners court, not only did they do that again because the commissioners court didn't have all of the equipment that we have, they even moved a dais over to the commissioners court. And they brought laptops and they brought monitors and they were there for days and days before we actually had the first meeting. And one of the things they said again was we want to have this perfect, we want to have it perfect for the council, we want to have it perfect for the city manager and we want to have it perfect for the mayor so that we don't mess up. And I don't know that I've ever seen a group of people that were so highly dedicated to wanting things to work. Kay was over there at 6:30 in the morning making sure all the food was there and all the refreshments were there. All the napkins were there and all the kleenex was there just to make sure. People were sitting in the chairs that the council would sit in and we would say, you know, this is not the greatest, most comfortable thing in the world but we want to make it the very best we possibly can. And during all that time, which took all summer, these same folks were in this council chamber working on what you see now. All of the new high definition equipment that we have and the technology, learning how to use that technology, working days and working nights and working weekends in order to get this done. So I want to take this opportunity to just recognize everybody that's standing up here for a fabulous job, extremely well done. But a few that I just want to call out just because they've done an exceptional job, not that everybody hasn't. For atxn, keith reeves and abel villarreal, please step forward if you are here. Building services, eric stockton and pat. For the city manager's office, kay guedea who was there all the time doing everything she could and providing food. For ctm lisa moore and paul wren. For the office of real estate, gloria aguilara. And for public works david smith McCauley.

[04:15:18]

[Applause] and then the one person that I really want to point out is the project manager for the chambers, for the new council offices upstairs, for the executive session room and all of the other things that have been going on for all these many months, and david McCauley is our manager and I want him to say a few words if he wants to about what he's been doing. And then to close this to say so very much thank you for all of you who did such a great job and although you may have complained behind the scenes, I never heard one complaint.

>> Speaking about complaints, thank you all for keeping that smile, for not cursing and not raising your

voices. We work as a wonderful team bringing this tomorrow. One of the biggest things you can see is the enlarged dais that we did. It now will fit 13 people. We also replaced the back wall acoustic panels, adjusted all the lights in this area so there are no shadows up in this area. We added a new staff bench in the front, added two nice looking podiums. Added a new av control console and we operated the total audiovisual system and the atx system going out live on the air right now. And we're finishing off the executive sessions room and also the office suites on the second floor. I just want to again thank everybody for making it very easy, very stressful -- I means stressless. [Laughter] thank you. Thank you.

[04:17:19]

[Applause]

>> mayor, thank you for allowing the time for us to recognize these individuals who rarely get recognized but who always make things happen.

>> Mayor Leffingwell: Thank you, sue. We appreciate your work and appreciate the work all of you did on this great project. Thank you. [Applause] councilmember martinez.

>> Martinez: Before we begin the meeting, speaking of the new city council, I would like to take just a brief, brief moment of personal privilege to recognize our first mexican woman council-elect dela garza who is here in the audience and congratulate her. [Applause]

>> Mayor Leffingwell: Welcome, although the vote has not yet been canvassed. [Laughter] so a quorum is present and I'll call this meeting of the austin city council to order on thursday, november 6, 2014, at 10:18 a.M. We're meeting in the council chambers, austin city hall, 301 west second street, austin, texas. I would note that councilmember spelman will be absent today due to illness. So we'll begin with the changes and corrections to today's agenda. Items 3, 4, 19, 25 and 66 are postponed till november 20th NOVEMBER 20th, 2014. Item number 72 is withdrawn. Item number 121 at its 4:00 p.M. Time certain there will be a request to postpone THIS ITEM TILL JANUARY 29th, 2015. On item 122 at its 4:00 p.M. Time certain there will be a request to postpone this item UNTIL NOVEMBER 20th, 2014. Items 123, 126 and 127 at their 4:00 p.M. Time certain, there will be a request to postpone these items until december 11, 2014. And item number 18, late notice, is postponed until NOVEMBER 20th, 2014. The time certain items for today at 10:30 we'll have a briefing on the social services request for application process. At 12:00 noon we'll have our general citizens communication. At 2:00 p.M. We'll take up our zoning matters. At 3:00 p.M. We'll recess the meeting of the austin city council and call to order a meeting of the austin housing and finance corporation board of directors. At 4:00 p.M. We'll have our public hearings. At 5:30, live music and proclamations. As you know, we've not had music over the last couple of months at travis county. We'll resume today with the austin community steel band. The consent agenda for today is items 1 through 73 plus item 129 with several items pulled off that consent agenda and I'll go through those in a moment, but first I want to read into the record the appointments to our boards and commissions and waivers. To the building and standards commission, craig wright is councilmember riley's nominee. These are all intergovernmental bodies that follow to the housing authority of the city of austin, dr. Tira duncan hall is mayor leffingwell's nominee. Heheand isaac robinson. We'll approve a waiver of the residency requirements in section 2-1-21 of the city code for the service of craig wright on the I would abouting and standards commission. The following items are

pulled off the consent agenda, items 5, 6, 22 and 29 are pulled by councilmember morrison. Item number 9 is pulled by councilmember martinez. Item 35, councilmembers martinez and morrison request this item be set for 6:30 p.M. Time certain. Item number 56 is pulled by mayor leffingwell. Item 65 is pulled for executive session. The following items were pulled off consent due to speakers. Those are items 23, 27 and 34. We have two speakers signed up to speak on the consent agenda, now three. First is david king.

[04:22:54]

>> Thank you, mayor, mayor pro tem and councilmembers. My name is david king and I live in the zilker neighborhood and it's good to be back home. And I can't wait for the live music this afternoon. I've missed that. And thanks to all
-- new updates to the chamber, it looks so nice and works so well. Thank you very much. And I just want to also say I know that we're coming to the last few council meetings for some of you on the dais and I just want to tell you I thank you for all the hard work and service to our community. I know it's not easy especially when you have somebody like me on this side of the dais talking to you every meeting so thank you very much for your service. I'm here to speak on item number 27 to support this item to prohibit discrimination on the source of income and not to limit it to multi-family complexes. I think it's important that it be open to any rental unit whether it's a duplex or single-family home. We shouldn't limit where our low-income families should be able to live and diversity is important to helping families and low-income families move up the ladder, so to speak. So I hope you will not limit this to multi-family units only. Regarding the water rate, austin utility changes, I hope you will direct the water utility to keep a lid on increases for low and moderate income families and provide more assistance to those families to pay for the utility bills. Regarding item 58, the walter e. Long golf course, I think it's a mistake to let the companies come in and lobby you to support their proposal. This is a mistake in many ways. Number 1, there's been no public process. One public meeting and that's it. And that's been a big issue for citizens is that our public processes are so limited and ineffective and don't respect the citizens' input. That's why the a and c overwhelmingly passed a resolution urging the council to come up with a new public engagement ordinance that really respects citizens. One public meeting over a golf course that's going to take away 735 acres of parkland, that's ludicrous. And we should not be rushing through this process. Negotiations have been going on for over a year with the companies. Behind closed doors. Out of sight of the public. And the master plan for that park is 50 years old and the parks board urged that we not proceed with this contract until we go through a robust neighborhood and citywide public process. So I hope that you will let that process work itself out, that the master plan gets a chance to be updated and reflect the current community values that citizens today have. And I guess that's my
-- the last item because I wasn't sure about all the items pulled off consent that remain on consent, but thank you for considering my comments.

[04:25:48]

>> Mayor Leffingwell: Thank you. Next speaker is scott johnson. Councilmember morrison.

>> Tovo: Tovo actually.

>> Mayor Leffingwell:

>> Tovo: We are going to be hearing the water rates and as I understand the group of citizens who got together to review the water rate proposal are recommending that we pull back a bit and use one of the -- one of the options that we discussed during the budget process that was not accepted and that is going to have less of an increase on our lowest water users. I'm so pleased that that group was able to come together, review the proposals, the alternative proposals and are recommending a solution that will have an opportunity to consider as a council and that solution is going to have much less impact on our lowest water users. So I hope you all come back for the public hearing. Thank you.

>> Mayor Leffingwell: Scott Johnson.

>> Good morning city council, city staff. Regarding number 40, I've learned there is a sustainability provision that's in there that is very substantial and that's positive. The opportunity to overlay sustainable purchasing and contracting for city purchasing and contracting opportunities has long been there and there's only been incremental progress on this over the last 15 years. I hope that new council members will take

-- council and council members will take this up. Because some of the provisions when you contract for cleaner air, when you purchase items that through the life cycle through the manufacturing process, through the use process reduce the amount of ozone forming emissions and particulate matter and other toxic chemicals versus a very quantifiable benefit for community health. Regarding the Decker Lake golf item, that item is one that I believe this council should go slow on. One of the issues that I have when the city is trying to plan growth and that growth is far disconnected from the urban grid is it tends to stretch our land use out. Circuit of the Americas is one example. While that space between the city and Circuit of the Americas has not filled in, it could well fill in at a much faster rate than it would naturally, the city of Elroy is a very small town. So when you are looking at taking up these items and looking at ways that will hopefully provide some funding to parks and recreation department, which is desperately needed, we want to look at where we are even incentivizing both and if residential, commercial, hotels go on out there it's disconnected from the urban grid and we need to know that because land use planning is really

-- is the key to more comprehensive transportation planning that all of us know is desperately needed. Thank you for your time and for your service.

[04:29:05]

>> Mayor Leffingwell: Next speaker is Carol Madricky.

>> Good morning, Mayor Leffingwell and council members. This is interesting to be standing here at this new short people friendly lectern. [Laughter] I hope I have

-- I hope I have the microphone set at the right angle to be heard properly. I am here this morning to speak to you about item number 53, which is the approval of a \$465,000 contract between Austin Energy and a consulting firm called New Gen Strategies. This is a contract to provide consulting services to Austin Energy for an upcoming rate proceeding. There are two problems that I have with this. Number one, these are the same people who guided Austin Energy in the last rate proceeding and made recommendations that were very controversial and not in community interests and a lot of them had to be modified and just doesn't seem to be a good idea to me to start out with the same people involved.

My second concern and one that is much larger is that we are making the decision today to provide resources for austin energy in this rate proceeding, but we once again we don't have any resources for representation of consumers. We had the same issue in the last rate case. It ended up six weeks before everything was supposed to happen it was, oh, come on, let's hurry up and hire somebody. The utilities consultants get two years to work on these issues or really I don't know if that is an accurate number or not, but I am afraid that we are starting out down the same path and I don't want to get to a certain point it's like we have to hurry up and find somebody from the consumer world to put their input into this. I think they should be working on the same schedules, you know, throughout the whole process, so I protest this contract because it's not paying adequate attention to the needs of consumer representation in this process.

[04:31:32]

>> Mayor Leffingwell: Thank you. The next speaker is craig nase naser. Councilmember tovo.

>> Tovo: I agree with your concern for not having steps in place to hire a consumer advocate and that's a resolution I plan to bring forward hopefully at our next council meeting because we do need to have in place somebody from the start who is going to represent the needs of the consumers so we're not in the same position we were in last

-- last time the rate proposal public input process concluded. So thank you, thanks for your continued advocacy on that point.

>> Mayor Leffingwell: Is craig naser here? Okay. Those are all the speakers that we have on the consent agenda. There was a correction to what I read earlier on changes and corrections and that item 72 was proposed to be withdrawn, that will remain on the consent agenda. Mayor pro tem cole.

>> Cole: I don't believe you called item number 66 for [inaudible]

>> Mayor Leffingwell: For what?

>> Cole: Postponement.

>> Mayor Leffingwell: I did not. It not on my list.

>> Cole: That's not on

-- councilmember morrison and I

--

>> Mayor Leffingwell: 66 postponed until when?

>> Cole: November 20th?

>> Mayor Leffingwell: Excuse me. That was read into the record, item 66. Postponed till november 20th NOVEMBER 20th. Councilmember tovo.

>> Tovo: I have a couple questions about item 20 so I would like to pull that from the consent agenda, please.

>> Mayor Leffingwell: So item number 20 is pulled off the consent agenda. Councilmember martinez.

[04:33:37]

>> Martinez: Is item 58 on consent still?

>> Mayor Leffingwell: Yes.

>> Martinez: I'd like to pull that. I have some questions for staff.

>> Mayor Leffingwell: 58 is pulled by councilmember martinez.

-- Pulled by councilmember martinez. I think we're all set. I'll entertain a motion to approve the consent agenda.

>> So moved.

>> Mayor Leffingwell: Mayor pro tem so moves. Councilmember morrison seconds. Those in favor say aye.

>> Aye.

>> Mayor Leffingwell: Opposed say no. That passes on a vote of 6-0 with councilmember spelman off the dais. I don't want to be saying that all day long, so the clerk will note on each vote that councilmember spelman is off the dais. Councilmembers, if there's no objection, as a courtesy to mayor powell from cedar park, he's here to speak on item number 29. So if there's no objection, we'll take up item number 29, which is already pulled by councilmember morrison and ready to hear from our speakers. Mayor powell? And is phil brewer in the chamber? Phil is in the chamber, so mayor, you have up to six minutes.

>> Well, thank you, mayor, and good morning mayor and council and greetings from your neighbors in the northwest. I will preface my comments by saying please pardon my more scraggly appearance, I did not just roll out of bed to come speak to you. A number of of us in cedar park are doing a no shape november to raise money for prostate cancer. So you will pardon the scraggly nature. [Applause] I feel like I should give the website. Matter at hand, mayor and council, we really appreciate the city of austin's consideration to enter into a memorandum of understanding for the sale of the lime creek quarry to the city of cedar park. As I think you are all aware at this point, the property is located wholly within the city limits of the city of cedar park and we've been interested in the property and the operations occurring on this property for decades now. The city of cedar park has worked in good faith to negotiate the purchase of the quarry property from the city of austin in order to best serve the interests of our community and, of course, the rapidly growing region. As elected officials, you all know often there are competing interests, and, you know, when folks come to

-- and stand in front of us with differences, we often ask them to try to go and work them out, and I'm very happy to let you know that the city of cedar park has reached agreement with ranger excavating. This represents real compromise on both sides and provide a definitive time line for when the quarry operations will cease and I'm happy to report it provides immediate relief from some blasting and improvements through public safety, dust control and traffic flow which have all been a significant concern to our community, especially the residents that live nearby. Short term, the agreement provides certainty to both the city of cedar park and to ranger. Long term it gives the city, of course, the opportunity to make significant transportation improvements and to restore the property to a state of usability to where development that's compatible with surrounding areas including the nearby preserve can be economically beneficial to our whole region. Pursuant to this executed m.O.U., We understand ranger has notified the city of austin it no longer opposes the sale of the quarry property to the city of cedar park and they've withdrawn their oral offer to participate in purchasing the property. As both your neighbor and your regional partner, we respectfully request your support of this agenda item. Thank you very much.

[04:37:50]

>> Mayor Leffingwell: Thank you. Councilmember morrison. Is there a question? Councilmember martinez.

>> Martinez: It's not a question for mayor powell, it's a question for staff. Good morning.

>> Good morning.

>> Martinez: So the item as posted authorizes negotiation and execution but it actually has an amount of \$4.1 million. So is it negotiable or is that what is going to be paid for if we move forward with the sale of this property?

>> Right now that

-- if we would try to sell it for anything else, we would have to come back to council.

>> Martinez: Fair enough. Thank you, mayor.

>> Mayor Leffingwell: Councilmember morrison.

>> Morrison: Thank you. I appreciate the mayor coming down to talk to us about that and especially for working out the issues that were in front of us before. If you'll remember, I've certainly enjoyed getting to work with your staff and your city manager on this. I've been a strong supporter of

-- in the interest of regional cooperation and appropriate growth, I've been a strong supporter of selling this to the city of cedar park. Back on when we first encountered this, one of the issues that I brought up was I was asking our staff to help us understand what the difference would be between the regulations that this is under as a piece of land in cedar park versus what our regulations would be because our -- this land is just across the border. And so in terms of understanding the

-- the issues about environmental protection, staff has provided some information on what regulations we have in place and it's in backup, and we haven't gotten to get a grip on what the regulations are that it would

-- it will be under or it is under as a matter of being a piece of land and cedar park and I wonder if that's something you all would be able to give us a description of, difference in these things? I think we conveyed the question back in

-- the question was formally asked by me of staff to search out that INFORMATION ON OCTOBER 23rd. So I don't know if you all from cedar park have a

-- are able to make a comment on that. I do have

-- I see our staff, our environmental officer here who can maybe he would like to come up and check and give us a rundown on the land as it would be if it were under our environmental protections. And my interest in is just making sure we're generally in the same ballpark.

[04:40:56]

>> Yes, chuck wozniak, city environmental officer. The site is

-- as you know, it's in cedar park so it's not subject to our code, but if it were in our jurisdiction, a portion of the property is in the lake travis watershed, which is the water supply rural watershed. Would have a maximum impervious cover of 20% on a net site basis. The water quality controls required would be received mentation filtration, which is

-- the water quality controls required everywhere in the city except the barton springs zone. There are two small head waters, tributaries just on a small portion of the property that would have a critical

water quality zone and a water quality transition zone. One of them would only have a critical. And is also over the northern edwards recharge zone. And so that kind of summarizes most of the environmental

-- there also we would have cef protection requirements if CEFs WERE IDENTIFIED ON THE Property, sinkholes, karst features. Many of the cef pro sexes, the karst protections, edwards recharge protections are also subject to protection under the state regulations and so being over the northern edwards some of those karst features would also be protected by state

-- state law and there's also a requirement for water quality treatment that is similar to the city's, to the city of austin's, but doesn't have the same volume. They treat less water, but it's a similar technology.

>> Morrison: Great. Great. And I realize we're not talking about that just today and trying to get an understanding because for instance as you mentioned 38% of the area under

-- under our regulations would be subject to the 20% impervious cover, which if cedar park is significantly different could impact obviously the appraisal value. So could I invite someone from cedar park if there is anyone who could comment generally or if there's a way we might be able to get further information.

[04:43:15]

>> Councilmember morrison, if it's okay, I'm going to make just a couple of general comments and then I'm going to ask our assistant city manager sam roberts to see if he can bring more specificity. We definitely appreciate your concerns about the environmental issues on the site. Of course, we have them as well. We have to live there. We believe that there are several

-- as your environmental officer stated, stringent environmental regulations in place. Subject to u.S. Fish & wildlife compliance with endangered species act including the recently listed jollyville salamander and the lcra rules and the storm water runoff so there are several things in place. In a more general sense, I don't know if you've been out the the site, but this has been an active quarry since THE 1930s. And with all respect to ranger and again part of the reason we're entering into this agreement with them, we've entered into this agreement is we respect their business operation and want to give them the opportunity to wind it down. The site has been subject to blasting and digging sense the '30s AND LOOKS LIKE THE Surface of the moon today. And

-- but it's got some real potential to do some beautiful things with its proximity to preserve land. Our objective here is, of course, to over time gain control of it and as you well know when a city has that sort of control, you really get to dictate the terms a lot more than if you don't. With those general comments, I'd like to ask sam roberts to come up and continue.

>> Good morning. Mayor, councilmembers, my name is sam roberts. I'm the assistant city manager of cedar park. I've worked there 23 years. Born and raised in austin if that means much for you guys. And we do share your concerns about the environmental

-- the future environmental protection of that tract as it develops. When the mayor said it will be subject to fish and wildlife oversight and protection of the esa, that's really important because, as you know, they've got quite a bit of criteria for the recently listed jollyville salamander. The lcra's highland lakes pollution control ordinance heavily applies to this tract. We've adopted that by ordinance. It used to be called nonsource point pollution manual. All development complies with that. And none the least of

which is the edwards aquifer recharge zone rules and the contributing zone rules. All of those will result in received mentation and filtration for

-- sedimentation. While cedar park doesn't have impervious cover cover limitations per se, by virtue of the removal of percentages achieved for phosphorous will result in quite a bit of sedimentation and filtration. And I already know from experience with the salamander, we're going to have to increws the for for reduce removal probably from 80 to 90% for development just because the salamander is known to exist in that area. I don't know

-- I'd be happy to answer any questions you all have, but I would like to hopefully assure you all, make you all feel comfortable that it will be responsible development on that tract and we will insure it.

[04:46:48]

>> Morrison: I appreciate that rundown of all this and as I said, I wish that we had had an opportunity earlier to be able to sit down and good piece by piece and I'm fully supportive of selling this tract to you all. I want to make that clear. But frankly, I don't feel like I have a detailed understanding of the comparisons and if there would be some larger discrepancy that would be of significance, I would like to know that. And I understand that if there's going to be limits placed on the tract, if we were interested in working with you to put limits on the tract as a condition of sale, that it could well impact the price. And so for me, I would be more comfortable todayen a I'm going to make the motion that we -- that we authorize negotiation, but not yet execution and ask staff to go back and provide a report to us of whether in their view there's any significant difference, and if so how that would impact the sale price and then bring it forward with a recommendation this that regard. That's my motion, mayor, to authorize negotiation with that direction to staff.

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

>> I'll second that.

>> Mayor Leffingwell: Seconded by councilmember tovo.

>> Tovo: I think that's a good approach and it is a discussion we've had with other tract of land in the cedar park area so I think it's consistent with our previous practice on that. And ensuring when we sell our property it will uphold the same environmental standards.

>> Mayor Leffingwell: I'm going to oppose the motion. I don't

-- I can't think, I don't know of another single incidence where we sold a piece of property that's in somebody else's jurisdiction and then tried to impose our limitations on that property. On numerous occasions that I have supported where we have actually ceded part of our e.T.J. Where we had jurisdiction over to another body that is correct kind of made sense. I'm very uncomfortable with going forward with a process that will allow the city of austin to reach into the city of cedar park's jurisdiction to impose our regulations. So I will oppose. Mayor pro tem.

[04:49:11]

>> Cole: I think that we've been through a fairly extensive process with this tract of land and I'm so pleased that ranger and the city of cedar park worked it out so we were able to sell the land. And I guess again in this period of regional cooperation I will not be supporting this particular motion, not because I

don't think our environmental values are superior, I don't think it is in our place once we actually sell the property to try to dictate how they develop it.

>> Mayor Leffingwell: So the motion is on the

-- any other comments? Motion is on the table to approve negotiation only. Those in favor say aye.

>> Aye.

>> Mayor Leffingwell: Opposed say no.

>> No.

>> Mayor Leffingwell: That passes on a vote of 4-2 with myself and mayor pro tem cole voting no. Thank you. So now we'll go to our morning briefing. 10:30 briefing. Frying to get trying to get on the right page but I'm sure you know what it is so go ahead and start. If,.

>> Good morning mayor and councilmembers. Three years ago just about we started this rfa process and we're very pleased to be before you today to provide this briefing. I want to extend my thank you to the public health committee, especially chairman martinez, councilmember morrison, councilmember riley, and councilmember tovo who participated on a number of occasions. Especially I want to say thank you to my staff, stephanie hayden, assistant director and also robert kingam. I'm carlos rivera, director of health and human services. Sorry, forgot that. Without further ado we'll go into the presentation. The city of austin

-- we have pre-solicitation meetings on january 27 of 2014 and january 31 of 2014. We had good attendance at those meetings. We released the rfa february 24, 2014. Then we had pre-bid meetings march 5, 2014, and march 19, 2014. The solicitation was closed on april 24, 2014, at 11:00 a.M. As an improved strategy, the committee, the public health committee approved strategy on december 16, 2013. The strategy was then presented to city council on january 23, 2014. Applications were grouped and evaluated according to a life con con continuum to assure there was investments in the well-being of our residents throughout the life course. The categories were selected by the applicants. The recommendations of the committee was that 80% of the available funding be available for
-- be available for each life con continuum category based on funding. The remaining 20% would be used as city council felt

-- saw fit, the health and human services department staff did make an initial recommendation on how that funding should be used. So there were \$13,815,227,000 available for this competitive process. 80% of the funding for the life continuum. In the youth category 1,961.Com \$339. And senior people with disabilities 813,804. With a 20%

-- there was 20% of the funding available for any life continuum category which amounted to \$2.7 million. In the rfa evaluation, there were 125 points available. Program strategy account for 70 of the points, cost effectiveness 20 points, local business presence 10 points. There's also the availability of bonus points through collaboration and connection to additional self-sufficiency goals worth 10 points, leveraging of funds worth five points and a healthy service environment was worth an additional 10 points. These points were awarded based sole on the information included in the application. In the absence of any

-- any comments or any response to the bonus points, no bonus points were awarded, and in some cases some of the bonus points were awarded not fully but based again on the response. We had 65 total applications. 27 were initially recommended for funding by staff. 35 were not recommended for funding, and three applications were disqualified based on incomplete paperwork. The

-- the rfa evaluation, we had a total of 39 evaluators. The department reached out to other city of austin departments. There were four other city departments that assisted us as well as our external partners. As you can see, we had an array of partners from different areas and basically during the evaluations the partners sat on the evaluation team according to their issue area expertise. This gives you an overview of the rfa. We took a snapshot from the 2010 rfp request for proposal process. The current funding, the funding requested, as you can see from this process, there was \$30 million was requested and we only had \$13.8 million available funding. Staff worked with the committee and there were several meetings and so after our meeting on september 2nd SEPTEMBER 2nd, STAFF Conducted some pre-positioning meetings. We met with the 27 agencies that staff recommended, but we also met with currently funded agencies not recommended and then three additional agencies. And the goal of these meetings was to identify any cause status opportunities in the initially proposed application. This slide shows you the results of those meetings. And so staff requested up to three reduced funding options. And so those options also included the impact of the reduced funding. Staff met with 33 agencies about 40 programs. And as you can see, the original request was \$23 million. After the meetings it was down to 19.2 million so there's the difference of about \$3.4 million that we still did not have available based upon the request. As we moved along in the process, we looked at the funding allocations. So the rfa, we had 13.8 million available. The funding requested from the agencies was 32 million. So basically during the pre-positioning meetings, we took the 13.8 million, council added an additional million from the f.Y.15 budget process, and the committee is requesting an additional million which will be done through an ifc for the new council to allocate that funding. And there was an additional 250 k out of the current hhsd budget which brings our total to 16,065,227 for this slide shows the initial staff recommendation, it was 27 application, applications that were recommended. And the applications were ranked from lowest recommendations based on scores, so it was the 80% dedicated and 20% remainder categorized. The funnel recommendation of the public health and human services, brought that up to 39 applications. And basically there were a rate of formulas that were applied. We held three special called meetings to get to this point. There was several

-- several requests and information provided to councilmembers and their staff, as well as agencies had the ability to contact council and their staff and talk with them about

-- about the process as well as any impact. And so this slide just gives you an overview of that. So

-- so in total, it's 39 applications. 27 recommended, 10 currently funded and then two of the agencies that were disqualified. As a part of this process, we held a separate process, which was an economic development process, and that rfa, there was 115 points available. Similar to the other social service structure, it had connection to goals, cost effectiveness, local business presence. In addition it had bonus points as well. During that rfa process, there were five applications submitted. Two were recommended for funding and three were not recommended for funding. As we ran out of funding. The next slide shows you the two agencies that are being recommended, capital idea and skillpoint alliance. This concludes our briefing. We are available for questions and thank you very much.

[05:00:43]

>> Cole: Thank you very much for your presentation, that clarifies a lot of issues. I have several questions about the

-- about the

-- the ifc that is supposed to come, requesting an additional million dollars. Is that for the incoming council to allocate or what is that based on?

>> So basically, the

-- the ifc was

-- you are correct. So there's a need for an additional million dollars to get us up to the 16 million.

Because at this point, we have an allocation of about 15 million. And so

--

>> during the current budgeting process, the one we just went through, there was a million dollars made available for the rfa process, however, it was one-time funds. So

-- or not one-time funds, it was

-- there is going to be an additional need of one million dollars for fiscal year '16. That would have to be decided by the new council.

>> Cole: So where we stand now, you're still recommending two agencies, capital idea and skillpoint for additional funding above and beyond the 15 million or would that be

-- include funding for them?

>> So the

-- their funding was that

-- that funding was pulled out of the social service process and it was a separate process. So that

-- that funding is taken care of.

>> Cole: That's right, we decided to fund those two agencies differently out of economic development.

>> Yes, ma'am.

>> Okay.

>> Cole: Okay. Thank you.

>> Uh-huh.

>> Mayor Leffingwell: Councilmember martinez?

>> Martinez: Thanks, mayor. Stephanie, I just want to thank you and your staff. Robert as well. Just

-- just it's been a long process and councilmember morrison and riley I want to thank them as well for getting us to this point as the health and human services council subcommittee. We had over \$30 million in requests for funding this round. And as you heard, we only have 15 million. So regardless of what we do, it's not enough. We need to be doing more. What you will see, though, in this proposal is recognizing and rewarding those who scored well, but also recognizing and understanding that we have a long history with agencies that have been funded in the past that we wanted to also acknowledge and not just cut them off and have their constituents lose services. So it is a hybrid blend, it is not based strictly on scores and bonus points. It is based on things like our relationship, like the services that are provided. Some of these agencies didn't score well because quite frankly they provide a very specific niche service, niche service and we had to recognize that and we didn't want those folks to lose funding as well. What you have before you is a proposal that's taken quite some time, but I think that acknowledges all of those points that I just made and obviously it is up to the body to make this final decision. But I will say this, if you move something, someone else is going to get cut. There's just no other way to do it. We've done it as a subcommittee, we've moved things around, we've realized that there are folks out there that certainly believe that

-- and they are, I would argue that they are, more deserving of the funds that are available. We just don't have those funds. We have a finite amount of resources and so that is the proposal that's before you and I certainly hope that this council will support this initiative and move forward and provide these agencies the stability that they need. This is a three-year agreement with two one-year options. I think that's one of the positive benefits of this change in the process is that it gives them that long-term sustainability as opposed to coming right back to us this next budget cycle and having to go through this all over again. I just wanted to thank staff and thank the committee for their work and to all of the non-profit agencies for your service that you provide, that we certainly couldn't do it for this amount of money if we tried to do it at the city of austin.

[05:05:17]

>> Mayor?

>> Mayor Leffingwell: Councilmember morrison?

>> Morrison: Thank you. I want to thank staff. This has been a long arduous process. For staff more than anybody. But I think that our committee probably feels like it was sort of arduous, too. There were plenty of, as you mentioned, there were three special called meetings and I want to thank our chair for really keeping us at it and every one of those special called meetings we took testimony because we were iterating, we were trying to get to the best solution that we could to recommend to our body and there were more than one friday afternoons when I was sitting in my office with staff and with our numbers and playing around and all of that and because each

-- because I wanted to bring yet another idea. We had a lot of ideas that we were able to consider. So I thank you for that. And just to stress and reiterate what councilmember martinez mentioned, to my colleagues, what we were trying to do was

-- what we didn't account for in our system, you know, numbers are good, it's a great place to start, but what we didn't account for as

-- as any priority on stability or programs that we are currently funding, especially, we have staff prepared some information for us, especially programs that we have been funding for 15 years. So when they ended up below the line on the first recommendation from staff, they were looking at, you know, a significant, I mean,, you know, getting their funding zeroed out. So what we did was the main adjustment I think was to shift so that we could build some respect for and priority for stability. We also had other situations like for instance a couple that were sole source contracts, that we wanted to make sure we didn't leave a gaping hole. Lots of other detail. We had

-- you expressed sort of the general approach that we took. But there were special considerations. I wanted to suggest that we think about when this comes back to us to the council for full

-- for action, it would probably be helpful if folks on the council have questions. Because I know there

-- they will be contacted, as well they should by various agencies and by various folks in the communities with comments on the recommendation, I hope we'll have plenty of time to actually talk in detail about questions that are raised in your mind and suggestions that are going to be made, probably we can do that at work session. I think that would be the most important thing that we make sure that

-- that the

-- that the thought and the rationale behind what's in front of everybody with the recommendation

doesn't get lost. Because believe me, there was nothing done that was random in this recommendation and I want to make sure that people will understand that if they have questions. So again, thank you and I appreciate my colleague's work on this, too.

[05:08:24]

>> Cole: Mayor, I have another question.

>> Mayor Leffingwell: Mayor pro tem?

>> Cole: I recently learned at front steps we did not pay those employees a living wage. When people walk into the facility they would probably rightly assume those were city employees. Do you know if there's been any work in determining whether the contractors that with us are paying a live wage to their employees?

>> Morrison: We recognize that

--

>> we recognize that the ifc is on there today and so we are going to proceed forward as that passes to work on that. So we have not delved into that, to determine the level, the number of agencies. So we would have to do a full-fledged process to determine exactly the number of agencies.

>> Cole: I think we've passed several resolutions as a council to pay a living wage. It would be good information for us to have when this comes back. The agencies that are actually paying living wages, because I was concerned about that with front steps. But moving on from that, let me ask you another question. When we set up this selection criteria, some time ago, was that a full council determination?

>> So we

-- yes, so we worked with the committee. And in jana navotona we came to the full council

-- in january we came to the full council and provided a briefing, just to let the council know where we were in the process. Within that process, we also had feedback from the community as well as a task force that we were working with. So we did a pretty well vetted process about our evaluation as well as the

-- by continuum process.

[05:10:33]

>> Cole: We know there's simply not enough money, it has already been acknowledged by my colleagues. So I was trying to refresh my memory on whether or not the selection criteria had actually been voted on by the entire council because I think it's going to be important to say that

-- that we all stand in tandem over that process. And I don't

-- can you help me with that?

>> So in

-- I'm trying to really understand what your question is. Is your question that the full council

--

>> Cole: Selection criteria for the actual contracts that were app approved.

>> You mean from the 2010 process.

>> Cole: I know the 2010 came before. Were there any changes to the 2010 process that the rest of the

council did not approve?

>> In January on the 23rd we came to the full council and presented the full process of what the evaluation was going to look like

--

>> Cole: [Indiscernible]

>> that was

-- there was not a vote. It was just a briefing.

>> Cole: Okay. Thank you.

>> Martinez: Other questions or comments? Thank you all very much. Councilmember Tovo.

>> Tovo: I just had a quick comment. I, too, wanted to extend my thanks to the staff for their hard work and my colleagues on the subcommittee for really looking at this. So assiduously I had an opportunity to sit in on some of those meetings and the choices are really trying ones and I think that you came up with some really good resolutions, thanks to all of the community members for their continued participation in this. But I want to underscore one of the points that I think councilmember Martinez made earlier, there's

-- we really simply don't have enough funds to meet the critical needs in this community and that's

-- that's not something we're going to be able to resolve, but I certainly believe it's a question that

-- that the city needs to confront. We have growing needs in this community and we're going to have to identify more funds in our city budget to address them.

[05:12:44]

>> Mayor Leffingwell: Okay.

>> Cole: Mayor, I didn't

--

>> Mayor Leffingwell: Mayor pro tem?

>> Cole: I also want to extend a heartfelt appreciation for all of the work that the committee has done. I know that it's a very, very difficult process. I just wanted to remind myself of the process that we went through because I know there will be questions.

>> Mayor Leffingwell: Okay. Thank you.

>> Mayor Leffingwell: Before we go back to the consent agenda, there's been some confusion over items that were originally scheduled to be postponed UNTIL SEPTEMBER 20th, items number 18 and 19, talked to the city attorney about it, we are clear that we can clarify that items 18 consent agenda and not postponed until September 20th. Just wanted to clarify that for the record. We'll hear items 5 and 6 together, pulled by councilmember Morrison. We do have two speakers.

>> Morrison: I would like to hear the speakers first, if we may.

>> Mayor Leffingwell: All right. Jeff Howard. Actually, just one speaker with a time donor, Bob [Indiscernible], is Bob here? Okay, so you have up to six minutes, Jeff.

>> Thank you, Mayor, good morning, councilmembers, my name is Jeff Howard, I represent the applicant in this case. Excuse me, I will go to the other podium. So this is a

-- this is service extension request for both water and wastewater for a property located at 11900 Buckner Road on 620 on

-- on fm 620. And it was originally brought to council a couple of months ago, on consent, I believe councilmember tovo had questions about the impact of newly adopted city ordinance dealing with on site septic. What we have learned since then is that the new city ossf ordinance does not apply to this property. So it has no effect. The reason it doesn't apply is because the property is in the limited purpose jurisdiction but it's not in the limited purpose jurisdiction for health and safety. Therefore the new ossf ordinance does not apply and county regulations actually apply. Just the same, same thing that the environmental board considered has been confirmed and the environmental board, of course, recommended approval of this

-- these items 5 to 1. So the project is commercial and residential mixed use on 620, not an intensive project, only approximately 32 units and 15,000 square feet of commercial. On proposed 25.7 acres. It's subject to current code, it's not a grandfathered site. 20% impervious cover, will com play with the heritage tree ordinance, 40% buffer requirements, hill country roadway. Utilities lines existing in the right-of-way adjacent, the proposed sers are only going to serve this project, that's how they've been designed. The property is not in the e.T.J., Actually in the limited purpose jurisdiction, which is an indicator under local government code those are areas that are intended for future annexation and are intended to be served by city utilities. I would note that on october 23rd the city heard a public hearing on the park north project a half a mile down 620 in the exact same watershed, 154 condo units, the city is going to annex that for full purposes, there will be city utility service as part of that service plan. The project exceed current codes, it requires a 40% buffer, but if the ser's are granted we will be able to have an expanded buffer greater than 40%, also be a downstream buffer code no longer requires that buffer be downstream, but we will be able to do that. Code requires sand filtration water quality controls, we will be doing the preferred filtration ponds and rain gardens. That's a downstream buffer that will be provided, not required by code. It will provide additional water quality benefits. The alternative to the ser is the [indiscernible] watered. Contrary to the staff report denial of the sers will not result in less intensive development. You will still have impervious cover of 20%, staff acknowledges that. The buffer will be reduced, not downstream, because we won't be able to cluster the units. You'll have on site wells and you'll have a privately maintained on site septic system. Standard water quality controls will be provided. So the new staff report just to be clear, it's not subject to the current ossf ordinance because we're not annexed for public health and safety or health and safety. It also underestimates how much development could be

-- could occur with private systems. We estimate we could get 18 units plus 23,000 square feet of commercial pursuit to the county rules. That's about what staff said in scenario b, they would recommend approval of the ser's. Impervious cover the same. You would have 6,000-gallons a water per day in a private system, not subject to the city ossf ordinance, I think the new staff report also overstates the concern over the public line. The sole concern about this and the public lines is that this will somehow interrupt ground water flow. But that will be the case in the private system, too. The private system would basically be a collection system. It would involve collection lines, a pump and then a line

-- lines that would go to the drain fields. So the new staff report really merely confirms what the environmental board concluded. And voted 5 to 1. In addition the city as you can see on the map, outlined in blue, recently this year approved the windy ridge site, which is in the e.T.J. For service extension requests. Although that was an affordable housing project, it was not again if the issue is the

environment, it was actually not better environmentally. It was subject to e.T.J. Rules, not city of austin rules. Didn't have to com play with heritage tree ordinance. They actually expanded the amount of area that was going to go into this watershed. Also at the bottom, not shown on the map, but the very bottom would be the parke north site, which again the city is annexing for full purposes. In conclusion, the project will exceed current environmental requirements. The ser approval will result in environmentally better development than would otherwise occur. The project is not located in the e.T.J., It's in the limited purpose limits and it's similar and perhaps better than the recently approved windy ridge ser. I would also finally just say that

-- [buzzer sounding]

-- in conclusion if you can't have extended sers to this site that meets currents code, where could you in this area, with that I will be happy to answer any questions that you have. Questions? Councilmember martinez?

[05:20:24]

>> Martinez: No questions, mayor, I was switching my source.

>> Mayor Leffingwell: Okay, councilmember thomas.

>> Morrison: Just a brief one. Thank you, mr. Howard, I know that you have been very patient with this one. I just keep getting in the way and all of that. You mentioned the new staff report, I'm looking at the staff report from september 26th, SO YOU ARE Suggesting there's one beyond that?

>> There was an earlier staff report that was part of what the environmental board considered.

>> Did it have the environmental officer's comments in it?

>> Yes. The

-- the environmental officer presented the

-- its recommendations at the environmental board.

>> Morrison: Okay. Great, thank you, I appreciate you coming down, your patience.

>> Thank you.

>> Morrison: If I could ask our

-- mr. Lesniak to come through and talk through a couple of the items. It might be best if you gave us the outline of your different scenarios and then it would be helpful to me if you could respond to some of the disconnects that we heard mr. Howard suggest.

>> Okay. Chuck lesniak, city environmental officer. The

-- let me first say that as we did the analysis on this site, it was not

-- this is not a black and white issue. A lot of times our environmental analyses, there's a very bright line. You can really see that there's a difference in environmental impacts between providing water and wastewater or not providing water and wastewater, I think that's reflected in our report. We looked at three different scenarios much one is where we didn't provide water and wastewater service. One is where

-- where we provided water but not wastewater service beyond septic. And then one where we provided both water and city wastewater services. And what we looked at was that

-- that the scenario b where we provided water but not wastewater service and assuming that there would be development under septic system was

-- had the gr greatest impact because of

-- if you provide water, the development can probably be done at a higher density. We're not sure that they could do the entire 36 units. In fact I think probably could not. But it would potentially generate a lot of wastewater flow because you're also providing water, so they have essentially an unlimited supply of water, so it creates potentially a larger volume of wastewater into a larger septic system. If it was built with just water, without water or wastewater, because of the limits on water availability, and I think we disagreed with Mr. Howard on this, that we don't think that there's water

-- groundwater available to do anything like the density that they're proposing, that you would have a much smaller septic system for whatever development did occur there. They may be able to do their impervious cover, but it would probably, it would probably be a development that had much

-- a lot fewer people on it so that there were

-- there would be a lot less wastewater generated and because

-- so you could do that with a well because there is a well on site today. They might be able to improve that, drill another well, whatever. And then in scenario c where we looked at both city water and wastewater services, as I said, would have the highest potential for adverse impacts to ground water flow paths because of the depth of the wastewater lines because you would have to go to a lift station and we do believe, although there's not geotechnical information specifically for this site, nearby sites our geologist tells us that we have seen shallow ground water, it probably feeds the seeps that are on site, there are seeps on site with shallow ground water, our geologists think in the area of nine to 10 feet or so are feeding those seeps. Deeper wastewater lines have the ability to impact those. We are concerned about environmental impacts. Even though providing water and wastewater is less of an environmental impact. I think we stand by our original recommendation to the environmental board and to you that because of the potential environmental impacts of the site, that neither water nor wastewater service be provided.

[05:24:55]

>> Morrison: Thank you. I appreciate that. It's a lot of different things to juggle. I guess I just want to go back and clarify

-- get clarification on a couple of things. In terms of the issue of wastewater service, having a more significant impact than in terms of ground water interruption, than the private system, I guess the real issue, the real question is for a layperson, you have to go deeper with the with our wastewater system than with a private system; is that the essential difference?

>> Yes. Because it will have to go down to

-- it will gravity flow from the development to a lift station down at the bottom of the draw. It will have to be cut deep to get to that lift station and then have to go up the hill. There's also concerns with lift stations also that occasionally they fail and you can get overflows. You can put alarms on a lift station to

-- to alert people that that's occurring, there are ways to deal with that. But it's that depth we cut. I do want to point out we don't have geotechnical borings here, there's no certainty with this analysis that it's possible that they might be able to put those wastewater lines in, there would be not impact. But we do know from experience on other sites that that does happen. There's no certainty that would happen on this site. We also do know that sometimes we put the lines in and we don't intersect flow paths, so as

I say, this was not a black and white analysis at all.

>> Morrison: Then another just to clarify in my layperson's mind, you were talking about your theory that there would be less intensive development if there were no water, if it was just ground water and I

-- do we have

-- what makes you suggest that the ground water available on site is limited?

[05:27:01]

>> Our understanding from the flow data that was provided by their engineer for the well that's on site, it was the conclusion of our geologists and staff that that would not provide sufficient flow to support the intensity of development or even approach the intensity of that development in terms of that number of people.

>> Morrison: So that is based on some data that we have.

>> Yes.

>> Morrison: Okay. Great. Then mr. Howard also mentioned biofiltration and rain gardens, did your analysis take that into account or does it make a difference in your analysis?

>> We did not because as we've talked about with sers, there's no certainty there. We can't condition an ser approval on the promises of the applicant that's prohibited by state law and so they may likely do that. They have a site plan in right now. I don't know if that's in their current site plan. They may well do that. But

-- but as a policy, we don't consider things that are not required by code because we can't later require those. As soon as they get their ser approval, they could certainly change their mind for whatever reason if there were design issues or whatever and not do that. We can't condition ser's on that.

>> Morrison: Great, thanks for that explanation, I didn't realize that was

-- that there was that prohibition. One last thing, to get in my mind the chronology, when was

-- can you remind me when this was in front of the environmental board?

>> JULY 16th.

>> Oh, okay. Quite a while ago. And before your analysis?

>> Yes.

>> Was done?

>> Yes. This was a more

-- we do an environmental sort of a

-- 10 or 20,000-foot view, usually with an ser you have very little information. Ser is the very first step in a developmental process. What we did is sort of a 10 to 20,000-foot overview, because we usually have very little information about the site, that sort of a thing, it's a preliminary review. That's all we had done. We went to the environmental board. After it came to council, you asked for more information. We got more information from the applicant and we were able to take a look at their site plan, we met with their engineer and were able to do a important detailed analysis. Even though even at this level there's a lot of uncertainty in your analysis.

[05:29:29]

>> Martinez: I appreciate that but

--

>> Morrison: I appreciate that but we have to make a decision up here based on our big picture philosophies. I guess. To comments, I want to thank you for doing this analysis and for staff I believe this is the case where we brought up the issue of how important it is to have an environmental assessment for us in making our decisions and that in the future these are all going to be included in the backup, I appreciate staff for doing that. I guess mr. Howard I wonder if you would like to comment on anything that mr. Lesniak said, I bet that you would.

>> Thank you very much, councilmember. I would, mr. Lesniak said scenario b had the greatest impact, 20 units, 14,000 square feet of commercial on a private system. We have estimated that even without public water, we would have 18 to 20 units and 23,000 square feet of commercial development. We have our engineer here. So if you

-- if you deny these ser's, you're going to result in the exact worse case scenario that mr. Lesniak is worried about in terms of the number of units, intensity of development. If that's the worse case scenario that will happen if you deny the reason for that is because the ground water availability is there. We have well records from area wells that indicate that we can easily get a 30-gallon per minute water well. We can have a storage tank on site to meet fire flow. We have engineer here, it's not a problem to get the the

--

-- to get the

-- [audio issues, please stand by]. There will be two collection system, the water flows downhill at the same rate. It will go to the same depth, pumped back to either spray irrigation field or a drip irrigation field. It will be the same depth. The difference is the private system will be privately maintained. It will be county standards. The public system will meet your cadillac, gold plated awu current standards for public facilities. It will be better than the private system and it won't be any deeper. And then as far as the rainwater harvest or rain gardens and biofiltration, our site plan is already in. It includes those. We're delivering on that promise. Then finally on the issue of information of the

-- of the environmental board

-- that the environmental board had. Although it's a new report, there's a new piece of paper, the information is the same. That environmental board, at environmental board, mr. Lesniak said it's going to be reduced units for the same amount of impervious cover. They were concerned about the ground water availability. Those issues were all

-- have always been the same issues. So I don't think that this is

-- it's maybe more in-depth analysis, but it has reached the same conclusions. So

-- so those are my comments.

[05:32:56]

>> Morrison: Thank you, mr. Howard, I appreciate that. Because I think that crystallizes for us maybe what the challenge is here. We have on the one hand our staff telling us

--

>> Mayor Leffingwell: [Indiscernible].

>> Morrison: Based on data, it's like not adequate ground water whereas you are saying you have identified that there is. Then we have our staff telling us that

-- so that will the development be limited or not is the question there. And then we also have a disagreement, our staff suggesting that the

-- you are suggesting that the private wastewater system would be just as deep and our staff having a different view on that. So

-- so there you have the decision points, I believe, and that's very stark, very stark disagreement. But I appreciate that and I suspect there's more questions.

>> Mayor Leffingwell: Yeah. You know, I have the greatest respect for our watershed protection department. Their expertise in their field. I would question their expertise as regarding how much development can be on a piece of property. I would think that would be more the province of the developer or perhaps some kind of outside expert, but it's really irrelevant because, you know, if the developer thinks he can build a certain amount of density, he can do it. I mean, he may be wrong, but he can do it. In that instance it may be where he

-- I'm very uncomfortable trying to reconcile certainly want to at that time watershed protection's recommendation on environmental issues, but as far as development issues, I'm a little bit reluctant. I'm always amazed that we come in here and we decide, it's happened several times, to

-- to prefer, to insist that somebody put in their private wastewater septic tank system basically instead of using a real wastewater system, I'm always amazed to see people say that's a better option.

[05:35:10]

>> Tovo: I would like to call mr. Lesniak back up. Also to clarify, well, yes, I did have a question of whether the new ossf rules would apply to this site. I pulled it from the consent agenda the first time because our staff recommended against it and I believe it more [indiscernible] and I think the additional analysis has been useful. But it has just to re-emphasize, confirmed your original recommendation against extending that service.

>> That's correct.

>> Tovo: I believe we may have talked about this the last time it came up. I wanted to just confirm for me that there's also the site slopes and it slopes toward the jollyville plateau salamander habitat, is that correct.

>> Yes. This site does drain to a spring opened by the jollyville plateau salamanders, about a mile away.

>> Tovo: Thank you, I believe there may have been some other opinions on that as well, but I wanted to confirm that's your understanding of it.

>> Yes.

>> Tovo: Thank you. I agree there are, it's not a black and white situation. And there are points in dispute, but I'm going to support

-- I'm going to put my confidence in our environmental officer on this one. And support denial of the ser extension.

>> Mayor Leffingwell: Again, mr. Lesniak, I

-- your expertise as a developer, how much impervious cover how many people could be put on a certain piece of land, how much confidence do you have in that?

>> This was the consensus of a number of staff, including several engineers on our staff that looked at this. And

-- that

-- and the water utility staff as well. That they had questions, they questioned the ability to put this number of units

--

>> Mayor Leffingwell: They could do it, right? They could choose that option? If they are going to have these services.

[05:37:16]

>> They would have to get it permitted. They might not be a account to get it permitted. The engineer has to design the system and seal that it

-- see that it will treat, will meet all of the state and city standards and the city staff believe that would be challenges.

>> So if that's the case, why are you opposing that, if all of this is going to be worked out in the permitting process?

>> Because it

--

>> Mayor Leffingwell: You are kind of getting ahead

--

>> if they get water and wastewater service, they would not be required to have an

-- they would not have an on site septic facility. I do want to mention that beyond just our staff, when we looked at the water availability, that question came up when we did the original analysis. The applicant's engineer said that the well water supply while meeting minimum requirements may not be reliable over time due to the low transmissibility of the trinity aquifer in the area. Finally substantially storage and pumping would be required to meet flow requirements, reliability of a small system meeting [indiscernible] flow requirements would be questionable. That was we took he
-- that was when I mentioned their information and their data is what I was referring to.

>> Mayor Leffingwell: Mr. Howard, would you like to comment.

>> Two points. There's no disagreement that 20% impervious cover will happen under any scenario.

There is no disagreement that if we put that 20% impervious cover it will be in a

-- private system, a privately maintained county system. Just be clear. Same intensity in terms of impervious cover and the alternative is an on site septic system to county standards. That's not in dispute. On the issue of the reliability, yes, reliability is a concern. This is why we want people on public water. But that doesn't stop the development from going in. We can put in a well, we can have storage tanks and we can have private systems, we can have unreliable water, is that what we want? Do we want in areas we're going to annex, you just are in the process of annexing a property half a mile away. On 620 in an area where you are going to annex, do we want private septic systems and unreliable wells? The well will be sufficient in order to get permits to put in the development and to have the project. We would rather have, as I think I would hope the city would, reliable water and the highest standards of public sewer service:

[05:39:49]

>> Mayor Leffingwell: So if we were to annex this property, we would have to provide this service.

>> We would

--

>> Mayor Leffingwell: Or we would be in the situation where we are declining to annex the property because we didn't want to provide that service. Which would be somewhat I think somewhat significant effect on the tax base. We would have this property there anyway, but not serve the city water and sewer and not on the tax base.

>> Yes, my guess is when this was developed, you will annex, just like you are annexing down the street, we will be within the ccn at that point and be in city service and administrative service extension request at that time.

>> Cole: I have a quick question, mayor.

>> Mayor Leffingwell: Mayor pro tem.

>> Cole: This property is within our scene of the accident plan; is that correct?

>> It's your

-- I don't know if it's in your annexation plan, but in your limited purpose jurisdiction.

>> Mayor Leffingwell: Mr. Lesniak.

>> We did check with our annexation staff and pdr, this is not currently in the annexation plan. Mr. Howard is correct, we have done annexations nearby. After development was approved and service extensions requests were approved.

>> Mayor Leffingwell: Councilmember tovo.

>> Tovo: The discussion that just transpired reminded me of another question that I have from you mr. Lesniak. It's my understanding from your memo while the ossf permitting for the residential portion would fall under the county, the commercial portion would fall under the city.

>> That's correct.

>> So it's not

-- we would have city regulation of the commercial.

>> About the front third of the property, yes.

>> Tovo: Okay. Thank you.

>> Mayor, if I may, I do want to reiterate that this is

-- this was a close call. You know, I know this is not an easy decision for you. And when we looked at

-- when we did the analysis on here, this is not

-- there is no the a clear answer on the environmental impacts. Not a clear answer. And we exercised our best professional judgment here with the information that we have and did our best and where we landed twice is on a no recommendation. As I say, there is no certainty here.

[05:42:04]

>> Mayor Leffingwell: I want to reiterate what I said. I have the greatest faith and confidence in your professional judgment on these matters. Just not so much so on development matters.

>> We should consider these two items, when we vote, we should have a motion separately on items 5 and 6, mayor pro tem did I want to

--

>> Cole: Yes, mayor. Given the uncertainty that exists with this, the recommendation by the environmental staff, I understand the concerns, I will go ahead and move approval on item 5.

>> Mayor Leffingwell: Mayor pro tem moves to approve item no.5. Is there a second? I will second. Discussion? Those in favor say aye.

>> Aye.

>> Mayor Leffingwell: Opposed say no.

>> No.

>> Mayor Leffingwell: That fails on a vote of 3 to 3 with councilmember martinez, tovo and morrison voting no. Is there another

-- that item fails, that is not approved.

>> Cole: I will go ahead and make a recommendation for approval on item no.6.

>> Mayor Leffingwell: Mayor pro tem moves to approve item no.6. Is there a second? Again I will second. My discussion? Those in favor say aye.

>> Aye.

>> Mayor Leffingwell: Opposed say no.

>> No.

>> Mayor Leffingwell: That motion fails on a vote of 3 3-3 with councilmember martinez, tovo and morrison voting no. Councilmember martinez.

>> Martinez: Thank you, mayor, with it being 3-3 and with councilmember spelman not here, I would like to give you the opportunity to at least have a full council and so I

-- I would certainly entertain, if that's something that you want to do, is reconsidering this and postponing it until a full council is here.

>> Mayor Leffingwell: We don't need to reconsider. Just a new motion to postpone would suffice.

[05:44:11]

[Multiple voices]

>> that would be agreeable, councilmember, thank you.

>> Mayor Leffingwell: Until what date?

>> Martinez: Next council MEETING, NOVEMBER 20th.

>> Mayor Leffingwell: Motion by councilmember martinez to postpone until NOVEMBER 20th. Seconded by mayor pro tem. Further discussion? This is on both items, 5 and 6, councilmember?

>> Martinez: Yes.

>> Mayor Leffingwell: Those in favor say aye.

>> Aye.

>> Mayor Leffingwell: Opposed say no. That passes on a vote of 6-0.

>> Thank you. We will go next to item 9. I don't know if we will get through it or not. Item no.9 was pulled by councilmember martinez, we have three speakers.

>> Martinez: Do we have a presentation from staff first?

>> Mayor Leffingwell: Staff want to make a couple

-- go ahead.

>> This is not a formal presentation.

>> This is the city clerk, speaking by the way.

>> Sorry.

>> A list of things that you will need to discuss.

>> Mayor Leffingwell: Okay. Let's go ahead and hear the speakers and if we got questions we can get into a more general discussion that way. Mamie reader.

>> I guess there's some confusion where we are with this. People were talking about it in the back. I'm concerned about the changes that will be affecting the animal advisory commission. I don't know why it's not going to have the same membership as the other boards and commissions increasing to 11. And right now they are recommending it decreases to five. At this point when we're getting new representation on city council and I think we need more public input. We're going to end up with a tiny group meeting only six times a year.

[05:46:49]

>> Martinez: I don't mean to interrupt you.

>> Mayor Leffingwell: Councilmember martinez.

>> Martinez: The proposal as I understand it has it going to 11. Each councilmember will get an appointee for the animal advisory commission.

>> We weren't sure, looked at the updates and couldn't mind them. Well, I'm happy. [Laughter].

>> Martinez: Ms. Reader, the distinction is that they are by statute there are five required positions.

>> Right.

>> Martinez: And that's what we still need to discuss I think today as a body is how do we get to that point of appointing those five required, but there will be 11 on the animal advisory commission.

>> Good, we didn't know this. That's what we were discussing in the back. I did have a couple of other things is that

-- well, with that

-- maybe, I'm sorry, but

-- now that we know that it's going to be 11

-- is the public health and human services going to be nominating them? That was of some concern, too, as opposed to the other system where they came to the city clerk's office.

>> Mayor Leffingwell: They will be nominated in the same way they are now. Nominated by individual councilmembers. Next speaker is larry tucker. Larry tucker. Okay, pat valles-trelles.

>> Yes, mayor, it's valles-trelles.

>> Mayor Leffingwell: Is that french?

>> It's catalan from barcelona, spain.

>> Mayor Leffingwell: They are trying to secede right now as I recall. Go ahead, a little off topic there [laughter]

>> I do have comments on that issue, but I will withhold comments

[05:48:51]

[laughter].

>> My reason for signing up to speak was confused similar to her that I couldn't tell from the backup information that it was going to 11. Now that it is going to 11 I fully support that. I thank you for making that change and I'm sorry that I signed up against it because I'm for it. [Laughter].

>> Thank you.

>> Mayor Leffingwell: Nice to hear from you on world affairs anyway. [Laughter]. So I will entertain a motion on item no.9.

>> Martinez: I move approval, but I think we have some changes.

>> Mayor Leffingwell: Councilmember martinez moves approval, seconded by councilmember morrison. Councilmember martinez.

>> Martinez: I think jeanette is about to walk us through some things we still need to finalize today.

>> What we did after the september 23rd work session, when we got some direction from council on your preferences on some of the recommendations is john steiner did a great job trying to translate some of those thoughts into a draft ordinance which you have before you. So I thought that I would walk you through the items that we were comfortable or that we knew about. There are a couple that still I want to make sure I understand exactly what your preference is. And then there are some remaining task force recommendations that we just need to know whether or not you want to implement any of them so we can incorporate them and you can either approve this on first reading, bring back a final one as we work out all of the details. Because as we started going through the recommendations and trying to put it into an ordinance, sometimes we came up with questions on the best way to do it. So

-- so one of the first ones was the task force had recommended merging the building and fire code board of appeals, the electric board. And the mechanical plumbing and [indiscernible] board. And the interest expressed those separate so they will remain as three separate, 2-1 boards with membership of 11, appointed by council. The commission for women will remain as is, which is the membership increasing to 11. The animal advisory commission is staying just increasing its membership to 11. The only question that I have for you today is we have identified the five required individuals that have to be on it, and whether or not you want to provide any direction as to which councilmember appoints those specifically or if you want to leave it up to the

-- to the new councilmembers to work out amongst themselves. Expressed interest in adopting the task force recommendation to create the new economic prosperity commission, we have incorporated that into the draft ordinance and the bond oversight commission, you expressed some interest in

-- in merging

-- in the task force recommendation for that, which was to reassign the duties to a new economic and capital budget joint subcommittee of the planning and zap commissions. As we got writing it and putting it into the ordinance, it really appeared that you were actually creating a separate 2-1 board. Because you were going to have a full-fledged board. So we incorporated it into 2-1 as a separate board, but if you prefer delegating and reassigning that to a subcommittee of planning and zap, we can do that as well. Just whichever your preference is. And then the other decision you would need to make there is with the four additional members, how you would want to make those appointments, do you want to

have them appointed or nominated by the city manager or possibly a council subcommittee. The sign review board, as you expressed interest, we have merged that into the board of adjustment. And then we've done some other generic cleanups relating to quorum and those types of issues for 10-1. So that is what we have incorporated into the ordinance as of this morning. So then there are a couple of other things that the task force had recommended. One was using the term commission whenever possible versus board. So I just need to clarify

-- to know if you have a preference for that. The community development commission, the task force recommended keeping it with

-- with 15 members. Not

-- seven nominated by the geographic locations, with eight additional nominated by committee of council. In the draft ordinance, we've put it where

-- where it was increasing to 19, given that we thought each councilmember may want to make their own nominations. We needed to know whether you want to go with the staff recommendation or with the task force recommendation. The sustainable food policy board, is very similar, the decision there is the task force had recommended it stay at 13. Six nominated by the travis county commissioners court and seven nominated by a committee of council. In the draft ordinance the staff recommendation was to increase it to 17 to allow the council each to nominate a member and six appointed by the travis county commissioners court. The african-american resource advisory commission and the asian american quality of life commission. At the work session, the council expressed the interest in option 1, that was provided by the task force. Which would be to incorporate the african-american cultural and heritage facility into the scope and definition of the african-american resource advisory commission and to increase its membership to 15, 11 appointed by council and four community representatives. And option 1 for the asian american quality of life commission was to incorporate the asian-american resource center into the definition and scope of that commission and increase the membership to 11. Or to 15, I'm sorry. Just want to make sure that's still how you would like it done. And if you have any suggestions on how we actually handle the nominations for the four members from the stakeholder groups. The american mexican-american cultural center advisory board and the hispanic latino quality of life resource advisory commission will stay as two separate entities. The only thing that was remaining on the task force recommendation was whether or not you wanted to incorporate into 2-1 a requirement that they have joint quarterly meetings. And so those were the

-- the recommendations that you got through on the september 23rd work session. The remaining 13 recommendations you didn't give us any feedback at all. So we just need to know if there are any of them that you want to incorporate or if you want to keep them just as they are. So

-- so I can go through each of them if you want. But that may take us past noon.

[05:57:13]

>> Keep going!

>> Keep going? Okay. The next one was the austin mayor's committee for people with disabilities. And the commission on seniors. The task force recommended two recommendations. The first one was to merge the two into one commission, called the people with disabilities and seniors quality of life commission and increase the membership to 15. Option 2 was to leave them as two separate

commissions, but similar

-- but have them hold a joint quarterly

-- joint quarterly meetings. So we would need to know which option you wanted to do, if any.

>> Okay.

>> The next one was the downtown austin community court advisory committee and the public safety commission. The recommendation was to merge those two together into an emergency response services commission. Consisting of 11 members. The environmental board and urban forestry board, the recommendation was to merge those two together into an environmental commission consisting of 11 members. The m.B.E./W.B.E. Small business enterprise procurement program advisory committee and the construction advisory committee, the task force recommended merging those two together into a municipal contracts and construction commission. The residential design and compatibility commission, the task force recommended reassigning the duties of this commission into the design the planning and zoning and platting commissions, the task force recommended reassigning the planning commission to focus on planning oriented activities and reassigning the duties of the zoning and platting commission to focus on translation

-- translate activities citywide including rezoning, platting and site plans, et cetera. They also recommended creating two permanent new subcommittees of the planning commission and the zap. One would be the economic and capital budget joint subcommittee and the second would be a small area planning joint committee. We just need to know if you want to implement any of those recommendations. The downtown commission, the task force recommended reassigning the duties of the downtown commission into the small area planning joint subcommittee of the planning commission and the zap. So if you do not create that subcommittee, then the downtown commission will stay as it is [inaudible]. The waterfront standing advisory board, the recommendation was to reassign the duties of that board into the small area planning joint subcommittee. The building and standards commission, in researching this after the work session, I know council passed a resolution suggesting that the building standards commission set up a two panel system that would allow them to hold more meetings. That has not been completed. The commission actually recommended in january to not accept that at that time and to ask for six months to evaluate the proposal. Unfortunately that recommendation didn't actually get submitted to the clerk's office as a recommendation, it just got inserted into their minutes so no one outside the commission knew they had made that recommendation until we tracked it down. So I guess you could, if you wanted to, decide to keep it at 11 or increase it to 22 members for them to create two panels. The task force recommended the creation of a joint cultural committee that would consist of representatives from the arts commission, music commission, asian-american resource center, the macc, the african-american cultural and heritage facility, the library commission, parks and rec, historic landmark and economic prosperity. They also suggested and recommended creating a new joint sustainability committee. That would consist of folks from the water and wastewater commission, zwac and a number of others we've listed there. The resource management commission, the task force recommended reassigning the duties of this commission into the new joint sustainability commission. So if you don't create the new joint sustainability commission, then it will stay as a separate, independent commission. And the last recommendation was to create a joint inclusion committee. Which would consist of representatives from a number of groups that they identified as well. And that is the last of the recommendations on my list. So today you can decide to make some decisions, postpone it or

--

[06:02:46]

>> Mayor Leffingwell: Councilmember, do you want

-- your motion as made was for all three readings. Do you want to amend that or

-- in light of these changes? It's up to you.

>> Martinez: If we're comfortable moving forward, I'm comfortable with that. If we want the new council to weigh in on this on third reading, I'm comfortable with that as well. They obviously can redo anything we've done as an ordinance

--

>> Mayor Leffingwell: That's kind of the approach I would take. I would be supportive of just passing it and if they want to make any changes they can do it.

>> Martinez: Correct.

>> Mayor Leffingwell: Councilmember morrison.

>> Morrison: So just to be clear, the

-- what you are suggesting that we just pass sort of the bare bones that's in here.

>> Mayor Leffingwell: Yeah.

>> Morrison: I guess

-- I know that if council can do that, that i, frankly, see a lot of work that I think would really behoove us to incorporate some of that work from, you know, the years, probably thousands of years from experience from the task force members. So I really would, hate to say it, but my preference would be to walk through the recommendations and then pass it on say first and second reading and asking staff to incorporate the recommendations. I think there are a lot of really good recommendations.

>> Mayor Leffingwell: Then I would suggest without objection that we put this item on the table and go to citizens communication.

>> Morrison: Thank you. I appreciate that.

>> Mayor Leffingwell: All right. Gus pena. His topic is veterans day.

>> Good afternoon, mayor, councilmembers, city manager, city attorney. Gus pena, proud native east austinite, proud united states marine corps veteran. Please remember what veterans day is. You all will have the day off, a lot of veterans are disabled, homeless or ill due to complications of wounds or other things. Show your appreciation for the veterans who fought to defend our freedom, safety and democracy. We veterans gave it our all. Veterans need jobs, housing, health care, especially single women, single female veterans that are homeless and also single female veterans with children need especially due diligence in housing. We need to make them a priority too. Happy birthday to our united states marine corps. We will celebrate the birthday of our marine corps november 10, 2014. We celebrate our united states marine corps birthday. Semper fideles, always faithful. Hoo-rah. I want to thank you also, mr. Mayor, for your service to our country. Thank you for that also. I want to say this about one article that appeared in the paper, mayor joins vets housing effort. One big inaccuracy, it states travis county has 176 with a 58,000 veterans either homeless or living in emergency shelter in january, a 66% decrease from the count taken by echo. Do I look like I'm stupid or dumb? There are more than that homeless veterans. I go to the clinic for my health care services. You just see 50 veterans

there in one day and I go the next day to my appointments, there are different faces that are homeless. So please, this is an inaccurate article. There are more than that. We counted 5500 homeless veterans when we did our count. They will talk to us. This is a slap in the face to our veterans. We need more accurate counting than just what echo has given us is not true. I want to thank, you know, politics aside, I want to thank steven adler for helping us veterans. He has helped a lot of veterans in many issues, many things, many ways. We have a big coalition, a new organization. Veterans for progress. It is 6500 strong. We don't have 5013-c, but we want to tell you what, the veterans are supportive of our candidate. Thank you, mr. Steven adler for what you have done for us. Item number 2, I don't know if it's appropriate, mayor, it says which provides housing for extremely low-income and formerly homeless individuals. Housing. We need more multi-family units than sro, single room occupancy. Many veterans are homeless, we need to support our veterans and I'll say this again, parents, if you can, take your children to the veterans day parade not just to honor me or the veterans but show them what veterans day is all about. You gave it your all. Mr. Mayor, you gave it your all. Thank you very much and have a good day.

[06:07:40]

[Buzzer sounding]

>> Mayor Leffingwell: I do have to say your political advocacy is inappropriate had I known where you were going with that, I would have stopped you. Jessie mercer. Jessie mercer. Okay. So the topic is establishing a male clinic. Not a mayo, a male clinic. Go ahead, you have three minutes.

>> Good evening. And I am here to try and to get people to think with me on the male clinic. Of all the clinics we have here in austin, we don't have anything for the men. Women have everything. I know it's unusual, but I think that's something that's very much needed for our men to have a special clinic, especially for men. That's what I am trying to bring to you to try and establish, seeking to think about it for a while. That's that. Number 2 is and it's short, the other time when I came, we talked about big trucks staying this the right lane so stop killing us. Now they are on top of the bridge. And if we could get a sign to stop the big trucks from going over the top of the bridge right there by the stores and stuff and let them stay in the right lane and stay on the bottom bridge to save more lives. Thank you all.

>> Mayor Leffingwell: Thank you, ma'am. And I skipped javier bonafont. Javier bonafont is not going to be here, I understand. And lauren gregorcyk is not going to be here, so david king. His topic is google.

[06:09:59]

>> Thank you, mayor she mayor pro tem, councilmembers. My name is david king and I live in the zilker neighborhood. The city council recently approved spending \$991,000 in taxpayer money to pay for permitting and inspecting google fiber network installations in the city. The council increased the budget for the planning, development and review doesn't by \$691,000 and the budget for the austin transportation department by \$300,000 for a total of \$991,000 in the current fiscal year. City staff indicated that the \$991,000 will come from the general fund, also known as taxpayers. City staff also indicated that they anticipated similar requests for additional funding for the google fiber network installations next fiscal year. That would equate to almost \$2 million in taxpayer money just for the

google fiber project. The organization chart for the planning and review department shows 14 positions are dedicated to google fiber project. The city will also pay the costs for permitting and inspecting at&t's fiber network installations. How much will that cost taxpayers? City taxpayers, residents and businesses deserve answers to the following questions. How much taxpayer money will the city spend on these google and at&t projects? Will the city require google and at&t to reimburse taxpayers for those costs? Will they give those projects over residential and commercial projects? Will reviews, permits and inspections for other commercial and residential projects be delayed or given lower priority to make way for the google and at&t projects? I urge the council to number one, hold a public hearing on the cost to taxpayer for the networks in the city. Number 2, provide the public with a breakdown of the total estimated cost to taxpayers for signals of the networks. Number 3, require google and at&t to reimburse the city for full costs for permitting and inspecting their networks and number 4, direct city manager to -- commercial and residential projects are not negatively impacted by the google and at&t projects. These new high speed fiber networks will increase the profits for google and at&t by allowing them to charge significantly higher prices for internet access. Google is advertising \$70 per month in kansas city and at&t is advertising \$70 a month for high speed internet access here in austin. Many taxpayers cannot afford \$70 per month for high speed internet access. It's not fair or equitable to can them to pay for these high speed networks that they cannot afford to use themselves. Thank you.

[06:12:40]

>> Mayor Leffingwell: Councilmember morrison may have a question for you.

>> Morrison: A question for staff and that is that the cost of permitting, my understanding is based on the cost of service model so that in fact the

-- the permits should, in fact, generate theoretically enough revenue to cover the cost of providing that service. I see mr. Guernsey here.

>> Councilmember, mayor and councilmembers, greg guernsey, planning and development review department. This is a rather interesting project. Typically they are a general permit process. They are gauge to do recover the costs of typical general permit work. And this putting in an entire infrastructure really kind of goes beyond I think what the general permit process was originally envisioned for and used for many years. No, the city is probably not recovering its costs with this particular permit. That is why I came forward during the budget process and asked for and council granted these temporary increase, these are not permanent positions, that would maintain our ability to the residential and commercial reviews during the infrastructure installation by google. Right now at&t has not approached us formally to make the request, but a lot of their infrastructure is hung on poles. So it's not as probably as intensive as google, which is mostly underground versus above ground. The positions that were mentioned also, I've gone back and tried to hire past employees that are very familiar with our requirements of our code. These are staff that require minimal amount of training. That was the advantage of doing that. And so there are more positions, there are more individuals that are probably working for the city. If you look at the full-time equivalence, that number might be less than what was brought to you by mr. King.

[06:14:48]

>> Morrison: So you say there's a gap because our structure wasn't really in place. There's a gap between what the cost of the permit is and actually the cost of the city doing the work.

>> That's correct.

>> Morrison: And that's because we didn't have things properly in place to sort of capture building out a whole new infrastructure system.

>> That's correct. If you think

-- if the water utility was going to all of a sudden put all of their waterlines in all at once all over the city, even though there mighting a process that staff would review and look at all the plans, it's a rather overwhelming amount of work that needs to be done. Google has worked with us so they have staged their submittals so that they are not bringing a tremendous amount of plans to us all at once so that we're overwhelmed. So they are staging their submittals, doing our plan reviews and doing our inspections so it's kind of a steady flow. But it does take more staff to look at putting in the entire infrastructure of that fiber network.

>> Morrison: Two questions. What is that gap and the cost between the extra folks and the cost of the permit that has been granted.

>> As represent the numbers are correct. Close to a million dollars of additional labor. That's including trucks and computers, both from my department and the austin transportation department. We expect that to be this year and most likely at least a portion of next year depending how the infrastructure goes. Councilmember, I don't know the exact costs if we tried to break it out for each part of the -- it's a substantial amount more in trying to recover that cost. I mean you are talking about hundreds of thousand valentine's day of dollars more than what we would normally charge for doing minimal work on general permits.

>> Morrison: And the cost of a general permit is?

>> I don't know the precise amount. It's an annual permit. It limits work to smaller lines, typically sizing lines. We do a review of making sure that we're not endangering protected trees and things like that. But really we're talking about the substantial amount of cost of the labor and materials for having trucks and the computers, that's \$690,000 is pretty much probably over 650,000 of that is devoted just to this activity.

[06:17:14]

>> Morrison: One more question. Do we have any intention of trying to fix that out? Structural gap in our permitting.

>> We've talked about it going into this year's budget. But as I said, when we did the budget this past year, this is not a typical situation and no

--

>> Morrison: But it sounds like it will continue for a while so I do think it would make sense to consider that in the new budget.

>> We can certainly look at that.

>> Morrison: And because at this point because we were caught without having an adequate perhaps

permitting structure, the option at this point would be to have slowed everything down significantly, slowed down not only there, google's processing but everybody else's too.

>> That's right. If I had to remove site supervision staff from new home council instruction or utility structure elsewhere in the city, that was unacceptable to me to make the recommendation that but for that to happen we brought that forward to you.

>> Morrison: And you will look at

-- get it in front of council next time. Great. Thank you.

>> Mayor Leffingwell: Next speaker is raymond weyandt. Speaking on the williamson creek buy outplan.

-- Byout plan.

>> If we have slides, is that something we can pass to someone? Then we also have copies of the packets for the council. Good afternoon, council. Mayor leffingwell. Friends and neighbors to have come to support. I'm raymond weyandt, and this is carolina my wife. We have a home near williamson creek in south austin. We came to speak on an agenda item regarding the resolution of our neighborhood situation. But that item no longer appears on the agenda or never made to it the agenda. Since our home on williamson creek flooded last october displacing us, rendering the structure uninhashas beenable, we have been asked to wait and wait as the watershed department

-- our living expenses have doubled. We cannot live in our destroyed home, mind you, but we can pay its mortgages, its taxes, flood insurance and the rent on the apartment that was meant to be temporary that we moved into more than a year ago. All of this extra cost is covered by savings which are quickly running out. For a young people living on one income, this financial load is no longer bearable. Today we only wish to illustrate this process that we've been through and to identify the struggles that we're going through and to ask you to firmly when the opportunity is presented to you at the next council meeting, please approve our buyout. It only needs your approval. They told us the approval would be sought today. They kicked the can down the road yet again and are saying they will seek it at the next council meeting. Today we're asking you to put pressure on all necessary departments and individuals to get you what you need to make the right decision and approve our neighborhood's buyouts. For those unfamiliar, we want to fill knew quickly on the time line. Our home flood understand the middle of the night on october 13. We were pulled out by firefighters from the austin fire department and waited at our neighbor's home until we could begin clean up. After months of wrangling with insurance companies and federal disaster officials we finalized claims and lined up a contractor. When the contract mentioned a neighbor was unable to obtain building permits due to a possible byout we called the city to investigate. THAT WAS IN MARCH 24th. Watershed protection did say that they were working on a possible plan and asked us to attend a special meeting. That meeting was on april 7. But little happened because they were just developing the plan. We were asked to wait a little longer and so we waited. As time passed, we sent inquiries. We inquired on april 22. Inquired on may 14. The may 14 inquiry brought the strange news our point of contact within watershed no longer worked for the department and that the director was unavailable and out of the country. We soon learned the director of the watershed department would never return a single

[06:22:24]

[inaudible] -- [buzzer sounding] email. And so finally in late june we received

--

>> Mayor Leffingwell: Please wrap up. Your time has expired.

>> And they identified or said we need to do wait for the june 26 council meeting. At this time thank you for your time. My wife is going to pick up after that june 26 council meeting. Thank you for your time, mr. Mayor.

>> Mayor Leffingwell: And that would be carolina castano.

>> Yes. Same subject.

>> Yes. So after all of that that he just went through, we received a phone call from the watershed department as well as a flyer at our house telling us about an open house that they were having for flood victims. At this open house we get there, someone from the watershed as well as someone from real estate told us that they were ready to move forward with our buyout and that the funding was secure. They went through the steps involved. We decided to go month by month on our apartment so our rent increased and our flood insurance rate on our house that we don't live in increased so our mortgage went up. Next slide. We started sending out followup emails after the open house asking about next steps. That was between the open house and the end of july and then finally on the 24th of july we got an email back from real estate saying the watershed director had requested that we not move forward with our buyout. On the 30th we attended a meeting with wastewater and our neighbors who are also part of this package where victoria lee said

-- let's see, where is this? Her staff spoke out of turn, got enthusiastic and jumped the gun and funding actually was not secure and she didn't know what else to tell us. This is when we reached out to councilmember martinez's office for help. They set up a meeting between them, the city manager's office and the watershed department and at this meeting watershed toldees they had received the green light, funding was secure and they were moving forward with the buyouts. On august 12th the real estate department gave us eminent domain forms as well as other forms and told us it would take between 45 and 60 days on average to get

-- to get our final buyout after our appraisal was done which was on the 14th of august. So equated. Finally on october 6th I emailed the real estate department to ask what was going on. They said watershed had the final pact and once they approved it it would take three days to turn around and get back to us. I check periodically and I finally on the 21st real estate

-- to take offers from city council for approval. The next council meet was november 6, today, so we're getting the offers on the agenda as we speak. ON OCTOBER 24th, WE SENT AN Email to all involved city staff informing them of everything that happened up to that point and meanwhile real estate informed us watershed could have approved but decided to defer to the city council meeting that was happening today. If, we called director lee and mr. Guerrero from wastewater. She did not return our phone call. Mr. Guerrero met with me and neighbors and assured us this would be resolved on today's city council meeting. On the 28th I received another phone call from the real estate department telling me the city manager's office, real estate department and the watershed had decided to push this out yet again to the november 20th city council meeting.

[06:25:56]

[Buzzer sounding] I'm telling you all this back and forth because I want to show you what we've been

dealing with since last october.

>> Mayor Leffingwell: Thank you, ma'am.

>> We've been displaced over 12 months now paying rent and a mortgage.

>> Mayor Leffingwell: I understand, ma'am.

>> We need you guys to help us.

>> Mayor Leffingwell: Your time has expired. Councilmember martinez.

>> Martinez: Thank you for being here. Completely understand your frustration. We continue to work with you. We did

-- staff did ask for a little bit more time because of

-- it's actually our fault. We asked kind of at the last minute we had some neighbors come to us and say we just

-- we want to stay where we are, we don't want to be bought out. So we had to change the legal language to allow it to be an option and not a mandatory buyout program. That's what's added to the delay. But I have every assurance that it is coming back. We have authorized the funding, now we just need to authorize the individual purchases and it is our intent to have it on this agenda for the november 20th meeting and I'm so sorry for everything you've been through, but we will get there.

>> Thank you.

>> Mayor Leffingwell: Edward sledge. Edward sledge. Is not here. Paul robbins. Paul robbins. Also not here. Carlos leon.

>> Thank you, mayor leffingwell. Soy carlos leon in austin, texas to speak what's right. First and foremost, on november 4, 2014, turning point tuesday, we the people clearly re injected the reveal, lying, criminal, homosexual, homicidal racist feminist terrorist jew biden obama network.

[06:28:10]

>> Mayor Leffingwell: Mr. Leon.

>> Yes, sir.

>> Mayor Leffingwell: I want you to tone that language down or your time will be terminated. Go ahead for now, but this is a warning.

>> I hear you, mayor. But I have freedom of speech first amendment right.

>> Mayor Leffingwell: You can't make derogatory comments.

>> And in six years of godless, hellish, illegal, unconstitutional, upside down inside out wrong headed policies practices and punishments that almost destroyed us economically, politically, southeasterlyly and spiritually. To defend and build upon our god granted hard fought gains to righteously be [inaudible] we must continue fearing and following the lord and fighting evil. Like stopping chemtrails in austin. Like yesterday morning in central market at 40th and lamar where two a.P.D. Officers and the store manager told me that because they had received complaints from female employees that I make them feel uncomfortable, they were tossing me from the property and would arrest me if I ever returned.

Apparently central market can't handle me speaking against their practice of allowing little girls in the mens restroom where they do not belong. Management told me this was happening because their male guardians feared the girls could be molested in the womens room. I told central market to build a private single stall bathroom where a father could stand guard outside while his baby girl could use the

facilities safely inside. Though they recently redid the roof and balcony patio, central market as not built a private bathroom to protect little girls from female homosexual pedophiles, exposing the girls to possible interactions with the male heterosexual pedophiles in the mens restroom where they don't belong. Until central market builds the private bathroom, fires their emotional terrorists and apologizes to me in writing, food shop at a local competitor where little girls are safe in the womens restroom where they belong. In direct contrast, happy 50th birthday to the broken spoke where men are men and women are women. In jesus' name I pray. Amen. Thank you, mayor leffingwell.

[06:30:30]

>> Mayor Leffingwell: That's all the speakers that we have for today. So without objection, the council will now go into closed session and take up two items pursuant to section 551.071 of the government code, council will consult with legal council regarding the following: Item 65, to approve a resolution directing the city manager to petition the texas parks and wildlife department for amendment to the administrative code and so on. And item 78, to discuss legal issues related to acquisition of land for the austin convention center. Noting that item 75, 76 and 77 have been withdrawn. So without objection, the council will now go into executive session and council will be on the second floor.

[08:15:31]

>> Mayor Leffingwell: We are out of closed session. We discussed item 65 and 78 and before we continue with our agenda, I would like to recognize one of our long-time city hall reporters, sara coppala who is leaving us. After ten years sara is going to northeastern university which I believe is in maine -- no, boston, mass. Good luck to you. [Applause] we're going to take up our -- I believe I'm going to recognize councilmember riley to make a motion on a couple of postponements. I think I've got all the volume right here on this one.

>> Riley: Thanks, mayor. The two items we talked about expecting are first the -- the nighttime concrete pours.

>> Mayor Leffingwell: Yes.

>> Riley: Which I'm not sure which agenda item that is.

>> Mayor Leffingwell: 34 is concrete pours and 56 is coyote welfare.

>> Riley: Item 34, we have had some [inaudible] over the last few days including some requests to give this more time. I was going to suggest that we postpone that till our next meeting which is on the 20th and ask it be taken up by the downtown committee on WEDNESDAY THE 19th. That seems it could provide a good forum to bring the affected parties to talk through all the issues so we would be able to get that input at our next meeting on THE 20th. I would move we postpone that item for two weeks.

>> Mayor Leffingwell: Motion by councilmember riley to postpone item 24 until NOVEMBER 20th. Is there comment? Councilmember morrison.

[08:17:41]

>> Morrison: I'm fine with that but I want to make sure people understand the intent of that ordinance

[inaudible] not necessarily to solve the whole problem, it's just to make things a little as it was described last time less bad than it is while we figure out what the real answer is, so I'm going to support that, but it's not like we have to solve the whole problem in two weeks.

>> Mayor Leffingwell: Yes, I was the second. Councilmember tovo.

>> Tovo: I have a question about the postponement request. I see

-- I've gotten a few emails from people asking for more time. [Inaudible] who have actually requested time. We have heard some pretty significant concerns from downtown residents who want some alleviation from this situation and I really don't want to drag our heels in getting them that relief. They have a right to enjoyment of the living arrangements, so if we can make some

-- what have been proposed are not dramatic changes but it will have a beneficial impact on people. The reason we didn't pass it on three readings last meeting was because there had been discussion in our work session about potentially postponing it so we wanted to give stakeholders an opportunity to talk with us between that meeting and now, but I'm not terribly excited about having this go through an ongoing stakeholders process or lengthy discussion at the downtown commission. I think that's useful, but as councilmember morrison said, this is just an interim fix and it's intended to bring relief to people who have asked us to assist.

>> Riley: I gathered with the folks in the foyer to see if they were on board and the response I got was yes, they are okay with the two-week postponement and having the discussion. Those who asked for postponement include the downtown alliance, downtown austin alliance which represents a variety of neighborhood association and the old

-- the original austin neighborhood association having the

-- recognizing there is some value in accelerating construction schedules. It's not

-- I think everyone recognizes that there is some complexity to the issue that would warrant some careful consideration.

[08:20:13]

>> Tovo: Thanks for that additional context. That's very helpful.

>> Mayor Leffingwell: Councilmember morrison.

>> Morrison: I know several of the people who signed up against this are against because they think moving from all night to 2:00 a.M. is nowhere near adequate. Let's make sure we understand our starting point.

>> Mayor Leffingwell: Those in favor say aye. Opposed say no. Passes on a vote of 6-0.

>> Riley: Then mayor, related to coyotes, we have gotten a lot of input on that as well over the last few days and so we have talked with representatives of the animal advisory commission and others about postponing that item, again for two weeks to allow for discussion to work out the details.

>> Mayor Leffingwell: Motion by councilmember riley to postpone item 56 until NOVEMBER 20th. Seconded by councilmember morrison. And I would point out that I think a letter from travis county commissioners court opposing this resolution has been passed out to everyone. I just want to make sure you have that. All in favor say aye.

>> Aye.

>> Mayor Leffingwell: Opposed say no. Passes 6-0.

>> Thank you, mayor and council. Greg guernsey, planning development and review department. I'll go through our 2:00 zoning ordinance and covenant items. First for the items hearings have been closed. The first item I would like to offer consent is item number 79, case npa-2014-0020.01. This is for second and third readings of zoning ordinance for 113 industrial boulevard and 4323 congress avenue and the 4300 block of willow springs road. This is an amendment to the south congress combined neighborhood planning area to designate the property as mixed use. The related zoning item is item number 80. The property low-to-mid at 113

[08:22:29]

[inaudible] boulevard, 4300 willow springs road. This is to change the zoning in the property to limited industrial services, planned development area and neighborhood plan lipda, combined zoning with conditions. I understand there might be a councilmember that might want to make some comments to this.

>> Mayor Leffingwell: We'll just pull it off consent.

>> Item number 81, c14-2014- c14-2014-0077. This is ready for consent approval on second and third readings. Item number 82, city council 0100 for the property located at 12008 pollyanna avenue to zone to sf-3. Austin transportation department went out and looked at the pros regarding a safety issue of a blind curve. They are going to reinstall I guess a sign that's missing. I understand the pole is there. Also to make sure that [inaudible] parking to ensure safety of the traveling public. Number 83 for the property at 619 and 621 congress avenue. Applicant has requested postponement. Item 84, c14-2014-009. This is to amend the east riverside corridor leg regulating plan to change the designation, transit hub boundary and specify eligibility in a maximum development bonus height. And this is ready for consent approval on second and third. Item 85, 86, 87 and 88 will be discussion. Our 2:00 p.M. Zoning and neighborhood plan amendments, number 89, c 14-97-0044 rc tax exempt for 1500 south pleasant valley. This is a restrictive covenant termination and it was recommended for termination by the planning commission. This is recommended for consent approval. Item number 90, npa-2014- npa-2014-0011.01, this is an amendment to the north loop neighborhood plan and for the land use designation to be office land use. It was recommended by the planning commission and is ready for consent approval on all three readings. The related zoning case is item number 91, c14-2014-0028. Again, for the property located at 1001 east 50th street and 4915 harmon avenue. This is to zone the property to limited office, mixed use conditional overlay neighborhood plan combined district zoning as amended. And the lo-mu comp, and this is also ready for consent approval on all three readings. Item 92, npa-2014-0016.02. This is in the govalle johnson neighborhood planning their at 755 spring dale road. The neighborhood is requesting postponement to NOVEMBER 20th. Item 93, c 14-99-2061, restrictive covenant determination at 755 spring dale road. Neighborhood has requested postponement of this item to your -- excuse me, your november 20th agenda. Item 94, c14-2014-8123. Neighborhood is requesting postponement to november 20th agenda. Item number 95, c 14-2014-0114, located at 11712 north lamar boulevard. The applicant has requested a postponement of this item to your november 20th agenda. Item number 96, npa-2014- npa-2014-0022.02 for property located this the greater south river city combined neighborhood planning area for the property at 110 academy

[08:27:37]

[inaudible] postponement of this item to your november 20th agenda. The related zoning case is item 97. This is c 14-2014-0117 for the property at 1100 music lane and 110 academy drive. We have a postponement request from the neighborhood of this item to your november 20th agenda. So 96 and 97 are both postponements by the neighborhood to your november 20th agenda. Item number 98, npa-2014- npa-2014-0025.02 for the property located at 5436 vega avenue and 6601 1/2 rialto boulevard. Requested postponement of this item to the november 20th agenda. That's item 98. Applicant request to postpone. The related zoning case, c 14-2014-0112, the applicant has requested this case also be postponed to your 11-20 agenda. November 20th agenda. Item number 100, c 14-85-288.8 for 5436 vega avenue, staff would request postponement. It patrols the relates to the preceding cases. Item number 101, this is for property located in the central west austin combined neighborhood planning area for the property located at 1018 west 31st street. Staff is requesting a postponement of this case to your november 20th agenda. The related zoning case is number 102. This is c 14-2014-0148 for the property at 1018 west 31st street. Staff is requesting postponement to your november 20th agenda. Item 103, npa-2014-0029.01 for the property located at 7400, 7424 and 6450 east u.S. Highway290 and 2509 east anderson lane. Staff is requesting postponement of this item to your november 20th agenda. Item number 104, the related zoning case, c14-2014-0135, staff is requesting postponement of that item also to your november 20th agenda. Item number 105, c14-2014-0011 a for the property at

[08:30:53]

[inaudible] requesting postponement to november 20th agenda. Item number 106, c14-2014-0011 b for 3510 and 4003 ben garza lane. Staff is requesting postponement of this item to your november 20th agenda. Item 107, c14-2014-0081, 11821 to 12124 south 35 service road northbound, to zone the property to general commercial services, mixed use, conditional overlay, to change conditions of zoning. Planning commission recommendation was to grant the csmuco zoning with conditions and ready for consent on all three readings. Item number 108, c14-2014-0088 for the property located at 1023 spring dale road. This is to zone the property to general commercial services, conditional overlay, neighborhood plan or cs-co-np with conditions. The planning commission's recommendation was to grant the cs-co-np with conditions. And this is only ready for first reading. I'll note there are two corrections I would like to note. One that the vehicle trips per day will only be 400 instead of 2,000. And that

-- there is an additional condition that needs to be added to that. There's a 25-foot vegetative buffer shall be provided maintained along the north and east property lines. Vegetative screening is subject to standards under section 2.9.1 of the environment criteria manual. Improvements are limited to underground utility improvements or those improvements that may be otherwise required by the city of austin or specifically authorized in this ordinance. And with that, I can still offer that number, number 108, for consent approval on first reading. Item number 109, c14-2014-0111 for the property located

[08:33:12]

[inaudible] staff is requesting postponement of this item to your item 110, c14-2014-0130, this is to zone the property to community commercial, conditional overlay or gr-co combined district zoning to change conditions of zoning. The zoning and platting commission's recommendation was grant the gr-co zoning and this is ready for consent approval on all three readings. Item number 111, c14-2014- c14-2014-0131, burleson road, to zone the property li district zoning t zoning and planning commission recommendation was grant the zoning and this is ready for consent approval on all three readings. Item number 112, can c14-2014-0144 for the property located at 7231 coltton bluff springs road to zone the property to townhouse and condominium residence, sf-6 for tract 1 and single-family residence, small lot for tract 2. Zoning and platting commission recommendation was to grant the sf-6 for tract 1 and sf-4 for tract 2. This is ready for consent agenda. Item 113 is c14-2014-0145 to zone to single-family residence, small lot or sf-4 a district zoning. Zoning and platting commission recommendation was to grant the sf-4 zoning and this is ready for consent on all three readings. Item 114, c14-2014-0146, 6917 coltton bluff springs road to zone the property to single-family residence, small lot zoning. Zoning and platting commission's recommendation was to grant mixed use combining or lr-mu zoning and there may be a councilmember that would like to address this. That will make that a discussion case.

[08:35:49]

>> Mayor Leffingwell: Right.

>> Item 115, c14-2014-0147 to zone to single-family residence. Small lot or sf-4 a district zoning. The zoning and platting commission recommendation was grant the zoning and this is ready for consent approval on all three readings.

>> Mayor Leffingwell:115.

>> Item 115. Item number 116 is case c14-2014-051 for the property located at 14401 the lakes boulevard to zone to general commercial or csmuco combined district zoning. Excuse me. The zoning and platting commission recommendation was grant the zoning and this is ready for consent approval on all three readings.

>> Mayor Leffingwell: Okay, so 114 was a discussion item?

>> Correct, 114 a discussion item.

>> Mayor Leffingwell: So we go back through this, I can already tell I don't want to BE HERE ON NOVEMBER 20th. [Laughter] so it's to approve item 79 and 80 on second and third readings. Councilmember martinez.

>> Martinez: Those were the ones

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>> Mayor Leffingwell: Discussion. Discussion. Excuse me. All right. To approve item 81 and 82 on second and third readings. To postpone item 83, 84 and 85

-- no, 83 and 8

-- excuse me, 83 only until DECEMBER 1st.

>> TO DECEMBER 11th.

>> Mayor Leffingwell: December 11th yeah. A typo here.

[08:37:54]

[Inaudible] on second and third readings. To approve item 89, close the public hearing and approve item 89, close the public hearing and approve on all three readings items 90 and 91. To postpone item 92 until NOVEMBER 20th. Postpone items 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 104, 105, 106 until NOVEMBER 20th. To close the public hearing and approve on all three readings items 107 to close the public hearing and approve 108 on first reading only with the changes that we went through. To postpone item 109 until DECEMBER 11th. To close the public hearing and approve on all three readings items 110, 111 and 112 and 113. To close the public hearing and approve on all three readings item 115 and 116. I'll entertain a motion to approve the consent agenda. [Inaudible] seconds. Councilmember morrison.

>> Morrison: I just want to on

-- mr. Against I read into the record the issue on the number 82 about the transportation department having determined that there was a safety issue. There will be no parking signs. I just have to take a moment to thank the folks, the staff in the transportation department because they went out there on a dime and figured that out and that was a huge concern for the neighbors. And they need to know that if there continues to be problems, they would like the
-- staff would like to hear about it. I really appreciate their work on that.

[08:40:00]

>> Mayor Leffingwell: Those in favor say aye. Aye. Opposed say no.

>> Thank you, mayor and council.

>> Mayor Leffingwell: So we go back, take item 9 off the table. There's a motion, actually a motion on the table to approve. I would like to makes a suggestion. We have a lengthy list of possible recommendations from a task force. It seems it would be nor expeditious for us, it seems to me that way, at least, to pass this on first reading only and then have councilmembers go through the lists that they've been given of recommendations and pass the information

-- the ones that they want to address specifically, give to the city clerk and she will give to john steiner, who will formulate possible language. That's likely to be very time consuming process and I think this would save us a lot of time by doing it this way and we can bring it back on second and third readings on the 20th. So if councilmember martinez would be willing to amend his motion for first reading only, with that instruction, and who is the second on this?

>> Morrison: I was.

>> Mayor Leffingwell: Do you agree?

>> Morrison: I guess for discussion purposes.

>> Mayor Leffingwell: Councilmember morrison agrees. So that is an amended motion. So is there discussion? Councilmember morrison.

>> Morrison: I would just like to discuss, obviously the 20th is going to be a bear and we have had these in front of us for months and months. I'm prepared to go through and get an actual first reading crafted today going through these recommendations and work from there, especially given that obviously our time is getting crunched and the fact that we have two items that have just been postponed, coyotes and overnight concrete pours, our hours did open up. So I

-- I really would be more comfortable at least getting a first start today instead of
-- and then we could
-- each councilmember could work off that.

[08:42:16]

>> Mayor Leffingwell: I'll just say I think it would be a lot less time consuming on the 20th after we have language written as a result of specific direction from individual councilmembers. Than it would be to basically try to make

-- write these amendments on the dais. And so I'll be supporting councilmember martinez's motion.

>> Morrison: Mayor, if I may.

>> Mayor Leffingwell: Councilmember morrison.

>> Morrison: Just to be clear, I was just planning on using the list that the clerk provided with plain english language and not writing any code today, but just adopting the recommendation or not and then it would really help narrow down what staff has to write because we would know, you know, at that point staff could write those and anything else anybody changes. I'm just really concerned about the meetings on the 20th and the 11th and we do have time, more time today. So I guess I would like to withdraw my second and then see if we can't just

--

>> Mayor Leffingwell: I will second the motion then. Councilmember martinez.

>> Martinez: I just

-- I'm okay with moving forward on first reading today, but I wasn't suggesting that we not be able to have conversations about that. And quite honestly to approve it on first reading, the staff has laid out, they are going to come back with nothing because we have to direct them because there's two options in some of these cases. So I think we have to give them some sort of direction today as opposed to just approve them on first reading because there's multiple options for some of these scenarios.

>> Morrison: Mayor, I was mistaken. I'm happy to do it on first reading, but I would like to talk about amendments today. I guess that's the real point. So I'm happy to take

-- accept it as approving on first reading, changing the motion to that, but then I would like to discuss amendments. And I guess

-- is that what you are suggesting, councilmember martinez?

[08:44:27]

>> Martinez: Yes.

>> Mayor Leffingwell: And my suggestion was that discussion, individual councilmembers review the menu [inaudible] to mr. Steiner and he will write the appropriate language and we won't have to go through dotting the I's and t's part. I just think it will be a lot faster. Councilmember tovo.

>> Tovo: I think what they are suggesting is we take 10 minutes or so and those questions, try to answer them. That way mr. Steiner [inaudible] for issues around which there are

-- there is not consensus.

>> Mayor Leffingwell: He would not be writing something for something no one expresses a change for.

>> Tovo: Here's my presence. Take a short amount of time and see if we can quickly answer those questions the clerk has prepared for us so between now and second and third reading mr. Steiner can draft the appropriate [inaudible] and we can CONSIDER IT ON THE 20th. Is that what you are suggesting, councilmember morrison? And martinez?

>> Mayor Leffingwell: Councilmember martinez.

>> Martinez: We probably could [inaudible] the whole thing without having that conversation. So I'll just start out with what I'm going to say is what I would recommend on number 3. The animal [inaudible] commission I think it should be left up to the future to decide how these four are appointed. Bottom line is everyone is going to [inaudible] but those five have to be appointed. So [inaudible] council. On the bond oversight commission, I strongly believe that the finance committee should be -- that any appointees should be by the governing body and not by administrative so I would be supportive of the finance committee.

[08:46:31]

>> Mayor Leffingwell: Councilmember morrison.

>> Morrison: I think we need to be clear about this one because what we're really looking at is the -- a newly [inaudible] and capital budget subcommittee. And something farther on and I just wanted to say farther on I am going to support that as opposed to what I believe [inaudible] are they

-- they are a separate body, and that's not

-- and I believe that's in their ordinance. And I'd like to make a point we take that out. I guess

-- is it all right

-- then my motion is to approve what's this the current draft there changed task force recommendation.

>> Mayor Leffingwell: Are you making a friendly amendment?

>> Morrison: That's a friendly amendment for myself.

>> Mayor Leffingwell: Explain it to me again. [Inaudible] on this motion, on the main motion.

>> Morrison: Okay. The task force recommended that there be

-- that the

-- that the duties of the bond oversight committee become a subcommittee, a joint subcommittee of staff and [inaudible] called [inaudible] and capital budget. One of the new joint subcommittees. Yes. And what staff said and what they did was something different. They said let's make a whole new commission under 2.1 instead of making it a subcommittee.

>> Mayor Leffingwell: Okay. I accept that.

>> Martinez: Moving on, mayor, the recommendation of [inaudible] to a committee, obviously [inaudible] with that board or commission, that's fine.

>> Mayor Leffingwell: Councilmember morrison.

>> Morrison: One thing I wanted to add there that staff may take a look at [inaudible] like we have the arts

[08:48:39]

[inaudible] but we have the austin music commission. And it might make sense to find some [inaudible]

of that also. We recommend staff make recommendations on that.

>> Mayor Leffingwell: Make a recommendation on whether to use the term austin or not?

>> Morrison: Consistently, yes.

>> Mayor Leffingwell: That's fine.

>> On the community development commission, mayor, I would prefer 15 members. It's going to be hard to find 15. So I'm going to leave it at that, but I have a feeling the new council will change that because I think they are going to want appointee per councilmember.

>> Mayor Leffingwell: So your recommendation is to change what exists

--

>> Martinez: To limit that 15 and let the new council decide.

>> Mayor Leffingwell: You can omit the ones you don't [inaudible]

>> Martinez: Well, staff needs direction, either leave it the same or change it. I'm trying to give her. The same with the sustainable food policy board, just leave it as is.

>> May I ask a clarification?

>> Martinez: Sure.

>> Would you like to nominations to be made by a [inaudible] or by the mayor's office since [inaudible].

>> Martinez: I'd say a committee of council. The africa and the

-- there's been a suggestion to incorporate the asian-american center into the scope and definition of the asian quality of life advisory commission supportive of that. I think that's still direction. Same with the african-american resource advisory.

>> Mayor Leffingwell: All the same. The african-american, the hispanic and the

--

[08:50:42]

>> no.

>> Martinez: The next one, mayor is number 5, the mexican-american cultural center. The commission to remain as separate bodies.

>> I have no information on the mayor's committee for people with disabilities. I defer to you on that.

>> Mayor Leffingwell: I will say when we did the last changeover, last set of changes to boards and commissions, it was decided that we would call it the committee on disabilities. And we got [inaudible] wanted to remain [inaudible].

>> Martinez: Okay.

>> Mayor Leffingwell: Councilmember tovo.

>> Tovo: Sorry, I need to back to number 5. There was a question incorporate the recommendation made by the task force to require meetings between

-- I mean my preference. Leave it to those committees.

>> Martinez: I wouldn't say require, but they certainly can have joint committee meetings all they want. I just wouldn't want to put that in a requirement on there as necessary.

>> Number 4, just for clarity, the [inaudible] representatives, would you like those to be nominations by a committee of council or do you want to establish some [inaudible]? Maybe the commissions to submit nominations?

>> Martinez: Yeah, I think the commissions submitting nominations to council, suggestions.
>> Mayor Leffingwell: Mayor pro tem.
>> Cole: Did councilmember martinez [inaudible] recommendations to council, but they were council approved.

[08:52:42]

>> Martinez: That's correct. Ultimately remains that authority. Getting down to number [inaudible]
>> Mayor Leffingwell: Councilmember tovo. And morrison after that.
>> Tovo: Sorry, I still had a point about 6. I thought feedback from people who wanted to see
-- the mayor's committee on disabilities and the commission on seniors separate. And so at this point it
would be my preference they remain separate. They seem to serve different purposes.
>> Mayor Leffingwell: That's a good catch. I support that.
>> Martinez: What was that? I'm sorry. Fair enough.
>> Mayor Leffingwell: Okay. That will be
-- separate committees.
>> And if you are okay where we have like any of them where it's a nomination from the community,
committee of council or something that seems [inaudible] draft ordinance.
>> Mayor Leffingwell: I would comment that traditionally that is [inaudible] excess members of the
committee. Those have been [inaudible] to the mayor that way frankly.
>> Morrison: That staff look at the idea of [inaudible] our committee [inaudible]. And at that point our
commissions with our committee structure and changed at that point.

[08:54:54]

>> Riley: The recommendation for item 2 was that the that [inaudible] based on our earlier, council not
require it because
-- encouraged to have periodic. [Audio dropping out] [one moment please]
>> Mayor Leffingwell: Sounds good to me. Councilmember martinez.
>> Martinez: So now I think we're down to number 7, task force recommendation is to merge
downtown austin community court advisory committee with the public safety commission. I don't have
a feeling either way so I'll let our councilmembers
--
>> Mayor Leffingwell: I think that's a recommendation. A lot of the work is
-- has a common aspect to it so I would support that as a second. Councilmember morrison.
>> Morrison: I'm of a different mind. I think that the public safety commission has such a dropped
whereas the downtown community court has representatives from the neighborhoods and stuff and
focuses on that. My preference is to leave them separate.
>> Mayor Leffingwell: So I would suggest that you bring both options back on second and third readings
and we can decide then.

[08:57:00]

>> Martinez: Same with the

-- I don't have an issue with combining those. I think they are two commissions that do similar work.

>> Mayor Leffingwell: Councilmember morrison.

>> Morrison: I would like to note also that we have the chair of the environmental board as well as a number of the urban forestry board on the task force and so

--

>> made those proposed this.

>> Morrison: And they proposed this so I'm very inclined to support that.

>> Martinez: Can you remind me on the merger on number 9? Another task force recommended it, but I seem to recall some folks giving us testimony to the contrary of that.

>> I don't remember about testimony. If I remember right, the purpose behind it was that the construction advisory committees seems to be spending more of their time relating to very similar things that m.B.E./W.B.E. Dealt with. But I'm drawing a blank on whether or not we got community feedback on that.

>> Martinez: I would suggest we keep it separate for now.

>> Mayor Leffingwell: Is what the way it is now, separate?

>> Yes.

>> Mayor Leffingwell: Councilmember morrison.

>> Morrison: Just to confirm, we're taking action to actually merge the environmental board and the ufb? I heard

-- I saw a lot of nodding heads but I didn't know if that was part of the motion.

>> Martinez: Yes.

>> Mayor Leffingwell: Yes.

>> Martinez: And reassigning the duties of residential design compatibility, I don't have an issue with that.

>> Morrison: I think law has a comment on that. I was talking to miss thomas about it and should she have concerns since it's a very specific waiver responsibility, authority that already cc has. Is there a problem moving that waiver authority into another body besides the boa?

[08:59:22]

>> Brent lloyd, assistant city attorney. We provided a memo earlier suggesting that council not

-- the code next rewrite consider consolidating those functions with the boa.

>> Morrison: Sound advice from our legal department. We'll leave them separate.

>> Mayor Leffingwell: Leave them separate. All right.

>> Martinez: Down to number 11, mayor. This is some major structural changes to the planning commission and the way we normally operate. But I think I see the merits of that recommendation and why they chose

-- I'm going to say bring it forward as recommended and we'll let council make amendments if necessary.

>> Mayor Leffingwell: So we'll vote on all this next time, so I guess the direction on this would be to

bring forth that as proposed. Amendment.

>> Martinez: Same on number 12.

>> Mayor Leffingwell: Same direction.

>> Martinez: We're getting down to the end. I don't have a preference on the waterfront planning advisory. I'm happy to consider the task force recommendation. I guess maybe the same question Brent just answered, aren't there some duties with waterfront planning advisory board? I don't think they are a sovereign board, but do they make appeal decisions?

>> Morrison: They might. Is Brent still here.

>> Mayor Leffingwell: I think they are purely advisory. So you can only
-- you can only appeal a final decision.

[09:01:30]

>> Martinez: All right, then we'll keep moving forward with the task force recommendation.

>> Mayor Leffingwell: All right. I agree with that. Go ahead.

>> Martinez: Number 14, the building and standards commission. I don't see how we're going to find 22 people to serve, so let's just stick with 11 and see if we can find 11.

>> Morrison: Mayor, question.

>> Mayor Leffingwell: Councilmember Morrison.

>> Morrison: We did pass that resolution. Wasn't that part of the idea that

-- I get the pragmatic aspect but the other approach we already adopted. Maybe mayor pro tem has
--

>> Mayor Leffingwell: Mayor pro tem.

>> Cole: I totally understand the difficulty with getting people to serve, but the idea was that we were getting so bogged down and behind in our code enforcement that we needed to have two separate panels who were available to hear the cases.

>> Martinez: Okay.

>> So you prefer we bring back two options for you to consider?

>> Mayor Leffingwell: Yes, bring back two options.

>> Martinez: On the joint culture committee, I see the value in that, but the downside I see is these are folks that are already serving. If we did this, I'd want them to just choose a schedule that fits within

-- I don't want them

-- I don't want a requirement for them to have to meet every month if there's nothing to discussion. Maybe a joint cultural committee that meets as necessary, such as during budget time, if you will.

>> Morrison: Mayor, I have a question.

>> Mayor Leffingwell: Councilmember Morrison.

>> Morrison: I thought that the joint cultural committee was [inaudible] commissions. Is that what the recommendation was? Was it supposed to absorb or

--

>> no, it was just to be kind of an opportunity for representatives from all of them to get together to be able to talk about similar concerns and issues facing all of the groups.

[09:03:40]

>> Morrison: Okay.

>> And

--

>> Mayor Leffingwell: As we discussed on an earlier item, I think it makes sense to allow them to get together on a joint basis when they need to. I don't think there's

-- I would

-- you know, I think we have enough boards and commissions. So when one is not necessary, I think we choose the option of giving individual groups some discretion.

>> Martinez: Completely agree, mayor. Likewise with the joint sustainability committee, I see the value of bringing these [inaudible] sustainability matters but I wouldn't want a hard requirement they must meet on a monthly basis, just as necessary.

>> Mayor Leffingwell: Agreed. I think we can dump that one.

>> Martinez: And then the

--

>> so number 17 we would keep as is.

>> Martinez: Yes.

>> And the last one. The joint

--

>> Martinez: Again, I see the value in it. You know, you start to see the flow pattern with these recommendations. Again, great idea, great concept. It's about

-- it's not about need though so I would [inaudible]. And I would want consistency. I don't know how you craft that language. If they decide 20 meet to meet a different person goes each time. There has to be a level of consistency so maybe an appointee and designee if the appointee can't make it. And I'll move approval on first reading.

>> Mayor Leffingwell: A motion is already on the table with a second-degree. That is me.

-- With a second. With that first reading only with direction to come back on second and third readings. Those in favor say aye. Opposed say no. Passes on a vote of 6-0.

[09:05:55]

>> Thank you.

>> Mayor Leffingwell: Without objection, we'll recess this meeting of the austin city council and call to order the austin housing finance corporation.

>> Good afternoon board of directors, betsy spencer treasurer of the austin housing finance corporation. We have 10 items on the agenda. I have one correction to item 4 that I theodosia to read. For item 4, the last sentence on the suggested date and time, it needs to read december 11, 2014, 3:00 p.M. At the austin city hall. 301 west second street, austin, texas. I offer these items on consent.

>> Cole: Mayor.

>> Mayor Leffingwell: Mayor pro tem cole.

>> Cole: I asked several questions in council q and a about item 6 and I received the answers from

neighborhood housing only this morning and they are very detailed answers and I would like to make a position to postpone those items.

>> Mayor Leffingwell: 3, 4, 5 and 6?

>> Cole: Yes. Same issues having to do with transparency and financial prudence and we have information about the returns.

>> Mayor Leffingwell: Okay. So the consent agenda would be to approve items 1, 2, 7, 8, 9, 10. On consent. And to postpone items 3, 4, 5 and 6. Until

-- so that's the consent agenda. Entertain amulet.

>> A motion. Mayor pro tem so moves, seconded by councilmember morrison. Councilmember tovo.

>> Tovo: Does that cause any difficulty for the projects we postpone this.

>> We have postponed the items the past several months. The development team is here if there's any questions you would like to ask of them today, but we have delayed this item for several months. I apologize we just got the answers to you this morning, but we would be glad to answer questions for you today if you are interested, but we have postponed it [inaudible] it is an opportunity we would like to see more.

[09:08:17]

>> Mayor Leffingwell: Is there a hardship in waiting two weeks?

>> I

-- we've delayed it for several months.

>> Tovo: But the development is not in any jeopardy if we don't make addition a decision about this today.

>> I am not aware.

>> Mayor Leffingwell: All in favor say aye. Opposed. That's completes our business for the austin housing finance corporation. Without objection we're adjourned. Call back to order the meeting of the austin city council. Item 20. Councilmember morrison. There are no speakers. 20 was pulled

-- I've got councilmember tovo.

>> Tovo: Thank u this is a family business loan. Item and I had a question for our economic development staff. I had asked some questions back in august and we've gotten the answers and we had a memo, but I'm sorry, I have an additional question. What I'm really wondering, I was surprised to find the family business loan program as our city, it doesn't specifically require that these be local businesses. But could you provide us with a little bit more information about this particular hotel. Is it a chain hotel that is locally owned or is it an independently operating hotel?

>> Good afternoon, council, assistant director for economic development. It is a locally owned franchise that is owned by a local small business. And our vendor is here if you have any questions specifically related to operations.

>> Tovo: But is it a national franchise?

[09:10:18]

>> Yes.

>> Tovo: You know, in looking through the four others that had received family business loan -- family business loans from the city, they did appear to be of a different -- there were two other small businesses. That I'm not immediately putting my hands on, but maybe you can tell us what they were.

>> Yes.

>> Tovo: You had provided that information through the q and a this week.

>> Yes. All of the loans, family business loans that have been approved thus far are small, locally owned businesses. This gentleman, our current applicant, already owns a franchise next door to the potential new construction of the homes to suites.

>> Tovo: Next door to the what? You said next door to what?

>> He already owns a current franchise, a best western and he will be constructing his own hilton franchise.

>> Tovo: This continues to give me some pause that we're using our family business loan moneys to help construct what is a local

-- a local location for a national franchise. And in looking over the other

-- the other

-- I'm not seeing the q and a, shady spring, enterprise, and that was a locally owned small business in austin.

>> The family business loan program uses section §108 and the basis of the federal funds is job creation. And so we implemented this program because they are the heart beat of our community. It is not a penalty that local small business buys into a franchise, but the program does require that it's locally within the austin area. And he will have to hire individuals based upon the funding source.

[09:12:27]

>> Tovo: And again, in looking at the other

-- the other borrowers, the other four borrowers, eat be me, farmers market, these were

-- these were small, independently operated businesses, not kind of the local

-- the local arm of a national franchise. So this one does seem to me

-- this family business loan program.

>> Well, not really. He is still considered a small business by definition. It is just happened that his business concept is based around a hotel franchise. The others were based around a restaurant concept. One is based around a music school. One is based around the farmers market. So we look for well qualified buyers with well vetted business opportunities that can assist low to mod individuals in the hiring. Again, the funding is federal section 108 which requires the borrower to hire low to mod individuals. This is part of our strategy to get people hired into upward mobile jobs. This particular owner to reach out to travis heights hospitality program to get students trained in chance on. So we're not just looking for

-- we're looking for anybody with a well vetted business plan that can come in and hire locally.

>> Tovo: I appreciate that additional information. I know you have provided my office with additional information about the criteria for the program and I guess maybe the answer is if there's a will on the council to put some more criteria in place that would ensure that these are being used for smaller,

locally owned businesses, that may not be affiliated with national franchises, then we have the ability to do that. As I understand the materials you've provided us with, we are certainly subject to federal guidelines in some areas, but we can put additional criteria to make sure that it's suiting the needs of this community.

[09:14:37]

>> Kevin Johns, director of economic development. I apologize I jumped out to talk to your staff. As you know, Austin is on a lot of great lists, but it's also on a list that we don't want to be on which is one of the highest rates of poverty growth in America. And this area has a 30%, 36% poverty rate. The whole focus of this federal program is to create jobs. So the 45 jobs that are created there and half have to be for [inaudible] people. Is part of our four point strategy to address poverty and to do poverty elimination. We've set up a specific program, a micro loan program to address your concern. But if we try and change the federal requirements, if we try and put additional eliminations on it, they are not going to approve our loans. We have to go through four different reviews. The first review, of course, is with the other lending partners. Then we go through the
-- the internal loan review committee. Then you all approve it. Then it goes to H.U.D. And the region. Then it goes to H.U.D. In Washington. H.U.D. Is very clear about their goals and objectives including restrictions on who can be used, which businesses can
-- no discrimination against businesses that you can make loans to as long as they create the jobs and meet the requirements. I don't want to mislead you into thinking that we can make any changes that Council requires. But it's unlikely that it would be approved at the federal level. I would like to have a further conversation about it because I know your time is very valuable and this particular loan pool essentially expires in December. So we're kind of under the gun or we wouldn't be pushing this without further discussion.

[09:16:45]

>> Tovo: I appreciate that.

>> We appreciate your thoughts. It's a very effective tool and in this case the poverty area is 36%, 45 jobs, and we're targeting at two communities like that, half of the businesses that have made the loans have been minorities. We just think it's a really good tool for Austin.

>> Tovo: I agree. I would like to have that conversation and talk about what kind of eligibility because your memo does say the city can add additional eligibility rules as long as it or they do not interfere with HUD regulations. So perhaps within there we can find some additional criteria that don't violate those, but are keeping with what we're trying to do here. But I

--

>> I would enjoy having that conversation.

>> Tovo: I certainly appreciate on the job creation and using those federal funds with that, Mayor, I'll move approval of this item.

>> Mayor Leffingwell: Motion is to approve by Councilmember Tovo, seconded by Councilmember Martinez. All in favor say aye. Councilmember Martinez.

>> Martinez: I wanted to add, we really need to have that conversation that has begun here between you and councilmember tovo, but add into the policy language that I think could provide better transparency in these cases. When I look at the story of maybe you all read in the paper, of the mcdonald's at capital plaza, it's literally owned by someone who started flipping burgers there 26 years ago. And the success story is amazing. And yes, it's mcdonald's, it's a big, global corporation, but it's owned by a mom and pop, a husband and wife who met at that mcdonald's serving hamburgers and now own multiple other franchises. That to me is a local business. That's a family that's investing in austin. And so I want

-- I think that would add to the level of clarity in these cases that while you may see a big chain sign on the front window, it's a local individual who is employing local austinites and trying to address the affordability and poverty issues.

[09:19:00]

>> That is our objective is to grow the local businesses. Sometimes it's local businesses that happen to be an entrepreneur and we'll do one business and do other business. It's all about revitalizing the inner city neighborhoods.

>>

>> Mayor Leffingwell: As far as I know every mcdonald's is a locally owned business. If they're affiliated with a national group that basically gives them guidelines so that their product is uniform around the country does not change the fact that they're a locally owned businesses and we need to keep that in mind.

>> Morrison: Thank you. I appreciate this conversation. One of the things that I think would help inform the conversation is because I'd like to understand the difference in the economics. We've seen some great studies that say when you spend one dollar at waterloo records, a certain amount of that dollar stays here versus some of it going away, and that's some of the power of local businesses. I would imagine that a franchise is a little bit different than that and I wonder if you could help us in if the future as this conversation continues understand the difference and the economics. Obviously since it's a franchise of a global corporation, some of the money

-- more of the money will go away than stay here. It's probably a little bit somewhere on that spectrum, but we do have to understand that it is supporting individuals that are austinites.

>> I think that's a very good point. We know that franchises are more and more purchased by local minorities because it's a structured program, sometimes language is a barrier, so it's more guaranteed organized way to success. We'll look into the return on investment as that as opposed to other ways. We know, for example, that companies that get into import and export make four times as much if they're successful. But you raise a good point. I'll look into it.

[09:21:03]

>> Morrison: And I think that's probably what

-- that's at the foundation of what gives us cause when we think of a national franchise. And that's really the difference that's a little more of the money is leaving than with the local business.

>> The franchise fee is what is leaving.

>> Mayor Leffingwell: That's it. And I don't want to prolong this discussion, but obviously there's a reason that mcdonald's franchises are a business. They want local people to own the companies, but at the same time the chances of success are so much higher when you're affiliated with a franchise that knows you have to pick location, pick products, standard procedures for making those products, etcetera. There's a reason for doing it that way. And frankly, if I were going to go in the hamburger business next january, I would

-- [laughter]. I would want some good advice like that. All right. I'm not going to do that. All in favor say aye? Opposed say no? That passes on a vote of six to zero.

>> Thank you very much. Item number 22 I don't see it. Did someone pull item 22?

>> Morrison: That's the one I did pull.

>> Mayor Leffingwell: Okay. Thank you. No one signed up to speak.

>> Morrison: Great. So this staff has come back based on a resolution we passed where we asked them to adjust things because we discovered that

-- something I didn't know and we want to change it

-- is that music festivals that are held in parks, their sound permitting is permitted under the parks department as opposed to under the music office like the rest of our sound permits. And especially because we had quite a bit of challenge during our last festival, we passed a resolution asking staff to come back with an ordinance that would change it so that

-- so that large scale music events would be permitted under 9-2, which is our music office, would be permitted under that. So staff did come back and in the backup they made the necessary changes. There was one thing we asked them to recommend, and that was what does it mean exactly a large scale event? And their language that they recommended was that if the director

-- is that there would be two triggers. One, if there's 10,000 people on any given day or two, if there are 10,000 people across the scope of the whole event. And I took a look at that and I

-- what I passed out is the actual list of all the events that have been permitted at parks. And what I wanted to do was adjust that a little bit because I think that it's really the one

-- it's what happens on one day, in my view, as opposed to cumulative. If there's a three-day event where there's 3,000 people there, that's

-- maybe we really don't care about that. So I looked at all of

-- I passed out a chart of all of the things that we are dealing with and I think that if we

-- looking at the ones that we really do want to make sure we catch, that we could simplify it, do away with the cumulative trigger and change the number to 7500. And so that's what I have passed out is a motion that changes it, instead of 10,000 people in one day or 10,000 people cumulatively, it just says, if you expect it to be more than 7500. And we needed to do the 7500 to make sure we caught blues on the green because that was going to be

-- because that's 8,000. But the other thing that really became clear when we were looking at the list of items is there are going to be some things caught in here that we really don't want to catch. We don't need to be having the zilker hillside musical, for instance. It's not an issue and we know that. So the other part of the motion that I've passed out adds the ability for the music office to say never mind, let just do this normal. So if I could, I'm going to read what I'm going to suggest. My motion is going to be to adopt what staff has in backup on third readings with the following change. It would be to amend the

one part they have for 8-1-41-b so it says if director determines that an event to be held on city parkland is likely to be attended by 7500 or more people on any day, the use of sound equipment is governed by chapter 9-2, which is noise and amplified sound. And here's the waiver part. This requirement does not apply if in the judgment of the music office the event is not primarily geared towards music and that any music included in the incidental will be incidental to the main purpose of the event. Because we definitely want to be

-- this to be streamlined. We know what we're trying to achieve here. And I think that looking at all the numbers that this will get us where we want to be as simply as possible. So that's my motion, mayor.

[09:27:03]

>> Mayor Leffingwell: Motion by councilmember morrison. Is there a second? Seconded by councilmember martinez. Further discussion? Those in favor say aye? Opposed say no? That passes on a vote of six to zero. Number 23. 23 was pulled for speakers. We'll go to those speakers. Zoila vega. And donating time is david king. So you have up to six minutes.

>> Mr. Mayor, I'm zoila vega. We don't support the plan. It's not necessarily that we're supposed. We don't support the plan because of two reasons

--

>> Mayor Leffingwell: Excuse me. I wanted to get the timer set correctly. Go ahead. Sorry to interrupt.

>> Okay. We don't support the plan because of two reasons. The process that was used towards the end of the plan and some concerns. The concerns are minor. In general we think it's a good plan and it's necessary, but we would like for the process to be improved. Two years ago we saw this fire mitigation working, the plan, the protection. We were concerned because reducing fuel load means removing trees. It means pruning trees. That means increasing the storm water runoff affecting wildlife and creeks. We met with the fire department, the heritage foundation and two members of the forestry board. They were very nice. Chief evan was there, chief [indiscernible] was not. There were promises they were going to be involved throughout the plan. They said this is your plan. We're going to work with you. We want to work together. I believe that we were naive, the forestry board members did not so much and they issue a memorandum. We participated, there were plenty of opportunities at the beginning. We met with consultant, we provided input. And periodically I kept on checking on progress. Where is the plan, where is the plan? Suddenly a week ago I found out that the plan has already been approved, a written plan, because there's an invitation to the fire wise communities to attend a workshop on the 14th to deploy the plan. Well, the plan was approved only by the public safety commission. And when I called the fire department they said that's all that council required. They were not required to go to any other boards and commissions like the forestry board or environmental board. I reminded them they made a commitment to involve the forestry board and environmental board. They said why? Are you concerned this affects trees? I reminded them that yes, it affects trees. Then they said well, council only requires to go to the public safety commission. We did that we did that , and there were plenty of opportunities for the public to participate. Go to this link and see how many there were. Well, I know because I participated in all of them, but I never saw a draft of the plan. Now, I'd like for that process to be improved. This plan is general, that is true, but there's going to be regulations written and the public needs to see the written regulations, the draft of them before they're approved. They tell

me that's going to happen because that is a requirement from the city. Okay. What about the other plans, whenever you write those? People need to participate. It's not okay to write a plan, a written plan, and not even circulate a draft. All this time when we talk to the fire department, they treated me very well. They called me dr. V all the time, even though I said you can call me zoila. No, dr. Vega. Well, there's not much respect when they don't keep their word and their commitment. So I'm very disappointed at that. Regarding the plan itself, I read it really fast because it a very thick plan, but when I looked at a few load reductions it's going to

-- it gives you all the options. You can remove all the trees or you can remove no trees and you get to choose. It kind of like a recipe. And then you're going to charts and you can choose this for your own plan, if your own situation. Fine. I'd like to see more of that warning, like if you remove a lot of trees or all of the trees there's going to be consequences to the environment. I think it kind of says that, but it is not very

-- it's not very

-- it's obvious. You have to think about it. You have to know about it. I don't like

-- I don't want this plan to be used as an excuse to remove a lot of trees because that is what's one of the options. When it also has the option of not removing too many trees. There has ton a balance. The other thing that I didn't like on the plan, it talks about preserving wildlife habitat because you have to remove trees, but only for endangered species. We need to get away from that and start preserving wildlife habitat for wildlife, period, not just for endangered species. Now, I circulated a plan to several arborists, guy la blank, a famous arborist in town, send me a whole page of comments regarding trees. The one that sticks in my mind is that the plan says it's not okay to mulch trees within the 30-foot buffer, the zone 1 from your home. But I just got a workshop and this is a year old, that you can put mulch as long as it's only one inch deep because if it's not that deep it won't smother. Trees need to have mulch. It's not okay to say don't put any mulch on the trees within 30 feet of your house. The national fire protection association is saying that it's okay to use mulch when only one inch deep. And he had a whole series of recommendations when we could have provided if we would have been given a draft. So public input is not bad. Public input is always good. It always improves plans. I know that there's a need for the plan. I know that it's a way of review, but there's no reason to run through and forget commitments and break them and break friendships that could have worked just fine. So now I'm here against the plan. Thank you.

[09:33:25]

>> Mayor Leffingwell: Next is michael fosom.

>> Good afternoon, council. Michael fosom, austin heritage tree foundation. I would just like to say I do support dr. Vega's comments and would like to say that it's always best to shine as much light on these plans animal care services possible because

-- on these plans as possible because you can make changes that ms. Vega referred to that will sharpen up the plan and make it better, but you also want community buy in with these plans particularly with firewise because it's a community driven process where we'll get together with our neighbors and institute measures that we all have to pay attention to and participate in in order to make firewise work. And to have gone to the additional boards who are our community representatives and vet this as much

as possible and get as many community members involved as possible would have been a better process and I believe we should do that on any plans in the future. Thank you.

>> Mayor Leffingwell: Thank you. Joyce stetts.

>> I'm joyce st. Totts, president of the northwest austin civic association. We would like to support your approving this plan as soon as possible. We have seen a whole lot of people providing input to this plan. As we were part of the public input last may. We saw an incredible number of agencies within the city and county participating. An awful lot of us who work on wildfire reduction and wildfire prevention have talked with the fire department, with the wildfire division over the years about what should be in this plan. What you see in the plan is a capturing of a lot of best practices. And we can all point to one thing here or there that says something that we don't believe is good, but if you look at it overall what you will see is a capturing of really good practices. We have a challenge in our neighborhood in getting our wildfire protection plan together, our own cwpp and we've been waiting for a year for this one to come outed to give us answers to the questions we have. We have problems in building an evacuation plan. Northwest hills is a hilly area with just a few major roads with which we could evacuate in case of wildfire. We need a good way to handle that. We also need a way to handle shelter in place in case we can't leave and we need some diedance from this plan to help us with that. We also need guidance so what is probably the stickiest issue for us, which is getting wildfire fuel reduction in areas that we don't own. But that are owned by other private landowners, owned by the city, by the bcp and we need help from this plan implementation to help us with that. The other thing to keep in mind is this is a plan, a plan evolves, a plan gets amended, a plan gets reviewed, the actions that come out of it go through a lot of public involvement. And so we can go forward and have the forestry board, the environmental board and whoever else wants to comment on it look at it, talk with a.F.D. And deal with it now. So I ask you to please approve this as quickly as you can. Thank you.

[09:36:42]

>> Mayor Leffingwell: Thank you. Jeffrey shapiro.

>> Good afternoon, I'm jeff shapiro, here to speak in favor of your adoption of the cwpp. None of you know me. I don't have a frequent flyer card for speaking to city councils, but this is important enough to me that I took the time off today to come down and speak to you on what I consider to be a very important issue. I'm the firewise committee chairman, so speaking of firewise buy-in, I'm it for the jester neighborhood in northwest austin, 900 homes. When wildfire nearly destroyed steiner ranch in 2011, my community, and I personally, suddenly woke up to the risk of a catastrophic wildfire in west austin. As a community leader I can he will it you that the biggest problem that I faced at the time was not having a plan and an information source for community leader to follow to implement a firewise program. The cwpp that you have before you today is exactly what I needed and by adopting the plan today what you will do is enable austin communities to begin getting engaged in wildfire safety. I can tell you without hesitation, having gone through the cwpp, it is a good steward of the environment and conservation and natural resources. It pulls together the information that homeowners need to know to protect the environment. And here's the problem. Without the cwpp I have nothing. There's nowhere for me as a community person to turn to find. Where are the tree regulations? Where are the watershed regulations? Or all of the other things that I should know when I'm preparing my community to be fire

safe but I have all these other considerations that aren't called out in the other fire safety documents that I'll get from national sources. The cwpp pulls all this together. It has a whole section on protecting heritage trees. Without that or having done my own research I would never have known anything about protecting heritage trees or informing my community as they prepare for the community to hopefully survive a wildfire. I think you know the cwpp is not a regulation, it's not set in stone, there's nothing in there that says you shall do anything. It's a guide of good practice. The documents or the codes that I heard people expressing concerns about, they're going to go through a public process, but getting the cwpp approved today is the first step in getting to that process of looking at what codes are appropriate for an enforcement program. This is not enforcement. This is guidance, it's helpful to the communities. It's not a matter of if we will have another major wildfire in austin, it's simply when. The cwpp has been two years in the making with uncountable hours of volunteer time going into that document. Everyone that I know who is interested has had the opportunity to participate. And I agree with joyce, it doesn't have anything in there that everybody will want. It doesn't have everything that anybody will want, but it is a great document that moves us to the next step. It's ready for your approval and I hope this will be your council's legacy in approving this plan. Thank you.

[09:40:03]

[Buzzer sounds]

>> Mayor Leffingwell: Thank you. Those are all the speakers that we have signed up on item 23. I'll entertain a motion. Is there a motion on item 23? Councilmember riley moves approval. And councilmember martinez seconds. Those in favor say aye. Opposed say no. That passes on a vote of six to zero. Before we go to item 27, I'd like to ask council, we have 40 folks signed up wanting to speak. Is there any desire to take the tack that we've done the last several meetings. We've already had one public hearing on this item, by the way. To restrict it to 30 minutes a side. Is there -- item 27. Is there any objection to that? All right. Then I would suggest that the sides get together and pick your 10 speakers and if you will get an order of speakers together on a piece of paper and hand it to nancy williams who is over here, we will go ahead and give you some time to do that and without objection go to item 35. So item number 58 has a couple of speakers and is pulled by councilmember martinez. David king, first speaker.

[09:42:18]

>> Thank you, mayor, mayor pro tem, councilmembers. I spoke earlier this morning briefly about this, but I just want to take another minute to encourage you to help the public understand exactly what this action is about here. It seems like you're asking to allow the companies to then talk to you directly. And I'm unclear about the purpose of that or how that would work. I'm concerned, though, that it will give the companies the opportunity to lobby you and have direction communications with you that the public will not see or be aware of or be privy to. And I think it's important for the public to have -- to understand what this decision will do, how it will affect the public -- the transparency of this process because it has not been transparent so far. It has been very non-transparent. With only one public meeting. And as I mentioned earlier this morning, the

-- our processes that we go through so often in these important decisions do not really respect the citizen input and often times that input is not reflected. It's not even considered. And so that is why the anc passed a resolution. The anc represents 100 neighborhoods across this city and that resolution passed almost unanimously. To ask the city to come forward with a new public engage. Process that honors the citizens, that respects the citizens, and this process is about building a golf course, a high end golf course on public

-- on parkland, public parkland. And yes, it's been in this 50-year-old master plan that there could be a golf course there, but back in 2000 as I understand the citizens voted against building a golf course there. They've already spoken out since this plan was passed 50 years ago, the master plan was passed 50 years ago. So this deserves a more thorough public process. This parkland, 735 acres of parkland. And what precedent will it set? And corollary to this is what is our policy on how far we're going to take the commercialization of our parkland? Is there a line? Is there a threshold of which we said we've taken that far enough? I think that would be important. And if this council will not do it, then I believe the new 10-1 council will start looking at this issue of how much of our parkland we're going to turn over to generate profits. Is there any limit on which park? We will say this is off limits, we're not going to commercial lies this park, we're going to let it be a park for the neighborhood, for the community to go to. It's not about making profits off the park. But that's what this is about and setting the wheels in motion to say now all this development proposed around the parkland is dependent on this p.G.A. Golf course.

[09:45:22]

[Buzzer sounds] thank you.

>> Mayor Leffingwell: Craig nassour. Craig naser. He's evidently not here. Councilmember martinez?

>> Martinez: Yeah. I sponsored this item. It is not allowing anyone to come lobby the council. It is to create transparency and have full conversations about what is going to take place on that site. The other thing is this is not some pristine parkland like zilker park that we're turning into a public golf course, I might remind you. It's not even accessible to the public. It's not

-- there's no upgrades whatsoever and we don't have have any funding for those upgrades. This will be a full public facility available to the public. It is not a private venture, but it's being developed with private investment money. Because these questions keep coming up and because, like I agree with the questions that are being raised, they need to be answered, we are asking that the no contact provision be lifted so that we can have conversations with the proposers so we can get

-- with the proposers so we can get the information to the community before any final decision is made by council. So I did have a question from staff and I don't know if it's a legal question or if it's

-- if there's any staff members here that are working on it, but I wanted to ask what

--

>> Mayor Leffingwell: City attorney is here on the dais.

>> Martinez: What would it take for us to make the negotiated agreement public before it comes back to council and make what's currently in draft form available as well so that we can get community feedback and get those questions answered before any final decision is made?

>> Gregory miller, city of austin law department. It's my understanding that we're going to post the draft

tomorrow morning.

[09:47:22]

>> Martinez: Okay. So it will be posted tomorrow morning.

>> Yes, that's the plan.

>> Martinez: Great. Thank you, mayor. I'll move approval of this item, mayor.

>> Mayor Leffingwell: Councilmember martinez moves approval. I will second. And I will just say, you know, the only way stint is going to be able

-- the only way the city of austin is going to be able to develop and maintain a first class park system is with joint ventures like this, with public-private partnerships. All the other large cities in the country are already doing it. We're going to start to do it here in austin. We've formed several conservancies already. There's the waller creek conservancy, the pease park conservancy, a newly formed conserve have notly, the barton springs conservancy is in the process of being formed. And these are ways to provide better park services and better places for families to go in the city of austin. So this particular project has been pointed out, is a community amenity that's being built at private expense, is available to the public at a discount to austin citizens, and injects a considerable revenue stream into our park system in the millions of dollars. So I think it's a

-- the project itself is good. This is not about the project. It is about giving councilmembers a way to get more information about the negotiated agreement, which will be posted online shortly and get some additional input as we do on many items that we consider on our agenda before we actually consider them. Councilmember tovo.

>> Tovo: I just wanted to echo one of the comments that was made before. You know, any item that comes to us I try to review and consider as kuhlly as possible. For me I co-sponsored this item today because I would like to sit down with the individuals who have proposed this and really better understand what they're suggesting. I share some of the concerns that were raised at our public hearing at our last meeting about water use, about the financial future of golf courses, about the use that you've raised, the idea of commercialization of our public parks. I also, though, am very sympathetic to the concerns that direct of our parks raised about her interest in trying to find funds for that particular parkland. So I think there are a lot of issues to consider with regard to this proposal and waiving the no contact rule is something we do on occasion. We've done it for our social service contracts to allow the organizations that are going through that to come and speak with us directly. We can do it on -- in some other circumstances. So this is just a matter of in my opinion, this is a matter of allowing us to collect information more directly and more quickly in a way that I believe will benefit whatever the final outcome is.

[09:50:39]

>> Mayor Leffingwell: Those in favor of the motion say aye? Opposed say no. It passes on a vote of six to zero. And now having received the first list, we can go back to item number 27 t and we're still waiting for the list of speakers who are for. We have the list of those against and we'll go with that. First is bob thompson. Who will be allotted 12 minutes.

>> Mayor and council, my name is bob thompson. And also could you give me a prompt after nine minutes so if I need to I can wrap it up after that time? I'm the owner of smaller, older, class b properties here in town, rental properties. I've also been a stakeholder and participated in the stakeholder process regarding this item. I'm opposed to the source of income ordinance because primarily because I think it would be counterproductive and would badly hurt a lot of low income residents, my own and many others around the city. I prefer a win-win voluntary solution as I've said in previous testimony. Before going further I would like to recognize the many other rental property owners that came down and showed up this morning. Probably 90% of them have had to leave by now. To tend to their properties, but they were also concerned about the negative impacts that this ordinance would have on their tenants. And I'd like to give the ones that already sold to stay and stand up and wave at you so you can see who is here now. Thank you. Within the past month since our last meeting the housing choice voucher waiting list was reopened for the first time since 2006. And it was reopened to very high demand. Newspaper articles indicated that they expected more than 25,000, perhaps up to 40,000 applicants. On the very first day they received something like 6,000 applicants. On the other hand, they were only going to be able to allocate 2500 slots on the waiting list to all of these applicants, so that's less than a 10% acceptance rate. And that was going to be chosen by lottery. So these would be the lottery winners. The newspaper indicated that the fraction that won the lottery could even be as low as four percent. The problem that many of us have with this ordinance is that austin is filled with low income people that need help finding affordable places to live and most of them are not going to be the lucky five percent or so that win the lottery and get on the waiting list. And once they get on the waiting list, they're only removed from the list at the rate of 40 a month according to lisa garcia. The number of lottery vouchers

-- the number of housing vouchers in austin is about 5800 and that's not increasing because the program is funding limited. There is monthly turnover of about 240, of which 200 relocate and 40 leave the waiting list. The statistics on this page are intended, by the way, to show the adequacy of a cooperative voluntary program in solving the problems and issues which have been articulated so far as motivating the source of income in accordance. And a voluntary program I believe can perfectly well solve those problems without all the negative down sides that come with the mandatory source of income ordinance. One bit of new information which was really valuable, but hadn't sunk in with me and perhaps not with you since the last meeting has to do with the rental rates. Vouchers can only be given to families who rent relatively low rental properties. And the figures are on the first page of the handout that I gave you and I'm only going to be talking from this first page. And you can see by comparison that the average rental rates in austin are 100 to \$150 higher than these threshold rents which qualify someone to rent the apartment with a voucher. And given a little additional information about the distribution of rents in austin, which is a fairly peaked distribution function because austin is a fairly competitive rental market, you can estimate that only about 22% of the rental units in austin are cheap enough to qualify for housing vouchers. And that translates to about 45,000 units with sufficiently low rents. That hadn't quite sunk in on me in previous testimony, but for example, that implies that many of the no answers that were

-- no answers that were given to the telephone surveys about whether properties accepted housing vouchers, undoubtedly came from units which were too pricey to accept housing vouchers in the first place and it was for any reason of exclusivity that they didn't take the vouchers, they were simply too

pricey. And there's nothing that this ordinance can do about that. Units that are too pricey are simply too pricey. The other interesting statistic is that it had previously been estimated that there are about 17,000 rental units for which the owners are presently under the voluntary program willing to accept housing vouchers. And even though that 17,000 is a small percent of the 206,000 rental property universe in austin, it's a reasonable percentage of the 40,000 low-priced rental units in austin, about 38 percent. That's a reasonably inclusive percentage. The 17,000, by the way, was estimated from telephone survey data reported by Katherine Stark initially and another lady that did a survey of five to 50 unit properties and got a slightly higher acceptance rate. So the two questions which have been hypothesized as justifying the need for a source of income ordinance are the present number of units accepting housing vouchers adequate to supply the demand and is the geographical distribution of the units that would accept housing vouchers sufficiently broad or as broad as it could be. And I believe these data indicate that under a voluntary program which could slightly improve the existing acceptance of housing choice vouchers, the answer to both those questions are that the voluntary program would almost certainly succeed, especially given the cooperation and goodwill on all sides which I believe was evident in the few stakeholders meetings that we had. One statistic shown on this chart is that the ratio -- every month we don't start from scratch. Most of the voucher holders stay put from month to month. There's about a three to four percent turnover. So if you subtract the ones that are put from the universe of 17,000 that would accept vouchers, and you look at the 100 or so voucher holders that are having difficulty finding a place to live, the ratio of the remaining units to those 100 families is over 100 to one. And that says that there is really no shortage in this city of units that are willing to accept vouchers under the present voluntary program. And that could only get better under an enhanced cooperative, incentivized voluntary program. So the problem is not that the units do not exist and need to be increased through a mandatory source of income ordinance, the problem is that the units that do exist, the folks looking for a place have difficulty finding those existing units.

[10:00:47]

>> Mayor Leffingwell: Three minutes left.

>> Thank you. But that's a problem which a stakeholder cooperative program is tailor-made to solve. With respect to the geographical distribution, 17,000 is a 38% fraction of 45,000 sampling theory, statistical sampling theory would tell you that that's totally adequate. You're not going to improve the distribution. The 17,000 map is not going to be detectably improved over the 45,000 map. It may be more restricted than the 200,000 map, but not compared to the 45,000 map. So the reasons for having a source of income ordinance disappear. No incremental improvement over a voluntary ordinance is possible. At the bottom of the slide is the punch line. It is unnecessary to help the voucher holders to go to a mandatory program. 99% of the benefits are already available under the voluntary program. It is counterproductive because 50,000 plus families which didn't win the lottery and don't have vouchers will be badly hurt by rental increases, security deposit increases and the like. And somebody should worry about those folks and not just the five percent that won the lottery and got a voucher. They shouldn't be thrown under the bus. People worry in this city about affordable housing. This one ordinance, if passed, will be a tremendous negative to affordable housing and many of these 50,000 plus families will probably be forced to flee the city. And finally, it's unfair to owners of older class b

properties who refuse to accept the h.U.D. Half lease for non-scrimnary business reasons to force them to do so. And I suspect it's illegal. This is from the code of federal regulations. These are the regulations that underlie the hap lease and this is only about half of it. It's a very complicated program. It conflicts with our taa leases in dozens of places. It is not reasonable to force people that don't want to accept it to accept it. In the previous first reading you exempted one to four units. Since the ordinance is going to be seconder productive that was very wise. That will save a lot of the residents from rental increases. It would be even better if you would also exempt five to 19 units for the same reason because these are small property owners who don't have legal staffs, etcetera. And the best solution of all would be not to pass a source of income ordinance, just to proceed with the stakeholder process and see if we can't solve this problem amicably.

[10:03:44]

[Buzzer sounds] thank you for your time. I'll be glad to answer any questions.

>> Mayor Leffingwell: Thank you. Before we go to the next speaker, council, if there's no objection, I'd like to

-- just for a minute

-- place this item on the table so we can do some postponements. This being the four p.M. Time certain. I'd entertain a motion to postpone item 122 until november 20th, 2015. Let's start over. Item 121, postponed until january 29th, 2015. Item 122

-- I was just kind of

-- the 2015 got me a little bit there. [Laughter]. Item 122, to be postponed until november 20th, 2014.

And items 123, 126 and 127 proposed until DECEMBER 11th, 2014. Is there a motion for that?

Councilmember morrison so moves. Seconded by the mayor pro tem. In favor say aye? Opposed say no? It passes on a vote of six to zero. And so we'll go back to item 27, take it off.

>> Mayor, I could offer a few more postponements if you would like.

>> Jumping right in there. Okay. Yes, sir. Go ahead.

>> The applicant on the st. Elmo items from earlier in zoning has respectively requested a postponement to next meeting of november 20th.

>> So which items are we dealing with here?

>> That's item number 79, case npa 2014-0020.01. And the related zoning item, number 80, case c-14-2014-0034 would like a postponement of both of those items to your 11-20 agenda.

[10:05:49]

>> Mayor Leffingwell: So 79 and 80 to november 20th.

>> And then one additional item, item number 114, case c-14-2014-0126 on colton bluff springs, the applicant has also requested a postponement on that item to your 11-20 agenda.

>> Mayor Leffingwell: All right. So I'll entertain a motion to postpone item 79, 80 and 114 until november 20th. Is councilmember martinez so moves. Is there a second? Seconded by councilmember morrison. Those in favor

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>> Martinez: I have a comment. I was going to ask for a postponement of 79 and 80, but I do want to make a comment as to why. And one is because councilmember spelman is not here and I'm still not comfortable with where the project sits right now. We don't have a policy that specifically speaks to li-pda's like we do p.U.D.'S and I know people don't like p.U.D.'S either, but at least it's a structured environment of what we know we're getting in the request. So between now and when it comes back that is the measuring stick that I'm going to be using to place over this is in terms of trying to determine the community benefits that come out of this project. Because I'm still struggling with supporting. I supported it on first reading with the caveat that it must improve. And I just haven't seen that level of improvement to gain further support?

>> Mayor Leffingwell: Those in favor of the motion say aye?

>> Tovo: May I add one thing. I appreciate those comments. And also I'm still really struggling a little bit with this project. I want to reemphasize a comment I made at the first hearing which is I hope the developers will sit down with the neighbors and I know there's a willingness I believe on either side to do that. I appreciate the additional time to allow that to happen and I hope they have an opportunity to do that before it comes back to council.

[10:07:53]

>> Mayor Leffingwell: All in favor say aye? Opposed say no? It passes on a vote of six to zero.

>> Thank you, mayor and council.

>> Mayor Leffingwell: We'll go back to our next speaker of those opposed. Mark hurley. This is on item 27. Mark hurley.

>> Thank you, mr. Mayor, honor roble councilmembers for allowing me to speak here today. My name is mark hurley, I'm a rental property owner. I own properties around texas and in austin. I am also a past president of the san antonio apartment association and because kathie cross can't speak here today, I'm going to make some comments on behalf of the apartment association of greater dallas, the largest apartment association in the country. I'm going to keep my comments brief and I'm going to simply say this: We oppose this proposition. We think there will be negative

-- very negative consequences that will come out of passing this proposition. And that is all I have to say. Do you have any questions? Thank you for your time.

>> Mayor Leffingwell: Diana walker?

>> Good afternoon, mayor and council. My name is diana walker. I've been involved in the apartment industry in austin since 1983. I'm here to oppose soi. I have managed affordable communities as well as conventional properties. This proposal will not do what you hope it will. It will not make austin more affordable. It will not increase options. The shortage of affordable housing in austin is not solved and our wait list are for extra vouchers, not for apartments. Thank you for your time.

[10:09:54]

>> Mayor Leffingwell: Thank you. John joseph. And set mr. Joseph up with six minutes.

>> Thank you, mayor pro tem and council. My name is john joseph. I'm an attorney representing the austin apartment association. It is an organization of over a thousand members who manage and own

200,000 rental units in the 11 counties of central Texas. I'm speaking on behalf of the association in opposition to the pending source of income ordinance. I submitted to the city attorney on November the third a detailed letter of objection on behalf of my client. I spoke with some of your representatives last evening. My clients' opposition is not to section 8 vouchers and section 8 tenants, but rather the process and bureaucracy that it brings with it. For example, the section 8 vouchers, the government must approve rent increases. The problem tenants can't be evicted except for serious, repeated lease violations, criminal activity or other good cause. The properties are subject to special inspection, must meet specific conditions, and must be kept vacant while awaiting inspection. The government is not required to pay rent on time and in the event of a sequestration is not required to pay rent at all. And there's no recourse for the owners in this occurrence. More importantly the ordinance you propose most likely violates state law. In that it is not substantially equivalent to the federal fair housing law. Texas local government code 214.903 provides, and I quote, the governing body of a municipality may adopt fair housing ordinances that provide fair housing rights, compliance, duties and remedies that are substantially equivalent to those granted under federal law. This ordinance is not substantially equivalent to the federal fair housing law. Source of income is not a protected class under the federal fair housing act. If the federal government had intended that it would be, it would have done so. To the contrary, it specifically provides selection of tenants shall be the function of the owner. Fair housing act does not mandate landlord participation in the section 8 program. We have argued on many occasions that the approach the council is taking is misguided and counterproductive. We have urged you and suggested that the best way to achieve geographic diversity in the use of vouchers is through education and a voluntary incentive-based good landlord program. We still believe this is the better course of action. At the October the 2nd hearing of the city council where you approved this ordinance on first reading you instructed the city manager to begin the process of creating a good landlord program. The manager was to bring this program back to you on DECEMBER THE 11th. A good landlord program in the face of a mandatory source of income ordinance is meaningless. Passage of this ordinance will inevitably lead to litigation and legislation. We urge you to focus our attention on a comprehensive, voluntary, incentive-based landlord program and defer further action on this source of income ordinance until that effort is complete. This ordinance will not achieve geographic diversity in the use of source of income. The publications in the study are clear with respect to that. We urge you to defer action on this and instead, as we said, follow the good landlord program. If there are any questions, I'd be happy to address them at this time. Thank you.

[10:14:09]

>> Mayor Leffingwell: Those are all the speakers on the anti- side. We'll go to those in favor. First is Jennifer McPhail.

>> I'm Jennifer McPhail with Adapt of Texas and I'm here today in favor of the ordinance. So many of our members of Adapt have had vouchers and have had struggles in finding places to live. We were at one of the locations that sign people up for section 8 and there were people in tears, there continue to be people in tears. And I don't want to muddy the waters because this is not about people who don't have vouchers, but giving choices to those who do. And it's not either or like the opposition would want you to believe. I don't have a voucher. I lost my voucher because I had no place that was available to me

-- to rent to me that was acceptable, that would take the voucher. This was many years ago, decades ago. And I lost that opportunity. And because of that I'm pretty much stuck where we're at now because it's affordable and ask accessible to me. And I don't feel like it's a choice between me and david or victor, I think we all deserve an affordable, accessible, integrated place to live in this community. We all deserve the protection that says yes, do you have a place in our society. A lot of what we do in adapt, you may not realize this, we help people integrate into the community from institutions. And it's one of my favorite things to do because it's very much like the modern day equivalent of the underground railroad. Because people with disabilities are forced to go into institutions. A lot of the times because they can't find an affordable, accessible, integrated place to live in the community. So they're forced into institutions because they need to be able to go to the bathroom or to get around. And too much of that has been going on for too long. This will give people that want to get out of nursing homes the chance to choose places that they live in the community. And everyone deserves that. You hear over and over again how people who are low income are destructive. It hasn't been my experience. My experience has been that the people who have housing that is affordable and accessible to them cherish it. They don't waste it. The people that you see here today in adapt, we're not here just because of ourselves. We're here because of other people who need the same kind of protection in the community, having choice, being able to live where they want to live and being able to be parts of communities where they want to be, with their family and friends. If that's not what the city of austin is about, what are we about? Do not let the other side threaten you with litigation and scare you away from this courageous act that you're being asked to propose today. It is brave. It is no cost to the city. It is something that should have been done. And let me tell you, we have a voluntary program right now

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[10:17:33]

[buzzer sounds]

-- and it hasn't worked. It's failed because the other side has acted in bad faith. Thank you.

>> Mayor Leffingwell: Thank you. Danny saenz.

>> Hello. I'm danny saenz, and I'm a section 8 participant. And I have been

-- lived in austin for 28 years and I think I've been

-- participating in the program for most of that time. And when I first moved to austin I got to the wait list, and at that time it was very short. I moved in to my first apartment here in austin, the first time to live independently, and I was paying the rent out of my pocket and it was very hard to make it on my social security benefits. And so my name came up and I

-- I got the voucher, but the apartment complex where I was living didn't want to participate in the program. So I had to move. I loved the place where I was at. Barton springs and south first. And so hi to move somewhere that

-- somewhere different. And I stayed there for over 10 years and I did wind up moving again, and I moved back to south austin and I've been at that duplex for 14 years. And this past summer I experienced a somewhat traumatic customer because my property was being sold and I didn't know whether the new owners would accept the voucher. And I tried to look before I got the news and I heard about my friends who were having a hard time finding apartments that would take the vouchers. And I

even considered to move

-- moving back to corpus christi where I'm from originally. And those rents are also going up. And so it was very traumatic summer for me until finally the owner, the owners, a couple that live here in austin and that were willing to accept a program, accept the voucher, and I'm very grateful for that. And I just wanted to add, like jennifer was saying, that we help people relocate back into the community and I have been part of that. And I've had to tell people that they're going to have to wait because we can't find an apartment. And again, you're taking that

-- we're all about choice and when you don't have a place to live and you're letting other people control your life, it's very

-- I don't think it's what we're about. And so I strongly recommend that you pass this ordinance. Thank you.

[10:20:55]

>> Mayor Leffingwell: Thank you. Hiwa selowitz.

>> Hello, mr. Mayor, hello, council. I am one of the people that has a housing choice voucher, also known as section 8. As jennifer said, we currently have a voluntary program that doesn't work. So other towns and other towns and other states have passed similar ordinances and have the same arguments to oppose them. But when you have a disability, a mobility impairment, perhaps it is 17 percent that currently accept vouchers, but it's not the percentage that is affordable, accessible and integrated. See word, affordable, accessible and integrated. People with vouchers, we tend to stay where we are. We are good tenants. The voucher itself is a

-- voucher itself is a guarantor and there's no more arduous process to get a person who violates their lease out. I am currently couch surfing and on my first extension of my voucher because I wanted a choice to live where I wanted. So the apartment complex that I'm looking into is still under construction. There is another apartment complex, one that is in a perfect location, corizon on east fifth. Some of you may know it. And they have affordable housing component, but they refuse currently to accept section 8 vouchers. So this ordinance will help in that fight. And as I look through downtown, there is tons of construction and that's a great thing. And this ordinance will also help making austin affordable, accessible and integrated. Being that no matter if you want to live on the southside or the east side or the northside, you can and it's affordable, accessible and integrated. And as jennifer and danny said, we at adapt of texas, we help people move back out into the community. And that's a precious thing. And a lot of people with disabilities live here in austin, and that's not by coincidence. It's because austin is a great city. It's because austin is accessible because of the work we've done and others have done. And we in the adapt office last week signed up at least 50 people, at least for the waiting list. And I had to wait 10 years for my voucher. So I'm not about to lose it or be a bad tenant to a future landlord. Thank you.

[10:24:09]

>> Mayor Leffingwell: Thank you. Council, I have a request from people who are here for item 119, which is public hearing item and has no one signed up, to accommodate an out of town person. So if

there's no objection, we could put this on the table and hear this right quickly. Ms. Plumber.

>> Good evening. Juney plumber, item 119 is a change in use parkland. This is on little walnut creek park. Mitigation is a little over 132,000 and the legal fact finding is there is no other legal and prudent alternative to the taking of the dedicated parkland which includes all planning to minimize harm to the park.

>> Mayor Leffingwell: Temporary.

>> Temporary, change in use for a wastewater line.

>> Mayor Leffingwell: There are no speakers signed up so I'll entertain a motion to close the public hearing and approve

-- councilmember martinez so moves. Councilmember riley seconds. Those in favor say aye? Opposed say no? It passes on a vote of six to zero.

>> Thank you.

>> Mayor Leffingwell: Thank you. So we'll go back to our speakers who are for. With victor masera.

>> Good afternoon, council. My name is victor masera and I've lived in austin for the past five years. I moved into this town five years ago and my friends from adapt helped me move out of the institution I was in, back into the community. And it was because of section 8 voucher that I was able to do that. And so therefore I thank you very much for that opportunity and there is many more people like myself who are institutionalized, who are still institutionalized today that need a way out of their institution back to their community that I have enjoyed for the last three years and it is very thankful for that opportunity and I hope that you approve this voucher so that we can continue to coming into the community and be able to be part of the community once again. Thank you.

[10:26:36]

>> Mayor Leffingwell: Thank you. Isabel headrick.

>> Good afternoon, mayor and councilmembers. My name is isabel headrick. I'm the executive director of accessible housing austin. And I have been a section 8 landlord for the last 12 years. I'm here to support item 27. I believe that there should not be any exception to the enforcement of this ordinance, but if there has to be one it should be the one that is proposed by housing works, which makes an exception for small unit property owners, not all small properties, which may be owned by many -- by actually larger scale landlords.

-- I want to share some of my experiences as a landlord with you. Both the housing authority of the city of austin and the housing authority of travis county have exceptionally well run housing choice voucher programs. As a landlord I have never experienced the payment systems, delays and complicated legal guidelines, those are quotes, claimed by the apartment association in their editorial. On the contrary, payments are deposited directly into a hap bank account like clockwork. I have unfortunately had to evict both section 8 and non-section # tenant and have to say evicting a section 8 is no more difficult. I've had to evict more feature section 8 rental properties taints because they are more stable. Third, the program requirements are no more that than what a responsible landlord should be doing anyway. I appreciate having a second eye on the property in the form of inspections as they help me catch things that a tenant may not have reported which increases the safety of the property. I have never experienced vacancies due to having a section 8 tenant. Four, both of our housing authorities have

managed their vouchers very conservatively and neither has had to reduce voucher amounts, even during the most serious of the sequestration. Fifth having voucher-holding tenants has greatly reduced my liabilities as a landlord in the form of reliable payments, good tenants and lower tenant turnover, which has resulted in a concrete net financial benefit to me as a build. This I believe is incentive enough. Six, I would like to share with you the story of one of my tenants. Her name is also isabel. Isabel is a very good tenant who always pays her rent on time, is a good neighbor and takes care of her home. She and her six children are living in overcrowded conditions in a small three-bedroom duplex unit that I manage. She has been looking for another home for her and her children that will accept her voucher, but over the course of two years she has been turned away by over 100 potential landlords. This ordinance would allow her and her family to live in home that was comfortable for them in which her children are not sleeping in the living room. Finally this ordinance would reverse a pattern of discrimination that has a severely disparate impact on people of color and people with disabilities. 89% of voucher holders are people of color and 23% are people with disabilities. Thank you very much.

[10:29:59]

>> Mayor Leffingwell: Thank you.

>> Mayor Leffingwell: Thank you. Michael bowls.

>> Hello, thank you for having me today. I am here in support of item number 27. My name is martha. I've lived in austin my entire life and I have been leasing rental professional property since 1991. I know I look really good for 29, huh? I have worked virtually every position in the apartment industry from leasing consultant to regional customer service training director and I have been part of the austin apartment association

-- excuse me, association, and now the texas association of realtor and the austin board of realtors and I became a licensed texas realtor in 2007. I helped found one of austin's most successful locating companies in 2007, with whom I worked for many years until I became a sales agent in 2012, and a private property manager. I now help people find their own little piece of austin to call their own and help them with the new lease on life and the dream of homeownership and worked very hard in a industry I feel a lot of passion for but I also fought through five surgeries, two of which were open craniotomies, where they operated on my brain. I have worked long and hard to create financial freedom for me and my family but with the crushing medical bills, a disabled husband ineligible for social security benefits, three teenagers, the numbers don't add up. I have turned to the county for support for my utilities and for my living expenses. I am unqualified to purchase a home because the creation of the dismal credit score I have, because of the medical bills has caused my credit score to absolutely plummet. I can't pass criteria for apartment due to low income and the two times responsible must have be able to rent. I am ineligible. In fact, I am eligible for housing choice voucher program, also known as section 8. Do you have any idea the number of steps you have to walk through to receive governmental help? It is a mountain of paperwork. It's extensive backup documents. You have to jump through red tape hoops that are not only very difficult to understand but very hard to comply with. If you can do that, if you can prove that you are worthy and deserving of help from our very own government to whom we pay part of our meager earnings, well, we are in disparate need. You are also smart and tenacious and I respect that. The austin apartment association does not want vouchers forced

upon them. It will cost these owners, investors, management companies, rates and fee based organizations to spend money training, educating and monitoring their leasing and management staff.

[10:33:16]

[Buzzer alarming] it requires more work on their part. Realtor apartment professional, and I have had the nerve to ask my government to step in to help me.

>> Mayor Leffingwell: Thank you, ma'am.

>> Anything else is discrimination.

>> Mayor Leffingwell: Thank you. [Applause]. Brian mcgiver.

>> Good afternoon. My name is brian mcgiver and I am an attorney with the sex civil rights project and I am here today because I don't want you to make any mistake. The issue that we are dealing with, the source of income issue, is a civil rights issue. Source of income discrimination is a form of segregation. It is despicable. Now, I found the reaction by some of the landlords in our community against this to be honestly remarkable. So much fervor, so much anger, all of which is nothing but speculation. It is remarkable because there is so much precedent for this ordinance around the country that if there was a genuine drawback to it, they would have shown that to you but they couldn't, because their fears are unwarranted. Some of you have spoken to that very eloquently yourselves with your experience as landlords, that the fears expressed today are unwarranted. Do you know what? Once this ordinance passes, after a year goes by, I think a lot of people who are in the audience today expressing their concern about it are going to have a different opinion. Their experience will show that their fears are unwarranted, and frankly, I suspect that some or all of them will be embarrassed by the position that they staked out here today. I will end by saying this is a moment that requires leadership. So much of the work of bending the moral arch of history is about dispelling illusions from people's minds, illusions surrounding whatever the great other happens to be today. Today, dispelling those illusions, that's your job. Leading your friends and your neighbors to a place where they can be moved beyond this fear, that is the essence of leadership. I am very optimistic that I am going to see that from the council today. I hope you don't disappoint me. Thank you.

[10:36:10]

>> Mayor Leffingwell: Kathie stark.

>> Good afternoon, my name is kathie stark. I am the executive director of the austin tenants council. We were the group who did the original study. I thank you for allowing me to speak tonight. I am in favor of the ordinance. It gives people a choice in where they live hopefully so that they are not all forced to live in a small area of this city. They have a choice of where they want to live, whether it's northeast, northwest, southeast, southwest, or central. Currently right now when you look at the maps that we did, the most of the section 8s are squeezed into, and most of the affordable housing is squeezed into certain sections of town. Yesterday, the city of dallas signed a conciliation with h.U.D. And one of the parts of that conciliation was that the city manager and the mayor committed to moving forward with a source of income protection in the city of dallas. So this is not new. I was surprised to hear the apartment association from dallas saying that they were completely against it because

propensity is working towards this, the reconciliation with h.U.D. Saying they were going to do it. Because they had a problem in the city of people not being able to use vouchers where they wanted to, being clustered in certain areas of town, and allowing the -- and a lot of the affordable housing was put in certain areas of town. So dallas is moving to this model, too. I just want to encourage you to pass this. I know the first speaker on the other side was saying that people can't afford to live in austin and use their voucher. H.U.D. Adjusts the amount of rent every year. So when rent spike we are having right now, that adjustment on the section 8 will go up so that they can look at more housing. And we are not doing this ordinance just for this year. We are doing it for future years, too. Austin isn't always high occupancy like it is now. It ebbs and it flows. So we want an ordinance that will work for the whole time that it's in place. I provided you with a copy and it's out of the texas property code. The federal government has the fair housing. The state has fair housing law. The city has the fair housing law. And I gave you the language on the exemption for small owners. It would be so much simpler if we followed the pattern from the federal government, the state government, down to the city government on the exemptions so that they are all the same so people don't get confused. It's called the mrs. Murphy's exemption and basically says if you are not in the business of owning property, then you get an exemption if you are not using a realtor to advertise. If you only own one house or two houses or three houses, you get an exemption.

[10:39:24]

[Buzzer alarming] thank you. If you have any questions ...

>> Mayor Leffingwell: Thank you. One question for you.

>> Okay.

>> Mayor Leffingwell: Council member morrison.

>> Morrison: That exemption, is that the same thing as the housing works exemption? It sounded a little different?

>> It's slightly different. It is just a touch more restrictive but it is in the the same venue as where you are going with it right now, and the reason why I bring it up at this date is that it would make the federal government, the state government, and the city government on exemptions all flow the same so people wouldn't get confused so that it's pretty much the same language and the same exemptions in its equivalent.

>> Morrison: Okay. Thank you. I appreciate that clarification.

>> Mayor Leffingwell: Carol madrisky.

>> Good afternoon, mayor leffingwell, council members. I am here

-- my name is carol madrisky and I am here this afternoon as a member of an organization called austin women in housing and as a member of the board of directors of the austin tenants council, and I am here to support the ordinance that you have before you today, minus the amendment to exempt the 1-4 units. I wanted to be specific about that. I think this is an important ordinance for a couple of reasons. Number one, from the work that I do in utilities and from my work in housing on the side, I know that it's not

-- I understand that it's not easy to be poor. People who are poor work very hard to make their lives whole and to keep things together. People who receive benefits are not irresponsible. People who

receive benefits are acting as responsibly as they possibly can using the resources that they have available to them. By not having this ordinance adopted, we are allowing a practice that deprives people of opportunities to keep their personal

-- to keep their lives whole and to improve their environment and their situation. Besides the fact that it's not easy to be poor, the second fact that we have is that housing is a necessity. I don't think there is anybody who would say that, oh, housing, you don't need that. It's not something we can choose to have. We are expected to have shelter and a roof over our head and it's

-- you know, it's the way things are done. The way the system works now, we are closing the door to people. We are allowing the housing industry to close the door to people who really need doors to be opened up for them. To put individuals in a situation where they can be told that we can't even accept an application from you because you are using this housing voucher that guarantees a certain payment on my behalf every month. Do me it's a

-- to me it's a kin to jim crow laws where people who were black had to live in certain areas of the city. This is the same type of discrimination but it is broader because it affects all people who are -- live in poverty and that's a large portion of our population. It is 25-30%. So I am a little bit disturbed about all of the opposition to this ordinance which seems to be a pretty reasonable option to me for landlords today.

[10:43:29]

[Buzzer alarming] so please

-- please say yes and adopt it. [Applause]

>> Mayor Leffingwell: Thank you. Those are all of the speakers. Council member martinez.

>> Martinez: Thank you, mayor. Thank you, mayor, I am going to go ahead and move approval but I do have an amendment I am going to pass out. Approv approval on second and third?

>> Martinez: Correct, mayor.

>> Mayor Leffingwell: Mayor pro tem

-- well

--

>> Cole: The motion and a second

--

>> Mayor Leffingwell: The second

--

>> Cole: Council member morrison.

>> Mayor Leffingwell: Council member morrison seconds.

>> Cole: This was brought forward by council member morrison and myself and first I want to point that out and is that we not go on second and third so that he has an opportunity to vote on this

-- mr. Spelman and myself,

-- vote on this because he specifically talked to me about that.

>> Mayor Leffingwell: So friendly amendment, second reading only?

>> Martinez: It is a fair request, mayor.

>> Mayor Leffingwell: It is accepted by the second.

>> Cole: Yes, it is.

>> Mayor Leffingwell: All right. Further discussion?

>> Martinez: Mayor.

>> Mayor Leffingwell: Council member martinez.

>> Martinez: I didn't realize this. I think there is a yellow copy I passed out just a white sheet. The amendment that I would like to add is friendly is simply adding a provision for a small number of property owners, and it's added into section 5-1-19 under applicability source of income. If I need to read it into the record, I can.

>> Mayor Leffingwell: I think we all have a copy. It's this, right?

>> Martinez: Correct. So basically the exception will not apply to a person who owns less than five rental dwelling units. That's kind of the short version of it.

>> Mayor Leffingwell: Okay.

>> Martinez: And I will say, you know, as a section 8 landlord, it has been nothing but a positive experience and when we talk about things like affordability, and when we talk about folks in austin that need our help the most, this is exactly what we are talking about. We are talking about everyone being able to share in our community and be a part of our community, no matter where you come from and no matter what your source of income is. This is exactly what we are doing, and so for me, I have to agree. It is

-- it is troubling to hear some of the concerns. I have not experienced that. If there are concerns, I am more than happy to try to address those in future amendments. But our goal here is to increase housing choice as an important goal of the federal fair housing act that was mentioned earlier. Prohibiting discrimination based on the source of income is also important to increase housing choice. And when the council adopted the resolution earlier this year, initiating this code amendment process, we wanted to basically prohibit discrimination based on source of income. In addition to that, the city has a recipient of federal funds is obligated to affirmatively further fair housing, and prohibiting discrimination based on source of income, which increases housing choice is one way for the city to affirmatively further fair housing. So I think it's wholly appropriate that we move forward with this. If there are concerns that come up, let's deal with those concerns. But let's have a policy that embraces our entire community and not continues to segregate and discriminate against members of our community. So I move approval as

-- with that friendly amendment.

[10:47:25]

>> Mayor Leffingwell: And that is second reading only.

>> Martinez: Second reading only.

>> Mayor.

>> Tovo: Mayor.

>> Mayor Leffingwell: Council member morrison. You were actually first and then mayor pro tem.

>> Morrison: Thank you. I want to make a comment. I appreciate the comments made by council member martinez. Given that we are going to

-- I appreciate will having this recommendation from housing works to sort of back off the exemption

that got put in

-- that we put in. I supported it. I think that I

-- you know, having been able to get a better idea of how significant that exemption was, I am glad that we are backing off on it a little bit. Given that we are only doing it on second reading, I am curious about the exemption that ms. Stark raised. I can see that the

-- what we have from housing works that we are adopting here is nice and simple, and that's very attractive. But the logic of having the same exemption as other folks

-- as other jurisdictions higher up in the

-- in the jurisdiction governmental jurisdiction chain, being similar to that could also be a

-- you know, attractive and insert some simplification to it and I know nothing about that. So this will give us a little bit of time to maybe look into that difference and I look forward to working with folks, our legal department, but also with mandy, if you are available, and kathie, so we can think about that.

>> Cole: Mayor.

>> Mayor Leffingwell: Mayor pro tem.

>> Cole: I am very happy to have worked on this with council member spelman. We received a fair housing complaint that cited this as a remedy for our own reports by h.U.D. A barrier of fair housing for nearly 20 years. I was especially drawn to the item when I learned the challenges faced by veterans who had paid in full voucher but were unable to secure housing. Those that did secure housing took an average of 236 days. That's a real problem and it is a real problem given our affordability crisis, especially the idea that we are leaving federal funds for tenant based rental assistance on the table and unused is unacceptable. Several other cities have adopted this protection and seen improvements in the acceptance of vouchers and the geographic dispersion. That's why we moved forward with it. I want to commend housing works for bringing forth a solution and a compromise for small units, and I am glad that we are only considering this on second reading. I mentioned that the work

-- at the work session, that there had been some concerns among the stakeholders but it was not the housing department, but it was actually the board of realtors that I think were concerned, and their concerns led us to think about practicality in terms of future challenges. But I am very pleased to support this time the compromise that housing works has brought forward and give us a chance to work on and look at that

-- that angle of this ordinance. But in particular, I have some concerns still remaining about how the ordinance would be enforced because we don't have a particular department responsible for enforcement, and I think we need to look at that between second and third reading. And let me ask betsy, would you come up? Do you have any thoughts on

-- because we don't have a universal rental registration program, how would we enforce the requirements of landlords that own a certain number of properties are exempt? Do you have any thoughts on that yet?

[10:51:26]

>> Sure, actually through the human resources department, there is a division that enforces fair housing, and they would enforce the addition of this protection as they do all of the others. I think john would be a better one to speak to that.

>> Cole: John, could you speak to that?

>> Good afternoon, jonathan babbiack human resources department, equal employment fair housing office division. And, yes, betsy is correct, our understanding is that if this amendment passes, then our office would have the ability to investigate and look at complaints based on sources of income.

>> Cole: Could would have no problem being able to do that?

>> I would say that we would work with the law department as we receive those complaints.

>> Cole: Okay. With that, mayor, I will be supporting this item. Know, I am going to be supporting it, too, on second reading. There is still some outstanding issues I think that need to be discussed, and in particular, on first reading when we looked at

-- we considered this along with the good landlord resolution that was passed, and I think

-- I think I just heard that is supposed to come back to us on december the 11th.

>> Yes, mayor, I was a sponsor of that item. Decemb decemb er 11, so I think it would make sense to take this on third reading at the same time of december 11, so I would make that request. The other thing is I am very aware that this is a serious problem. Housing is a serious problem and I want to take the opportunity to mention that two weeks ago, I signed on with a growing list of mayors around the nation who have made the pledge to end veterans homelessness in 2015, and I think this will help me out with that initiative. And I signed on for whoever is the next guy.

[10:53:39]

[Laughter]. And so certainly this, I believe, will be out there, so ... As I said, I will support this on second reading and hope we can hear a third reading, along with the other initiative on december the 11th.

>> Cole: Was that friendly, mayor, to incorporate

-- if we bring this back on december 6, when we bring back the good landlord? Decemb decemb er 11.

>> Cole: December 11. Includ includ ed in that

-- that direction was included, I assume, since nobody objected. All those in favor, say aye. Aye. Opposed say no? That passes on a vote of 6-0. [Applause].

>> Brings us to item 65 which was pulled by me and there is no one signed up to speak. The posting language talks applying to texas parks and wildlife life department for a waiver for a requirement to maintain

-- to install and maintain bowies in areas that are designated as a no wake zone. Here we are talking about lake austin and specifically waiving those requirements on lake austin and allowing the city of austin the authority to place buoys and pilings and other thing that is affect health and safety but in the resolution that is not alluded to in the posting language, which is somewhat disturbing, that the city manager

-- I don't want to use the wrong words here

-- is directed to begin the process of designating a 50-foot wake zone along the

-- no wake zone on the shoreline of lake austin, which is, we all know, is a very long and skinny lake, and in some cases, we don't know for sure it may not even be 100 feet wide at the mansfield dam and that would basically close the entire lake to anything than maybe a canoe which might even generate a wake. I don't know.

[10:56:09]

[Laughter] so I think it's

-- marks a very significant change in the use of a

-- use of what it was intended at the time of discussion, to be a recreational lake. It was one of the five lakes in the system

-- in the highland lake system that was designated to be a recreational lake, and that, of course, implied that boating would be considered. And so I am not exactly sure on the timetable on this, but I recall about 6 months to a year ago, a task force was formed to address a whole bunch of lake austin issues, and they made recommendations

-- the task force made recommendations and those recommendations were supplemented by staff's recommendations, and one of those

-- and I am not sure whether it was a staff recommendation or a consensus

-- in this case, consensus had to be 100% recommendation from the task force, to prohibit

-- or to establish the no wake zones within 50 feet of the shoreline for the entire

-- all of lake austin. And it was clearly stated at the time that the primary purpose of this was to prevent a shoreline erosion. It is my understanding that the city

-- the city itself can't do this. Only the state

-- that authority derives to the state of texas. So now we are petitioning to do this on the basis of health and safety. So I have a little bit of question in my mind about whether or not we are changing the reason

-- the stated reason from this to

-- from an illegal reason to a legal reason just to get it done. So

-- and going beyond that, I am very concerned that it's not in policy, that it will have a very adverse effect on property owners for the entire length of lake austin and seriously curtail the use of certain types of boats, any type of boat that generates a wake. And I think that needs to be taken into account when we are making this decision. I would be

-- I would be in favor of possibly establishing isolated no wake zones around high traffic areas, and marinas, and boat docks, et cetera, but for the entire length, which is what is implied in this resolution, I would not be supportive of. And furthermore, if we are going to have a no wake zone, a protected area for people to swim in, then why don't we have bouys designating and protecting that area? So again, it is a reverse health and safety issue for me in that case. So I will not be supporting the resolution. Council member tovo.

[10:59:26]

>> Tovo: As a sponsor of this resolution, I would like to move approval. I would also like to just verify a couple of things that I have had time to research in the last couple of hours. One I have gone back and indeed saw this is a consensus recommendation from the task force and it is noted traffic, t5 to establish a no wake zone up to 50 feet of the shoreline of the entire lake. I think this was questioned whether this was a consensus recommendation or whether it had come forward from the staff. I also had some correspondence with one of the task force members who confirmed that it came out of a concern for public safety. The reason that recommendation was made initially had to do with the concerns

-- concerns about public safety issues, and so with that, I think it's
-- I think it's prudent to move forward with this, to ask for the waiver. And, yes, while buoys are typically required to be placed along the entirety of a no wake zone, it is the staff's opinion that the public
-- and this is
-- I am just reading from the resolution, it is the city's position that public health and safety can be protected by strategic placement of buoys and pilings, which is the reason why we are asking for that waiver, to see if the Texas Parks and Wildlife Department agree. Otherwise, the cost of doing that would be fairly intensive, almost \$380,000 to provide buoys along the entirety of that no wake zone. This is the first step of a two-step process. It will be necessary for the council to approve an ordinance establishing that no wake zone. So I think it's a good idea. I think it's
-- the issues and task force were raised matters about the health and safety of those with the lake and particularly with regard to the interaction between swimmers and boaters and wake borders and others using motorized equipment.

[11:01:42]

>> Mayor Leffingwell: Motion by council member Tovo. Is there a second?
>> Morrison: Second.
>> Mayor Leffingwell: Seconded by council member Morrison. Further discussion? All those in favor, say aye. Opposed say no? Passes on a vote of 5-1 with yours truly voting no. Which brings us to item number 85, and I think we take 85 and 86 together. Public hearing has been closed. So Mr. Guernsey, do you have anything to say, or are you just going to be available for questions?
>> Guernsey: I think we have a short presentation that is going to be given to respond to some questions that came up in first reading.
>> Mayor Leffingwell: Okay. So let me ask you: Do you have additional copies of the motion sheets that we used on the first reading?
>> Guernsey: We have additional copies of motion sheets.
>> Mayor Leffingwell: If you could pass those out, I think that will be helpful. Here we are. As you probably notice, the motion sheets deal with
-- we will take these items in citizen's advisory committee. 85, 86, 87, 88. Mayor pro tem.

[11:04:48]

>> Cole: [Indiscernible] in their citizenship in the community badge.
>> Mayor Leffingwell: Boy Scouts from troop 162, would you like to stand up and be recognized? [Applause]. Thank you for coming to visit us and watch city government in action. I am sure it will be very edifying to your
-- as you go through here. [Laughter]. Okay. Go ahead.
>> Good evening, council. Thanks for having me here. My name is Francis Riley, I am staff in planning development and review department. I want to briefly go through some answers to some questions that came up on the first reading, September 25th. I believe council member Cole asked about CIP planning in the area. This is what is currently an impact through, I believe, 2020. So in terms of infrastructure

projects, there is not a lot in the current cip. There is some bridge maintenance. Just outside of the planning area, and this gets to, I believe, council member morrison's question about water infrastructure. So just outside of the planning area, there is a project for the williamson creek interceptor so that would handle wastewater and it's an upgrade to deal with capacity issues in the area. I believe someone from awu may be here. To answer

-- maybe not. To answer additional questions about this. It

-- talking to representatives from awu, although this is dealing with wastewater, one of the current problems, as I understand it from conversations with them, is that during the maintenance, there is some infiltration of storm water into this system. So it is one of the reasons we have localized flooding in the area, so there are

-- they are upgrading that system to accommodate that as well as increase capacity. They have also provided

-- their long range plan is in process. They

-- they are looking at population increases for this area as well as they take into account how to include in neighborhood plans for how they plan to upgrade their system and then they provided some additional information on the service extension requests but basically that comes down to if

-- if development goes in, that they would be

-- put that on the developer to expand the system.

[11:08:28]

>> May I ask a question about this?

>> Mayor Leffingwell: Council member morrison has a question for you before you go on.

>> Morrison: If you don't mind, I wanted to ask a question. So the water utility is aware that there is flooding currently in this area?

>> Yes.

>> Morrison: And you are saying that, in response to that, in 2020, they will start upgrading the storm water system. Is that correct? Did I get that right?

>> That is my understanding. I think their design phase is before that. Talking to folks at awu, I recall that being 2017. They may have

-- hopefully somebody in the ball pen is watching.

>> Morrison: That's okay. I guess the concern it raises for me is we see people are already having flooding here.

>> Yes.

>> Morrison: We are taking action

-- I think that we have been somewhat judicious but we are taking action in first reading to increase density and so what would we expect between now and 2020, I would see that we would expect increases in flooding?

>> I think that's

-- so I

-- the

-- with the existing entitlements in the area, you could already see an increase in density. A lot of the

lots that are covered by infill options already could do something, like a duplex. Throughout most of the -- the majority of the area is aware something like secondary apartments were recommended, particularly in the south wood neighborhood planning area are already by right.

[11:10:38]

>> Morrison: So I guess I am a little confused. You are not

-- part of this is to increase the zoning capacity, right?

>> Sorry, say that again.

>> Morrison: Part of what the infill options are to do are to increase, we expect to increase the density.

Are you saying it's not going to increase density because they are railroad going to do it.

>> Let me clarify it.

>> Mayor Leffingwell: First of all, density is not what we are concerned with. It's impervious cover.

That's what would have any effect on any change on the sign of a floodplain.

>> Morrison: Mayor, I agree it's the impervious cover, but if we are adding more options that is going to encourage of using more impervious cover, I think that's sort of the argument.

>> During the first reading, y'all voted for, I believe the garrison park and south manchaca planning areas to essentially table the urban home and cottage lot infill options. Those two options could increase impervious cover. The secondary apartment option, which go left in those areas can't increase impervious cover.

>> Morrison: Okay.

>> You still have to stay within the impervious cover requirements of the base zoning.

>> Morrison: Okay. Thank you.

>> Mayor Leffingwell: Okay. Go ahead.

>> In terms of other infrastructure of projects included in the cip currently, there is

-- there is not a whole lot. Some sidewalk improvements, bridge maintenance and a rail overpass, but really, it's currently not

-- nothing beyond that. There is some additional information about how cpo handles these in your backup that have

-- carol just handed out a little bit ago. The next question

-- I think this one is from council member spelman

-- about the applicability of secondary apartments and where they have been permitted, and so we actually have

-- this map which is a little hard to read, shows where secondary apartments have been permitted throughout the ci city. The brown areas on this map are neighborhood planning areas that have opted in to that secondary apartment option. So you have

-- and this is also in your backup. Between 2007 and june of this year, there were 230 permitted garage apartments. About 100 of those were built in neighborhood planning areas that had opted in to that secondary apartment infill option. So the 130 or so were built outside of planning areas and those are in areas that were by right per their base zoning. Of the 100 units built within neighborhood planning areas with the secondary apartment option, only about 30 of those were constructed on sf3 lots that were between 5,000 square feet and 7,000 square feet and, again, the other secondary apartments that were

built in neighborhood planning areas with option were built in our lots that were over 7,000 square feet, where they already could have been built per their base zoning. Most of the

- most of the secondary apartments are concentrated over on the east side. I've also
- in the backup, I have
- council member martinez asked that we go back to the neighborhoods and talk further about the infill options and so I've contacted all of the neighborhood associations in the area and heard back from
- from most of them. This is in
- on page 2 of the response to data request sheet. So I can either go through these or let y'all read them, but basically
-

[11:16:27]

>> Mayor Leffingwell: We will go through them when you are through with your briefing. We will go through the motion sheet.

>> Go through them. Okay. With the exception of one neighborhood in the garrison park planning area who I have not heard back from, and one of the neighborhood associations in the manchaca planning area. The neighborhood associations reported back they were satisfied with the current recommendations. The south wood neighborhood association was

- their responses were a bit mixed. By and large their board is in favor of this but there are some mixed responses.

>> Tovo: Mayor.

>> Mayor Leffingwell: Council member tovo.

>> Tovo: May I ask you a question about that? I see that you say one board member referred to written input. Sorry, under southwood, you said it's mixed response to support, one not in favor, one board member referred to written input.

>> Yes, so that's the

- that board member is the president of the neighborhood association. She said that she felt that the written input that we received through this process accurately reflected their neighborhood association's response. So that's the polling that we had provided to you previously as well as the comments that we received by mail. Those comments were provided in a previous backup.

>> Tovo: Right.

>> And I believe the split

- I have it somewhere in my packet.

[11:18:28]

>> I have it here, too.

>> I believe the split was 11 for, 30 some odd against.

>> Tovo: Thank you.

>> I will be happy to answer any other questions about this.

>> Mayor Leffingwell: Any questions?

>> I think that responds to all of the questions that y'all had last time, but I will be happy to elaborate.

>> Morrison: I have a question.

>> Mayor Leffingwell: Council member morrison.

>> Morrison: Francis, I know you have had some interaction with my staff about additional restrictive covenants.

>> Yes.

>> Morrison: I think there were like 20 some more that were sent that I gather would limit to one residence and, also, I think there are some issues in terms of the 15-foot front porch setback violating the restrictive covenant and in the beginning, there was a phase where you were incorporating restrictions and a restrictive covenant basically into your recommendation for infill options. So can you talk a little bit about your response to the additional infill options so that my colleagues can hear about this conversation? The additional restrictive covenants that folks had talked to us after our first reading consideration.

>> So we had previously received deed restrictions from residents within the neighborhood planning areas that we removed the infill options recommendations from those areas. The latest batch of deed restrictions that we received were from someone outside of the south manchaca planning area, but she was submitting deed restrictions for that area. We

-- as part of

-- as part of reaching out to the neighborhood associations per council member martinez request, talked to the southwood and salem walk neighborhood association which are the two neighborhood associations within that planning area. As I mentioned, southwood was a bit of a mixed response. The polling results through the process are supportive of the secondary apartment option.

[11:21:14]

>> Morrison: I am talking about the deed restrictions, though. You are rejecting those deed restrictions because they were submitted by someone that wasn't in

-- so the deed restrictions, they were only for the south manchaca area?

>> Uh-huh.

>> Morrison: The ones that they submitted. That's a question. Is that accurate? I didn't read through all of them.

>> They were for only the south manchaca planning area.

>> Morrison: Only south manchaca, okay.

>> And I would note that we do not

-- as with any of these deed restrictions, we don't have a practical means of ensuring that they are still enforce and they have, in fact, been enforced.

>> Morrison: Right, but even with the first ones, the first batch that you addressed

-- I am just concerned about treating the two batches differently. And so you don't know if the second batch are enforced but you didn't check to see if the first ones are still enforced, either. Right?

>> That's correct.

>> Morrison: Did you make sure that the first ones were submitted by residents of

-- of the area that the deed restriction covered?

>> That's correct. Yes.

>> Morrison: Okay. So I guess it still raises a concern to me because I know we don't enforce deed restrictions but I am so hesitant to be putting zoning in place that conflicts with deed restrictions, and so I am still struggling with that. Did you have a chance to evaluate how much area those additional deed restrictions covered?

>> I believe they will remove most, if not all of the south manchaca planning area.

>> Morrison: Okay. I guess

-- so my main

-- you did a lot of nice maps for us, to help us look at this in the first place. I am trying to look at

-- I am trying to remember the secondary apartments in the south manchaca area. As I recall, that

-- there weren't that many places where it was going to be ...

[11:23:30]

>> I am sorry, can you repeat that?

>> Morrison: As I recall

-- I am looking at the map right now, the secondary apartment in south manchaca, there aren't that many areas where it's really been affected. I just found my map. It's this map on page 4 of a previous backup. The main concern I had about secondary apartments, also, was in the garrison east area. That's the southeast corner of this whole area. Were any of the deed restrictions that you received from the garrison east area?

>> No.

>> Morrison: Okay. And then the second question I have is, I only have recently heard discussion about the deed restrictions being in conflict with the front porch setback design. Did you all also take that into account in the first batch of deed restrictions?

>> We did not.

>> Morrison: Okay. And then my last question is

-- my last question is, when we adopted small lot amnesty in some of these areas, I think I remember that we raised the question that we were talking about

-- that there is a small lot amnesty clarification piece of code coming, and we wanted to make sure anybody under small lot amnesty here would not get caught in that much grander interpretation of small lot amnesty. Can you confirm with me that we did handle that with our motion?

>> Yes.

>> Morrison: How did we do that?

>> We checked the lots, and I believe that the

-- the

-- the scenario you are referring to is where there were homes built over lot lines. Am I correct?

[11:25:32]

>> Morrison: I think I am remembering what it was. The concern was people would take a larger lot and say, I have small lot amnesty, so I am going to break it into two small lots, but I think that we applied

small lot amnesty only to the existing small lots.

>> Yes, that's correct. The

-- the way, as I understand

-- as I understand the way that's written or the interpretation of that is that you can only apply the small lot amnesty tool planning area wide. That's

-- that's the

-- the interpretation I have from

-- from zoning staff.

>> Morrison: So did we hear that after? Because it was my

-- I remember council member

-- I was raising the concern that people were going to use this as an excuse to

-- to divide their large lots, and I remember council member spelman coming up with a solution saying, it's only going to apply to the existing small lots. Are you telling me now that legal has said that's not possible?

>> So my understanding is that the small lot amnesty

-- if you do not already have a legally created small lot, say you have a lot that was legally created in the 1940s or something, that would be covered by small lot amnesty. If you have a larger lot that was legally created sometime after that

-- or whenever it was created, you can't go back and subdivide that to create substandard lots under our current code.

>> Morrison: I fully understand that and I want to ask mr. Guernsey, if I may. We have an amendment that just been postponed to the land development code until

--

>> Mayor Leffingwell: January.

>> It went to january 29?

>> Yes, and council member, it may be in the situation where you say a house, it might cover three lots and they were to demolish the house, under the ordinance, the way it is written today, they could technically, if they had small amnesty, come back and build three houses, one on each of those lots that were legally created. If you wish to seek that not to happen in this neighborhood, a way to do that is simply not allow small lot amnesty to occur. That would be a very quick and easy solution to that

-- to address your concern. Then, at a later date, after the amendment is approved, the contact team, probably after about a year, come back in and see if they want to apply that tool and we can bring it back as an amendment to the neighborhood plan.

[11:28:15]

>> Morrison: I would -- I think I heard us

-- what I heard us don't last time that we were only going to apply small lot amnesty to existing small lots and not allow people to break apart so they wouldn't get caught in the broader interpretation. I am understanding now that's not possible because it has to be

--

>> Guernsey: Well, if the

-- if the amendment that's being brought forward considered which is not
-- so the only solution I can see to address the concern I think that you are raising is simply to not allow small lot amnesty in this case.

>> Morrison: Okay.

>> Guernsey: And we come back and revisit it after the neighborhood planning gets approved and the contact team

-- after one gets created, of course, then we can consider that again.

>> Morrison: Right.

>> Guernsey: And then we will have to see what happens with the small lot amnesty tool.

>> Morrison: I will have to say, from my perspective, there is no chance of interpreting

-- it is not written to be interpreted more broadly, like you are trying to clarify it can't be, with the amendment, because I remember years ago, the first time that question came up, it was in my neighborhood and you said, no, you can't do that. You can't use small lot amnesty like that.

>> Guernsey: Right. That was a case of

-- and I want digress too much. It was a substandard lot where we had people that were building like a 4,000 square foot lot and we actually changed the code with the direction of council, staff brought back an amendment and it was put in the ordinance that you can

-- I think the word was disaggregate complying situation and create substandard lots. I think the amendment that is coming forward, council would have the opportunity to basically say that you could not take a situation where you had small lots and disaggregate them under

-- and use the small lot amnesty tool to create more units.

>> Morrison: Right.

>> Guernsey: Because that

-- the intent of this tool, I think, originally was created was to allow opportunities to build on small lots not to create opportunities for additional small lot amnesty development.

[11:30:21]

>> Morrison: Right.

>> Guernsey: And lots already complying with code.

>> Morrison: Well, let me just ask because I thought I remembered that council member spelman had suggested, well, let's just apply small lot amnesty to the existing small lot so that wouldn't be a question but now I understand that's not feasible because small lot

>> it could apply to any of those lots that don't meet the criteria.

>> Morrison: So that's really important because we left on the

-- on september 25th, I believe we left thinking we had taken care of this problem and I see that we haven't, so I do want to raise that as an issue to my colleagues that I hope that we can remove small lot amnesty because otherwise we are really asking for folks to be potentially doing something with the code that was never the intent of the code. And hopefully the amendment will be approved on the 29th of january. Every time I say that date it just gives me a smile. And then you can

-- and hopefully the

-- I would encourage

-- I would even pass this with direction that after that passes the staff actually go back to the contact teams and say hey, we would ask that you think about implementing this now.

>> That sounds like a good option that council can consider after the small amnesty tool is addressed.

>>

>> Morrison: Exactly.

>> That we could come back and not the way the year for any amendments to the plan.

>> Morrison: That's what I would like to do because I think there's some good agreement on small lot amnesty, but it just doesn't make sense to even suggest that we move forward when there's that little thing there.

>> Mayor Leffingwell: Okay. And with that I think we're just about ready to move forward with the motion sheet, but we don't have time to do that. Without objection we stand in recess until approximately 7:00 p.M.

[11:42:46]

>> Mayor Leffingwell: Okay. If I could have your attention just a second. For the first time in about two months we're going to have live music at austin city council. [Applause]. And we're privileged tonight to have the austin community steel band join us. The mission of this nonprofit school is to share the joys of steel pan. You can see all the steel pans behind me, with the citizens of austin of all ages, incomes and cultural backgrounds with a special emphasis on reaching out to our youth. The austin community steel band offers a team building after school program that helps children develop qualities of leadership, management, discipline, acceptance of cultural differences, high self-esteem, while having fun playing music they know and enjoy. So please help me welcome the austin community steel band. [Applause]. [♪Music playing♪]

[11:46:09]

[applause].

>> Very good. In the back you have six drums, working all six drums. One drum, two drums, four drums and six drums. Very good. Do you want to tell us a little about your program? You're going to do -- good.

>> I'd like to introduce these wonderful musicians. This is roman roan. He's been with us for six years. He started when he was six years old. [Applause]. Inext to him a darian golden. He's been with us for five years. He started out at fulmore middle school and now he's at lasa.

-- At lasa. And this is jonathan rodriguez. He's been with us for three years, one of our most exceptional students, and he started out at pierce middle school and now he's at lasa. [Applause]. And then our extremely talented steel band director cecil frances, who is originally from trinidad and has been playing for about 40 years and has toured all over the world and the united states and has even in carnegie hall with a steel band from trinidad called desperado. [Applause].

>> Mayor Leffingwell: And you've got two behind you here.

>> And these are two of our newest students! This is giavanni and this is also giavanni with a j, and he's been with us a week and he's been with us two months. They both go to martin middle school.

[11:48:10]

[Applause]. Our upcoming performances, we've got -- we're playing at mejo's tex-mex and cantina from 5:30 to 7:00 on DECEMBER 2nd. And that's at 1000 east 11th street. And on december 15th we're playing at atria at the arboretum. And we are having a fund-raising gift wrapping for donations that supports our disadvantaged kids free classes and free transportation, and that's going to be at book people on black friday, november 28th and on small business saturday on november 29th, both from 12:00 p.M. To four p.M. And then we have our annual calypso boogie benefit, which is in september. We hope everybody can enjoy us there. And if you would like to keep up with our events and performances and learn when we have our classes, we have after school classes and evening classes. You go [www.Austincommunitysteelband .Org](http://www.Austincommunitysteelband.Org). Or facebook.Com austin community steel band. Thank you very much.

>> Mayor Leffingwell: Thank you. And why don't you stay up here. We'll take a picture in a minute. First I want to read this proclamation in your honor. Be it known that whereas the city of austin, texas is blessed with many creative musicians whose talent extends to virtually every musical genre and whereas our music scene thrives because austin audiences support good music produced by legends, local favorites and newcomers alike. And whereas we're pleased to showcase and support our local artists. Now therefore i, lee leffingwell, mayor of the live music capitol of the world, do here by proclaim november 6th, 2014 as austin community steel band day in austin. So congratulations, guys.

[11:50:21]

[Applause].

[11:53:47]

>> Mayor Leffingwell: So I'm going read a proclamation to recognize pancreatic cancer awareness month. All of us are somewhat familiar. Many of us have had close encounters, either relatives or friends who have been victims of this disease. I have to say that my father died of pancreatic cancer. And it's the kind of thing that is not obvious for a long time that anything is even wrong with you. As a matter of fact, my father died, never knowing that he had cancer. He went into the hospital basically, and that was it, but I'm sure the treatment capability is much better now. And so that's the purpose of being here tonight is to try to create that awareness of people about how they can better protect themselves and get the proper treatment for this very significant disease. Be it known that whereas pancreatic cancer is currently the fourth leading cause of cancer death in the united states, and is anticipated to move to second as early as 2020. And whereas pancreatic cancer is one of the deadliest cancers. 73% of pancreatic cancer patients die within the first year of their diagnosis, while 94% die within the first five years. And whereas thanks to a 2013 law, the national cancer institute is developing strategic plans for pancreatic cancer and other deadly cancers that will provide the strategic procedures and guidance needed, and whereas the pancreatic network affiliate in austin provides support for patients currently battling pancreatic cancer as well as the families of those who have lost their lives to

this disease and are committed to nothing less than a cure for this devastating cancer, now therefore i, lee leffingwell, mayor of the city of austin, texas, do here by proclaim november 2014 as pancreatic cancer awareness month in austin. So you didn't want to speak, but maybe each of you could just come up here, say your name into the microphone so people know who you are. Just do that.

[11:56:27]

>> Hi, my name is natalie daily. I'm the advocacy chair for the pancreatic cancer action network in austin and I wage hope for my father who lost his battle in 2011.

>> Mayor Leffingwell: Anybody else want to introduce yourself?

>> My name is lily gephart. I lost my father to pancreatic cancer last november.

>> Hi. I'm anne greg. I'm the affiliate chair here in austin for the pancreatic cancer action network and I wage battle for my mom who lost the battle in 2011 to pancreatic cancer.

>> Hi, I'm jamie smith and I wage hope for my aunt who lost her battle last year to pancreatic cancer. We thank you very much for your support.

>> My name is helen linscomb and I wage hope for my grandfather who passed away five years -- my grandmother who passed away five years ago of pancreatic cancer.

>> Mayor Leffingwell: Now we get to take a picture, all of us together.

[11:58:37]

>> Mayor Leffingwell: So I was really worried that I would come to the end of my tenure as mayor and not get to issue a proclamation for our municipal courts. So I'm glad to see that we've got this box checked now. Municipal courts probably deal unfortunately with more austinites than any other single austin department. [Laughter]. It's not exactly always a pleasant experience, but I know our folks down there at the court do a great job to try to make it as pleasant as possible under the circumstances as they say. And we're represented here today with the presiding judge of the municipal court, judge sherrie statman, and the municipal court clerk, rebecca stark. So I'll let one or perhaps both of them come up here and say a few words, but first I want to read this proclamation. Be it known that whereas, since more citizens come into contact with the municipal courts

-- I just said that, didn't I

-- than any other courts in the state of texas, the public's impression of the entire judicial system is largely dependent on their experience in municipal court, and whereas austin municipal court and the downtown austin community court personnel have pledged to be ever mindful of the neutrality and impartially, rendering equal service to all, and whereas we're pleased to recognize the accomplishments of our austin municipal court and downtown austin community court personnel, including nine judges, 11 substitute judges and 164 court staff. And whereas we salute their critical role in preserving public safety, protecting the quality of life for area residents and deterring future criminal activity. Now therefore i, lee leffingwell, mayor of the city of austin, texas, do here by proclaim november 3rd through the 7th, 2014, as municipal municipal court week in austin. So congratulations, judge.

[12:00:59]

[Applause].

>> Mr. Mayor, thank you for this recognition of our court. As you know, we live in the best city in Texas.

>> Mayor Leffingwell: I do know that, yes.

>> And we have the best municipal court in the state. And I am so proud to be associated with both. Our court maintains its high standards because of its dedicated employees who work under the direction of its equally dedicated court clerk, Rebecca Stark. The employees of the Austin Municipal Court are gracious envoys on behalf of the city to thousands, as the mayor mentioned, sometimes perhaps a little speedy citizens, and we are well served by their patient and professional efforts. Speaking on behalf of the judges, this honor is solely and truly for our wonderful, wonderful staff. Thank you. [Applause].

>> I appreciate the proclamation and I was looking around the audience and I don't recognize any of you as customers. [Laughter] congratulations.

>> Mayor Leffingwell: They're all in the basement. Okay. Great.

[12:04:15]

>> Mayor Leffingwell: It is my very great privilege to recognize and honor tonight some outstanding Austin citizens who have been wildlife stewards, protectors of our great natural environment. They're joined here by city staff who has worked with them closely to make sure that everything has been done -- is done in the best way possible to respect not only the natural environment itself, but the critters who live there. So we have three folks, and actually you're kind of getting shortchanged because two of you are together. And that would be Tom and Toni Guckert. So I will read this community service to you and present it to both of you together. Through hundreds of hours of service, as Slaughter Creek Trail stewards, Tom and Toni Guckert have rendered valuable and distinguished service to the citizens of Austin. For the past five years the Guckerts have ensured that the Slaughter Creek Trail is safe and friendly while helping users to understand its connection to water quality protection. At times when the trail conditions are too wet and its use would negatively impact the land, they closed the trail. They visit the trail daily, interact with trail users and monitor the trail for harm. Their updates on social media help others understand closures and the sensitive nature of the land. Their efforts have created users who are more responsible, thoughtful and caring about wanting to protect the trail, not just use it. The Guckerts' positive approach allows the Slaughter Creek Trail to thrive while the sensitive water quality lands protect the trail. We are pleased to recognize Tom and Toni Guckert for their extraordinary commitment to one of Austin's precious natural resources. This is presented this sixth day of November in the year 2014. So congratulations, Tom and Tony.

[12:06:40]

[Applause]. And you know, this next community service award is to their colleague, who is up here with us, Britt Jones. And I'm not going to read the entire thing because it's exactly the same except to read that this community service award, through his hundreds of hours service as a Slaughter Creek Trail steward, Britt Jones is honored this 6th day of November in the year 2014. Thank you very much, Britt. [Applause].

>> Mr. Willie conrad, our director of the wild lands division of the city water utility. Please?

>> Thank you, mayor. I just want to take a minute and express to the community and to our friends, tom and toni and britt how much we appreciate them. This is truly a community trail. It's on land that the city owns and manages, but these folks and their peers are entirely responsible for the planning, construction and daily maintenance of the trail. They've done a fantastic job. It's been recently recognized as one of austin's hidden gems. It's a wonderful place and the value of it is that they help us create a strong constituency that helps our community protect the resources that are valuable to it. And so we just want to thank them for their hard work and congratulate them on a job well done. Thank you. [Applause].

>> Mayor Leffingwell: I'd like to take one second to recognize someone who was one of the original trail stewards and was trained by willie to do this kind of work, the current chair of the city's environmental board, mary gay maxwell. So we go back a ways. In fact, we were on environmental board at the same time. You've been on a very long time. Thank you very much for your service. All right. Let's take a picture.

[12:11:12]

>> Mayor Leffingwell: So it's my honor tonight to issue a proclamation in honor of healthy mom, healthy baby community resource fair day. And we have a bunch of folks here behind me led by debra duncan. So the presenter and the acceptor neither one are here. Okay, come on. I promise you we don't run the city this way. [Laughter]. Now we have the right group and the right honorific. So this is a proclamation recognizing and honoring for foundation for the homeless day in austin. And we have here with us sharon lowe, who I believe is going to be the spokesperson. And I will bring you up after I get through reading the proclamation.

>> All right.

>> Mayor Leffingwell: And anybody else that wants to

-- we do have a three-minute timer, though, I have to tell you that. Be it known that whereas foundation for the homeless is celebrating 25 years of helping to make central texas a community where every person can have a home, a safe place to work, play, learn and grow along with their loved ones, and whereas from its inception as a way to bring leftover snacks from downtown bible study groups to homeless individuals, fh has grown into an agency that serves hot breakfasts to 300 people twice each week. And whereas foundation for the homeless also coordinates interfaith hospitality network through which local congregations shelter families until they can stabilize their situations and move into permanent housing. And whereas we're pleased to recognize them for having helped more than 22,000 people during its existence, serving over three million dollars' worth, three million dollars in hot meals and assisting hundreds of teams to transition out of homelessness. Now therefore i, lee leffingwell, mayor of the city of austin, texas, do congratulate foundations for the homeless on the 25th anniversary and do here by proclaim november 15th, 2014 as foundation for the homeless day in austin. Congratulations to to all of you. Let's give a big hand.

[12:14:15]

[Applause]. And sharon, you wanted to say a couple of words?

>> Thank you for this recognition for foundation for the homeless. 25 years, thousands of volunteers coming together from more than 70 congregations and community groups to help more than 15,000 children and adults prevent and reduce the suffering of homelessness. We're very grateful to be here and to be part of this community. Thank you. [Applause].

>> I appreciate the opportunity to present a proclamation on behalf of healthy mom, healthy baby community resource fair. Why are y'all so far back there. Come on. This is a big place now, isn't it? The proclamation reads, be it known that whereas a serious health gap exists between racial and ethnic minority populations and the general public showing that they are more apt to suffer from such health disparities as premature birth and infant mortality. And whereas prenatal care, prompt referral to quality healthcare and resource linkage preventing babies from being born too soon and experiencing serious health challenges are reducing such health disparities and whereas the national premature awareness month campaign is aimed at encouraging all families, especially the most disparate, to concentrate on improving the health of babies by preventing birth defects, premature births and infant mortality. Now therefore i, lee leffingwell, mayor of the city of austin, texas, do hereby proclaim NOVEMBER 18th, 2014 AS Healthy mom, healthy baby community resource fair day.

[12:17:18]

[Applause].

>> Good morning. My name is debra duncan, program coordinator with the african-american quality of life health initiative and thank you mayor pro tem sheryl cole for acknowledging this proclamation for us today. We would like to invite you ON TUESDAY, NOVEMBER 18th, 2014 to join us at our community resource fair for healthy mom, healthy baby at 2300 rosewood avenue. I would also be remiss today not to introduce my team who I work with, the african-american quality of life, and we have our deputy director shannon jones, our assistant director stephanie heyden, our manager, adrian stera, our nurse, our rn bonnie barnett emerson. We call her bonnie. And samuel price, who is our other program coordinator for our faith-based entities. So thank you very much and we look forward to having you join us. [Applause].

[12:19:22]

>> Cole: One last proclamation on behalf of adoption day. Come on up, guys. I wondered why you were here, darlene. Thought we did something wrong. Good to see you guys. Be it known that whereas there are 188 travis county children waiting for adoption through child protective services with many more entering the foster care system each year and whereas the austin bar association, the austin bar foundation, the texas department of family and protective services, gardner-betts juvenile justice center, partnerships for children, the travis county child protective services board encourages more families to give these children the safe and permanent homes they deserve and whereas families taking part in a special location, which celebrates and encourages foster care and adoption, finalize their adoption of one or more of the 50 central texas children joining their forever families earlier today. Now therefore i, lee leffingwell, mayor of the city of austin, do hereby proclaim november 6, 2014 as austin

adoption day. [Applause].

>> Thank you so much. Thank you, mayor pro tem. And I want to thank the community of austin for this great celebration that we had today down at gardner-betts. It looked like oz. We had dorothy, we had glenda the good witch. We had children with just faces lighting up as they were brought together with their forever family. And for those of you watching, I hope that next year that you will be a part of the celebration and open up your heart and your home to the 180 plus young people right here in austin that are waiting for a forever home. I must also tender the floor to the people who made all this happen, ms. Denise hyde is the attorney that hips us all into shape and makes the magic happen on adoption day and I want to thank her. We also have judge andy hathcock, and ms. Heather duly, our social worker with the office of child representation. And there are so many many more out there that made today happen. Thank you very much and thank you mayor pro tem.

[12:21:53]

[Applause].

[12:59:07]

[. [City of austin city council will return after recess].

[13:07:04]

>> Testing 1, 2, 3, 4,.

>> Mayor Leffingwell: We are out of recess and we will continue with items 85, 86, 87, 88. And what I would like to do is just use the motion sheet to take us through the series of motions. And begin with motion number 1 which is number 85 to approve the combined south austin neighborhood plan on september 25, 2014, the plan was approved on a vote of 7-0 be proposed action a, entertain a motion for second and third readings on motion number 1.

>> Morrison: Move approval of second and their.

>> Mayor Leffingwell: Council member morrison moves approval on second and third readings. Seconded by council member martinez. Discussion? Pass pass? Opposed say no? That passes by unanimous vote and the next is the west case portion, item number 86, and I believe we took 3 separate votes within item 2. Is mr. Guernsey here? On first reading on september 20 -- 25, 2014, public hearing was closed. No infill options were approved. Following designed tools approved: Parking placement and impervious cover restrictions, garage placement for new construction and front porch setbacks, and the following special considerations also at a 7-0 vote, mobile food vending restrictions in and front yard parking restrictions. So that was our last action, and this is ready for second and third reading.

[13:09:25]

>> Should we do three motions?

>> Mayor Leffingwell: On september 25, did we take this in three separate motions for motion
--
>> we took this as one motion.
>> Mayor Leffingwell: Unless you would
-- you can make a modification or just approve motion number 2 with any changes that you might want to make.
>> Morrison: I just like to move approval as is.
>> Mayor Leffingwell: All right.
>> Morrison: Second and third.
>> Mayor Leffingwell: Council member morrison moves approval for second and third readings.
>> Second.
>> Mayor Leffingwell: Seconded by council member martinez. Discussion? All those in favor, say aye.? Aye. Opposed say no? Passes on a vote of 7-0. Brings us to motion number 3, agenda item number 87, first reading, public hearing was closed, the following infill options were approved: Small lot amnesty area wide, secondary apartment area wide, corner stores limited to the eastern side of manchaca road. Following design tools were approved, marking placement, impervious cover restrictions, garage placement for new construction, carport setbacks, and other mobile food vending restrictions were approved. Entertain a motion.
>> Morrison: Mayor, I would like to make a motion that would approve this on second and third reading with one change; and that is, we remove small lot amnesty and add direction to staff to
-- to work with the neighborhood contact team to process the small lot amnesty immediately after
-- after the code amendment related to small lot amnesty is in effect.
>> Mayor Leffingwell: Okay. So that was to eliminate the small lot amnesty area wide. Otherwise adopting all of the other recommendations with additional direction to process small lot amnesty after that change is made. Is there a second to that?

[13:11:36]

>> Martinez: Second.
>> Mayor Leffingwell: Seconded by council member martinez. Any comments? All those in favor, say aye. Aye. Pope opposed say no? Passes on a vote of 7-0. And then to the last item, item number 4, agenda item 88, which is garrison park, on first reading, the public hearing was closed, the following infill adoption was approved area wide. This was on a 6-1 vote, on all of these
-- on the entire vote, council member morrison was a no vote. Infill option was approved, secondary apartments east of the railroad tracks were not approved. This is a note below
--
>> they were approved.
>> Mayor Leffingwell: This is a note from reading the motion sheet. Is that what that means?
>> I am sorry, can you repeat that?
>> Mayor Leffingwell: The following infill option was approved in a 6-1 vote, secondary apartments east of the railroad tracks.
>> Yes, that is correct.

>> Mayor Leffingwell: What does that mean?

>> So we created a subdistrict that was drawn from the east

--

>> Mayor Leffingwell: So the infill option is only for that particular subdistrict?

>> Yes.

>> Mayor Leffingwell: Okay. And the following design tools were approved, parking placement, impervious cover restrictions, garage placement for new construction, front porch setback. And mobile food vending restrictions were approved. So entertain a motion on that.

>> Move approval.

>> Mayor Leffingwell: Council member riley moves approval.

>> Second.

>> Mayor Leffingwell: Seconded by council member martinez.

>> Morrison: Mayor.

>> Mayor Leffingwell: Council member morrison.

>> Morrison: I would like to propose an amendment, which I hope will be friendly. We have a small lot amnesty here and I would like to remove small lot amnesty with the same direction to do it after the code is clarified.

[13:13:45]

>> Mayor Leffingwell: Is that accepted by the maker and the second?

>> Yes.

>> Mayor Leffingwell: That is accepted then. All right.

>> Morrison: Thank you, and I just want to comment that I am going to continue with my no vote on this one because I am concerned about the vast majority

-- or a large portion of the property is subject to the secondary

-- would be able to take advantage of the secondary apartments and I am very concerned because there are so many of, and I am really concerned about the stress on the infrastructure and the flooding.

>> Mayor Leffingwell: All right. Council member riley.

>> Riley: Given that we are not going to get council member morrison's vote in any way, I have not heard from the neighborhood that they are worried about the small lot amnesty in this case and so I would like to go back and stick with the small lot amnesty as to be

-- as we passed on first reading so I will not consider the proposed amendment friendly with regard to small lot amnesty.

>> Morrison: So

--

>> Mayor Leffingwell: So, council member riley amends his

-- makes a friendly amendment proposal to himself. [Laughter]. To reinstate small lot amnesty and council member morrison second approves. So that's back in.

>> Morrison: So mayor.

>> Mayor Leffingwell: Council member morrison.

>> Morrison: I would like to make that as a formal motion, then, to remove small lot amnesty. I don't

know why we would treat the two any differently, and it just happens to be this two-month period where there is unfortunately, some people think ambiguity in the code so it opens several properties up to be used in a way that does not satisfy the intent, so I guess my question would be, if you are -- are you encouraging people to use it in a way that doesn't satisfy the intent?

>> Riley: If I may, mayor

--

>> Mayor Leffingwell: Council member riley.

>> Riley: There is

-- there are disagreements about that interpretation. There are

-- there are those who make a strong argument that, in fact, small lot amnesty should be

-- should be

-- they would be consistent with small lot amnesty to allow the practice that was discussed earlier, so to me, that's not a black and white issue. And from this particular neighborhood, I have not heard

-- I have heard strong support for the options that we

-- that we approved on first reading and did not hear complaints about that use of the small lot amnesty, so I don't know why the council on its own would

-- would remove that.

[13:16:24]

>> Mayor Leffingwell: So before we get into any more discussion, let's see if there is a second for that proposed amendment. Council member tovo seconds. So council member morrison.

>> Morrison: If I may, I am not sure which area the folks lived in. I can't remember now, the ones that raised it. I am not sure everybody was aware of the issue. I do think it's

-- it's important to me that small lot amnest get taken out so I would be happy to change my vote to vote for this if we could get small lot

-- if that's a trade I could make.

>> Riley: Okay. I think

-- okay.

>> Mayor Leffingwell: Well ... If you would

-- do you want to comment, council member riley? You don't have to comment? No comment?

>> Riley: No.

>> Mayor Leffingwell: So the proposed amendment is on the table, and all those in favor of that proposal say aye. Aye. Opposed say no.

>> Riley: Wait.

>> Mayor Leffingwell: This is on the amendment.

>> Riley: No. No.

>> Mayor Leffingwell: And you voted aye?

>> Morrison: To remove.

>> Mayor Leffingwell: Let's start over. All those in favor say aye.

>> Morrison: Of the amendment.

>> Riley: To take out small lot amnesty.

>> Morrison: Yes. Aye.

>> Mayor Leffingwell: And opposed say no. No. That fails on a vote of 4-2, with mayor pro tem, myself, council member martinez and riley voting no. So that is not included. Now we will go back to the main motion. All those in favor say aye. Aye. Opposed say no.

>> Morrison: No.

>> Mayor Leffingwell: So council member tovo, you voted aye.

>> Tovo: I voted aye.

>> Mayor Leffingwell: That passes on a vote of 5-1 with council member morrison voting no. So congratulations. We are all through.

[13:18:25]

>> Thank you. [Laughter]. Now go to item 118. Do we have any staff presentation on this item? Has it already been done?

>> Mayor, robert spiller with the transportation department and we have nathan wilks with the transportation department and we have a very brief four-slide presentation for you.

>> Mayor Leffingwell: Okay.

>> Thanks for having us. I am here to talk about what is the 2014 bicycle master plan and why we are coming to update it from something that we did in 2009. So in 2009, it's not that long ago, but there has been some significant developments both in the state of the practice and city of austin policy that brought us to bring forth an update. One obvious one is the imagine austin plan is now here so we have these comprehensive goals and visions for our community. We have tailored the plan update to meet the goals of that plan, and specifically the implementation

-- the priority

-- the 8 priority implementation programs

-- the a five priority plans and we looked a way bicycle could key into those. Obvious one is creating a complete and compact austin and bicycling is a way to make spaces closer and connect people and also creating affordable austin, the second largest expense in a household budget is transportation so any transportation we use can have impact on affordability in our community and have healthy austin and physical activity that comes with the mode of transportation becomes a powerful thing. This kind of leads to shift of vision in the plan. In the 2009 plan, if you looked at the vision, it is what can austin do to be better for bicycling, and in this plan update, we are saying, what can bicycling do so that the city can meet its goals. So really using it as a tool. So I am going to talk mostly about our changes in infrastructure approach and that's really where the date of practice has moved from

-- from where it was in 2009, but before we get into that, let me say this is a full 5es plan, es, engineering, education, encouragement, enforcement, and evaluation. So expands breadth of that and it is a comprehensive document but most of what we are changing is the engineering piece or the infrastructure to encourage people to bicycle. So the shifts in best practice, the first one is creating a framework to encourage protected bicycle lanes, and the reason for that is through this planning process, we did a statistically valid phone survey and we found that only 15% of austinnites are interested and willing to ride in a painted bicycle lane on a busy street. So our entire infrastructure approach to the 2009 plan, only 15% of austinnites are attracted to that. So if we switch to approach

with protected lanes on the busy streets we can attract 55-60% of the population which is a huge way to protect our community. And this is blue bonnet lane which is a two way protected cycle track, right next to zilker elementary school. We saw the level of kids riding from the school go from single digits to over 40 with no other program interventions because of that piece of the structure. So we have seen a lot of really exciting results. The second piece is looking at complete networks. You might see around town that bicycle lanes start and end. We have a few protected lanes now on the ground that we have been putting out as trial pieces and those start in and we are looking at creating a complete network and international practice has shown unless you have complete networks you will not get robust changes in behavior. Part of what we did was complete network planning on the nearby term feasibility, not long term aspirational basis. The most notable success of creating complete network, there was a community that went from 0 percent mode share to 7 percent mode share in three years because they put in a network of three facilities

-- protected facilities. So the last one the capturing short term f trips. This is kind of an obvious one but a strategic point that came to us as we were going through this planning process. So bicycling, like walking, is not good for very, very long trips, so that chart there is a little nerdy but you can kind of get the idea. The longer the trip is, the better it is to take a car, transit. Really short trips, walking makes the most sense and that chart is from a place that has very safe walking, bicycling, transit and driving facilities and you note bicycling is the most predominant mode of short range trips between one and a half to two miles. We are targeting trips less than 3-miles, and that led us to do an analysis of where those trips are in austin and we have the data to figure that out. So those two shaded rectangles are short trip capture targets that we are saying is part of the process of reasonable targets. We are saying trips between 0 and 3-miles we will hope to catch 15% of and 3-9-miles, catch 7% of. And that allows us to calculate the benefits of the network investment that we are going to talk about in a minute. So that leads me to the network recommendations that are in this plan. So like the 2009 plan, we have kind of a complete set of recommendations for almost every jeer street in austin.

[13:24:44]

-- Major street in austin. These are aspirational recommendations. At the time that any project comes about, it is essentially just a table you look up to see well, based on the seat and volume of, say, south lamar, we should really have a protected lane for a reasonable person to feel comfortable in that street. So that's not feasibility tested. What this map here is

-- what we are calling priority short term, all ages and ability network is

-- have gone through high level feasibility testing, we think we can pull this off in nearby term, it is compatible with on street parking demands, parking flows and the infrastructure that is already existing and we can make a complete all ages and abilities network and it's a matter of the resourcing to get that done. That's the big advance in this plan is we have done this short-term analysis of what we think we can build. So this

--

>> Mayor Leffingwell: Can I interrupt with a question here.

>> Yes.

>> Mayor Leffingwell: I agree with you, that protected lanes is very important.

>> Right.

>> Mayor Leffingwell: That people use that that won't get out in traffic. But, at the same time, it is my understanding that we have had a long-term policy to not take away the vehicle

-- the traffic capacity of roads. Is that policy going to be continued as we go through this plan?

>> Right. So when I was talking about accounting for parking demand that exists on streets, we also accounted for the motor vehicle capacity needs of the streets as well, so we feel like at least at a high level, that this network is possible, and as we get into project implementation for specific corridors

--

>> [indiscernible]

>> exactly. Exactly. So everything that goes on this slide is

-- stays with that assumption. So

-- this network is not just made out of protected lanes. You guys heard the urban trails master plan last month, so the urban trails are a key component of this network. If that network was not built, it would not be a complete network. It would be fragmented. The other piece is there are some quiet streets we can link together to create this network as well. So the three pieces that make the full network. So the investment is 151 million-dollar investment which includes \$93 million of the tier 1 recommendations for urban trails. We developed these plans together and then we knew we were going to try to serve travel demand and bring the most benefit of bicycling to austin u there both the urban trails plan and the bike plan update. So the on street portion of that is about 58 million. So the 151 million is something that we did cost benefit analysis from. So I mentioned earlier the trip capture targets. We have a regional air quality model that has origin destination data. In is how we do our modeling through campo, so we took all of the pairs of starting place to end place, the distances for those, and looked at where those trip demands are served by the network and we applied those trip capture targets. And what we got out of that was how many trips can we reasonably expect that we can convert to bicycle trips. So these are short trips that really you hear these statistics that 50% of the trips are less than, you know, a mile. These are trips that maybe aren't in the best of mode and if we can give a viable, safe option through the bicycling network, we can get them off the road and make more capacity for vehicle space for the rest of the drivers. So some highlights of the cost benefit analysis was that

-- for the downtown university area, we call that the ring of congestion in the transportation department. We could increase the vehicle carrying capacity by 7%, just by converting those trips to bicycle trips. It was 170,000-mile system

-- trip system wide that we are converted bicycle trips and 470,000-miles traveled daily, so that

-- what does that mean? We equated it to physical activity. That's 15% of austinites meeting physical activity just through the miles traveled. Another was direct driving cost at order of \$170 million a year to the citizens of austin that partook in the travel mode so we felt it has really big quantifiable benefits if we were able to build this network. The last point was that we, looked at the bike lane network. Not just moving to all ages and abilities network. While it is incredibly important, the bike lane network is still going to be something that we can only build in some places. We looked at how we can fill the gaps and we catalogued top 500 barriers in the existing network and for about \$10 million, we think we can solve 75% of the top lane barriers in the bike lane network and the first is implementation and the programs largely the same, 2009, we highlighted new things like the smart trips program, which can

-- it's a neighborhood focus program and it can reduce the drive alone trips in that area by 10%. So we

think really high impact behavior changing investments on a programmatic level. For implementation, we really like the 5 point implementation framework that imagine austin is using, because it is very broad. It includes the education, engagement, internal alignment, regulations, public investment, and partnerships. I think too often we have been focused too much on public investing part of it and getting bond money for facilities. A lot of facilities, all ages and abilities, there are partnerships through txdot right now through tolling projects that are coming online. So there is a lot of exciting partners that we can bring into this if the benefits are really this wide. Measuring success, we will continue to evaluate the benchmarks and abandon there and there. So the planning process, we have been -- we kicked this off in august of 2012, so we have been at it for about two years. We started public outreach meetings about a year after we kicked off, the kind of internal feasibility studies. That was in late year 2013. Those meetings continued through february of 2014. We received a lot of really positive feedback. We have seen this on our facility implementation as well, when we start talking about protected bicycle facilities, it is not just bike lanes for somebody else. It is protected facilities that the people you are engaging with might actually ride themselves even if they don't currently bicycle. So we received something like supported. I am not aware of anything particularly objectionable that came out of any of that. We went through boards and commissions. We got approvals from the environmental urban transportation commission, and lastly, planning commission last month. So moving forward on the implementation, should you guys approve this plan, the leadership for in plan will be under the austin transportation department. The bicycle program has been reorganized into the transportation department. So they would be the custodians of the plan. There is going to be even advance of any kind of funding for the complete all ages and abilities network, there is ongoing implementation opportunities through all of those avenues, the five point system that I talked about, and there is still a lot to be done, and I wanted to speak a little to the project level implementation process. There has been some question about the relationship is between the master plan and how we get projects on the ground. And this is a master planning process. We have had 2009 master plan. What is in the 2009 plan does not get on if ground verbatim. It has to get tested through the public and both through a feasibility process of what fits on the street, what the traffic volumes are like, how we can get through intersections, what the public says, what neighborhood support says, so there is a couple particular types of projects where we do heavy public engagement. It's any projects that modify parking and any projects that modify travel lanes on streets. So not touching vehicle capacity but touching parking lanes on streets, there is a public process for that. So lastly, funding the network is something that, as funding -- funding opportunities come up in the future, we would be throwing this in as a possibility of funding either all or part of the network to start reaping some of the benefits of the investment. I think that's all I have for you.

[13:33:29]

>> Mayor Leffingwell: Okay. We do have a number of speakers. We could go to the speakers now and take questions or action later.

>> Could I ask a question.

>> Mayor Leffingwell: Council member morrison.

>> Morrison: I just want to get one thing understood. I appreciate what you said, because I am really

concerned

-- this looks like a really cool, great plan. There is no doubt about it. My main concern is that in order for it to be successful, I don't

-- we need to have a smooth process for implementation. And so what I just heard you say was very comforting, that you are saying there is something explicit in the plan. Is it in the plan, that says in these cases, there will be a full public process?

>> It is not in the plan, but we do have standing documents. One is called the parking modification guidelines. This is a document that regulates how we go through the public process, starting with data collection on monitoring what kind of parking demands are on the street into how we do notifications so we notify everybody on the street. Neighborhood associations that are adjacent to the project. There is some city wide stakeholders that we notify, and then we conduct a public meeting to have a discussion about that particular project and the alternatives and almost every single

-- we do about 30-40-miles of bicycle lane implementation a year, whether it's new or improved, and probably about half of those miles involve parking or travel lanes. Almost every one of those projects comes out of those public processes with major changes that address like very specific stakeholder needs. So I think

--

>> Morrison: I think mr.

-- I am glad to hear that, and I wonder

-- do you have a comment, mr. Spiller, because I would love to see that stated in the plan. Because I looked at the plan and I thought, wow, we are just going to implement this, and I don't think that would be successful.

>> No, you know, that's one of the things we have learned both from our experience of the 2009 plan, is that we need to do that next step between regional vision planning and actual corridor planning in a sense when you talk about other transportation areas. One of the techniques that we are very interested in and used by the portland area, and we do look to other cities for inspiration, is they actually have a program

-- and nathan mentioned it

-- where we go out to sectors of the community or pieces or groups of neighborhoods and talk about all of the feature products in that area and do some regional sort of discussions and public outreach, so that as we move into the implementation phase on specific streets, the last time those neighborhoods haven't heard about it was the master plan, so that is a new process that we are implementing with this plan as we move forward. That's the intent, so you have my commitment to make sure we have a very robust public involvement process as we move into implementation.

[13:36:33]

>> Morrison: Because I want to be clear. The mayor asked, is there a guarantee it's not going to remove any traffic lanes or any parking. The answer is no, but if it does, there will be a robust public participation discussion.

>> Right. Right. And if I could address that, you know, on a street the capacity of a street is not always controlled by the number of lanes that are on a street. We are very cognizant of that. In many places,

the south first bridge is a good example. We are able to narrow. Those lanes, maintain the same capacity, but still get a very used

-- highly used

-- I use it every week to come to see you all, bike lanes on each side of the main lanes so there are different design techniques we can use to maximize the person input not negatively

-- and not negatively effect the vehicle throughput, but certainly on the street and get the total complete streets designed in one.

>> Morrison: What I would hate to see if we started down

-- trying to implement this and every case we got to was like the nueces rio grande discussion, or exposition, or places where we have to go back and redo things. Frankly, I appreciate your commitment, that there is going to be that process. I think that the plan, because it talks about implementation, really needs to at least have one sentence in here that says that, and I don't know where that would be and I would love to get this passed tonight and maybe you all can work with my staff real fast and help us figure out just one line to add that there is going to be that

--

>> sure.

>> Dna that thing.

>> Even if you are going to give us direction from the dais as opposed to editing the whole document. Maybe if you give us direction, we can do that certainly.

>> Morrison: Because we did that with urban trails master plan and that is important because there are details to fix

--

>> sure.

>> Morrison: To work out and, you know, for those of us that are approving it, we want to make sure that it's going to be successful and that's a key part of it, so I appreciate that.

[13:38:42]

>> Absolutely. And I draw one point with this plan, many of these projects are microprojects, two and three blocks at a time, so we need flexible public involvement process as well to make sure it matches the scale of the project.

>> Morrison: Got you.

>> Mayor Leffingwell: I would like to clarify the clarification because my statement was

-- as I understand it, the policy is not to reduce motor vehicle capacity. Parking spaces, yes. But process or no process, the policy is not to reduce capacity.

>> Riley: Mayor.

>> Mayor Leffingwell: And I would

-- I would likewise, like council member morrison, I would appreciate it if that were made clear in the editing of the final document, too.

>> Riley: Mayor.

>> Mayor Leffingwell: Council member riley.

>> Riley: There have been instances in which a road actually had an excess of capacity to the point

where speeding became a problem, and you can imagine on a
-- on a neighborhood road, where you
-- if you've got three lanes in each direction and you only have, you know, an occasional car going through there, you would be actually inducing a high speed of traffic, and there are
-- there have been a number of instances in which neighborhoods actually stepped up and said, we need to address this. Speeding is a real issue in the neighborhood. And there have been neighborhood support for a road diet, to actually reduce the capacity of the street, in order to improve the conditions in the neighborhood, and I
-- and I don't think we should take that off the table. That has been a valuable tool here in austin and in other cities that has actually improved the quality of life in the surrounding area, and it's essentially one more tool for traffic calming, which is a very high priority for many neighborhoods and I don't know why we would include some policy in this plan that takes that off the table.
>> Mayor Leffingwell: Well, you know, it's a policy. It's not a constitutional amendment that I am talking about. And so I would just suggest that
-- and I agree with you. That could be the case. There could be a road that could stand some reduction the in capacity, but I think that would be a waiver to the policy, because I think what we have experienced in the past is without that policy firmly in place, a lot of public criticism over, we just see it happen. I mean
-- and there was no
-- there is no input from anybody about it. And so I think it's possible that could happen, council member, but I would like to see it require a waiver to existing policy.

[13:41:29]

>> I was going to say, council member, you know, we
-- we have recently tried to start using the term "right sizing if street" as opposed to "reducing the capacity," because there are instances, as you've mentioned, where the capacity is not being used and that's where we can sometimes redesign the street to get better use. Mayor, I propose that does not reduce necessarily the capacity of the street because the same volumes are being handled. It is
-- we are right sizing the capacity of the street to move the volume demand. On arterials, the demand is really controlled at the intersections and so where we can make wide nodes and narrow lengths, that gives us room to still meet this motion of maintaining the capacity, while, at the same time, providing space for those other devices, so I think we can meet both directives under that notion.
>> Mayor Leffingwell: And I know
-- I understand what you mean by capacity. It's not necessarily lane miles.
>> Right.
>> Mayor Leffingwell: I understand that, but sometimes it is a very hard sell to the public at large, that you haven't reduced the capacity by reducing the lane miles.
>> Yes, sir.
>> Mayor Leffingwell: Okay. Anything else? We go to our public hearing. First speaker is zoyla vega. Zoyla evidently not here. Sue anderson.
>> Yes, thank you, mayor leffingwell and city council members forgiving me an opportunity to speak

tonight. My name is sue anderson. I am a member of bike austin. A 42 year resident of austin and I ride bicycles both for recreation and for transportation. There were a large number of people who wanted to speak in support of this plan tonight, but in consideration for your workload, only two of us have been selected to speak in favor tonight. And I am here to support the adoption of the updated master plan. I live out on the edge of the new district 10, way, way out there, and yet, due to the foresight of previous councils and planning commissions, transportation commissions, I actually have public transportation options that I never would have dreamed that I would have had when my husband and I moved way out to that neighborhood in 1985. I ride the bus downtown as often as I can. And of course removing myself from 183, from mopac and downtown streets. I also cycle that 15-miles from my home but certainly not as often as I take public transportation. For me, it's not so much a matter of distance or the time, it's the fact that for me at my age, it is a harrowing challenge

-- it's a harrowing challenge to really travel on a wide variety of mismatch on busy streets, two freeway crossings to get here

-- far northwest and sidewalk trail riding like shoal creek where it is closed for maintenance and then downtown I see a wild variety of old painted lanes, you know, to get right here to downtown, so it is quite a challenge. I am really depending on this updated bicycle plan to provide me that compact and connected, also livable and healthy austin that I certainly want to see and I am certain that most other people in austin want to see. There are very likely other people who are willing to get out on that -- on the streets and ride down here, to get out of their cars, and on their bikes, if we really do have a well built connected complete route to use. Their confidence goes up. Their safety level goes up. We get out of our cars and we get on the trails. So I ask you again, please do approve the new, updated bicycle plan

-- urban bicycle plan. Thank you.

[13:45:40]

>> Mayor Leffingwell: Thank you. Patricia shaab. Okay. Is samuel day woodruff here? Apparently not here, so you have only three minutes.

>> Okay. Good evening. Thank you for allowing me to speak tonight. My name is patricia shabb and here as a board member from bike austin to ask for approval of 2014 bicycle master plan today. In addition to this, it has the support of the cr club and six boards and collisions within the city. Just as the city maintains road network for cars, it should do everything it can to provide safe infrastructure for bikes, using the latest best practices to create a complete network and to fulfill the vision of the imagine austin plan. [Indiscernible] make it more convenient and comfortable and accessible and draw more people into cycling as seen in cities like seville, montreal and chicago and this could shorten trips by 3-miles or less. More trips by bikes add to overall capacity of the roads with the added benefit with adding the affordability of living in austin. Encouraging short bike trips also helps to break down nonphysical barriers to cycling. Most short trips on bike under 30 minutes do not require special training or attire and can be done in regular clothes with any bike under most conditions. We know most people are attracted to ride like this. For example, almost every day and night of the year, social cycling austin has ride for cyclists of all types within austin. There are over 6,000 people in the social cycling facebook group who are interested in participating in these groups which visit various places of interest, usually a

few miles apart from a single ride. Every year bicycle austin puts in popular hottest day of the year, a social ride to encourage bicycling for fun and transportation, even during the hottest part of the summer. Bicycle use is growing, from 2009 to 2011, the city wide mode share of bike commuters doubled. By 2012, within the 32 square miles of central austin the average mode share was 5.5% and high as 13% in certain census tracts. Over 100 million

-- I am sorry, over 1 million people have used the protected lance armstrong bikeway downtown since 2010. People are clearly willing to use bikes as part of their daily lives, just as readily as cars. Please adopt this necessary update to the bike plan to increase bicycle use in all of its benefits in austin and to build an all ages and abilities bike system. Thank you.

[13:48:22]

>> Mayor Leffingwell: Thank you. Wallace.

>> Thank you for letting me come to speak to y'all today. I just wanted to start by saying I completely agree with the bicycle master plan. I feel like since austin is a younger city, so to speak, with younger population, it reaches out to a lot of people and it, like as myself being in the youth, when I come downtown for sxsw or acl, occasionally I will bike around with my family and stuff, and I feel like having better biking roads, like just better quality, and also avoiding all of the traffic of cars to keep families safe would be extremely beneficial. That's it. Thank you.

>> Mayor Leffingwell: Very good. Well, give him a hand, guys. [Applause]. Thank you. Those are all of the speakers that I have signed up wishing to speak.

>> Mayor, [indiscernible].

>> Mayor Leffingwell: David king, you were signed up donating your time to zoyla vega who is not here but you can have 3 minutes in you'd like.

>> I am not going to use the whole 3 minutes.

>> Mayor Leffingwell: Okay.

>> Thank you, mayor. [Indiscernible]. Okay. Are we on? Yes, so thank you, mayor, mayor pro tem around council members. I am david king and live in the zilker neighborhood and I am a member of bike austin and I support this plan. I am happy to hear that the public engagement process will be incorporated into the plan and the policy about not

-- not reducing roadway capacity would be also incorporated in the plan and only allowed by waiver.

Living in the zilker neighborhood, I see first hand that protected bicycle lane that was referred to earlier on blue bonnet road and I think that's a good, good thing to have, but living there, I live and read first hand the experience the residents have with that protected lane. It's good as the previous speaker said, in that it encourages bicycles but there are some down sides to this so I think a good neighborhood engagement process is important to be incorporated into the plan so that they will understand what impacts these will have. There are good impacts and there are some negative impacts. But that should -- there should be a good neighborhood process for the neighborhoods to go through in implementing this plan. There

-- one thing about that protected bicycle lane is that there are gaps in the sidewalks that parallel that bicycle lane, so if you are a pedestrian trying to walk through there, you get off the sidewalk and then you get into the protected bicycle lane, and so in those areas we have some conflicts

-- just like on our trails

>> we have walkers and bicycles, you know, having some conflict because they are going at different speeds and it is very hilly and there are some sharp curves there and fast bicycles going through there, so my suggestion is that, as we look at this plan and implement it, that we coordinate the building of sidewalks with the implementation of protected bicycle lanes so the pedestrians have a place to walk that's out of the bicycle lane and more safe for them as well, and we could use the sidewalk fee in lieu of money. Why not use that money and say, let's put it together with this plan to put a protected lane in this part of our neighborhood and build out sidewalks so we get the benefit of sidewalks for pedestrians and we get the benefit of a safer bicycle lane for both pedestrians and for bicyclists. And the other thing is that along south lamar, matt's el rancho, there is a big wide space that is public space there that the neighborhood is looking at to enhance with some green space and some wider sidewalks for pedestrians. If we are not talking about, you

-- if we are now talking about putting in a protected bicycle lane there or using some of that right-of-way, my point is that we need to coordinate together on those plans so a good neighborhood process is important, so those things that are important to the neighborhood are incorporated into the plan. And I do thank you for your listening to my comments tonight and considering them. Thank you very much.

[13:52:52]

>> Mayor Leffingwell: Okay. So that's all the speakers that we have. I will entertain a motion, which would include closing the public hearing. Council member riley.

>> Riley: Move approval.

>> Mayor Leffingwell: Council member riley moves to close the public hearing and approve all three readings. Seconded by council member martinez.

>> Riley: Mayor.

>> Mayor Leffingwell: Council member riley.

>> Riley: First I want to thank staff for all of the work they put into this. I also want to thank those in the community who have worked so hard on this for

-- for so long. It has been a tremendous effort and it's very exciting to see all of that work culminate in this presentation tonight. I do have one question for staff. Nathan or rob, and it just gets to implementation. I understand we don't really know in detail how we expect

-- where we expect all of the funding to come from, but can you give me a general sense of your expectation in terms of a time frame for when we might see this network built out? Are we talking about

-- what kind of time period should we be thinking of when we think about this, all ages, all abilities network, with the kind of costs that are set out here?

>> Certainly council member, robert spiller director of transportation. We have an annual budget and an annual plan. Where we take advantage of

-- largely of public works is completing the repaving, and so that's where we coordinate with them to capture streets once they have been repaved, change the striping, change the control technique on the protected bike lanes as we go forward. And as nathan presented, we are also looking for how we can start closing some of that network because we have been sort of taking advantage of those

opportunities over the last 6 years, and now we have a lot of infrastructure out there that, with a little fore planning and completing some networks, we can actually expand the

- you know, the overall network faster by choosing to do a few connecting projects, as you will. I would hope to move forward with this as quickly as possible the next ten years or so. What we are trying to do is get a vision plan together and our aspirational plan together so that as new funding opportunities come forward, whether future bond cycle or future grant opportunities, that we have access to those funds. Likewise, with help from our representatives at nmpo or campo, we will be looking for
- whether they be stpmm funds, service transpo transportation, metropolitan mobility funds or other funds that can flow, either from the state or the fed
- the federal pass through funds to fund this. It would be our desire to treat this as a project of regional significance. Certainly the aggregate network certainly achieves that characteristic certainly if we are able to move 7-15% of trips from their current autos into the bike and pedestrian network. So our goal would be to move it as forward, as fast as possible, all depending on the availability of funding. So we are setting ourselves up for the next funding cycles now over the next 2-5 years.

[13:56:20]

>> Riley: Okay.

>> Long term, the network

-- we can't build this in 2-5 years so it is a 10-15 year build out but that would be our goal.

>> And so

-- and we built the short-term network with the 151 million-dollar price tag was built as essentially a standalone infrastructure project, but if we did have the resource to do that, we could do it in the short time frame, so if we had the money today, I think we could say that we could get most of it, say, 90% of it done in five years. There will be a lot of discussions with individual stakeholders we would have to ramp up to do that. It is possible to pull it off in that kind of time frame if we are empowered to do that. With our current operational funding and the allotment in the way we do business right now, it might take 20 years to get it done and we wouldn't necessarily do it with the same quality.

>> Riley: Okay. Well, again, mayor, I want to thank staff for all of the work on this and I think the urgency for this sort of work is all the greater in light of the failure of the recent rail initiative. What we are talking about with this plan is

-- transportation improvements that we could get that are actually pretty good in comparison when we consider with the rail plan. The projection is, that with this investment of \$155 million, we would see an estimated reduction of some 20,000 trips as a result of this network being in place. What we were talking about with the rail network was 10 10,000 cars off the road every weekday, so this

-- from a cost effectiveness standpoint, this compares pretty favorably with other transportation investments that we have been considering, and the

-- the

-- and so this sort of alternative is all the more important, given the other alternatives are off the table for at least the short term, and so I think

-- nathan, do you want to add something about that?

[13:58:20]

>> Yes, so to put another dimension in the plan in the executive summary, you can also see a comparison to another regional projects that underway, that's the mopac improvement project, which also gets about 20,000 additional daily vehicle trips into the vicinity of downtown. So it doesn't hit downtown because you still have to get somehow from mopac through 5th and 6th to lamar, cesar chavez to get downtown but the bicycle investment does actually hit 20,000 trips to the core of downtown and the university area, so it's very comparable in cost to the regional investment that we made so we really wanted to put it on the podium of here are regional investments that we are putting on the table to solve to invest in the community.

>> Riley: I hope we can't to look for opportunities to fund this investment sooner rather than later. I know the city of houston just last year, I believe, approved some \$100 million in bonds for a bicycle infrastructure project to connect their bayous which was matched with another \$110 million in private investment. So they are talking about over \$200 million just in bicycle investments for -- for quality of life, and here in austin, we have an opportunity to see an amazing, all ages, all abilities network for less than that, for \$151 million, and I think this plan positions us well considering that sort of investment in the short term, I really hope -- hope that we can continue the discussion about getting that in place sooner rather than later. So with all of that, mayor, again, I will move approval.

>> Mayor Leffingwell: Okay. I thought you already did.

>> Riley: Yes.

>> Mayor Leffingwell: You did. [Laughter]

>> Mayor Leffingwell: Okay. So the motion is on the table. All those in favor, say aye.

>> Councilmember morrison.

>> Morrison: I wanted to offer what we talked about before because I truly believe it to be successful and to do it in a timely manner. It's appropriate to we do the right engagement otherwise if you had all the money in the world it would turn into 10. So I would like to add that we make an amendment, we add a statement in the master plan that it would be a robust, but flexible public engagement to ensure successful and appropriate implementation. I offer that hopefully as friendly.

[14:00:54]

>> Mayor Leffingwell: Is that accepted?

>> Riley: Yes. I'll ask staff is that consistent with past practice?

>> Absolutely is part of best practice and it was our

-- I'm sure there are statements in this plan that say more or less that, but I think it's very eloquent the way she said it. So thank you.

>> Mayor Leffingwell: Yeah. And it was very eloquent, but a little bit general, but I would like to specifically recognize addressing the issues of parking and traffic capacity in that public process. Is that all right? Councilmember martinez, is that all right?

>> Martinez: Yes, sir. Mayor all right. Those in favor say aye. Opposed say no. It passes on a vote of six to zero.

>> Thank you, mayor and council. [Applause]. SO>> Mayor Leffingwell: So we now go to item 120.

>> Good evening, mayor and council, greg guernsey, planning development and review department. Item 120 is to conduct a public hearing to consider an ordinance amending the city code title 25 relating to parking requirements for single-family development and other projects exempt from the site plan requirements. In 2013 we amended the code and transferred several existing parking reductions for chapter 25-2 subchapter e to the same section as the bicycle reductions in 25-6-478. The intent of this was to group numerous options for parking reductions into a single code section. There was unintended consequence that we realized when we did this, specifically it started applying parking reductions for single-family and two-family projects. This will clarify that that was not the intent, and if you have any questions I'll be happy to answer them. I don't believe we have any speakers signed up.

[14:03:00]

>> Mayor Leffingwell: We do. We have one speaker. So we'll go to steven yarek. And donating time is jason bringingerman. Is jason here? So you have up to six minutes.

>> I don't think I'll need that. I'm registered opposed to this item because I feel that there is really no need to worry about parking abatements on single-family houses. If you think about our minimum lot sizes are very large. We have the largest minimum lot size of any major city in texas. We have a minimum 50-foot lot width, which is the width of two parallel street parking spaces. Now, if you take out a 12-foot curb cut or 24-foot country cut or anything like that, whether it's a single or double width you're essentially removing one of the parking spaces in order to add one more off the street. And what does that do? It's an extra burden of unnecessary impervious cover. So if the concern is here that we're like putting

-- we're parking cars on the streets, great, less do it. We have all this impervious cover already built. When we built curb cuts, when citizens do that, then it's another item that is in the city right-of-way, the city has to maintain when they go in to replace sewer lines. This happened at my house. They had to rebuild the curb cut. Why would we want to burden the city with this kind of infrastructure cost when it doesn't actually provide anything

-- any benefit whatsoever. Street parking has numerous benefits. It calms the traffic, it provides more -- reduces the impervious cover. It gives us so many more options for the site plan when you have trees on the site, when you have other things that are unique lots that you need to work around to put your house on there, and if you think about what I said at the beginning about a two parallel street parking spaces, which is what we require for a single-family home, fits within the dimensions of a single-family home, there is no possible way that a neighborhood of single-family houses could ever have a shortage of street parking because by definition there are two spaces in front of your house. And so there's just really no reason to get

-- to deal with this reduction. And it seems to me that staff has taken recently to start calling code amendments clarifications, but if it wasn't in the intent of council to do this in the first place, why did council adopt the code as written? Let's take the plain language that says can you do this. What's the problem? If we're trying to solve a problem, let's say that we're solving a problem. If we're talking about a clarification, let's talk about a clarification, but recognize that there's no problem to be solved here. We're not doing anything positive, so I encourage you to vote this down. Thank you.

[14:05:53]

>> Mayor Leffingwell: Okay. That's all the speakers that we have. I'll entertain a motion on item 120.

>> Morrison: Move approval.

>> Mayor Leffingwell: Councilmember morrison moves to close the public hearing and approve.

Seconded by mayor pro tem cole. Discussion? Those in favor say aye? Opposed say no. Passes on a vote of five to one with councilmember riley voting no. And that would be on all three readings. All right. So we go to item 124. Mayor and council, I'm jerry rusthoven with the planning, development and review department. Item 24 is to conduct a public hearing and consider approval of an ordinance amending title 25 relating to smart housing. Smart housing stands for safe, mixed income, accessible and reasonably priced transit oriented housing. This is to deal with the last portion of it, transit oriented housing. We're here because of a resolution passed by the council this past april. In september the community development commission recommended approval of the neighborhood housing and community department's recommendation. The planning commission did the same in october. Basically this amendment would require the smart housing be located within a half mile of a transit route. The director of nhcd may wave the transit oriented requirements of the development, of the proposed smart housing development if the following are met: If it is located within a high community area, which is defined in the ordinance as an area that contains certain conditions to place individuals in a position more like loy to exceed or compel. Has one or more of the following, racial or economic integration, high performing schools, access to fresh healthy foods access to parks, minimal environmental hazards and is identified in the imagine austin plan as a center. Sounds like a nice place. Secondly that or if there is a letter from the capital metropolitan transit authority that it is located on a future transit route or if the project has applied for state or federal grants as the low income taxing house credit program or alternative fair housing as determined by the director. This is ready for your approval on all three readings.

[14:08:17]

>> Mayor Leffingwell: Okay. We do have one speaker. Stewart herish. Donating time is steven yarek. Is he in the chamber? Steven is not in the chamber, so you have three minutes.

>> Thank you, mayor, members of the council. I'm stewart herish and like most in austin I rent. I'm here to say thank you for the city staff for bringing forward an ordinance that affirmatively links the t in smart housing to the removal of impediments to fair housing and enhances sidewalk accessibility improvements through notification to both the public works and transportation departments. It's remarkable when a co-change resolution emerges from a stakeholder process with no opposition at a planning commission public hearing. It happens so rarely these days. But because of the good staff work and with neighborhood housing and community department as the lead department they made the transition from what and to be a cover resolution to a a code amendment. Please adopt a all three readings and when the new council comes forward we will mix the s and m and r and the rest of it. Thank you.

>> Mayor Leffingwell: Lots of luck with that. [Laughter]

>> move approval.

>> Mayor Leffingwell: Councilmember martinez moves to close the public hearing and approve.

Seconded by councilmember morrison. Further discussion? Councilmember riley.

>> Riley: I do have a question for staff. Jerry, the question is about the third circumstance in which director can waive the requirement for transit oriented

-- for the t, for the transit component. And that is related to the availability of state and local funds or rather state or federal government funds. In the backup, the nhdc staff approach the rationale was to provide behavior eligibility for projects that leverage state and federal funds. And I understand that. But the language of the code as proposed actually allows the director to waive the requirement whenever the developer applies for state or federal government funds related to the project. So wouldn't the developer just routinely apply knowing that that would enable them to get the waiver regardless of whether or not the project actually got the state or the federal funds? Why wouldn't we just say that the requirement would be waived for projects that actually get state or federal funds?

[14:11:05]

>> I'm jesse cox with neighborhood housing and community development. So the reason behind having the language of applies is mostly based on the order of operations. Smart housing is a requirement for all local funding. Local funding helps to make projects more competitive for federal or state funding. So most often a development will apply for smart housing with the intention of applying for federal or state funding in the future. We would provide the waiver at the time of application and then if the development is not awarded the funding that could be leveraged, they would no longer be within the criteria necessary for the waiver.

>> Riley: So you're saying if they don't actually get the state or federal funding then the waiver would be withdrawn?

>> Yes. We would review it for decertification.

>> Riley: Okay. I don't see that set out anywhere in the code language. Am I overlooking it?

>> I believe that it's generally covered in

-- there's another part of the ordinance that speaks to the decertification process, and we believe that that covered our ability to be able to decertify a project if it does not meet the criteria under which it has received its waiver.

>> Riley: Can you point me to that language?

>> Unfortunately I do not have the full ordinance in front of me. I apologize. I only have the changes at this time.

>> Riley: But you're saying there is other code language that would indicate that there would necessarily be a decertification if the project doesn't get the state or federal funds?

>> Yes.

>> Riley: Okay, thanks.

>> Mayor Leffingwell: Councilmember morrison.

>> Morrison: I do have a question about that. Are we going to have a situation where someone goes to the trouble of putting together a project they hope to be able to get state or federal funds, but they have a plan b and so this

-- the decertification of the waiver would basically nix the project altogether. So it's really don't do this unless you get state and federal funds. It doesn't allow that flexibility.

[14:13:36]

>> That's correct. It would be their plan b would or should cover them not having the fee waivers that are attached to smart housing. So they do not receive the state or federal funding, they would lose their smart housing certification and the plan b should address that.

>> Morrison: Okay. And they won't be able to use local funds either at that point? I'm a little confused about the logic here.

>> The order of operation? So like I said, smart housing is required for eligibility for local funding.

>> Morrison: Local funding like g.O. Bonds or something like that.

>> Exactly.

>> Morrison: But if you're doing g.O. Bonds and smart housing is required and you're not planning to get state or federal funds, then you're not

-- you're not eligible for the waiver.

>> Exactly.

>> Morrison: Okay.

>

>> any additional questions?

>> Mayor Leffingwell: Those in favor of the motion say aye?

>> Aye.

>> Mayor Leffingwell: Opposed say no. It passes on a vote of six to zero. On all three readings. We go to item 125.

>> Evening, mayor and council.

>> Mayor Leffingwell: Before you begin, a question. Was this addressed at the last council meeting? Which I did not attend?

>> Yes. The council continued the public hearing to this meeting.

>> Mayor Leffingwell: And my understanding is we continue the public hearing, but only for those who had not had an opportunity to speak at the first hearing.

>> That's my understanding, mayor.

>> Mayor Leffingwell: So that will be the case. And I think there are only two people, we've checked, there are only two people on the list who have signed up to speak again. So based on that, those people who spoke the first time will not be allowed to speak again this time.

[14:15:44]

>> Understood. If it's okay, mayor, we have just a very brief presentation kind of to introduce the topic. Evening, mayor and councilmembers. My name is george adams with the planning and development review department. I'm joined tonight by several of my colleagues, george zapalac, matt dugin, pauline [indiscernible], all who work on codenext on the staff side. Item 125 is the continuation of the public hearing from OCTOBER 23rd, 2014 ON THE Codenext approach alternatives. Just very briefly, I wanted

to highlight that once the council makes

-- takes action on this item, we aren't starting from scratch when we begin on the new code. We have the imagine austin comprehensive plan as the foundation for the new code. Within that plan we have the priority programs which identify key issues such as sustainability, environmental protection and green infrastructure, household affordability, water conservation, complete communities and many other topics. We also have the growth concept map that provides guidance on where growth should be encourage and where in

-- encouraged and where in areas that should remain stable. We have other adopted plans and policies that provide additional detail in supplement, the comprehensive plan. And we have all the work that was done in phase 1 of this project, including the listening to the community report, which was the compilation of the public input that we received, a technical analysis through the code diagnosis. We also have an understanding that we want to create a code that is clear, predictable and user friendly so that all of our citizens have the ability to use and standard and work within the code. So just very quickly I wanted to highlight the similarities and differences between approaches two and three. Hopefully by this time you're familiar with this chart. We've spent a fair amount of time with it. So I'll be walking through the elements that are in the far column to my left. Both approaches two and three would include a new format and significant reorganization of the code. Both two and three will include a mix of development review models, and those are by right, customized and discretionary. Both two and three will have a hybrid zoning code which provides a range of tools so that we have the best fit for different areas of the city. In terms of the differences, approach three will include more focus on rewriting of the content and greater emphasis on by right review and form base codes. Some of the key recommendations

-- key reasons for our recommendation of approach two include timeliness. Approach two can be completed in less time due to the less extensive effort on visioning and to some degree changes to the content of the code. Cost is another key consideration. Approach three will require potentially significant additional resources. Once again primarily for the visioning. Third is capacity. Approach two can really help build capacity in understanding for staff, stakeholders and the broader community in terms of applying the code. And finally, implementation, approach two addresses the critical issues identified in the code diagnosis and provides the tools that we need to achieve the vision for imagine austin. Also just wanted to point out that approach two received strong support from the boards and commissions who provided recommendations. Of the five that provided recommendations, four recommended approach two

-- of the six that provided recommendations, four recommended approach two. One recommended approach two or three. And the code advisory group recommended approach two with a greater focus on rewriting content and on form-based codes. So finally I just wanted to provide a little peek into the next steps. Once the council takes action on this item, we'll work to finalize the scope and the contract for the next phase of the project. We'll then begin work on defining the new format and organization of the code. Early next year we'll be holding our next code talk which will focus on integrating nature in the city. Probably in spring of next year we'll be bringing this decision back to the new council for their guidance. We'll be

-- we'll also be initiating a code advisory group led discussions on key issues. Once we wrap up that in roughly the first quarter of 2015 we'll be providing periodic code updates as the consultants work on the

code. These will be general information on progress and direction on some of the key issues. Then finally, we'll have a public review draft in late 2015. So with that it concludes my presentation. I'll be glad to answer any questions. Thank you.

[14:22:02]

>> Mayor Leffingwell: Potential council action would be to approve option one, two or three, or something off the wall. One of those.

>> That's correct, mayor.

>> Mayor Leffingwell: Okay, thanks. All right. We do have speakers. David king? And donating time is betsy greenburg. She's here so you have up to six minutes.

>> Okay. Thank you, mayor, mayor pro tem and councilmembers. My name is david king and I live in the zilker neighborhood. The three code alternatives remind me of the story of gold diana locks. Option one is too mild. Option three is too wild and option two is just right. That's simple police tick to me

-- simplistic to me. I don't think the proposed option

-- any of these options actually reflect austin's values and characteristics and culture. So I would ask that we take the time to build an austin option, not a generic one, two or three. I would suggest that we look at taking components from the three options there and blending them together to become an austin option. Let's take a little bit more time. This is a critical juncture in this whole codenext process. Either we go this way or we go this way or we go this way with this plan. And once you start down the pathway of a particular direction, then the concrete begins to get poured on the next step in the process. So if you decide to make

-- if you didn't make a decision on a code alternative, you're essentially going to lock the next council into that decision or you're going to force them into a choice. Do I waste the it last three or four months of time put in on the codenext project based on an option, a choice y'all selected? Or do we take the input from the new councilmembers who are representing the individual districts now in the city? Do we push that aside or do we waste all this three months' time? I don't think you should put the new council into that position. There's no rush. What is the rush to make the decision now? There's plenty of work that could be done on the project without making a code alternative decision now. It can wait for the new council. The code approach should be informed by the following

[14:24:50]

factors: According to a 2012 citywide zoning capacity analysis by the city, austin's population could double under current zoning capacity. So we don't need a new code to increase zoning capacity. We don't need to do that. We can already do that. So that's not a reason to push this forward right now. And we already know that many of the issues that we have are not with the code itself, but they're with the administrative review permitting and inspection processes itself, the administration processes, the way the code is implemented. That's where the issues are. If you don't believe me, then ask jim duncan. He can tell you about the implementation of the p.U.D. Ordinance for the austin oaks pud, the implementation of that violates the austin

-- imagine austin plan, the neighborhood plans and the

-- and it doesn't preserve Friday neighborhood character. It doesn't hit any of those key requirements. Developers and property owners and neighborhoods all want predictability. They all say that, predictability. Everybody wants predictability. Well, predictability is not a function alone of code. It's more a function of how that code is implemented. It's more a function of the administrative processes and the people. That's what we should be targeting our efforts. I'll give you an example. In the Zilker neighborhood we have filed an appeal on three McMansion projects because they violate the McMansion ordinance. There are material mistakes on the applications themselves. And yet they were approved and homes were built based on those approved applications with mistakes. So it's not the code, it's the implementation of the code that's the issue. We're appealing those decisions. So you can go change the code, but that's not going to solve all of our problems. And maybe it won't solve most of the problems that we have. We've been told that the unique character neighborhood plans, overlays, covenants and restrictions will be and in the new IDU. If that is true we should end up with a number of new zoning districts that reflect the unique combination of the neighborhood plans, overlays, covenants and restrictions in the city, right? If we really do that, if we believe that, if that's what we're going to do, then we would end up with those numbers of zoning -- new zoning districts. But we've also heard criticism from developers, RECA, AURA that we need to streamline it down. So which is it? If we streamline down the number of districts we will lose the character. The neighborhoods will have less say in what happens in their own neighborhood. You can't have it both ways. So I ask that we get real about this and we make a decision. Do we really care about neighborhood character and preserving that and having neighborhoods have a big say in what happens in their own neighborhoods or do we just turn it over to developers and let them have their will? Opticos says we should streamline and cut down on the number of zoning districts. Feature zoning districts and more consistency means really generic, cookie cutter neighborhoods with less uniqueness and less character. That's what it means. That's what it means. You can't have both. So we need to make a choice and we need to be honest with neighborhoods and not hide behind compact and connected all the time.

[14:28:43]

[Buzzer sounds] is that my time?

>> Mayor Leffingwell: That's your time.

>> Thank you.

>> Mayor Leffingwell: Next speaker is Ward Tisdale. And is Willie Diesel here? Okay. You have up to six minutes.

>> Good evening, Mayor, Mayor Pro Tem, Councilmembers. My name is Ward Tisdale, I'm with the Real Estate Council of Austin. I was here a few weeks ago with some housing partners, housing works, AURA, the Austin Chamber of Commerce, ABOR, Downtown Austin Alliance, Austin Apartment Association. We were here to send a very clear message that Option Three is the best approach that you should take. You did a great job in 2014 when you passed Imagine Austin. It gives a great vision for how Austin should grow responsibly in the 21st century to enable more compact, connected community, to have greater housing varieties so that we can put more people in the city where they want to live. And you then followed that up with Codenext, which has been a very successful process so far, although the

consultants did come back with a diagnosis that said the current code is in big trouble. It's broken, it's multilayered, it's outdated. It needs updating. But it needs more updating. It needs a complete makeover. In order for you to fulfill the imagine austin, the codenext approach should be option three. This is a great opportunity to chart a new course for this community and to be bold, to think big and to take this opportunity. This is a once in a generation opportunity to fix this code. So let's not go -- let's not tweak it, let's not go halfway. Let's do what's right for this community and go for a complete makeover. Thank you very much.

[14:30:44]

>> Mayor Leffingwell: Thank you. Next speaker is mike rollins? Mike rollins in the chamber?

>> He's not.

>> Mayor Leffingwell: Not here. Mary ingel. Donating time is joyce [indiscernible]. So you have up to six minutes.

>> Good evening, mayor, mayor pro tem and city councilmembers. I'm mary ingel. As president of the austin neighborhoods council I wrote a letter that more than three-quarters of the members of the executive committee signed and also the general membership of anc. And it states that the austin neighborhoods council executive committee cannot support the current code approaches document because of the lack of substantial information. The document contains jargon and ambiguities that lack the specificities for anyone to make a well-advised and educated decision about how the city council should proceed with supporting the code approaches that are proposed. Even the consultant team recommends approach two. The annotated outline does not specify its difference from approach three. What does that really mean? This is why we can't support a specific approach due to the lack of information. Because of this I would ask that the council be prudent with their votes concerning the code approaches. Personally, I could feel more comfortable with a middle ground for an approach, but I'm very concerned about some comments from the development community. Some people who are really dialing up for the most aggressive revision and advocating for approach three. Clearly the expectations in this group may not be realistic. Throw out the old, bring in the new, just get rid of the old code. And to quote somebody who has been in front of you many times, another developer from this community, he says, with the old code we have thrived in spite of ourselves. We've had growth and we continue to have growth. Approach three would take more time and be more costly. Approach three is the most radical approach with adopting with the more trendy base code. Because of all these things, more cost, time, lack of specifics and substantial information for actually all the approaches one, two and three, we urge the council to wait for more study about how specific elements such as neighborhood plans, the McMansion regulations and the combatibility compatibility standards. And the design commission weighed in on the code approaches last night with a letter and they are recommending the same thing as anc. They can't recommend a code approach at this time because of the lack of information and the lack of study. So thank you very much.

[14:34:09]

>> Mayor Leffingwell: Mary bustachovica. Did I get anywhere close on that?

>> Pretty close. Good evening. My name is mary [indiscernible]. And I am here today to urge you to support a strong rewrite of the land development code. As you can see I am

-- I have a family. I have two children. And my husband is a professor at u.T. He was born here in austin. And basically as identified by the opiticos, austin is severely lacking in various housing options, especially the missing middle they talk about a lot. It's really creating a crisis for the middle class and families. Many, many people where I live

-- so I live in a transit oriented development in a townhouse in crestview. And that's actually illegal to build in most of austin. So I'm really looking for your guidance to really brush forward so that we can have more options for housing, I think. Many, many schools are underenrolled in the central core and that's directly caused by some of the lack of housing options. I love my neighbors. I have a nurse, police officers, people who work for nonprofits and all these people could not afford a single-family home in central austin, but having an option for a townhouse gave them an option to live closer to downtown. So we're thrilled, we love our neighbors and I often hear people talk about there's too many tear downs and stealth dorms and I'm not in support of those, but I think that there would be more incentive for developers to build more options in it was easier for them to build duplexes and other options that would provide more housing for a larger number of people. So I really believe that an aggressive approach is the way to go as that will really allow us to have a more affordable, connected and compact city. And I think people talk about if we go with any of these approaches we'll get there, but the housing affordability crisis is now. It's happening right now. And many families are having to move to the suburbs because they can't afford to live here. So if you care about affordability I urge you to support a strong rewrite. Thank you for your time.

[14:36:54]

>> Mayor Leffingwell: David whitworth.

>> Good evening, council, I'm david whitworth. I'm here in support of the deep clean with the code advisory group recommendations, specifically they wanted to change otoif you look at the columns on the code approach page, they want to change the content rewrite from medium to high and they want to change the form-based code from medium to high. We have a congestion problem in town. There are two ways to alleviate congestion, more asphalt, more big and further, come and do more right-of-way or common building patterns where people live closer, have more accessible uses and amenities and there's more unnecessary driving. Nature has given us plenty to work with. It's only responsible and respectful to build to the best use within the area that we've already taken over. Austin's the 11th largest city in the nation and we can really be a lot more efficient in the urban core especially. We're losing the identity that made austin great, the artists, the county and state workers, u.T. Professors, musicians, they can't live near town anymore. And there are young and indus serious people who want to start

-- industrious people, families, and the options are smaller and smaller by sticking to our old code. At baylor and fifth street I saw a hair salon in an air stream and I hope that's great. That might be a great business model, but this explosion in trailers is really a signal how far difficult it is to hang out ashing knell this town for a small business. And I'll close on

-- this is something I've sent to some friends, but I want to talk about the character of austin and the

things we love about austin. And would we be able to build these again today under our current code after years and years of layers upon layers upon layers, schultz beer garden doesn't have off street parking. This is the avenue b grocery in hyde park. What you're looking at is form-based code. It's a store inside of a house. Of course mueller development, we had to write an entire code p.U.D. For mueller because this smart

-- the less setbacks and we can't do this anywhere else in austin. The tavern set backs, parking. Just more cool austin. Here's kirby lane. Again you're looking at form-based code right here. It's a commercial kind of creeping into residential, but we love it. The McMansion ordinance, here's an old house in clarksville that is up on peer and beam.

[14:40:22]

[Buzzer sounds] complex duplexes, you can't connect them by carports anymore. I don't have any more time.

>> Mayor Leffingwell: Thank you. Corey brown?

>> Evening, my name is corey brown and I'm a member of aura and we believe in an austin for everyone. I'm here to advocate for approach three, the complete makeover because the land development code is broken. Many of the landmarks that are sours of neighborhood pride couldn't be built today like schultz or the tavern. Missing middle housing types like duplexes, tri duplex duplexes, four-plexes, lacking in the code diagnosis are knowtory justly hard to build. Less than two percent of permits in the last four years were for those types of housing. Many affordable accessory units that you find in hyde park and travis heights are not legal to be built today. While we address those things and we look at these codenext approaches, I hear a lot of worry and concern from neighborhoods. But you're in luck because I live in a neighborhood and my neighborhood we have an icon, the crestview mini max, that couldn't be built today because it doesn't have enough parking. We have garage apartments because we live in a tod on roughly half the single-family houses are built right now. Mary, who already testified, is one of my neighbors. She lives in a townhouse. And she talked about with our neighbors it is family friendly. We had a whole bunch of trick or treaters who we spoiled with full size candy bars at my house. And people of diverse age ranges, diverse professions, that's what makes our neighborhood character. That's what makes our neighborhood interesting. We also reach out into the broader crestview community, who is an established neighborhood. We are a little bit of an experiment on the sorts of things we could have across the city as much as we have the established crestview neighborhood and then we have a more diverse housing type that you can't just build anywhere in our neighborhood. So I'm telling you, it's great to live there. It's great for families and etcetera great for neighborhood character. Therefore I believe it's time for us to take a real change and look at the imagine austin plan and the compact connected city that we envision in that plan and that council passed and go with approach three for the complete makeover. Thank you.

[14:42:46]

>> Mayor Leffingwell: Andre [indiscernible].

>> Good evening, mayor and council. My name is (saying name) and I'm here with the austin board of

realtors. And I want to let you know that we've recommended approach three due to the fact that with the information that's available it appears that approach three will lead to the most inclusive and comprehensive change. We believe that this is really important because when opticos diagnosed our land development code they found some really salient flaws. They found that it wasn't in line with adopted community values, that it limited household affordability and choice. That it was unnecessarily complicated and cumbersome. And that they offered some really strong conclusions that -- along the lines of what many in community have believed for years, that the current code does not provide an effective tool set to manage our rapid growth. I would submit that the question before you today is not whether austin will continue to grow, but how austin will continue to grow. Specifically I wanted to discuss the lack of household affordability and choice. Going forward from here and looking at the long-term, the best option for increasing household affordability and choice is by filling in the gap in the housing landscape that opticos identified as the missing middle. There's no clear path for single-family homes in the city of austin to become more affordable over time. The only way that would be possible is if there were more units that could be built on those same lots. So increased density. On the other hand, there's very unlikely to be a significant affordable housing, large scale dense projects because of the infrastructure costs and the various requirements to go with those high density housing. So really the best opportunity for increasing housing affordability and choice is by addressing the duplexes, triplexes, four-plexes and so on and so forth in the code. And I think that's not going to come easy. That's going to take a bold approach from the git-go. It's hard to see how it narrowly scoped -- another source of concern for the approach two as opticos presented it is the opt in -- the potential for an opt-in process. It's hard to see how a narrowly scoped opt-in process, even though it may be a faster turnaround time overall, it's hard to see how the process will make a meaningful change in the range of low to medium density housing choices available to austinites in the urban core in particular.

[14:45:57]

[Buzzer sounds] thank you.

>> Mayor Leffingwell: [Inaudible].

>> Hi mayor, mayor pro tem, councilmembers. I'm susan summers. I'm on the board of aura. And this is my first time at city council, so I'm a little nervous, but I'm a mom. I work at u.T. I have a great job. I work directly with u.T. Students all day everyday, which is about the most dynamic job that you could imagine. And over the years I've found that I've gotten pushed farther and farther out to the out skirts of the city. I still live in austin. I tell people I'm too exits from pflugerville by the grace of god. And I have found that I have lived in this apartment that I live in now with my husband and my daughter, we've lived there about four years. Our rent when we first moved in was about 760. It was with fees and stuff, corporations love to throw in fees, we would pay about 800. My rent now, my bill last month that I paid was \$1,039. You can see in the course of 2010, july 2010 when I moved, to now, how much my rent has gone up. I got my job at u.T. And it's a wonderful job and we would love to live closer in. My daughter actually attends pease elementary right downtown. I think the core of our lives and our hearts are kind of in downtown austin, but we feel ourselves exclude from that in a lot of ways. For two years before I moved to my current apartment I lived in a place in the vest use neighborhood, a

-- crestview neighborhood, a complex. I joined the neighborhood listserv and I thought I'm a new mom, I'll get involved in listserv. And over the years I just noticed that people would send these messages out like oh, new duplexes going in, oh! And it was like well, I live in a duplex. So I began to feel really excluded and worried about what was going on. Like why were we so focused on the building forms? Why were we so 401(k)ed on these things and not people, because that's what the core of neighborhoods are. Saying all this it's led me to get involved politically, get involved in aura. And I really want to push for code approach three because I feel like every time we're talking about missing middle housing, that's the type of housing I would love to live in. I love our vmu's and some of the dense housing we've authorized on the corridors, but as a mom with a small daughter I want to build that and I want more of that because it's great for the people that works for. But for me a duplex, missing middle, townhouses. I thought last night, I'm going to look at mueller townhouses. Some of the townhouses in mueller are selling for half a million dollars. I work at u.T. I'm a public servant basically. It's really hard to imagine actually living closer in. Actually, we've talked a lot about are we going to get pushed further out. And so I really urge you to push for code approach three. Code approach two concerns me with opt in because every time we're given a choice and we say let the neighbors decide, it always seems to be a fear. New buildings, duplexes. I think that's a building-focused approach and not a people-focused approach. And my approach to housing and the way the city should work is about people.

[14:49:15]

>> Mayor Leffingwell: Thank you. Bill morris. Is brandy guthrie here? You have up to six minutes if you need it.

>> I'll be shocked if I need that much.

>> Mayor Leffingwell: Good.

>> Mayor, council. I appreciate the opportunity to speak. I am bill morris. I'm a real estate professional, but I'm here to speak for myself and for our clients past and future who either have been or will be entangled with austin's land development code. We know it's a mess. I've been engaged in codenext since close to the beginning. The early listening sessions, multiple community character and box projects, multiple cag meetings as often as I could attend, multiple updates from opticos and staff. So I've had a lot of background in this, a lot of involvement. With that, I read the code diagnosis and agreed with the key findings. We've all heard from a number of experts that our city code, our land development code here may be among the worst in the country. And it really does need an awful lot of help. So with that as background, I was really surprised and disappointed to hear the recommendation from opticos and from staff to take what amounts to the path of least resistance in the next stage of this important process. It's been beefed up some at the last cag meeting last month, but effectively this approach still ensures that large parts will opt out of any meaningful real change, which will effectively prevent the development of a truly transparent and predictable code, which was a stated goal for this whole process at the beginning. And that was effectively cripple efforts in the future to develop the missing middle, which you've heard a lot about in this meeting and others. So in my opinion anything short of a complete makeover risks wasting the opportunity that codenext represents. And I strongly urge you to approve code approach three. Let the record show, as the new council forms in the next year, that you made the difficult decision to make a real difference with one of the most pervasive and

most persistent issues in the city. Thank you.

[14:51:44]

>> Mayor Leffingwell: Thank you. Jonathan stilly.

>> Good evening, my name is jonathan stilly and I'm here to speak as a city of austin. Mr. Mayor, mayor pro tem, councilmembers, before I speak to you specifically about codenext, I wanted to take a moment and thank all of you for your service to the city of austin over the years. Thank to your foresight and many of our policies we're now having to deal with the good kind of city problems, not the bad ones that some of the other cities are dealing with. So thank you very much. Now, when thinking about the decision you're about to make on the direction of our code reformation I'm reminded of a story that I read recently in dr. Ben carson's book. It was about about a very successful young businessman and he loved to buy his mother exotic gifts for mother's day. One day he ran out of ideas and then he came upon some birds. He bought two and sent them to his mother and he couldn't wait to call her up. He said mom, what do you think of those birds? And she said man, they were good. And he said whoa, mom, you didn't eat those birds, did you? They were \$5,000 apiece. They could sing, they could dance, they could talk.

>> And she said do you know what, son, they should have said something. And that's where we end up too if we don't speak up. Speaking up isn't always easy. The safe road is to try and apiece everyone, all of the voters by choosing a middle of the road solution. But you see trying to dilute the public's anger and fear by spreading their ire around evenly so that everyone feels at least a little bit of pain, it doesn't really solve anything and it just kicks that can down the road. And that is how we got this point to start with. People are not going to stop moving to austin or the austin area. We've all heard that a million times. And many people say that it's not will austin grow, but how is austin going to grow. But that misses an even more important question. Ooze people continue to move to the austin area you have to ask yourself are they going to move to austin or are they going to move to the area? And with a lack of housing, the missing middle that opticos and several of our leaders have trumpet and the ambiguity in the code, that answer is very, very simple. They will not be moving to austin proper. Rather, they will be looking for more affordable housing in the surrounding area. Real solutions are seldom easy choices, but you have an historic opportunity to make a generational improvement to our city. You have an historic opportunity to exponentially grow our tax base within geographic restraints. You have an historic opportunity to speak up. By making the hard choice to scrap the code and start over you will not only be addressing the short-term issues of our great city, but also will show the foresight and fortitude that the city of austin and all of its residents present and future deserve from all of our leaders. I urge you to choose option three and usher in a new way forward for our great city. Thank you.

[14:54:51]

>> Mayor Leffingwell: Thank you. Those are all the speakers that we have signed up wishing to speak. So I will entertain a motion on item 125. Far. Councilmember riley.

>> Riley: Mayor, I will move that we recommend approach alternative three.

>> Mayor Leffingwell: Councilmember riley moves to approve approach three, which is a complete

rewrite.

>> Riley: And if we could get a second I would say a word about that.

>> Mayor Leffingwell: Mayor pro tem seconds.

>> Riley: I want to thank all the speakers and all those who participated in this process, including especially the members of the community advisory group and the other boards and commissions that have taken action on this. What I take from the public input is that there is a fairly widespread recognition that our current land development code falls far short of what we expect of austin. And we know that from the whole process we went through for our comprehensive plan, which pointed out that we have a very significant lack of housing options across the city. That we have a tremendous need for a wider variety of housing options across the city. And our current code is just not set up to meet that need. And a piecemeal, half hearted approach is not going to get us to where we need to be. I think we've heard loud and clear from many folks who have weighed in, including representatives of groups as diverse as the new conservatism and housing works and others who have pointed out that this is a very rare opportunity to make a very significant change in the landscape of austin and one that is desperately needed with affordability problems pressing, with people being forced out of austin, with the widespread dissatisfaction with the build environment that we see being produced under our current code. So I think this

-- this juncture is a rare opportunity to try to set out on a more positive course to try to correct some of the problems that we've seen and to get in place the kind of land development code that we expect of a city like austin that can provide that great diversity of housing options that we know we all need. I understand that there will be some additional time required for this process and I hope that we will find a way to get some help along the way so we won't have to wait years before we see improvement in our land development code and in the coming weeks I expect to be talking with staff and others to see what we can do about getting interim help from the optics team so that with code amendments that are consistent with the comprehensive plan and with the land development code effort in the short-term so that we can continue to make progress to address the very urgent needs that we have in terms of housing affordability here in austin. So with that, mayor, I'll leave it at that and restate my motion.

[14:58:07]

>> Mayor Leffingwell: So I will just say

-- I'm going to paraphrase some of the comments I heard throughout this public hearing. One, if we -- this could be a wasted opportunity. If we don't take opportunity to do a complete rewrite of the land development code that frankly everybody admits it's become a mess by taking half measures over so many years. Somebody else said this is how we got to the point that we are now by taking those kind of half measures instead of going back and starting from scratch. So I agree with you that the best approach is to do a complete rewrite of the code, start from zero, start from nothing. With that I'm actually on the same side with austin on this issue, which demonstrates that

-- [laughter]

-- that no matter

-- there's got to be some common ground somewhere. [Laughter].

>> Martinez: Mayor?

>> Mayor Leffingwell: Martinez.

>> Martinez: I just have some questions from staff. Probably George is the best person to answer. I hear the concerns about we keep using this phrase the missing middle as it refers to housing. And I don't disagree with that. I think we have to address that. And I think imagine Austin speaks directly to that as well. The concern I have is what tools

-- what is the best approach to achieve that, but how do you maintain the affordability that we're talking about in that missing middle? Because as the one speaker, Ms. So Maniers, I believe said,

-- Ms. Summers said, we can Mueller all over this city, but I don't want million-dollar condos coming out of the land development code. So how do you maintain that and what approach is the best approach to achieve that?

[15:00:11]

>> All good questions, councilmember. I think one thing that we have tried to say fairly frequently is that the land development code isn't the silver bullet for affordability. It is a tool that can

-- it's one of the tools that we have to address affordability, but there's a whole host of policies and programs that need to be put into place across a broad spectrum of issues to really achieve affordability.

>> And supply is one part of that. Once again, it is not the silver bullet, but it is one element. There are other aspects of the code, some of which we already have, things like density bonuses, requirements for affordability attached to those density bonuses that can be refined and improved as part of this process. It really can get to the maintenance of

-- or the

-- the long-term maintenance of affordability, but there is no kind of single solution within the development code.

>> Martinez: So my question still stands. What is the best approach to achieving what we have already adopted in imagine Austin, and, yet, maintaining all of the goals that come with imagine Austin with affordability being one of the highest priorities in my mind?

>> Well, I think supply is part of that and diversity of housing types is part of that but it's not going to be the single solution to it. Now, how

-- how those are best applied within the code, we don't have those answers at this point. We will be working with our consulting team to flesh those out the next year, year and a half.

>> Martinez: So do you approach that approach

-- do you believe approach 2, 3, or a hybrid of 1, 2, 3 is the best approach?

[15:02:17]

>> Well, our recommendation is 2. We feel like it does many of the things that 3 does. It gives us many of the same tools. It has a

-- it does not contemplate going quite as deep into content rewriting. It relies less on some of the biwrite review and it would contemplate a less broad application of form based codes initially, although we think we could get to the same point over time. But what I would say is approach 2 does have the potential for a lot of improvement in our code. Focusing on format and organization, eliminating

conflicts within the code, just changes to our base code, to our conventional code; and then the addition of new, both conventional zoning tools and form based tools are all things that are approach that brings to the table and really hold out the opportunity for significant improvement.

>> Martinez: So without

-- without hearing such a clear response, you know, I don't know

-- I am not sure what the best approach is. For me, the number one priority is, if we are trying to achieve the missing middle, that, to me, is affordability. I am trying to get to what is the best approach to get to that goal, and I am not hearing

-- I am hearing your recommendation, but it doesn't sound like it creates that certainty.

>> Well, maybe I

-- I will try to be more certain, then. Our recommendation and our belief is that approach 2 is the best approach.

>> Martinez: Okay. I will just listen to ...

>> Mayor Leffingwell: And I will just say with all of this talk about affordability, there is very little the government, us, can do about affordability. That problem has to be solved basically by the private sector, and that's going to be

-- so what we can do to help that

-- that work that way is to basically simplify

-- redo the code, make it simplified so the people can acquire land and do what is best with the land and build housing that is affordable, that they have a choice about doing. So basically

-- I hate to say it. It's basically us getting out of the way and let this

-- let this supply demand equation work.

[15:05:07]

>> Martinez: Well, mayor --

>> Mayor Leffingwell: I think that's the way to address affordability. Council member martinez.

>> Martinez: And respectfully, I will disagree, that the government can't

-- if we can't do anything about affordability, then what the heck are we doing up here? [Clapping]. We have to

-- and mayor, and I respect your opinion. If there is very little we can do, then we need to be doing whatever it is that we can, so we have to be able to figure out this affordability issue, and maybe it is getting out of the way, but I have to ask these questions so that I can make what I believe is the best decision as it relates to that goal.

>> Mayor Leffingwell: Well, I understand that, council member. I am not going to argue with you. I am just giving you my opinion. Mayor pro tem.

>> Cole: Judge, I have a couple of questions. I want to be real clear that if we take option 3, we have not thrown out neighborhood plans. Is that correct?

>> That's correct. Neither 2 nor 3 contemplate doing away with neighborhood plans.

>> Cole: And, also, we have not done away with compatibility issues?

>> That's

-- that's correct, council member. What we have said about compatibility and many other issues within

the code is we want to preserve the intent of those, but we also want to explore whether there is a better way to achieve those. There may not be, but there may be, and that's the sort of -- we had some of those discussions specifically on compatibility. There is a lot of other topics that we need to dive into, but those are the sorts of things that we want to explore.

>> Cole: Okay. Well, mayor, I seconded the motion for all the reasons that many of the speakers spoke to, which is just the need for simplicity and ease and to be able to hopefully pass the simplicity and ease on to potential homeowners or the missing middle and achieve greater affordability, with the recognition of the debate that you and council member martinez had that there is no silver bullet, but I think that embracing a total rewrite at least lets us start with some of the foundations that we have, such as neighborhood plans and compatibility, but also embrace more tools for affordability.

[15:07:46]

>> Tovo: Mayor.

>> Mayor Leffingwell: Council member tovo.

>> Tovo: Looking at a letter from housing works that went to all of the commissioners

-- planning commissions around september 18, and it talks about, you know, some different ways that they suggest achieving affordability, and I will just read from it. It is imperative that on site inclusionary affordable housing policies are implemented across the city and in a range of housing types. If this program development incentive such as increased development and relaxed development standards in exchange for on site affordability were implemented in targeted areas across the city, particularly in strategic locations such as toddees and core transit corridors this would be significant gain for affordability. As I read their position, they are talking about making sure as the codenext process moves forward that some of those tools are recognized and are implemented in our rewrite process. I mean, we have had an opportunity on several occasions to achieve some affordability by requiring on site units, for example, in our planned unit development ordinance and in other circumstances. So I think that is certainly a value that we want to see in the rewrite of the code and I hope we will go back in the meantime and move forward with requiring on site affordability in others, but I don't see

-- I don't see 3 as promising greater levels of affordability than 2. I think if we want to achieve affordability, we need to do some of the measures that have been suggested, like requiring that it be on site. Not allowing any developers to pay a fee in lieu that's vastly lower than it would cost to construct actual housing, so I am not going to support the motion. I think the option to present some more balanced and reasonable approach. It is the recommendation of our staff. It is the recommendation of our commissions. It is the recommendation of the consultants we hired to give us their expert opinion, and I think it's a better path forward for the city. Underst underst and, of course, realizing that inclusionary zoning is illegal in the state of texas.

[15:09:51]

>> Tovo: It is not illegal to have affordable housing provisions within density bonus programs as we've discussed.

>> Mayor Leffingwell: Yes, but in general.

>> Tovo: Multiple times.

>> Mayor Leffingwell: Only in special cases, and that's because we have constructed the law that way but in general law cases, inclusionary zoning cases are not possible.

>> Tovo: Without having colloquy with you I want to say inclusionary are astute when they say inclusionary housing policies they linked it to development inclusion programs. That's the intent I was talking about.

>> Mayor Leffingwell: Any other comments? Council member morrison.

>> Morrison: Yes, thank you, I guess I want to point out a couple of things because I believe that going with approach 3 is not the right thing. Not the right way to go. One of the things has to be I think taken under serious consideration is that approach 3 is estimated to take between 6 and 18 months longer than approach 2 and

-- and it's important to remember and recall what staff explained last time, and that is, that approach 2 is a lot of the

-- it's a lot of the same of the first phases of approach 3, so that eventually the form based code could be applied across different neighborhoods. So 6-18 months, let's be real. Probably 24 months just to round it out. So we are talking about

-- I think we were talking about 2016 to then start the mapping of our new code. Is that right, george? 2016 to start the mapping of a new code which means you are not done yet under approach 2 which takes you do 2017. If we are talking approach 3, we are talking about not being done until 2019. That's -- think of all

-- if we are going to be giving tools for affordability, which I hope we are

-- like, for instance, more robust density bonus programs and we are waiting until 2019, that's five years of not being able to be strong on affordability, and I heard the suggestion that, oh, maybe we can do approach 3 but maybe get some interim changes in place. With all due respect, I think that would be a nightmare. We are already working on way too many interim changes, and think again about the description approach 2. We will be able to get to a stopping point, where, for instance, with the form based code, there will be sort of pilot programs. There will be a few corridors. There will be a few neighborhoods. And then we will be able to put it all into place and then go on and do the rest of it as opposed to not doing it

-- not getting to any stopping point until 2019. So what I am hearing in terms of the arguments for going for approach 3, I think, you know, folks can potentially achieve the same thing but go with approach 2 and that it

-- it takes sort of a more tractable

-- it's a more tractable approach. We can get our arms and it more. And that, at the same time, achieve the goals that I really believe that

-- I mean, I am willing to take our staff and our

-- our consultants' recommendation on this, that they think that it's not going to be a waste of time. We will be able to do a good cleaning out of our code and make it

-- make it a lot more usable. So I won't be able to support the motion, either, and I do want to second council member tovo's points, which I think can be summed up by saying, we have a lot of

-- we have opportunities for affordability that come forward to us, and we need to grab every one of those. We don't

-- you know, and even with the missing middle, if, quote, the missing middle is a new kind of housing that's adopted in approach 2 as a type of housing, then when we do the mapping of where the housing goes, then you can get it in places and so it's not a requirement before
-- you don't have to do approach 3 to get the missing middle, I guess what I am saying. So with approach 2, you get it with two councils from now as opposed to three councils from now and I think that's really a much more worthwhile way to go.

[15:14:24]

>> Mayor Leffingwell: Okay. Motion is on the table to close the public hearing and approve approach number 3.

>> Martinez: Mayor.

>> Mayor Leffingwell: Council member martinez.

>> Martinez: Well, I mean, it looks like we are going to stalemate here at 3-3 based on comments, and that doesn't do anybody any good. So I am going to at least try to make a substitute motion for approach 2, with the content rewrite adding it to a high rewrite and with form based code being the standard

-- the development standard models under form based code being high as well.

>> Mayor Leffingwell: Motion by

-- substitute motion by council member martinez to adopt option number 2. Is there a second to that? That motion dies for a lack of a second. Brings us back to the main motion. Council member riley.

>> Riley: Mayor, I can count to 3 as well. So with that, I would like to withdraw my motion and suggest instead that we postpone this item for two weeks so we will have a full council next time.

>> Mayor Leffingwell: Motion by council member riley, withdrawing your motion or making a substitute motion to postpone until november 20th. Is there a second for that?

>> Second.

>> Mayor Leffingwell: Second by mayor pro tem. All those in favor

--

>> Martinez: Mayor.

>> Mayor Leffingwell: Council member martinez.

>> Martinez: I am sorry, mayor, I am going to support obviously the postponement, but george, I want -- and I am not harping on it but I really would like some clear-cut examples and responses to how we maintain, even if it's very little, but how we maintain affordability with whatever approach, whether we take approach 2 when we vote or approach 3, I want to hear, where you can come up with examples in other areas. I know they've cited other cities where they helped write their land development code but the affordability issue for me is looming pretty high and we have not addressed it in my opinion.

[15:16:44]

>> Okay.

>> Martinez: Thank you, mayor.

>> Mayor Leffingwell: Those in favor of the motion, say aye. Aye. Opposed say no. That passes on a vote

of 6-0. Yes. So the postponement of
-- did that motion include closing the public hearing?

>> Riley: Yes. Yes.

>> Mayor Leffingwell: And that's okay with the second. Is there any objection? The public hearing is closed and it's postponed.

>> Riley: Correct.

>> Mayor Leffingwell: And now we go to item 128.

>> Good evening, mayor and council, jerry rustoven with the planning and review department. Conduct a public hearing and consider an ordinance on second and third readings amounting city code 25 related to this, and then we had a meeting where we would go different from what was happening last time.

The new ordinance

-- instead of creating a new use called micro-units, instead we decided that the use that we were talking about is multifamily residential. We are talking about multifamily residential in certain characteristics, in this case, the size. So what we have done instead is to amend title 25-2-780 which is regulations for different uses, in this case, multifamily residential use and this ordinance will do is that for a multifamily uses below 500 square feet that is located in the todd or core transit corridor or future transit order and those that are below 500 square feet are below the level of 50% mfi for 50 years rental and 40 years own ore occupied properties and the parking requirements would be 0 and the cite area requirements would be 0. Site area requirements is another word for density. On transit corridor and less than 500 square feet, and you comply with the affordability provision, your parking requirements are waived and your density requirements are waived. And that's the ordinance that's in front of you. I am available for any questions.

[15:19:28]

>> Mayor Leffingwell: We will go to our speakers.

>> Mayor and members of the council, I am stewart harry hersh and like most in austin I rent and here is one of the opportunities to do something right away. I am here to support the micro-unit revised draft that link deeper levels of housing affordability to reduce parking in site area requirements. Tonight we are talking about 50% median family income. Not 80, that we were talking about a couple of weeks ago. Limiting parking reductions to areas where public transportation stops and routes exist or a plan addresses the legitimate neighborhood concerns about possible overflow parking for mixed use and multifamily sites to streets where single family homes exist, so this proportionality in the current draft attempts to address legitimate concerns from single family homeowners. There are those of of us who try every day to serve the poorest among us. Those are people at 30 and 50% median family income. They are the homeless, housing first, the veterans who have very little income, and they don't own cars either because of their income or because of their disability or a combination of both. The micro-units as defined in this code can create partnerships between market rate developers and not-for-profit organizations that help to serve these people and have been serving these people for a long, long time, and match renters who don't own cars with apartments that don't need cars, and so the parking reduction goes away. I beg you, if you really want to create the partnerships between the affordable housing providers and the marketplace, that you approve this on second and third reading. It is not like

the silver bullet, but some of us are tonto and we are not the lone ranger, we have to go into town and try to figure out what is going on and do the best we can and then tell the chiefs what they need to do and he gets all the credit and he ride in on his whitehorse. So we are happy to be tonto. We are proud of the people we serve. They are the poorest among us. This is a step in the right direction. Thank you very much.

[15:21:42]

>> Mayor Leffingwell: Thank you. David king. Joyce busiano, still here, up to 6 minutes.

>> Mayor.

>> Mayor Leffingwell: Pardon?

>> [Indiscernible]

>> Mayor Leffingwell: Is that correct? You do not want to donate?

>> [Indiscernible].

>> I don't need the time. You can speak.

>> You have 3 minutes.

>> Thank you mayor, mayor pro tem and council members. I am david king and live in the zilker neighborhood and I have had an opportunity to tour the capital studios project downtown at foundation communities which is essentially

-- those are the kinds of units we are talking about, they build downtown so I think that's an important thing that we need for our community to make things affordable, \$399 for one of these small units for individuals

-- that is affordable to individuals and they can live right downtown so I am supportive of micro-units. I don't think that's a problem. We can do them already under the current code. I don't see what the issue is in trying to eliminate the parking requirement to the extent that this ordinance proposes. I think what we should do is not allow, you know, not reduce the parking requirements and then see how it works out as we

-- as we build more micro-units, projects in the city and see if we can scale back on the parking liabilities over time but I say let's go out first with the requirement pretty high and then scale back if we see that it's not really needed. And neighborhoods should have the option to opt in or opt out of this ordinance for their neighborhood. And micro-units should not be allowed to be converted into type two or type 3strs. That's going to be a

-- you can imagine that's going to be a number one thing. They are going to jump all over that, build the micro-units and rent them out for the events when people come to town. That's not affordability. That's not going to help our affordability. That's what we

-- I think we should watch out for that and make sure they are not allowed to be used as type 2 or tape 3 strs and we should put this as core transit corridors first and tweak it from there but to make it city wide ordinance with relaxed restrictions I think is a mistake. Thank you for your time.

[15:24:17]

>> [Indiscernible].

>> Good evening, council, I am joyce busaia there o and I will take a new york city minute here. Elimination of parking requirements is not appropriate for every neighborhood. This should be opt in choice for neighborhoods. Opt in should be part of the code next rewrite. The item should be brought before the new council. Please respect the new council and let them deal with it. Thank you.

>> Thank you, joyce. Steven yarick.

>> Good evening, mayor pro tem, the council. It is nice to see you again. My name is steven yarick and I kind of live in the downtown area but I own property in holly and one of the things that I have there is a 440 square foot garage apartment, and the tenant who I rent to absolutely loves the place. So it's not -- it's not

-- we should provide these options. We should make it as easy as possible to provide the options. While in my case, I am talking garage apartment, not multifamily development, I should also note that my garage apartment is illegal to build today because it doesn't meet the parking requirements. Like mr. King, I was fortunate enough to attend foundation communities luncheon at capital studios the other day and I think it's important to note that that project has no parking for the residents. So, you know, we -- and the only reason you are able to build that is because it is downtown and downtown has no parking minimums, right. So let's make this possible in other parts of the city. Let's make it possible for people of, you know, lesser means, not even

-- not just on the renting side but on the development side, to try

-- to try things out and, you know, really experiment. The last council meeting, we heard about the proposed hotel at 7th and congress. It would have no parking on site. There was some questions from council about, will this work. And the representative of the developer said, you know, my client is willing to make a 75 million-dollar bet that it will. Now, very, very new people are able to make a 75 million-dollar bet, but there is a lot of people out there who could make a 500,000-dollar bet if they happen to be lucky enough to already own a small plot of land that is on one of the core or future transit corridors or in a todd, so let's empower them and give them an opportunity to do something that provides more housing, that challenges the existing mandated suburbanized status quo we have had for the past 50 years and let more people live in the kind of housing they want to live in that makes them happy. I really think that's something we should have in our city, so I support the resolution as it was amended at the last session. Thank you.

[15:27:25]

>> Cole: Thank you, steven. Cory brown. Jay sound brigham. Cory, 6 minutes.

>> I don't need that much time. Thank you. My name is cory brown. I am the member of ara and the co-chair of the missing middle working group. Ara thinks this is a close to compacted austin and encourages different house types. Other cities like cleveland and washington dc have found this to flexible affordable housing options for people like grad students, medical personnel, musicians and artists, and also in places like western massachusetts has been an alternative

-- practical alternative to stealth dorms which people obviously get fired up about. By [indiscernible] on future corridors and toddes, and I live in a tod, so please build them in my neighborhood. It encourages people to live car free or car light which is good for the entire city as a whole. I was happy to hear during the codenext discussion about being able to

-- we should be grabbing opportunities to implement affordability while we go through this process and so this is an opportunity to grab the affordability with on site requirements and make a difference with that, rather than kicking the can through the road on the codenext process down the roadch we can do it very much. Thank you very much.

>> Cole: Thank you, cory. Betsy greenberg.

>> No thank you.

>> Cole: No comments. Okay. Well, council, that concludes our speakers. Any comments or motions? Council member riley.

>> Riley: Yes, thanks, mayor pro tem, I will move that we approve the item on second reading only. I would offer some amendments if I can get a second.

>> Cole: I will second.

[15:29:25]

>> Riley: Okay. I will pass this out some suggestions. I appreciate all of the input on this. We talked about some possible changes at the work session on tuesday and one other has been brought to my attention. First, I would like to suggest that we address

-- we change the affordability threshold for homeownership units. Usually when we talk about micro-units in the multifamily setting, we are talking about rental units but it is possible that you could have them for sale. Typically, while you do have

-- while we do aim for 50% mfi for

-- for rental, typically the threshold for homeownership would be somewhat higher due to mortgage eligibility requirements, and so I would suggest that we change the affordability threshold for the homeownership units to 80% median family income. Secondly, based on an issue that came up at the work session on tuesday, I would suggest that we require that the parking spaces be leased or conveyed separately from the dwelling units. Third, I suggest that we require fist floor retail if it otherwise would be required, based on a suggestion by council member morrison, so to make sure we are not undermining any requirements for any efforts to get more ground level retail in pedestrian oriented areas. Fourth, again, based on the suggestion from council member morrison, I would suggest that we exempt three bedroom units from the site area requirements so to promote family friendly housing to the extent that

-- that there is a market interest in that. And, lastly, I would suggest that we direct staff to monitor parking around the projects built without parking to determine if

-- if

-- if residential parking permits are warranted, just to make sure that, to the extent that we do start to see cars parking on the street, that we keep an eye on that and provide expedited process for implementing residential permit parking to the extent necessary. So I would just

-- I would just provide that direction to staff for approval on second reading and then so that we can consider the final ordinance on third reading at the next meeting, hopefully.

[15:31:42]

>> Council member, we could do that. I ask for clarification. When you say include the three or more bedroom units in the waiver of the density requirements. Would the three or more bedroom units also be subject to the affordability requirements?

>> Riley: I think that they would, yes, that 10% of the units would

--

>> 10 percent of those less than 500 or 10% of the units

-- have.

>> Riley: I would think so that so we have the same interest in affordability of families as we do for anyone else. So with

-- with all of those

-- actually, I would offer all of those as friendly amendments. I hope those would be considered friendly.

>> Cole: I consider them friendly.

>> Riley: Okay. That my motion, for approval on second reading only.

>> Cole: Further comments, council?

>> Morrison: Yes.

>> Cole: Council member morrison.

>> Morrison: I guess I would like to add

-- I appreciate taking up the issues that we've talked about. There were a couple of others I would like to throw out there that I think are important. I think that, as I mentioned before, and I will just say it briefly again, because everyone but the mayor was at work session, and I don't know, maybe the mayor was watching the work session on tv.

>> Mayor Leffingwell: I was not. [Laughter].

>> Morrison: Just a wild stab in the dark I made there. Just to briefly summarize the point that I made, and that was that I believe that while we may well like to envision a future where people can

-- we can have a whole apartment building filled with people that are living without a car, that's not the reality of it today, and I believe that we need to have a more graceful transition to that, and so I would like to make a motion that we include a parking requirement of 60%, which is the

-- which is the minimum anywhere now, and if it needs to be relooked at and thought about more comprehensively through codenext, I can certainly believe that, but I think that with the parking requirement, we are going to be able to still have a pragmatic approach but, as I

-- as we discussed at the work session, we are still going to be able to achieve the affordability levels because it's decoupled the

-- the parking would be decoupled according to this from the rental. So that's my motion, that we do include the parking at 60%.

[15:34:20]

>> Mayor Leffingwell: That's a proposed amendment to the motion?

>> Morrison: A proposed amendment. I am assuming it's not friendly.

>> Mayor Leffingwell: Is that a good assumption.

>> Riley: No, that's a good assumption. No, mayor, I do not take that as friendly. I will explain why.

>> Mayor Leffingwell: Let's see if we can get a second first.

>> Riley: Sure.

>> Mayor Leffingwell: Is there a second to that? Seconded by council member martinez. And now council member riley.

>> Riley: While decoupling will help on a individual basis for

-- for someone wanting to rent in a complex so they could pay for a unit without parking, it would still drive up the cost of the entire project and those costs would be distributed over

-- over

-- presumably over the sales or the leases of any unit there, so I would

-- and, of course, if we are talking about transit corridors, future transit corridors, we are typically talking about structured parkcresting and we are talking about adding cost of \$24 million and sometimes

-- \$24,000 or sometimes more for every parking space in that circumstance. To me it is placing higher priority on housing cars than housing people, and I think the urgency

-- the urgent need we have in this city right now is not so much about housing crisis for cars. It is the housing crisis for people, and there are many people who would

-- who would be happy to live on a transit corridor in an affordable, small unit without having a car so I think

-- I think whoa ought to acknowledge that possibility. We have heard from some of those people tonight. I can

-- I can attest to the fact that it is perfectly possible to live along a transit corridor without a car. I don't have a car and I took the bus here today and it was just fine and many

-- many people do the same thing every day, and so I think for us to go on requiring very expensive parking on these transit corridors is not

-- does not advance the interest of either affordability or traffic relief. You are essentially requiring that we provide space for cars and of course those ultimately will be filled. It's essentially encouraging more traffic on the street and denying the possibility that people might want to live on those corridors without cars. I think we have a collective interest in meeting the need to house those people who would like to live in a setting like this without cars. So for all of those reasons, I don't consider it friendly.

[15:36:56]

>> Mayor Leffingwell: I think it's a prime example of what we were talking about on the last item. A requirement that we place in the code actually decreases affordability. We are asking people to do this and increasing the cost of the housing.

>> Morrison: Mayor.

>> Mayor Leffingwell: Council member morrison.

>> Morrison: In reality, people do have cars

-- just experience with portland, with their micro-units, a large percentage of the people that live in

-- on the core transit corridors with micro-units do have cars, so that's the reality for now. So we are saying we will have to accept they will have cars. They will park in the neighborhoods and we are turning the neighborhoods into parking lots and we should just be

-- if that's what you are doing, we

-- if that's what we are doing, we just need to explicit that's what we are doing, as opposed to

suggesting that if we build buildings without parking people won't have cars.

>> Martinez: Mayor.

>> Mayor Leffingwell: Council member martinez.

>> Martinez: And it

-- it can't go without being said with the failure of proposition 1 on tuesday where this community lies on things like high capacity mass transit. Until we truly get that high capacity mass transit in all of these corridors, I mean, we are going to have an issue of people needing a car in this city. I for one was a supporter of prop 1 and will continue to do everything I can to improve public transit, but we have to take major steps and make major improvements, I think, before we start blanketly applying codes like this and eliminating parking altogether throughout our city.

>> Mayor Leffingwell: I guess I would just say it's an option that could be exercised by the consumer. If I have a car, I am going to choose to live some place that has a place for my car, but somebody else might not want to exercise that option. In is this is an option that

-- this is an option that could increase affordability. Council member tovo.

[15:39:15]

>> Tovo: I will cite again the studies our own staff provided us with that show what is happening in other cities, is they are choosing to live in a place that doesn't have a parking spot and they are parking on the -- within the --@neighborhoods. So that's

-- it's ... I just echo the comments that council member martinez and council member martinez said. I think we are away from having this be a workable situation, and I guess council member riley, I think I heard you say that if they are building that parking, it's going to be filled with cars. I guess I need you to help me understand. Are you suggesting that if we continue to have requirements for parking within our apartment complexes, that people are going to continue to have cars? And so this is an effect? I mean, it's not housing that is attracting people without cars ... I don't know. Could you respond to that?

>> Riley: If I may mayor.

>> Mayor Leffingwell: Council member riley.

>> Tovo: I want to be sure I understood you.

>> Riley: We do have reports from other cities that say they have more issues with parking in complexes that provide some parking than in complexes that don't provide parking because when you

-- when you have a complex that doesn't provide parking, someone who goes to live there, they don't have a car. When you

-- when you build a complex with parking, you are more likely

-- say, 60% of the required parking, you are more likely to draw a mix of people who have a car and there are reports that there are actually greater spillover problems with those

-- with those projects that provide a reduced amount of parking than with no parking because it

-- because it changes the market. It changes the

-- the customer base for those projects that, yes, you do draw on people with cars. There are people out there today

-- I was riding 801 this morning with a young man who lives

-- I guess it was the 803. He lives over by central market. Own car, works downtown and ride 803 to

work and he doesn't own a car. People like that do exist. More would exist if there were more affordable opportunities to live along a transit corridor where they didn't have a car. I think it's worth giving it a try and recognizing that there could be issues with parking in the neighborhood, we can address that through residential permit parking to the extent that becomes necessary.

[15:41:50]

>> If I may ask a question to clarify on the amendment. The sheet that I have, which is I believe is the sheet exempt 3 bedroom units for the site requirements, but they would still have the parking requirements?

>> Riley: No, that was not the

-- that

-- that would still have the

--

>> the ordinance is written for the units that are less than 500 square feet that comply with affordability, they in certain places no site area requirements and no parking requirements. The amendment that I am looking at that was handed out would also exempt 3 bedroom units from the site area requirements and we discussed they would have to comply with affordability requirements. Is your motion the three bedroom units also would not have a parking requirement or would have

--

>> Riley: Given they are intended to be family friendly units and there is often a greater need for parking with families, then, yes, the idea is that we would only

-- that there would still be parking requirements for the 3 bedroom units.

>> Thank you.

>> Mayor Leffingwell: The vote is on the amendment by council member morrison. Those in favor, say aye.

>> Aye.

>> Mayor Leffingwell: Those opposed say no. No. That fails on a vote of 3-3, with myself, council member riley, mayor pro tem cole voting no.

>> Morrison: Mayor.

>> Mayor Leffingwell: Council member morrison.

>> Morrison: I would like to offer up one other amendment that I don't think will be friendly so I am happy to make it as

-- not that it's meant to be unfriendly but I assume it will be a formal motion that we will vote on that I discussed also on tuesday, and that was the issue of my concern that this

-- we had gone through a very

-- the neighborhoods all across the city had gone through a very thoughtful and analytic opt in/opt out process for vmu for core transit corridors and future core transit corridors and the staff did recommendations and council considered them all, and it was all looking at how can those corridors, what is appropriate for how those corridors are for density. And part of that was

-- and there is some fundamental assumptions that went into that, what vmu would be like. It was not on

-- on

-- considered on multifamily, multifamily was not considered to be part of the increase in density as it is here, and then, also, the understanding was that there was going to be parking a certain way

-- a certain way of parking. So for me, just a blanket adoption of this ordinance would

-- blanket adoption of the ordinance undermines the integrity and good faith in way everybody in the city had gone through that process so I believe that really the only appropriate way to look at something like this would be to do it on a similar kind of opt in/opt out, where the

-- where we get some recommendations about where it's appropriate so that we are not

-- so that we can still respect all of that work. I just don't think

-- one of the things I think it's really important to avoid is sort of a bait and switch, and this'

-- a bait and switch like let's go down this road and see what it's like and adopt increased density and we adopt that and say never mind, we will do it everywhere. I don't think that's a fair or good process to propose here [clapping] and so my motion is

-- this obviously would just be on second reading, to do this on opt in/opt out process, and staff would have to help us figure the details of that. Not friend friendly. Not friendly, right?

[15:45:53]

>> Riley: No.

>> Mayor Leffingwell: Proposed amendment by council member morrison to add the opt in/opt out provision. Is there a second to that?

>> Martinez: Second.

>> Mayor Leffingwell: Seconded by council member martinez.

>> Riley: Mayor.

>> Mayor Leffingwell: Council member riley.

>> Riley: This ordinance is aimed at promoting affordability on transit corridors, future transit corridors an transit oriented development districts. We have a city wide interest in promoting affordability and achieving geographic distribution of affordability as well as a city wide interest in promoting a transit

-- effective transit network that serves a wide variety of income needs. I don't believe that any neighborhood should be able to opt out of affordability. There are city wide interests at stake here and I don't think an opt out process is appropriate.

>> Mayor Leffingwell: Okay. Any other discussion? Those in favor of the amendment by council member morrison, say aye.

>> Aye.

>> Mayor Leffingwell: Opposed say no. No. That fails on a vote of 3-3 with council member riley, myself, and mayor pro tem cole voting no. Is there other discussion? That takes us to the main motion. Those in favor of the motion by council member riley, say aye. Aye. Opposed say no. That fails on a vote of 3-3 with council member martinez, tovo, and morrison voting no.

>> Riley: Mayor.

>> Mayor Leffingwell: Council member riley.

>> Riley: I offer a motion that we postpone until the next mean meeting.

>> Mayor Leffingwell: Motion by council member riley to postpone until november 20th, and I will

second that. And so those in favor of that motion, say aye. Aye. Opposed say no. I heard no nos, so I assume that's 6 ayes, although I didn't hear those ayes, it passes on a vote of 6-0. It was sort of a half one.

[15:48:13]

>> I wanted to vote no.

>> Mayor Leffingwell: There is no motion on the table. There is nothing to reconsider. That brings us to item number 35. Number 35 was set for a time certain. We have a number of speakers. So we can go -- do we have a brief staff presentation? If not, we can go to our speakers. All right. Crystal gomez.

>> Hello, knew. My name is crystal gomez. I am an attorney in Austin and I am here to testify in support of the proposed amendments offered by council member Martinez to the MOU, and in particular the language prohibiting compliance with ICE detainer requests absent showing probable cause or issuance of a warrant. In April of this year, I and 125 other Travis County attorneys signed on a letter run by Barbara Heinz directed to county commissioners and it outlined the concern about the compliance for requests but I will say recent federal court decisions have made two things very clear. The first is that compliance with an ICE detainer request is not mandatory. Second is that as a result of this voluntary nature local law enforcement agency that is detain individuals on the sole authority of ICE detainer opens it up to liability of fourth amendment violations. The fourth amendment prohibits holding individuals in custody without probable cause and especially

-- probably cause that he or she has committed a crime. ICE detainers are not issued by a judge and not based on probable cause. Instead they are these unsworn documents that could be issued by a wide variety of immigration enforcement agents and deportation officers. Frequently issued without a supervisor reviewing them, and they

-- simply because an ICE agent initiated an investigation into whether somebody is deportable. They don't represent a finding of a person's immigration status. In fact, the ICE detainer cannot be relied upon to tell you if the person is a noncitizen. Surprisingly and should be of concern to everybody, in more and more cases we have seen ICE detainers placed on people who actually U.S. Citizens, 834 detainers were placed on U.S. Citizens since 2012. Additionally, a person wrongfully held on an ICE detainer cannot dispute that or their detention, so they don't pass constitutional muster and the city of Austin should do everything they can to make sure they have no hand in violating people's fourth and fifth amendment rights. For these reasons, among many others, more than 290 jurisdictions are moving towards limiting their compliance with ICE detainers and the trend among these cities in these places has been to do exactly what this amendment proposes to do, which is require probable cause for the prolonged detention of our

-- of

-- well, prolonged detention and that's what our constitution demands. I sincerely hope that council adopts this language and considers adding clear language into the MOU that limits its liability since the county seems really committed to

-- well, it seems committed to trample on people's

-- trampling on people's constitutional rights, really. Thank you.

[15:52:17]

>> Mayor Leffingwell: All right. Alejandro casarose.

>> Hello. I

-- that is a nation misspelling of my name. I am alejandro and I here to represent the austin human rights coalition. First of all, thank you for hearing me tonight. I like that the city council take the amendments that were added to the interlocal agreement. We come and address this issue again as a secured community that is causing a massive crisis in our community. It is making travis county less safe, making austin less safe. Again, as the progressive liberal city that austin is, we should do everything we can that we have in our power to make sure that our [indiscernible] are not being deported from the city of austin and making sure that our jails are not a gateway to immigration or deportation for some of our community members. Thank you for listening to me. Thank you.

>> Mayor Leffingwell: Michelle majia. S

>> hello, good evening. Thank you for taking the time. So I will share

--

>> Mayor Leffingwell: Before you start, if you could

-- hold on a second. Bob la ball is here, all right, and annie athar is here. So you have up to 9 minutes if you need it.

>> Okay. Well, I am going to share a personal story and once again, thank you, I know it's late and I have a kid waiting for me and stuff like that. But any ways, my name is my shell majia and I graduated from u.T. With a bachelor's of science in radio and tv and film in 2011. And I have been a resident of travis county for 7 years. I would say like many people in this room that I live here and I also live here. My work is devoted to implementing cultural arts programming in austin as well as providing technical support as

-- at an institution of higher ed. I am involved with various austin orgs, most recently joining the board of red salmon arts. About two weeks ago my husband was arrested on a misdemeanor case, most first time offenders are released the next day. He was not. While most people, first timers, are let out on personal bond

-- bonds, within 24 hours, he was not. This was his first offense in 8 years of living, working, and paying property taxes in travis county. My husband was subjected to an immigration hold. He was housed in a detention facility in burnet for a couple of days. Why? Because he has an expired visa. That night was one of the hardest nights of my life. Other than of course giving childbirth to our first child.

[15:55:41]

[Chuckling] anyway, when I got the call and I learned about the situation, not only was I living with the unanswerable question of, will I ever see him again; I was also thinking, am I going to have to raise a child by myself in this city where we only get bid working two jobs each, how am I going to pay our mortgage payment on friday, how am I going to pay a lawyer, is he going do get deported? And on top of that my child got the chickenpox the following day. How did I get by? I don't know, I am not sure the strength came from. If thing I feared the most happened. My family was separated and had the potential to be torn. I feared deportation for the person I chose to build my life with. I got by with the

help and support of family and friends as well as local orgs that provide support for people with this experience I would not wish on anyone. You see, when I met my husband, I didn't ask him about his legal status. Do you realize what that means? When trying to create a family, when trying to find a life partner, I wasn't ruling out undocumented folks. I wasn't ruling out people with expired visas, hardworking folks, folks who make our buildings, folks who make our food, folks who pay our taxes. I don't discriminate like that. When I met my husband I found out about a hard worker, paying my bills on time, paying my credit cards, taught me to be a more responsible adult, a person who made me want to start a family. My question is, doesn't this city pride itself on being family friendly? How can you be family friendly when working with entities that split, tear families. Our case, one of too many is a bit different. I am a U.S. Citizen and we started our petition process months ago so he was let out on bonds after several days. Now we are starting another legal process with working with courts, lawyers, immigration officials, and, yes, we are paying for it, maybe we will even get their jobs, I don't know. But we are doing it by the books as we always have, hoping we will get to stay together, hoping, unlike so many families that don't even get that chance.

[15:58:06]

-- Get the chance. It is sad to think. Early childhood would have difficult times, we all make mistakes. We all have those times in our lives. Thank you.

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

>> Mayor Leffingwell: Council, without objection, I would like to put this item on the table to consider an action to waive council rules and continue the meeting past 10:00 o'clock. If there is no objection, we will consider that rule waived and we will continue the meeting. Hearing none, we will go to our next speaker, which is Serillo McGuire.

>> (Speaking in Spanish.) .

>> I'm here to support [indiscernible] contract with the county.

>> (Speaking in Spanish.)

>> and I'm here to tell you the story of what happened with my brother Pedro. He was a man who had we know working for years here in Austin. And one day when he was going to take his kids to school, he was stopped by police because he was speeding. When the policeman noticed that he didn't have a driver's license, he immediately called immigration. And he arrested him at that moment. Leaving the children by themselves, alone for 15 minutes until a relative came to pick the children up. And this is something that is affecting us. He is the father of five children, and we are seeing families like this breaking apart. And one of the things that happened is that the eldest son, he was in the process of enlisting to the marines. He was about to finish high school. And, unfortunately, when this happened, he had to give up those plans and he had to quit studying and get a job because

-- and also, the children's mother abandoned the children, so the children were under the care of the father only.

[16:02:18]

>> (Speaking in Spanish.)

>> so I will ask you to really look into our families, our communities, because those are the ones that really matter.

>> Mayor Leffingwell: Thank you. Christina parker.

>> Hi, you all. Thank you so much, and thank you to council member martinez for taking the lead on this. We appreciate that. My name is christina parker. I'm with grass roots leadership. We are fighting for the end of escom in travis county just as we've seen in other jurisdictions across the country. They've done this for a lot of good reasons. If first is the impact on families and communities and children of people ripped from their homes. There's, of course, the cost to the taxpayer, and especially as crystal testified earlier, because it violates constitutional rights and opens up local governments to lawsuits. These are all great reasons to end this wrong-headed program. But what I want to tell you about tonight is that many of those communities that have already opted out are far less progressive than ours. I want to tell you about

-- I want to tell you some of them. In nebraska, the counties of hall, lancaster, and douglas have all opted out. In iowa, we have cast, montgomery, story and lynn counties. Butler, if I knowy, and shauny in kansas. Pasco in florida. If you let on county in georgia and louisville-jefferson in kentucky. Are these places more progressive than austin, and travis county in it's important that 31 of these 251 jurisdictions were cities that took this step. We know here in texas that the city of austin may not have control of the jail, but we do have control of this jail contract. So I urge you today to take this chance to adopt the amendments that are presented and to put as much pressure as you can on travis county to end this program. And to stand by it in case the travis county officials object to it. It's not just our reputation as a progressive community that's on the line, but the livelihood, safety and lives of all city of austin residents. Thank you.

[16:04:58]

>> Mayor Leffingwell: Sylvia zuviera.

>> Hello. I'm sylvia suviera. I'm in favor of the amendments that are being passed. Now, I would like to share with you my personal view. I'm only in tenth grade. My father got taken away when I was in seventh. He was supposed to be deported the day after my birthday. And we've gone through so much struggles because of it. And I don't think any kid should deal with things like this. My brother has been -- only four years old has grown up with his dad for two years. Every time we go to mexico, he cries, leaving his father. And maybe you all don't understand, maybe you do, but when children are ripped away from their families, you go into a spiraling depression. You think about whether or not you should continue every single day. He

-- when I was going through my depression, he always held my hand, and he would tell me everything would be okay. Now, I just have my mom. It's not the same without both of them. And I'm striving to be everything that they want me to be, but it's hard. I'm a straight a student at kipp, but it's hard. It's hard. It's difficult. Every single day, I struggle. Every single day I miss my dad. Every single birthday that he misses. He wasn't even there for my promotion ceremony when I was going to high school. Maybe if you see the children actually suffering, you might vote in favor of taking away escom because it's not affecting just the undocumented, it's also affecting their children and their families. My dad was not -- my dad was not in

-- my dad was forcefully taken away. He was not willing to do this he wants to see me and my brother grow up to be professionals. And I personally want to be a politician. And I'm doing this all for him. And I want you, I want all of you to understand where I'm coming from and understand that if you had parents, both of them, it was easier than just one. It's easier to see both parents working together to make a living instead of one struggling to maintain everything. Everything. She has to do so much for me. And that is her partner. That is her everything. And he's not here. He's not here to help us. And it's very difficult. And recently there was
-- bye.

[16:08:12]

>> Mayor Leffingwell: That is your time.

>> Thank you for listening.

>> Mayor Leffingwell: Jose morin.

>> Hello. My name is jose morin, and sylvia is my friend. She's been one of my best friends ever since sixth grade. And I've seen her be affected by this and all. As I was with her for so many years, and she had to go through that. And I'm also going through that as I am a child that has gone through a tremendous impact of escom. Because I remember when I was young, like last year, my

-- the police just came one day and arrested my father for things he didn't do. Because he was an immigrant, he had to go through t deportation process and it broke my heart to see my dad taken away from me in the middle of the night because the next day I had school. I thought I was going to see him in the morning and he was going to be there and say, bye, I love you. But he wasn't there. I want you to put yourself in his shoes. How would it feel if you couldn't save

-- you couldn't hug your child, you didn't know when you were going to be there with him. When they were supposed to be there, but the child just kept waiting by the door, waiting for him to come through. I was shocked. I didn't know what to do, and I

-- I mean, I'm the highest person in my grade right now. I have the highest gpa. I work at urban roots, which is a health

-- a thing

-- an organization that helps many people. And they are the ones that got me into this. They're the ones who brought me into this world, that taught me every single thing that I've done. And just because they do mistakes in their lives doesn't mean they have to be taken away because they've done so much, they've done so much for me. And if they're not here, we barely live paycheck by paycheck right now. How am I going to go through it if it's just my mom and we won't be able to go living on. We might be homeless. We might not even be able to afford anything. And, I mean, I want you to really think about how would it feel for your family to be ripped apart, for them not to be able to see each other, for your loved ones to basically be kind of like almost dead to you because they're not there. They're not there for you. And I just want you to vote for these amendments because they're

-- the things are going to help save so many families, from the stress, save them the love that they want. I don't want this to happen to anyone else. I don't want them to cry so many tears I've cried, so many things that happened to me, and the only person there was my family. And we don't have a big family. So it was just heart breaking because also so many of my friends also go through this. It's not just me.

It's a great percentage of my school. And it's just heart breaking to see how many people have to go through this. And

-- thank you for your time.

[16:11:35]

>> Mayor Leffingwell: Stevie martinez.

>> Good evening, ladies and gentlemen, members of the council. Thank you for your time. I, of course, have also been a fraction of the people that have gone through the same experience of immigration. As you can see, my friends, I've seen them go through such things. I've seen them go through depression. I've seen them

-- while conversing with them, I would hear all the pain in their voice and how much they're suffering at home, as well as school. Personally, I do have a background revolving around immigration. My mother was also deported when I was in sixth grade, and I also went through depression at that time. But, fortunately, she

-- she was able to return, which was an improvement in my life. That is my input in this, but I do thank you for your time and also that you consider this for the

-- for the sake of our community. Thank you.

>> Mayor Leffingwell: Thank you. Okay. That's all the speakers. I have a question for

-- I guess it would be the assistant chief of police is here, I assume you're here to answer questions on this issue. While you're coming down, I'm assuming that we're talking about an amendment to this contract that would require some kind of restriction on ice activities full is that correct? Maybe

-- yeah, just hang around. We'll let the attorney answer that question. I want to get clear on what the amendment actually is.

[16:14:01]

>> In my understanding, these are proposed amendments.

>> They're forthcoming, mayor.

>> To the interlocal agreement between the city and travis county for booking services at central booking, and it's an agreement we've had for several years and we are in the negotiation process with the county right now for the next year.

>> Mayor Leffingwell: And what would the amendments do different from the existing?

>> Well, the ones I have seen would set out that the county, the sheriff, would only detain a person based on a request from ice, the immigration and customs enforcement agency, where probable cause is established, and an arrest warrant has been issued for a specific individual, indicating the person has committed a crime. So that would solve a problem, a potential problem for the county that one of the earlier speakers mentioned about potential liability that some courts have recognized around the country.

>> Mayor Leffingwell: So the mou would require that the travis county sheriff not

--

>> it would require travis county to only honor a detainer request from ice if there was, in fact, a

document from ice showing that a judge had issued an arrest warrant or made a probable cause determination of a crime.

>> Mayor Leffingwell: And would this apply only to prisoners that were put there by the city of austin or would it apply to all prisoners in the jail?

>> This would only apply to prisoners there by the city of austin because that is what this agreement affects, only those prisoners that the austin police department or the police agencies of austin have brought in.

[16:16:03]

>> Mayor Leffingwell: Okay. So I guess my next question is, if we put this in as a requirement and the travis county sheriff does not accept it, what do we do then?

>> Well, if we are unsuccessful in negotiating the changes, this being one of several, the police department doesn't have very many alternatives. They have to get their prisoners booked, and if we are unsuccessful in getting the county to agree to these, we'll probably have to stick with the agreement we have.

>> Mayor Leffingwell: Well, how would you do that? How would you stick with it if there's specific direction that any executed agreement include those provisions?

>> Well, if we're posted for approving negotiation and execution of a

-- an agreement with these amendments, I don't know if those are proposed as proposed amendments to be negotiated or hard lined, things that are do or die.

>> Mayor Leffingwell: I think it's important to know that. Because, otherwise, what are we going to do? We'd have to look for jail

-- having an agreement with some other jail, and I doubt if it's going to be much different from what travis county is than williamson county or hays county.

>> I think council member martinez could probably answer what

--

>> Mayor Leffingwell: Maybe that would be a good idea. Council member martinez.

>> Martinez: Thank you, mayor. We have been working on this, and david and chief, I thank you so much for all the help that you've given us. Mayor, the county may not agree with some of these, but I think it's important that we, as a council, act on these amendments, and if approved by the body, that we put them forward in that manner, that these are things we want the county to agree to. The item does authorize negotiation and execution so it would be staff's responsibility ultimately to come to a final agreement. But there are few provisions

-- so we were going to make five amendments, but two of them I do not believe have to be made, so I'm going to start with those two, david. One is, we wanted

-- we had a request to include some language to ensure that the city doesn't hold any liability created by honoring of a detainer request. So, david, can you please speak to the existing contract language regarding liability, specifically in regards to detainees for the city and the county.

[16:18:48]

>> Yes. The agreement we've had for the last few years and the one we're proposing to the county again for this coming year states that the city is not liable for any claims, damages, or attorneys' fees arising from the negligent or illegal acts of county employees relating to the operation of the booking facility.

So between us

-- the two parties, the city and the county, the city would not be liable for an unlawful act committed by the county.

>> Great. Thank you. And then the second, as we all know, travis county judge elect sarah eckhart has publicly made some statements and I think she wrote an editorial in the statesman about a potential alternative for kind of a lease back to the city to run our own magistration center within the facility that would be wholly operated by us, and, therefore, not needing necessarily the interlocal agreement for certain arrestees because three-fourths

-- we know that three fourths of the folks that are brought through the booking facility are from austin police department. And so I wanted to make sure that there are

-- there is language that would allow the future council to revisit this once the new county judge and county commissioners court is sworn in, if there is an offer of a different sort than what ends up in the negotiated interlocal agreement, is there language that would allow for revisit of the interlocal agreement and amendments that might go along those lines that she's proposing?

>> Yes, there is that language. It's been in the agreement for several years ago and we would propose to keep it in this agreement that acknowledges that it can be amended by the council and the commissioners court.

>> Martinez: Great. So that leaves the remaining three amendments that I'll pass down. There should be plenty of copies, for the clerk as well. So these three amendments, each of these amendments is intended to either minimize the impact of secured communities and austin families or increase the transparency around this program and how it's impacting our community. Council, along with many other community organizations, have expressed concern about honoring ice detainers, and it's appropriate, I think, for us to use this contract as an opportunity to work with the county to minimize the impact of this very devisicive policy. First I'd like to offer some language to be incorporated in the contract, in whatever section staff feels is most appropriate. And that language is at the top of the page. And I'll just read it. Individuals arrested by austin police department

-- by the austin police department shall only be detained on behalf of federal immigration authorities and/or secure communities detainer requests with

-- will only be honored where probable cause is established or an arrest warrant signed by a judge is issued for a specific individual indicating that person committed a crime. So it creates a pretty high threshold. I realize that the county may not agree with it, but I'd at least like to get that language adopted in there as an amendment, wherever you think it's most appropriate in the interlocal agreement. Can that be done?

[16:22:34]

>> Yes.

>> Martinez: So, mayor, I'll make that as the first amendment.

>> Mayor Leffingwell: I guess we probably need to start with a motion.

>> Martinez: I'll make that motion, mayor.

>> Mayor Leffingwell: Okay. And is there a second?

>> Yes.

>> Mayor Leffingwell: The motion would be to approve item 35, seconded by council member morrison, and

--

>> Martinez: I'll make that as friendly.

>> Mayor Leffingwell: All right. And that is friendly to council member morrison?

>> Morrison: Yes. I would like to make one comment. I really appreciate the work that council member martinez and others have done on this. And this one, I would just stress to our staff that are going to be negotiating this contract that, you know, one of the things that has been raised is that this is very problematic because people are being held without probable cause, and so I think that, you know, that's where getting into the lack of constitutionality and everything, so this is a really important

-- from my perspective, a really important claim, and I think a city has a real interest in getting that into our agreement.

>> And so the second amendment, mayor, applies to the coordinating committee that is part of the interlocal agreement. It would be under 12.05 in the interlocal agreement. And I'd like to add

-- add the additional responsibility to the coordinating committee, number 12.05, review the use of secure communities and offer concrete alternatives to current screening and detention practices and incorporate input from stakeholder groups, including the austin immigrants rights coalition, grass roots leadership, texas civil rights project, and the american civil liberties union of texas, and other interested parties. David, can that language be incorporated?

>> Yes.

>> Mayor Leffingwell: So that is accepted by the second.

>> Martinez: Thank you, mayor. And then the third and final amendment is

-- I would propose that we amend the data collection reporting requirements and performance data section to include a provision that would require quarterly reporting to the city, including data related to, and that would be number 5 under 17.03, we'd add number 5, the number of city prisoners held and the duration of each such hold as a result of a detainer request from the department of homeland security, immigrations, and custom enforcement.

[16:25:20]

>> Mayor Leffingwell: Okay. That's accepted by the second.

>> Martinez: Mayor, I'll just close by saying, you know, this is

-- this is still going to be an ongoing thing. This doesn't end this conversation tonight, obviously. But both the department of homeland security and the u.S. Third circuit court of appeals have made it clear that compliance with detainer programs is voluntary. It is not mandatory. And we note that in austin this has been a long going issue and a struggle, and I certainly understand that our law enforcement have to enforce the laws that are on the books. But when we're talking about splitting families up for non-violent crimes, for things like driving without a license or driving with a taillight busted out, that's where we have to draw the line, and stopping this policy that is unnecessarily tearing families apart and

causing devastating effects. In addition to that, ice, when they do this is detainers, they're not required to reimburse counties for the cost of the continued custody, and that's at \$105 a day to our taxpayers here in austin. In most cases, ice doesn't provide reimbursements so this would be a cost savings measure as well to the county and to the citizens of austin because we pay county taxes as well. So with that, I just thank david again. I know that we're

-- you're heading into some tough negotiations with these amendments, but I think it's important for us to impart these values, at least in the beginning, and see if we can get some of this into the final language of the interlocal agreement. I want to thank all the stakeholders for their input as well, and my staff for helping us get to this point. So with that, mayor, that motion stands.

>> Mayor Leffingwell: Okay. So question, I guess, my understanding is, after hearing this, that these are proposed additions, and they will be

-- there will be an attempt to negotiate those. And if you're not successful in incorporating these items in an mou

-- I assume that would be with the sheriff?

[16:27:39]

>> Well, it would be -- you've already dealt with roger jeffreys.

>> I have brought the subject up on a prior occasion with roger jeffreys, and so they are open to negotiation.

>> Mayor Leffingwell: Who's that?

>> George jeffreys

-- he's their lead in the negotiation.

>>

>> Mayor Leffingwell: Is this a negotiation, what I'm trying to get at, with the sheriff's office, or is it with the commissioners court?

>> He's with the sheriff's office, yes.

>> Mayor Leffingwell: Okay. So the sheriff's office has to agree to all these provisions before they can -- if they agree to all these additions, then you'd have an executed contract and it would be done.

>> Yes.

>> Mayor Leffingwell: If it does not agree to these provisions, you would have to come back to the council with whatever compromise agreement you came to. Is that correct?

>> Well, you've authorized

-- by passing this, you would authorize negotiation and execution and

--

>> Mayor Leffingwell: Of a modified agreement, too?

>> Of an agreement that is the best we can do in negotiating. If your direction is to come back for final approval, we can

--

>> Mayor Leffingwell: No, I'm not making that direction at all.

>> What we normally do is go forward and negotiate.

>> Mayor Leffingwell: Do the best you can.

>> Once that is done, then it's

-- both parties sign.

>> Mayor Leffingwell: I've got it. Okay. So that is the motion with suggested language to add, attempt to add through the negotiation process. Council member morrison.

>> Morrison: I am curious, I assume the commissioners court had to approve, negotiate, and execute to their staff also? I'm just wondering where the commissioners court played into this whole process.

Obviously, the interlocal comes to the council. Has the commissioners court already signed off on their folks just doing the negotiations?

[16:29:48]

>> It's my understanding that this particular contract, the way it is, the way it stands now, that the commissioners court has already seen it and they were okay with it, so they will have to go back

--

>> Morrison: They will have to go back?

>> Yes.

>> Morrison: Okay. So that's interesting, because if there's an agreement that's not reached, if you and the sheriff's folks don't reach an agreement, the commissioners court still has the opportunity to approve it. Right? I guess even if the

-- even if the staff doesn't agree to it, the final

-- the final party that has to agree at the county is the commissioners court.

>> They are the final party, the commissioners court is. However, I'll tell you that the previous interlocals have always been signed by both the county judge and the sheriff. So so their end, I can't tell you

--

>> Mayor Leffingwell: Yeah, their setup is somewhat different. The sheriff is an independent elected official, and although the commissioners court has to approve his budget, that's just about the limit of their jurisdiction, as I understand it.

>> Morrison: But sounds like they also have to approve this, as well as the sheriff. I'm just trying to figure out who has to sign it.

>> Yes.

>> Morrison: Okay. Great. Thanks.

>> Mayor Leffingwell: Council member martinez.

>> Martinez: Just to be clear, because there's been, I think, some comments made, what we're doing tonight does not give the option to put this language in the interlocal agreement. It explicitly will be inserted into the interlocal prior to presenting it to the county and to the sheriff, and then that's when continued conversations will happen.

>> Mayor Leffingwell: I don't think there's any misunderstanding about that.

>> Okay. Thank you, mayor.

>> Mayor Leffingwell: Not on my part. So I think we're clear that this will be in the language submitted to the sheriff, and you're going to do the best you can to keep them in there.

>> Yes. Basically.

>> Mayor Leffingwell: So all in favor say aye. Opposed, say no. Passes on a vote of 6 to zero. Thank you.

[16:31:57]

[Applause]

>> Mayor Leffingwell: That completes our agenda for today, so without objection, we stand adjourned at 10:31 p.m.