

## City Council Regular Meeting Transcript –11/20/2014

Title: ATXN2

Channel: 6 - ATXN

Recorded On: 11/20/2014 6:00:00 AM

Original Air Date: 11/20/2014

Transcript Generated by SnapStream Enterprise TV Server

=====

Good morning. I am Austin Mayor Lee Leffingwell we will begin the invocation the

Reverend Graham Ross from the Austin Zen Center. Please rise.

Equanimity Is potentially one of the most valuable assets of the human mind. It allows us to be legitimately concerned for others. It does this by creating an equality of all, regardless of their station in life. It allows us to experience the fullness of life without disregarding any aspect. Equanimity means being open to the perspectives of others regardless of how divergent they are from our own. Of course we have our own ideas and we have our own interests which we want to be fulfilled, this is true for everyone. We might think that we are right and another is wrong, we all think this. The flower ornament scripture says I now see all (verse) beings everywhere possess the wisdom and virtues of the enlightened ones, but because of false conceptions and attachments, they do not realize it. What are your own false conceptions? what are your own attachments? It's not that something is wrong, rather that this human life moves rather quickly, and we should be concerned for the welfare of all, equally. This is equanimity. May you be at peace, may you be happy, and may you cultivate the mind of equanimity in all of your affairs.

Amen, please be seated. A quorum is present, so I call this meeting, of the Austin City Council to order. On thursday, November 20th, 2014 at 10:06 a.m.

We are meeting at Council Chambers, Austin City Hall at 301 W. 2nd Street, Austin, Texas.

We begin with the changes and corrections with today's agenda.

Items 4, 5 and 85 are withdrawn. Items 17 add the phrase unanimous approved by the Electric Utility Commission, approved by the Resource Management Commission on a vote of 5 to 1.

With Commissioner, Biedrzycki against and Commissioner, Krishna absent.

Item number 25 add the phrase, unanimously approved by the Electric Utility Commission.

Item number 27 add the phrase, approved by the Electric Utility Commission, on a vote of 6 to 1, with Commissioner, Rai voting against.

Items 49 and 57 are postponed until December 11th, 2014.

On item 69 add the phrase, unanimously approved by the Electric Utility Commission.

Item number 93, add as a second co-sponsor Mayor Pro-Tem Sheryl Cole.

Item number 99 add as a second co-sponsor, Council member William Spelman.

Item number 100, postponed until December 11, 2014.

Item number 108, delete Council member Kathie Tovo as the sponsor and add Council member Mike Martinez. Add as a co-sponsor. First of all delete as a co-sponsor Council member Mike Martinez and add as a co-sponsor Council member Kathie Tovo.

Item 135 add the phrase by the Airport Advisory Commission on a 4, 0, 3 vote.

With Council members Johnson, Kelsey and Saulmon absent.

Are time certain items for today. At 10:30 a.m. we will have a briefing on the sobriety center. What..Ok add also on item number 56 add the phrase recommended by the Austin Downtown Commission on a 9, 1 vote with commissioner, Barrera opposed and commissioner, Meteauer, Roark and Sokol off the dias.

At 12:00 p.m. we will have our General Citizens Communications.

At 2 p.m. we will have a discussion and possible action on bond sales.

At 2 p.m. our zoning matters. At 3 p.m. we will recess the Council meeting and call to order the meeting of the Austin Housing and Finance Corporation board or directors. At 4 p.m. we will have our public hearings.

At 5:30 p.m. live music and proclamations we will have

The salvation army band. The consent agenda has items 1 through 118. First, I'll read item number 81, appointments and waivers to our boards and commissions. That item will remain on consent. To the

electric utility commission, christine her better is nominated by council member morrison, to land advisory development, katherine nominated by the council. We'll approve a waiver

-- excuse me

-- to the travis central appraisals district board of directors, and I don't have a nominee. Just to approve a resolution, number 2014-1120-081 re-appointing eleanor and bianca to the travis central appraisal board of directors. We'll approve a waiver of the attendance requirement in section 2126 of the c code for the service of james on the ethics review commission, including absences through today's date. The final following items are pulled off the consent agenda. Items 9 and 10 pulled by council member martinez, items 11, 12, and 15, pulled by council member morrison, item number 27 will be pulled for a brief presentation by director lazarus regarding the sea home art wall. Item number 56 is pulled by mayor pro tem cole, item 88 pulled by mayor leffingwell, 88 and 90 will be pulled and heard after executive session. 89 and 90, and number 92 was pulled by mayor leffingwell. So, those are the times that I have pulled off the consent agenda. Are there any others to be added? Well, we have some

-- several for speakers. The additional items are pulled due to the number of speakers. Those are items 58, 59, 72, and 113. And item number f 14 remains, but the clerk will show council member riley voting no. We have several speakers, first, stewart

--

[04:12:52]

>> tovo: I misread your list. I would like to pull 67.

>> Mayor leffingwell, all right, add item number 67 pulled by council member tovo. You have three minutes.

>> Thank you, my yore, members of the council member, I'm stewart, like most in austin, I rent. I support amending the current program, but, not the way staff recommends it in the draft ordinance for item number three. City staff has reported previously that there are so few repeat offender properties that are required to register because it's not sure what a dangerous building is. This is because when city staff adopted recommendation of the code for the first time in 2010, it deleted the formally recognized dangerous building standards accom published and adopted in one form or another by reference in the austin city code since 1988. The last standards were the 1994 version, and I've attached these 18 standards today. The language could remain in the current code. If you would just adopt these standards. Nobody disagreed with them, they're technical, sound, internationally recognized. I suggest we amend the registration program so the failure to comply timely with the building order be the basis of rental registration. The process requires notification, testimony under oath, cross-examination, and appeals that are more fair than merely city staff citations with timelines that do not accurately reflect

the time needed to secure design services, process insurance claims in the event of natural disaster or fire, and perform all the required repairs. Finally, tenant violations on a property should not make an owner a habitual violator if the owner has not been notified. This can include overflow parking, noise, failure of tenants to timely take and remove trash receptacles from city right of way. A tenant can cause flooding of apartments to occur if they let their sink overflow to punish a tenant below. In relationship to your work session on tuesday, I will tell you the dangerous building standards tie to the future safe team. I was a charter member of the seizure abatement forfeiture and enforcement team in the last century. Using the dangerous building code to tie criminal activity by gang violence, narcotics, prostitution and gambling to substandard building conditions was the key to our success in never having to go to building standards to get the properties abated. I encourage you to amend the code, pull it off your consent agenda, consider these dangerous building code amendments, and make life easier for all of us.

[04:16:15]

>> Spelman: You were still a city employee at the time when the city, in its wisdom, decided not to adopt or readopt the dangerous building standards, is that right?

>> No, I had left.

>> Spelman: Do you have any idea why we did that?

>> I think what happened was the uniform housing code, and the code for the abatement of dangerous buildings were going to be replaced by the international property maintenance code, and there wasn't a recognition that we would be losing the 18 standards as a city when we took both of those old codes off and replaced them with a new one. By reinstituting the language, we would solve the problem.

>> Spelman: Why is it that the uniform housing code does not have a dangerous building standard in it?

>> The property maintenance code replaced the uniform housing code. There wasn't a similar code published by the international codes council to replace the former uniform code for the abatement of dangerous buildings, so there was a need to take the technical standards and roll them into local amendments for the property maintenance code.

>> Spelman: That sounds like it may have happened to cities all over the country, they adopted the uniform code and didn't realize they were losing system.

>> It's entirely possible.

>> Spelman: Sounds like a good idea. My first reaction was along similar lines to yours, we should say no to this because it was watering down a standard we need to keep in. Of course, we don't have it on the books yet. The other issue which I was told by ctm is that it would cost approximately 160 person hours

to add a field to amanda for us to keep track of this standard, which we don't have on the books. I have no idea why it takes four weeks to add a field to a database. It doesn't make sense at all to me. It seems it would be a lot faster and easier for people to keep track of the dangerous buildings doing it by hand than to take four weeks to add a field to a database.

[04:18:21]

>> That's my impression, as well.

>> Spelman: I think you're absolutely right, and I look forward to the next council listening to you and adopting that. We don't have time to do it ourselves.

>> Thank you very much.

>> Spelman: Next speaker is pat johnson. Pat johnson. Joe katherine quinn? Joe katherine quinn? Gus pena? David king?

>> Thank you, mayor, and council members. I live in the zoker neighborhood. I'm glad to have council member spelman back on the dias, I'm glad you're back with us, thank you for your service to our community. I'm speaking on rental registration. This is very reasonable, it's time to move forward and help the folks who are renting our properties here in austin, and be proactive to avoid serious problems downstream. We're not property-maintaining the apartments. I know most people do, but, some don't. This is a good step in the right direction, I hope you will support it. Item 38, state legislated program, it's a good program you're proposing. I would ask that you add online voter registration to your list. I think it's time in texas that we have online voter registration, as they do in arizona. It's successful and effective. Wwe have higher registration rates, I hope you add it to your list. Item 76 and 77, waivers to individuals and neighborhood associations regarding the 3m half marathon and the austin marathon. This is intended to waive some of those notifications requirements. I hope the effected neighborhoods and individuals are aware this is being proposed. I think it's only fair that they be aware that the notification requirements are going to be waived for these particular events. And item number 85, property tax protests by recipients, I think this is a good step in the right direction. It will help close a potential loophole where businesses get incentives based on investments in commercial properties and unfairly reduce the appraised value. Re-lose out in that situation. The incentive does not have the impact we expect it to have. I hope that will be reflected in the economic model, as well. Thank you very much.

[04:21:05]

>> Spelman: Council member martinez.

>> Martinez: Item 85 is postponed. There's additional language we're working on, doing a little bit more research, we've postponed it, it's not going to be voted on today.

>> Thank you very much, I'm sorry about that.

>> Mayor leffingwell: Andre lubamudro? Is andre here? Okay.

>> Good morning, mayor, and council. My name is andre, I'm here on behalf of the austin board of realtors, and I just wanted to discuss item number three with regard to rental registration. I'm now there on this item. We're not sure one way or the other whether this will help code be more effective in implemented repeat offenders program, but, I did want to share some information. About a year ago, if you'll recall, we were in the throes of a discussion about rental registration, which some of you may care to

-- not care to recall. But, in that

-- as part of that discussion, code department leadership talked about the importance of changing their approach, and talked about a paradigm shift and the importance of rewriting standard procedures and retraining code inspectors on carrying out new policies. I just wanted to pass on, I was alarmed to find recently we received staff confirmation from code staff there have not been any significant changes to those standards of practice, and in terms of the standard operating procedures the department has been using with regard to code enforcement activities. It seems to me that we've gone through a significant re-branding of the austin code department, and it's surprising that along with that there hasn't been a greater effort to revise and to review business practices and change those accordingly. So, anyway, I urge you to take that issue up in context of this broader discussion about amending this repeat offenders program. Thank you.

[04:23:35]

>> Mayor leffingwell: Scott johnson. Scott johnson is not here, evidently. So that's all the speakers that I have signed up who wanted to speak on the consent agenda. Motion?

>> Approved.

>> Mayor leffingwell: Seconded by pro tem cole.

>> Tovo: I would like the record to reflect I'm recusing myself from sections of 71, the contracts that involve theater action project or creative action. And those, I believe, are the contracts that are associated with foundation communities, aisd primetime, and also 113 on that agenda. In any case, the contracts that are associated with theater action project, which is now called creative action.

>> Mayor leffingwell: The clerk will show council member tovo re-cuesed on certain sections of item 71, and you'll provide that specific information. Okay. Those in favor of approving the consent agenda say aye. Aye. Opposed, say no. That passes on a vote of 7-0, with council member riley voting no on item 14. That objection, promises to go very quickly. I'd like to take items 11 and 12 together. We have one speaker, as pulled by council member morrison. Speaker is bob batlan. Is bob batlan here? I don't see bob batlan. Oh, there he is. Okay.

>> Good morning. I'm bob batlan. I'm here representing austin interfaith, a simple request at the airport advisory commission meeting last week. They voted unanimously to add specifics saying they wanted to support the city's living wage, and some environmental matters.

[04:25:52]

>> Mayor leffingwell: Hold on a second. Could I ask everyone to hold the conversations down until you get out of the chambers? Hold your conversations down, please, so we can continue the meeting. Go ahead.

>> So, they voted to amend their recommendation to include city living wage, and certain environmental matters. And I hope that you will approve their request with those amendments. Thank you.

>> Mayor leffingwell: Council member morrison.

>> Morrison: Thank you, mayor. That's exactly what I wanted to do, is to make a motion to that effect. I know we talked at work session about it, and a couple of other council members expressed interest in the same issue, tovo and martinez have been working with mr. Winstead and the living department to get clear what with mean about living wage. I have a motion that describes that. Basically, we wanted to make sure the living wage was adopted as the city adopts a living wage, including, according to our newly adopted resolution, that there would be an increase according to a certain index every year. The other thing that I believe was

-- came out of the airport advisory recommendation was that it go into effect. While there was an interest in having it go into effect right now, actually, it would go into effect when all of the things are online in 2017. So I wanted to get that clarified so there wouldn't be any question in the future that it would be once they're all online. I wanted to add the condition that, but no later than the end of 2017. And so we've shared this, I hope mr. Winstead has a copy. For number 11, it would be the motion would be approve item number 11 with direction to include a living wage provision that complies with the policy established for non-sworn personnel in resolution number 2014-1016-035. Specifically the term shall tie the living wage to an index consistent with the cost of living adjustment for non-sworn personnel on an annual basis, and shall be in place as soon as all retail and food and beverage concessions are fully operational, but no later than december 2017. The lease agreement shall also

include requirements provided in the city's universal recycling ordinance, and the the airport waste diversion goals. That's my motion, if I get a second I'd like to ask mr. Winstead

--

[04:28:49]

>> mayor leffingwell: Second by council member martinez.

>> Morrison: Ask him to come up, and clarify that's what we understood we were talking about, or whomever.

>> My authority to bind these companies is not too clear, but, these two gentleman can do that. I'll let them speak.

>> Morrison: If you could tell me that's your understanding of what we're talking about.

>> Kevin kelly, president of delaware north travel hospitality. We understand and agree to the motion.

>> He agrees on item 12 to do the same thing.

>> Morrison: Thank you very much for your work on this. When it gets a little unclear as to whether a living wage policy applies one place or another, I appreciate you all and the airport advisory committee for bringing that up so we can get it imposed everywhere. That's my motion, mayor.

>> Tovo: Mayor, I had a question that came in last night about a slightly different issue, and I wonder if we have anyone from the airport who might be able to answer it.

>> Mayor leffingwell: I believe we do.

>> Jim smith with the airport.

>> Tovo: Mr. Smith, we had a concerned constituent write last night and indicate that she was concerned about one of our small businesses out there, a small concession whose lease has been discontinued. And I wonder if

-- or not renewed. I wonder if you might address that.

>> Which concession?

>> Tovo: Rock and roll. It's my understanding her contract is expiring in 2016. Someone who knew of the situation felt, while we are extending the contracts of two large corporation, a small, locally-owned business isn't having her contract extended, and that's a concern I would share. I don't know the

circumstances or whether we'll have an opportunity to revisit at the mwbe committee, or one of the other relevant council subcommittees, but, I wonder if you might speak to that here today.

[04:31:18]

>> We can provide you a lengthy list of details, but, the bottom line is that concessionary has been out of compliance with the contract for the last five years over numerous occasions. It's been a real struggle to get them to comply with their contract. We've had a lot of difficulties with them. We've had to work with them just to allow them to stay until 2017, but, it is not the type of concessionaire we'd recommend to extend.

>> Tovo: I hope we can get some more information about that. I would like to be sure that going forward, we continue to have a space in the airport for small, locally owned businesses. More information would be useful. I apologize for not getting you the question in advance, but, I just received this email at 11:00 last night, so, I'll submit questions to your office and we'll go from there.

>> We'll be happy to provide the details.

>> Tovo: Thank you very much.

>> Mayor Ieffingwell: Those in favor of the motion say aye.

>> Riley: One point, looking at the wages provided to employees there, employees of the leasees at the airport, one thing is, the benefits to those employees currently include free parking. But they do not include anything related to transit. So, I raised a question about whether transit passes could be made available to employees under terms similar to those that

-- under which city employees get free transit passes. I would like to offer a friendly amendment to the motion, that, in the course of negotiations for these leases, that, to explore the possibility of making transit passes available to employees of the airport under terms similar to those applicable to city employees, and that would involve working with capital metro and city staff.

[04:33:31]

>> Mayor Ieffingwell: Okay, so, currently that's accepted, and its only direction to explore the possibility of it, as I understand.

>> Riley: That's right.

>> Mayor leffingwell: Those in favor say aye, opposed say no, passes on a vote of 7-0. We'll now go to items 9 examine 10.

>> Morrison: We have to do number 12, also.

>> Mayor leffingwell: I thought the motion was for both of them.

>> Morrison: I said I would do the same for 12. I thought we had to do them separately. My motion is exactly the same as for 11, but under item 12 for Is travel.

>> Mayor leffingwell: Sorry. I did say we were taking them together. Council member martinez seconds the motion.

>> Morrison: Including the amendment.

>> Mayor leffingwell: Including the direction. All in favor say aye, passes on a vote of 7-0. Items number 8 and 9 we'll take together, there are no citizens lined up to speak.

>> Martinez: I just wanted to pull this time. This was an item that was still made at 3-3, and instead of having the item die since council member spelman was absent, we offered a postponement to have a full council, and just, you know, wanted to make sure we pull the item and let council members understand what these two items were.

>> Mayor leffingwell: Council member spelman.

>> Spelman: That's very kind of you, I appreciate that. I guess it's the best thing for the public. I move for approval.

>> Mayor leffingwell: Council member spelman moves to approve items number nine and ten.

>> Martinez: For some reason, the screen is saying eight and nine, but, it's nine and ten.

>> Mayor leffingwell: I can't see the screen. It's directly behind me. Is there a second to the motion? Second by the mayor pro tem. All in favor say aye.

[04:35:40]

>> Aye.

>> Mayor leffingwell: Opposed say no? Council member morrison voted no, it passes on a vote of 4-3 with council member martinez, tovo, and council member morrison voting no. So, that brings us to item number 15, pulled by council member morrison, there are no speakers signed up.

>> Morrison: Thank you, mayor, this is a rework of our records management and retention code. As I understand it, it is to bring it into best practices and modernize it to some degree, which looks great to me. I'm not sure whether it would actually impact any operations as they are in council offices today, but I didn't want to take a chance that it did.

[ Chuckling ] and so, my motion is going to be to approve it with an effective date of january 6th, 2015. Hello, welcome city clerk. Do you have a comment?

>> Thank you. That is perfectly acceptable to our office. An event date of december versus january is very do-able for us. You are correct. This is basically bringing it into alignment with current practices in the records management program. It doesn't change a lot of the rules and responsibilities, but it does strengthen some of them that came out of the different audits that occurred this year on records management and personally identifiable information. And some of the things that we've heard from departments, as well. And so, I think john steiner and bob gaz deserve a round of credit for what sets the gold standard for records management not only at a local level, but at a state level, as well. This is a pretty amazing document.

[04:37:46]

>> Morrison: That's great. I know you've been putting together the program to make sure that we

-- all the departments move for 100% compliance, and we have now staff and resources allocated to you. So, I appreciate your work and your office's work in really moving us forward in records management and retention, that some people just don't think is that exciting. So I'm glad that somebody

-- that we have a focus in our city.

>> We think it's pretty exciting.

>> Morrison: I know, and I share your excitement, too. Mayor, I move approval with effective date of january 6th.

>> Mayor leffingwell: Motion by council member morrison, is there a second?

>> I'll second, for purposes of the discussion, I have a questionnaire.

>> Mayor leffingwell: Council member spelman.

>> Spelman: Actually, could you come back? I have a question for you. If we were to adopt this motion in its current form without changing the effective date to january 6th, if it were effective, for example, today, I know you've been working with each of our offices to improve our records retention and management systems above and beyond our current requirements.

>> Correct.

>> Spelman: If we adopt this motion, would we have to do anything different than we are currently doing, or than we have currently been framed to do?

>> No. It doesn't actually impact any of the retention periods that we have set for your office, or any of the way

-- the procedures that we have been using to transfer material from your office to the records center. It doesn't impact any of that. The only thing that may impact is, there is a new clause in there that will allow the new council, if they so wish, to designate myself as their records administrator, which is something brand new that you all have not had the option to do. So, that's really, probably, the only thing that would actually impact the council offices, that is new in the ordinance.

[04:39:54]

>> Spelman: From an operational point of view, if we pass this effective now or effective January 6th, nothing has to change in the office and we will not be out of compliance in any way. I'd like to offer the friendly amendment we go back to the original date and have it be operational as soon as possible.

>> Mayor Jefferingwell: Is that acceptable to the maker and the second?

>> Morrison: I have to ask a question.

>> Mayor Jefferingwell: Okay.

>> Morrison: There are, as I recall, having gone through this before, there were very detailed descriptions about requirements for us to be identifying records. I forget what all the things were in our office and all of that, I'm not sure which ones were state. I was concerned about two things. I was concerned about whether any of that changes, and frankly, I didn't have enough time to go through and do a side-by-side to understand that.

>> This would not, by default, change any of the descriptions and/or retention periods assigned to the records identified within the council offices.

>> Morrison: I'm not talking about the records, I'm talking about the responsibilities and the individually named roles that had to go

-- that there were there before.

>> The only difference would be the new clause allowing the new council to appoint me to be a more active role in those functions that you all have not had the option of doing.

>> Morrison: If we adopt this earlier, we could just

-- we would all have the option of naming you, and then

--

[ chuckling ]

>> and then leaving.

>> Morrison: So, let me ask you this, also. And there's a lot of

-- one of the ways this has been brought up to code

-- or brought up to best practices and modernized is putting into effect a lot of specifications about digital records.

[04:41:55]

>> Correct.

>> Morrison: And are all of those specifications in line with what we all do with all of our digital records right now?

>> I would say, at this point, yes, because this really is going to establish and gives up better direction and input on some of the things in the future that we will implement with the city manager's approval to bring the city as a whole into better compliance with digital records management.

>> Morrison: But what are the things that are required for digital management, specifically here? I guess this is what I wanted to avoid, is I want to make sure we go through and I don't have to change anything I'm doing now.

>> Right, you wouldn't have to, because a lot of this is really setting the groundwork for us to establish some standard procedure, so we wouldn't

-- procedures, we wouldn't necessarily change the practices we have put in place for each of the council offices at this time.

>> Morrison: Okay, but, this wouldn't conflict with anything we're doing right now?

>> No, there is nothing you are doing that we would not, at a base level, set as a standard going forward.

>> Morrison: Okay, well, and so, given the ability to walk through, and get that confirmation, I'm happy to accept that as a friendly amendment. So, that will be within ten days.

>> Mayor leffingwell: Who was the second, you were, council member spelman. Let me ask you, I want to confirm, there wouldn't be any actions that would have to be taken as a result of this taking effect between now and december 6th?

>> No, I don't think so. I mean, you could

-- I mean, I think by default many of you have at least unofficially selected the clerk's office as kind of your guiding administrator for records management, and we would continue serving in that function to help you transition out. So, I don't think there's anything that you would have to do that we would not recommend you do without this.

[04:44:02]

>> Mayor leffingwell: Would have necessarily be any actions, or in any event, would there be any actions that would have to be taken by individual council offices? Yes or no would be great.

>> Yes, there's nothing in here I would expect you to do differently, or that I think is in here that would require you to do anything differently.

>> Mayor leffingwell: Okay. Well, I guess that's as close to a no as we can get.

>> I have been working with attorneys on this, so, you know.

[ Chuckling ]

>> morrison: Mayor, if I may.

>> Mayor leffingwell: Go ahead.

>> Morrison: I guess I'd like to ask my colleague, because what I heard is we wouldn't expect that there's anything. And let me just say, wanting to ensure, you know, following the state laws, there are very clear things we need to do in terms of identifying particular people as doing certain things and all of that, and I just wanted to make sure that

-- what I'm hearing is, she wouldn't expect that there's anything. So, what

-- I'm just wondering, is there a drive to have it within ten days, what would be the positive on that as opposed to avoiding a potential ambiguity?

>> Spelman: Let me ask that slightly differently. You and your staff have spent a lot of time with our staffs, and have we've worked through a lot of procedures, and you've trained our staffs to maintain and retain records in a particular way. In about a month, you're going to have an opportunity to train a

whole new set of staffs. Is your training, your guidance, going to be any different for them than it has been for us?

>> The only difference will be the provision that will allow them to officially appoint the clerk to serve as their records administrator if they so choose. The way that it's written currently, each of the council offices will have the option of being the records administrator for their office, if they so choose, like council member morrison may, if she was continuing, but others, like the mayor, may want me to handle that for them. And so, this gives you the option of selecting who that person would be. And that's really the only option that's in here relating to council that you currently do not have under the code.

[04:46:39]

>> Spelman: Some of us are already doing that informally, but that would make it formal.

>> Yes.

>> Spelman: The next staffs will be given the same guidance and procedures at least until the digital equipment gets to point where we can do something different.

>> Yes, and then we would train them on the new processes that are developed, and worked out, and approved through the records management committee, the clerk's office, and the city manager's office, and then we would implement those through the new council offices in a different training session.

>> Spelman: It seems to me if you're going to be training the offices in the future, they should be doing the same thing you trained our offices to do. There's no particular reason for us to delay this, when it's taking effect until january 6th, we might as well just have it take effect in ten days.

>> Mayor leffingwell: Could I ask a question. You said you consulted with tenattorneys on this. I'd like to hear from the attorneys if they're present.

>> John steiner, law department. The answer to your question, mayor, before, was no.

>> Mayor leffingwell: No, there would not be any actions that would have to be taken. If you're good under the current ordinance, you're good under this ordinance.

>> Morrison: Okay.

>> Mayor leffingwell: Thank you. Did you have something else council member?

>> Morrison: No, that's fine.

>> Mayor leffingwell: All right amended motion on the table. All in favor say aye. Aye. Opposed say no. Passes on a vote of 7-0. And we can go to item 27, which was pulled for a brief presentation. Emphasis on the word brief.

[04:48:41]

[ Chuckling ]

>> good morning, howard lazarus, director of the public works department. The item that we're asking for action this morning is to provide direction on a technical approach and funding for the construction of the sea home substation wall. I'll very briefly walk you through what each option provides. Option one will replace the foundations along the east side of the site, as well as the south side, about a new retaining wall. We'll erect a wood fence along the eastern side. See on the south side, there would be a new chain link fence installed, and the existing fences on the north and west side will remain. This option requires no additional funding. Next slide. Option two adds in the concrete post on the south side. And there is an additional cost with that which will require an amendment of \$668,784. Option three adds back in the work on the north side, which would include concrete posts along the north side in addition to the work that was previously described. Then option four adds in the west side of the wall, which includes the steel and concrete panels which have some shallow footers on it to address the underground duct works that in place. So, those are the four options that were presented to council in a memo we sent previously, and are included in the request for action.

>> Mayor leffingwell: Is this project in its entirety required by the arts and public places expenditure, or within the limits of that?

>> I'm not sure I understand the question. The project was put forward by the arts and public places project.

>> Mayor leffingwell: And we're supposed to spend a certain percentage of the project on art and public places, correct?

[04:50:46]

>> That's correct.

>> Mayor leffingwell: And this is within that limitation?

>> It's included within the public places requirement.

>> Mayor Ieffingwell: Okay, within the requirement. Not additional.

>> It's

-- well, the minimum is

-- there's a 2% requirement for capital improvement projects. This is really, though, it's an aipp project, but it's offered as a need to put a wall around the sea home substation, so, the funding options are funded by austin energy. It's not part of any other project.

>> Mayor Ieffingwell: Okay.

>> Spelman: Mayor. Mr. Lazarus, a lot of us having balking at the high price tag, especially the wall on the west side which will cost \$1.4 million. On the other hand, a chain link fence is ugly, and will remind us over and over again we didn't buy the wall, and we may decide we should've put in the wall. Is there going to be a premium associated with putting in the wall later rather than earlier?

>> Well, costs always increase over time, and there are additional costs involved with remobilization as well as repairing site work put in. So, you can expect the implemental cost of the wall later will be higher.

>> Spelman: It will cost more than \$1.4 million later.

>> Most likely that's correct.

>> Spelman: Okay, thank you.

>> Mayor Ieffingwell: Motion

-- coucouncil member riley.

>> Riley: The information we got was that the item was approved by the electric utility commission, which option did they approve?

>> Up through option three. Three. Up through option three. Option three includes all but the west wall.

>> Riley: So, do we have funding identified to support all options?

>> We do not have funding identified right now to complete all four sides of the fence.

[04:52:50]

>> Riley: So currently there is available funding for option three, is that right?

>> That's correct.

>> Riley: But not option four.

>> Correct.

>> Riley: Do you have any suggestions if we were to go with an option three how we might

-- in either case, how would we eventually secure the funds to complete the wall in a manner comparable to what was originally contemplated?

>> So, if council's direction was to do all four sides, we would have to come back with some additional funding.

>> Finance is still trying to work with the departments and look at budgets to see if there's a way we can identify the funding. We haven't finished that work yet.

>> Riley: Okay. And, mayor, I would recommend that we direct staff to continue working to identify funding to complete a fence along all four sides that we don't wind up having one side that remains a chain link fence in this very important, emerging area. And I don't know whether that would

-- what that would mean for

-- let me ask that. Do we need to take action other than that today? Do we need to actually provide them

-- take some final action on an option, or would simple direction to staff to continue to identify funding, would that be adequate to get us past this point?

>> From a funding standpoint, I think providing direction would be acceptable. But I would

-- and we would come back at the december 11th meeting.

>> Riley: Okay.

>> The one thing I do want to just advise council of is that this is part of other work that's going on, and there are schedule issues if we defer it beyond that point. You know, the construction is scheduled to be completed by march of 2016, and if we

-- there are linkages between other schedules. If we delay it too far, we could extend completion of other work, incurring other costs later down the road.

[04:55:02]

>> Mayor leffingwell: If there's an option four, could we do that today, and that would include everything, I believe, that council member riley is concerned about?

>> If you adopt option four today, we have all by 1.4 million, we would identify the funding with clear direction. With that action today.

>> Riley: I would make that motion.

>> Mayor leffingwell: Council member riley is making a motion to adopt option four.

>> Riley: With the direction to staff to explore funding options and report back.

>> Mayor leffingwell: Is there a second to that? Second by council member spellman, council member riley.

>> Riley: One question about the funding options, I understand this specific site is outside of the tif boundary for the sea home area, is that correct?

>> Yes, it's outside. The wall itself is not in the tif zone.

>> Riley: Is there any way the boundary of the tif could be adjusted to make funding available? Maybe I should ask, is there funding available in the tif that could support completion of the wall?

>> We don't expect that there would be. There's two issues there. One is a reminder, the tif is in place to actually fund the infrastructure, the street work, and other improvements within the existing tif boundaries. We are yet to issue that debt. The tif has just started generating minimal money. Any tif, the cash flow of the funds start slow and grow to big. Until we issue the debt, we don't see additional funds available. In addition, there's a public process to change the tif boundaries and the financing and project plan, as well.

>> Riley: Okay, okay. Well, then, I hope that

-- I wish you success in your effort to identify other funding sources.

[04:57:02]

[ Chuckling ]

>> riley: Because, we really

-- it will be a setback for the area if we wind up with a chain link fence on a wall. There's got to be a way to meet the need without spending in excess of a million dollars just to avoid having one chain link fence wall, so, I hope staff will be diligent in its efforts to address that.

>> Mayor leffingwell: All in favor say aye, opposed say no, passes on a vote of 7-0. So, item 56 has a lot of speakers, and I'd like to get it over this morning, we'll go item 58 and 59 together, and consider the speakers on both of these items at the same time.

>> Cole: One of the suggestions I was going to make on item 56 is because we have a number of speakers, and I've talked to some of the stakeholders over the past few days, is that we actually postpone this item and give direction for it to go to mediation with staff.

>> Mayor leffingwell: You want to take up item 56 right now for the purpose of offering a postponement?

>> Cole: Yes.

>> Mayor leffingwell: Okay. Council member

-- mayor pro tem cole moves to postpone item 56. Is there a second? I will second. Further discussion? Council member tovo.

>> Tovo: Yeah, I wonder if we might invite a member of the public on either side comment on that. I know as we do with zoning cases. I've met with some stakeholders this past week, and I think there's a strong interest in getting some relief for the situation and the hours, and so, I would prefer to move forward with some action today, and really, this is the points that council member morrison made the other day. So, maybe I should just let her make them except to say that I agree that it seems to me we could take some action here today to provide some relief to residents downtown, and then allow a larger, more fulsome discussion to take place in a longer process. So, I'd prefer to move forward today with something.

[04:59:29]

>> Mayor leffingwell: Would you on the, mayor pro tem, since there is some disagreement about it? Put it on the table, we'll bring it up after our 12:00 p.M. Break.

>> Cole: Yes.

>> Mayor leffingwell: We'll take up items 58 and 59 our concern was the rolloff equipment and you might recall on 12 the first time the city of austin just rolled off swac recommended this and you included this as a calf kavya both 58 and 59, but I want to be clear our primary concern. I'm happy to answer any questions.

>> Mayor Leffingwell: Thank you. We can vote on these items separately, I believe. I'll entertain a motion on

-- councilmember spelman moves approval. Is there a second on

-- I'll second it. Further discussion? All in favor say aye. Opposed say no. Passes on a vote of 7-0. Such as functions that will be performed by these individuals with modeling skills perform these functions. And I know you said .

[05:06:23]

>> Morrison: If I could just follow up on a couple of those. Will these folks that are doing the actual technical work, will they be employees of this contractor or they are temp employees.

>> They are employees of the contractor. They are employees of clear result.

>> Morrison: Okay. And do they actually have the

-- the capacity at this point?

>> Absolutely. Absolutely. I mean just by way of background, I'm informed to put this in context. In the month of october alone, there were 1300 multi-family units that were permanent. That's a huge increase compared to what we've seen. And so as you go through the process, you need people to go out and, again, this is in conjunction with staff support. Go out and inspect those units applying for green building designation to ensure they comply with all the requirements they get the green building designation. [One moment please]

[05:09:32]

>> Morrison: And if you wanted to do this with actual city employees, what would be the process, would you actually have to change your BUDGET TO ADD FTEs OR DO YOU HAVE FTEs AVAILABLE?

>> NO, I DON'T HAVE FTEs Available and austin energy DOESN'T HAVE FTEs AVAILABLE And one of the challenges that we face in this space is the high lie specialized nature of the work that needs to be done. So we are looking at individuals who have the modeling skill sets, leed accreditation capabilities and working with

-- within this construction space that is very specialized. So no, that's not an easy position to fill and that is why clear result possesses some of those clear sets that can augment our workforce on as needed basis. Clearly the

-- the hope is that we can absorb all of this workload, but we don't want to be in a position of not being able to

-- to certify the green building facilities that are being constructed.

>> Morrison: Okay, I appreciate that. And so in fact the contract is being written that it's allowing us to use up to a certain amount of money and effort, but we're not required, we're not

--

>> absolutely.

>> Morrison: Okay. So in fact at the end of this year or when you look at your budget again, would that be a time to actually look at how the level of effort is going?

>> Absolutely.

>> Morrison: So I guess I'm okay with this, but I think it would be good to make sure that in the next budget cycle that there could be maybe an ex police it

-- ex police it report to council or what are the numbers looking like and including over the past couple of years. And then during the next budget cycle this decision could be revisited.

>> We would be happy to do that, councilmember morrison.

[05:11:33]

>> Morrison: So I guess I'm happy to make that motion that we approve that with additional direction for reporting in the may june time line about how the numbers are going.

>> Happy to do that.

>> Mayor Leffingwell: I have to attend the national league of cities function so we'll go ahead with our briefing on the sobriety center for now.

(pause)

Spelman: It will be just a moment.

I'm sorry are you waiting for me? Ok. Great. My name is Andy Brown. I'm the chair of a working group that we formed to bring a sobriety center to Austin and Travis County. Ah, ya'll passed a resolution in the spring asking us to report back to you and , so we are doing that and this is a interim report and in March, February, March we will have our final recommendation.

According to the Texas behavioral risk factor, surveillance system survey data. The prevalence of being drinking in Austin and among Austin adults are consistently higher than the State and national average. This contributed to Austin being named the 5th drunkest city in 2012. Austin, Travis County, Seton and St. David's spent or built by our very rough estimation around 7 million dollars on public intoxication care and punishment and treatment last year. Our goal is to provide a alternative to the emergency room and jail to publicly intoxicated folks, to sober up and where appropriate a safe

environment to initiate recovery. We pulled together an amazing group of City and County employees. Judge Homgarden

and David Escamada. Law enforcement, the Downtown Austin Alliance, patient advocates, mental health and treatment community professionals. And some guy who is a lawyer. And we have visited Haven for Hope in San Antonio. We visited the Houston Sobriety Campus and we spoke to Senators all across the Country.

It looks like we're heading in a direction we'll recommend something like the Houston Sobriety Center. To give you some idea. They have about 84 beds. They have cots on the floor. There's an observation area in the middle. There's an intake area and one or two rooms to isolate people who have TV and then a smoking area for people to go outside. In a sobriety center people can leave whenever they want. They are advised if they do leave people tend to stay for the five hours until they sober up. So in Austin and in Texas public intoxication is a class C misdemeanor and you commit it if you appear in public while intoxicated to a degree that could injure yourself or others. Police officers in Austin and Texas have the option of arresting a public intoxication offender or handing them off to another adult who can take care of them and that's where the sobriety center would come up. Under our proposal a P.D. would maintain the

-- our estimate is 75% of people who are currently arrested for public intoxication in Austin would be eligible for a sobriety center instead. The annual numbers in Austin and Travis County were about 6,000 people arrested for public intoxication offenses in 2008. In 2013 it was about 4,000. I feel that if we had a sobriety center we would encounter more people than that 4,000 who are eligible and that we would be getting more people off the streets from trying to wander around and I think it would be a good use of resources. To talk about the two big components to this, first Ashton is going to talk about the health implications of public intoxication in Austin and Assistant A.P.D. Chief will talk about the law enforcement implications. Thank you all very much.

[05:17:16]

>> Good morning, Council. I'm Ashton from the Seton Health Care family. So the sobriety center is a more person-centric way to treat people. Between the two health care providers in Central Texas in 2013, we saw in excess of about 3,000 individuals who probably would fit the criteria for sobriety center and expended in excess of \$4 million as far as take care of them. But consider there's more suspect I have ways of using emergency rooms or hospital beds for individuals who don't meet medical attention, they just need a place to sober up. They are taking space from individuals who do need medical care, et cetera. So sobriety center would be more effective, more efficient way to do that. Those resources could be better used and I think it's clear from our research and we visited as Andy said in San Antonio and Houston, but we've also heard from San Diego and other places. I understand this region has been

looking at this issue for over 10 years and we're hoping after you see our final report in february so that we'll be able to finally do what we think is the most appropriate thing.

>> One of the things ashton talked about is some of the public intoxicated people we're having to spend hours and hours at the hospital with them and that means you are having a police officer sit there while cleared which could be up to four or five hours. Some of the other things that I think when we look at this, we're able to give and drop some of the intoxicated people off and then have the officers back on the street as opposed to to average where you are going to spend almost an hour at the current facility that we're having issues with which is why we're trying to get a magistration center. With being so short right now of officers, I think that would really improve the time where the officers are going to go out and have time to be proactive and not just respond to 911 calls. One of the things that we looked at this is we feel for our center we need to have emt professionals there that actually are there to assist the people intoxicated. We feel we don't need security guard, we need off-duty law enforcement. That doesn't have to be a.P.D. But someone who can actually make an arrest if an individual that's intoxicated is causing an issue instead of calling us and having us come back to the place. One other thing that I think is pretty important right now, the community court deals with obviously just a downtown area. One of the things that we're looking at is is it possible to have the community court OVER ALL THE PIs IN THE City. This way maybe they could have the resource to get them the help they need, make sure they track those kind of issues. I think that would be a big benefit, but obviously something we're going to have to look at. Riverside is a good example of where you have a lot of entertainment things and a lot of intoxicated people. If you have an officer at 1:30 in the morning, peak times, short of officers running call to call, they are going to have to make that decision do I call a relative to get this intoxicated person, go to that aggravated assault call, time to evaluate that person to see if I need to take them to jail or in a lot of these you can look at the person and go the best resource right now would be to take the interstate sobriety center and get them the help they need. We're making progress and I look forward to making another formal report in a few months.

[05:21:17]

>> So thank you all very much. I want to recognize we have judge honegarden here who has working on this and bill brass with the downtown austin alliance. If you have questions, we would be happy to answer them.

>> Judge, I know you've been working on this for a long time and you've looked at peer cities. Can you give us a rendition how that looks or what we're going to be able to take from those peer cities and apply here?

>> I think it's been very helpful to look at how they staff and the thing that we are going to be working on that we're actively doing now but we're not prepared to report about is how they are funded and governed. Whether it's by contract with another entity or not and how the funding mechanisms work.

Some places have blended funding from different sources. Some are funded by one particular entity. So those are some

-- some of the issues that think we're going to be

-- that you'll find interesting and helpful in decision making when we do our final report.

>> Cole: Okay. Thank you. Any other questions, colleagues? Councilmember morrison.

>> Morrison: Thanks. Thanks everybody for your work. What is the ballpark big number funding that we're talking about? Just, say, probably construction or whatever you really wouldn't know until you get farther into it, but in terms of operations and maintenance for a year.

>> I think if we're looking at the houston model, I believe their costs are other than the construction are about 1.5 million a year, somewhere around there max. And ours I think would be a little smaller than the houston operation. So somewhere in there. And I think our goal is obviously to try to get funding from the city but also the county.

[05:23:24]

>> Morrison: Right. Well, I would think that there's a lot of public partners that have an interest in this. The city, the county, the health care district, I want congratulate

-- integral care.

>> Again, as the judge mentioned, looking at ways whether it would make sense to set it up as an entity that would receive grants or donations, we're still looking at that part of it.

>> Morrison: Right. Right. One other question I have and that is not everybody that gets drunk needs to be in recovery. What is

-- that's my view anyway. What is the

-- probably some of them do. What is the breakdown, say, in the other cities that you are looking at where you see that dividing line between the

-- among the folks that are being serviced by the center?

>> I think the judge can talk about kind of the

--

>> well, I can tell you that only about 85

-- 85% never come back to the sobriety center. So they receive any type of referral to treatment that they may need. So you

-- there are quite a few people that had exercised exceedingly poor judgment. Those are the folks you are referring to. And so the purpose of having the peer support is to help assess and determine whether a person needs or wants any assistance. So I suspect there's going to be a volume of people where this is going to be kind of a wake-up call just for their personal decision making. And then it will be a much smaller population that is truly addicted. I think one of the concerns and one of the important things is that you

-- by addressing those issues early on with young people, you can prevent future addicted behavior. And I know that some of our treatment partners feel that having that intervention could be particularly helpful in reducing the number of folks with addiction long.

[05:25:44]

>> Morrison: It's sort of a preventive thing. So in terms of the population that shows up for some of them, it was a bad judgment night. For some it's a wake-up call for some real behavior and for some it is, you know, clearly a need for getting into recovery or having addiction. Any idea of the breakdown among those categories in Houston?

>> In terms of the number of people that frequent the facility there, it is

-- I want to say it's 40 to 50 people out of several thousand that are repeat offenders. And truly those are the same people that the community court sees that are homeless and have been so for decades and have severe addiction and sometimes mental health issues. And we do include a mental health treatment partner in our staffing. Because of that issue.

>> Morrison: Okay. Thanks.

>> Cole: Thank you for your presentation. Councilmember Tovo.

>> Tovo: I have just a couple quick questions, but I also want to thank you for all your work. Some of you have been working on it for many, many years and others of you have been working on it really intensely for at least the last year and so I think that we're

-- I think it's a very exciting direction. I think there's a lot of benefit to having a sobriety center in Austin and I hope we're able to see it come to fruition. Could you talk a little about, I guess this is really direct to the assistant chief. You talked about the personnel that you would like to see. Is that kind of the consensus recommendation of the group at this point? That's the first part of my question. And the second part is I forgotten what the details are in terms of the staffing at Houston. DO THEY HAVE EMTs ON SITE And do they have security?

>> Well, I'll take the first part. We feel that if you have an on-duty actual law enforcement officer, that it's going to be 24/7 where you can actually have the people that are saying I'm not going to stay here after they've been there two hours and I'm going to leave and they are going to be combative. We feel we need somebody that has ability to detain them until an officer can get there so we don't turn them loose and then cause another issue. So that part I think just one officer would do. You are looking anywhere from 25 to 50 beds probably on the lower end. One person there typically can handle that. From my understanding with houston, they didn't have a lot of issues with people causing disturbances. I think most of them the officers would evaluate when they picked them up is this someone that's going to cause a disturbance, someone that's aggressive in the past. Obviously the officers a lot of times know some of these people that are going to be aggressive so I think that part would be handled. The emt part, in houston, and correct me if I am wrong, judge, they didn't necessarily have emt personnel.

[05:28:52]

>> They do.

>> So we would mimic that, but we think that's very important. We don't want just someone that's certified just to kind of help them get them mentored by so they don't recommit again. The emt and the law enforcement I think would be a big part. You are literally looking at one each at staff, correct? 24/7.

>> Yes.

>> Tovo: Does houston have law enforcement on site?

>> They have I believe an off-duty, I think sheriff, deputy sheriff in harris county. And the staff, the emt role is for check-in only. They don't provide health care or anything like that. When people come in, they take their blood pressure, make sure they don't need to go to the hospital immediately, that kind of thing. THAT'S THE ROLE THE EMTs Have, but yeah, they do have law enforcement there, but leonard kincaid was I think clear in saying they had very few problems with people, people don't like try to escape or things like that. It generally works out well for them.

>> Tovo: I thought I remembered that part of the presentation that very few people leave until it's time for them to leave.

>> Yeah. One thing I wanted to clear up because there's sometimes a misunderstanding, this wouldn't have any affect on PEOPLE WHO COMMIT DWIs. They would still go to jail, this is only for people who are

-- could be cited for public intoxication which is not d.W.I. It's a completely separate thing.

>> Tovo: So their only crime would be public boxes.

>> Correct, but if we're able to do this a stop more offenders, get them through quicker, you are going to look at taking people that are going to drive later that we have a very high facility rate, if we can drive that down before they get to the car, have a quicker time with the officer and peak times, that's going to benefit I think the fatality rate, the d.W.I. Rate.

[05:30:54]

>> Tovo: Certainly seems to be a big savings in terms of time for public safety officers in terms of the time they get to spend back out on the streets.

>> If you can get it down from an hour to 15 minutes, that's huge.

>> Tovo: Great. In addition to all the other benefits you've mentioned, financial benefits accrue not just to the city and law enforcement, but also to our medical partners out in the community, I assume, if people are spending less time in emergency rooms appear other places.

>> Yeah. And I think in Houston their turn-around time when an officer comes in to drop someone off is five minutes. I think it was three to six minutes average or something like that. Very quick turn-around.

>> Tovo: What do you see as the next steps in your process between here and March?

>> I think we're working still on a staffing recommendation and governance of it. I think those are the two biggest parts we need to figure out and then I think it will be up to

-- those are our next steps, those two things mainly. And then we'll make a recommendation to you all and to the county and try to help piece together other folks that might be able to help.

>> Tovo: Great. Thanks again for all your work.

>> Thank you very much.

>> Cole: Thank you. Andy, did you have any further comments?

>> I did not. Thank you very much.

>> Cole: Thank you. Okay, council, the mayor has some responsibilities at the national league of cities so I think I'm going to quickly take up item number 113, but I wanted to announce the concrete pours are ready to go. I will withdraw my direction to go to mediation. And if the speakers for item 113, I'll call them up. Melvin Wren. 113. I thought I saw Barbara Scott. Brandon Reed. Are you Brandon Reed?

[05:33:19]

>> Yes.

>> Cole: Go ahead and then we'll go back if barbara and melvin are here.

>> Yes, my name is brandon reed. I'm a resident of colony park and I'm here to speak on agenda item 113 in regards to the

-- a public hearing for the colony park master plan. Now, currently we have members that doesn't represent the poor. We have people that speak for the middle class, so the poor is not represented in colony park so when we go through this, we need to really look at what the poor have to say about colony park because if we remember, that's one of the lowest income areas in the city of austin, but yet we want to push through a project with 80%

-- 80% workforce housing at 86,000 to 115,000. I mean most of the residents over there don't make \$86,000. We have the parks and rec division and the housing division working together on two items to general tiered fixed phi our community and we're not going to stand for that. We're here dressed appropriately for war to let you know we're not standing for that. We're going to fight you tooth and nail, with h.U.D., whatever we need to do to get the poor's voice heard. The neighborhood housing division, community development commission is supposed to represent the poor and promote affordable housing, but yet we have members of the affordable housing commission supporting agenda item that does not represent the poor, does not have the poor does not have a voices in this community whether it's with education, picking these people up so they can remain in their community or with

-- just so they can

-- even the parks department in colony park, we have an issue where they are not communicating with each other. With the after school program and the teachers at the school, so part of that african-american quality of life initiative was to educate

-- for the communication of the teachers and after school program with the recreation center. That's why it's built together like that out of the african-american quality of life initiative, but yet the parks department is worried about a golf course and neighborhood housing is worried about 86,000 higher income levels when we need to be working on those people that's right there right now today. Those children. This parks director is claims she's been here representing these children, but children are failing in the after school program. Most of them are failing. Are we putting any resources towards making them pass? No. Helping aid to take that f off their education, no, we're not worried about that, we're worried about recreation and bringing affluent people to colony park to push the poor people out. We're not standing for that.

[05:36:30]

[Applause]

>> Cole: Thank you, mr. Reed. And this is the item to actually set the public hearing to consider the ordinance. And also signed up for this is mr. Melvin wren. There you are.

>> Thank you, I'm melvin wren. I'm a long-term resident 30 plus years of colony park. I've seen it go different directions to different ways. The purpose of, in other words, the community has been working hard. I think the neighborhood association and the original core team met with city staff and on different departments for almost two years every week in trying to look at all the issues. And we've try to to lay out in a resolution, we've tried to lay out in other ways to show that you do incorporate and one of the main statements I've always made you have to put an umbrella over the community and it might be you have a baby and everybody knows when you look at a baby no matter how that baby looks, you say that's my beautiful baby. And that's how we look at the community. We have from the statistical numbers when you start looking at 22.02, which is the census tract at colony park and lake side are in, you have high unemployment, you have the low-income, you have all the numbers you can possibly imagine, you have a mix tuesday between a minority, majority community, the majority in the community is latino and the minority is african-american and there's some reasons why that happened. But when you take all of that into consideration, you take the fact you are trying to fix the problem, some of that has been addressed with the neighborhood housing, some of that is being addressed with parks. You are trying to bring in improvements and those kinds of things. My concern is the map itself. And I think when you look at that map we have to make sure that map does cover the area and links in those areas north. We'll be trying to address just like when you look at the item 140, there needs to be connectivity of the 280 acres to johnny morris, needs to be connectivity of the 200 acres to decker lane, direct connection. When you look at what's before the council today, I think the community has kind of expressed itself and tried to make sure that those issues that are outstanding be incorporated and looked at and when you look at them it does address the issues related to poverty, it does address the issues related to median income, it does address issues related to how you can make it stable, related to economic development and it does address issues related to connectivity. So I think you are trying to look at a point of view and I appreciate council looking at it in a holistic way. Right now all we have are the federal funds. We need to look at how we put general funds on the able and other moneys to make that happen. This is going to be the most challenging economic development project and housing project in the city and it's going to take the council to look at it. Nothing like this exists. We have all of the different issues. We have 22.02 four tax credit properties, also a thousand units. We have over 975 plus section 8 vouchers. So thank you.

[05:39:56]

>> Cole: Thank you, mr. Wren. Barbara scott and you have helen miller who is here donating time so you have a total of six minutes.

>> Good morning, council. Those of you who have seen me before know it will not take me six minutes to say what I need to say. I am the current president of the colony park neighborhood association. I have been charged with the paying members of the association which is majority made up of homeowners. So I'm going to speak for myself as a homeowner first and then I will speak for the neighborhood association. I am in support of what the core team has done and what council has done, especially the resolution that you sponsored and put forth for some of the answers that we need to have answered. We are concerned about the poor in our area. I've lived there for almost 40 years, I've seen the neighborhood go from a thriving neighborhood to almost

-- I don't like to use the term ghetto, but that's basically what our kids refer it as a hood. And I've never lived in a hood before in my life. I've always lived in a neighborhood. There's a difference to me than a neighborhood and a hood. Just the connotation of the word hood is not good. That's what we're here trying to change. I think that we spoke for the poor. There were a lot of things that were not on the table that we got on the table. We have been working with housing. Betsy spencer and her group have worked tirelessly with us to make sure with what we saw as problems were fixed. We have been working with aisd and trying to develop a stem program in that area that will not only address high school students, it will address students from five years up. In our neighborhood. We don't want them to have to go somewhere else for a stem program. Right now the way lbj high school is set up you have more people from outside the neighborhood coming on the neighborhood stool and that is not right. You have the

-- lots of kids up on the second floor and you have the neighborhood kids, regular kids on the bottom floor. And they don't, they don't interact. That's wrong. We are trying to set up something that changes that. We've worked with parks and recreation, we know we have parkland out there that needs to be developed. We are working with people to develop it. You know, one of the other items on the agenda today has been brought up you've received our letters that we wholeheartedly support development. We need economic stimulus out in that area. And if you continue to bring in only people that make 24,000 or \$38,000 a year, you are going to have more of what you already have. We have got to work and find out a way how to bring incomes of all areas out to that area like it used to be when I moved out there. We have got to learn how to bring people with all education levels out to that area like it used to be. And so we can't just focus on one group. We didn't focus on ourselves, it was not about us. It's about, especially for me, I can speak for me and I'm speaking for the neighborhood association and I'm also speaking for our newly formed community development corporation. We are doing this for our children. We won't be here probably to see any of this done, but when we close our eyes, I would like to close my eyes knowing that I tried to do the right thing and that I did what I needed to do for our children. Thank you.

[05:44:11]

>> Cole: Thank you, ms. Scott. [Applause] margarita [inaudible] not wish to go speak. Any other questions? Councilmember Spelman.

>> Spelman: Mayor pro tem, of course we're not taking up the merits of this ordinance today, only setting a public hearing. I move approval to set a public hearing on December 11 at 4:00 p.m.

>> Cole: I'll second that. Any further discussion? All in favor say aye? That passes unanimously with Mayor Leffingwell off the dais. [Applause] Was there any opposed? I forgot to ask that. Okay. We will move to consider the nonconsent items, I think we have a chance to run through those before our 12:00 citizens communication so that's item number 119. With closed public hearings. 119 is improve an ordinance to annex the Breaker Valley area for full-purpose service plan. >>ZILKER>> Spelman: DO YOU WANT TO Take them all together?

>> Cole: 119 through 125 are items with closed public hearings and no speaker.

>> Spelman: Move approval of 119 through 125 on all three readings.

>> Cole: I'll second. All in favor? Passes unanimously with Mayor Leffingwell off the dais and there was none opposed. Okay, I think that we will

-- we have 15 minutes. I think we can go ahead and start on the speakers for number 56. Councilmember Spelman, do you have suggestions?

[05:46:11]

>> Spelman: Mayor pro tem, if you want to complete some items, we might be able to complete items 89, 90 and 92 which have only a couple speakers each and we could probably get through all those.

>> Cole: Those are for executive session.

>> Spelman: My apologies. I forgot about that.

>> Cole: Also one that Mayor Leffingwell requested. Let's begin hearing speakers on item 56. Phil Doda. Are you here? No. Richard Sesse. No, none of the speakers on item 56 are here. All right. Some of them are here? We'll stand in brief recess until 12:00. Test test. This is a test of the captioning system on November 20, 2014. Testing city of Austin captioning system on November 20, 2014 at 11:51 a.m. Austin city council meeting in recess. Meeting will resume shortly. Clear

[05:59:41]

>> council member martinez? There we go. I'll call to order this session of the austin city council and begin our citizen communication. Gabby joseph is our first speaker. Go ahead.

[06:02:22]

>> Hello. My name is gabby joseph. I'm here with a group of students from ut austin. We've recently become involved in advocating for the completion of the country club creek trail. The reason that we're interested in seeing it to its completion or getting [indiscernible] is that we are affected by it personally. I live in the riverside area, and we all would like accessibility to different areas of the city. We love having access to trails, like to promote well-being, and want to feel satisfied with the routes we can take through the city. There are currently over 2000 residents in the riverside area that would benefit from the completion of this trail. This is the entrance to the trail. As you probably know, the project for this trail was started in 2004, making it a ten-year project in progress. From 2005 to 2009, there was an influx of volunteers that were recruited to help fulfill this trail. I have no doubt if it were to be brought forward to continue progress of this trail, that more volunteers would get involved. A lot came from ut's campus, saint edwards, and austin community college. If the trail were to be completed, there would be access to the riverside shopping center, two natural areas, including major parks and trails. Upon completion, the country club creek trail would connect to the cowan lake trail. And I've given some examples that would then connect to ut's campus. The colorado river park, McKinney falls, auditorium shores, and zilker park. Some benefits of the completion of this trail would be economic revitalization of the area. There's a high population in the city in the south central and south areas of austin. Increasing access would increase opportunity for everyone who is living in that area. It would promote well-being and improve the quality of life, as well as reduce car traffic and increase connectivity in the area, as well as along through

-- as well as throughout the city of austin. Some other benefits would include that it increases property value. There are austin apartments, condos, and hotels that include a trail in their advertising. It reduces crime because of public access, increases public vigilance, and people would be able to patrol the area. It would increase values for landowners because there is a texas statute that protects them.

[06:05:23]

>> Thank you, gabby. The next speaker is elena

-- council member riley has a question for you.

>> Actually, for gabby, I really want to thank you for your work on this. This is a very important project that would have a huge impact on that area, especially

-- well, to students and anyone else in the area who's interested in alternative transportation. I really appreciate your work on it. I notice that we do have several people in the audience who have been involved with that, including malcolm gates. I hope

-- have you had opportunity to work with the community groups that have been working on the country club trail?

>> We have not yet. We are just involved in advocating for its completion. We have an online petition that is live, and as of today we have 286 signatures, so we're continuing that in hopes that we can present that to city council and show you all that there are members of the city who want this trail completed.

>> I really appreciate you're doing that I would encourage you to visit with malcolm and chad, in particular. In fact, if it's okay with the council, I would like to invite chad craiger up, for a very brief update, for a very quick word about where we are. I understand there's some work that's ongoing to move this forward, and, chad, if you could just provide a very quick update on where we are, in particular with regard to feasibility study that's underway with regard to the trail, that would be helpful.

>> Okay. I'm chad kraeg eerier with public works services division. The country club creek trail that malcolm and his group, they've worked on a piece from almot drive to guerrero park. They're under a neighborhood partnering project now. They're submitting an application to upgrade that trail. Not only has this class presented to you today, but dr. Gilbert's class with the university of texas has who could at what we need to update that to an appropriate trail, south of belmont drive, we are currently wrapping up our draft preliminary engineering report, and next week we will have that online, and we are scheduling a public meeting to the second week in december. Right now I believe that's december 10th, to gather the stakeholder input for that, the process that we laid out in the urban trail master plan. So we are moving forward not just as a line on a map, but actual engineering reports has almost been complete. We are in the process of gathering stakeholder input. So this is very exciting, and we're excited about the project. The amazing thing is that now you have apartments along there that maybe in the past did not respond to trails. These apartments are so excited, they want to give us some land if we need it because they recognize the value of this project, trails, what they bring as an amenity, as well as, you know, a possible solution to get folks around town.

[06:08:20]

>> Riley: That's great. Chad, I know you've been working hard on this trail a long time. I really appreciate everything you've been doing. In the course of your work on the urban trails master plan, I understand that this

-- that the country club creek trail was one of those trails that was identified as a high priority.

>> Yes. This is one of our 47 miles of tier 1 trails. This is approximately one mile of that.

>> Riley: Okay. So you're optimistic that we will actually be making some forward progress very soon.

>> I'm very optimistic. After we gather the stakeholder input, the next step is to go forward to a complete design. We have funding for a complete design. Depending on the length of that and permitting and such, we hope to get to construction after design is complete.

>> Riley: Thanks. So we could see some further movement after that, the public meeting you mentioned, actually think there may well be some additional progress over the course of the coming year.

>> Over the course of the coming year, I believe we

-- our goal is to be done with almost a hundred percent design. It may be 18 months before we're actually to a hundred percent design. Saying that we're much further along than we were six months ago.

>

>> Riley: Well, thanks again. And thanks to you, gabby, for being here today.

>> Thank you both. Elena lawson. Elena lawson. John woodley? John woodley. Paul robbins? Yes. Council member martinez.

>> Martinez: Mr. Woodley is here. He was just waiting for the transcription on his laptop.

>> Thank you, mr. Woodley. Come up.

>> Hello. I'm john woodley, and there's a very large delay between the time I get my captions on this screen, from the time you speak till the time I get captions on this screen. I've made comments at the other meeting, and I would just like to take

-- get the time to have the council members to ask questions or get dialogue opened up because I have not been getting any responses to get dialogue open up to resolve all the discrimination issues in the city of austin. I'd rather talk about other discrimination issues other than mine at the public meeting, and

-- because there's a lot of other issues in the city of austin that need to be addressed. So is there any comments and questions concerning discrimination issues that have been going on in the city of austin? Okay.

[06:11:22]

>> Please feel free to continue your comments.

>> Okay. This morning alone, there's been numerous technology problems with this service that I've gotten and the captions up on the screen, with the closed captions up there have been turned off multiple occasions this morning. The captions on this screen have been turned off as well a couple of times, and then they had alignment problems on the screen also, it sometimes pauses and jumps up five lines, which makes it difficult to read at times. I've been trying to get a lot of issues in the city of austin rectified and have been going to a bunch of meetings, and one of the examples will be the sidewalk master plan, five million dollars a year to fix a million-dollar problem, you're going to take two hundred years to fix. That's not acceptable to fix all the sidewalks and make them ada accessible. Okay. I take it nobody said anything?

>> That's the end of your time.

>> Huh?

>> That's the end of your time.

>> End of my time? Okay. Thank you.

>> Thank you. Paul robbins.

>> Good afternoon. I'm here to talk about two water issues today, a proposed golf course on city parkland, and water treatment plant number 4. I looked at lcra's drought monitor today before I came here. The highland lakes were at 674,000 acre-feet. This is only slightly higher than the worst lake level in history, 621,000 acre-feet, when austin's population was 135,000, about one-sixth of what it is today. So I have to relate this new situation to the new golf course coming up for consideration today. By my calculations, the new golf course will use enough water to supply between 1400 and 2300 austin homes per year at 2014 usage levels. This is not a message the golf course is not a message we want to be sending to austinites being asked to conserve water. This is not a message we want to be sending to the people that share the colorado river with austin. A group of 11 conservationists, including myself, sent you a letter warning you about the perceptions of wasting water in a time of drought. At the very least, if you approve the golf course lease, you should have a firm provision that construction cannot begin until the lcra has officially declared that the drought has ended. Regarding water treatment plant number 4, the plant was informally commissioned november 5th, 15 days ago. Ironically, this was the day after national state and local elections. It was, in essence, one of the most unlikely days in the last two years that anyone would notice, including the press. You might say the plant's commissioning was hidden in plain sight. Now, I've stated several times that I am not a conspiracy theorist, by nature. However, I find the timing, if not overtly political, at least coincidentally convenient in the way that it is

mitigating the plant from being an issue in the city council election. The utility states that it intends to have official commissioning, an official commissioning ceremony sometime in december. However, december 1st is when early voting starts. Why wasn't it commissioned this month? And regarding the party itself, I paid for this plant dearly. I better be invited!

[06:16:10]

[Laughter].

>> Thank you, mr. Be robbins elena he knows. Council member spelman has a question for you.

>> Spelman: I think we all received the letter that you and many of your colleagues sent with respect to the water. What you may not know is, some of the accounts we've had of the conversation, possibly mythical, but I don't want to believe it's true, between somebody in the parks department and greg mazeros, which I heard that there was hair being torn out and much, much

-- a description that under no circumstances are you using part of the water for that golf course. I think as a broad understanding on our part, that using part of the water for that golf course is off the table. I'm almost certain it's off the table from people who want to develop this golf course of the how would you feel if, instead of potable water, we were using only purple pipe reclaimed water?

>> Okay. Two points. One, respectfully, mr. Mezas doesn't have a lot of hair to tear out.

>> Spelman: I'm just speaking metaphorically. I'm just repeating what I've heard.

>> I'm saying that respectfully. Just some people are bald. The other point is that it all comes from the river. If you send reclaimed water to the golf course, then it doesn't go back into the river.

>> Spelman: Uh-huh.

>> So it's all part of the same

-- it's all part of the same river, and again, I haven't followed the golf course issue as closely as some other people, but again, at the very least, if you pass it, then have a provision that the construction has to wait till the drought is over. We all wish it would rain tomorrow. It could be years before we're out of this drought.

[06:18:24]

>> Spelman: So if we were talking about purple pipe and not about potable water, which I'm virtually certain we are, at least as the first choice, and potable water is not a second, third, or 12th choice, it's just not on the table, then the key issue is what happens downstream from us, and then who will not get water if we do not put more water back into the colorado river because we're using it for a golf course or some other reclaimed purpose. Is that accurate?

>> The first issue that comes to my mind is anymore in stream flows for the critters.

>> Spelman: Yeah.

>> Then after that, there's people that need water downstream of us, and there's

-- well, those are the two things that hit me, and I don't want to get

-- for people listening to me to have the impression that critters are more important than people. I just brought that up first. But those are the two issues that

-- I mean we're moving 300,000 to 500,000 feet of water that would normally be put back into the river

--

>> Spelman: Right.

>>

-- In the worst

-- with almost record low lake levels.

>> Spelman: Thank you, by the way, for doing the math. I was wondering how many lues we were talking about. I appreciate you figuring that out for us. Thanks, paul.

>> Just four information, when I was looking at the numbers today, used to be you would ballpark austin's per single family home water usage at about a hundred thousand gallons a year. With the last year of conservation, some of it, not all of it, forced high water prices. It's down to 79,000 gallons per household per year.

[06:20:33]

>> Spelman: Thank you.

>> Cole: Thank you, mr. Robbins. Carlos leon.

>> Thank you, mayor pro tem cole. I'm carlos leon. A key historian in austin, texas. Thank you for letting me set the record straight. Second. The chemtrails observed in austin air space on november 18th and 19th are wrong. Instead of spraying us, the enemy can spray itself. Third. Though democrats claim republicans war against women, it is the democrats will abandon mary landeau in her bid after she faithfully serves democrats for years. When democrats killed her first attempt to push past the keystone pipeline bill and revive her runoff campaign, it was the republican senators who voted for it, despite supporting her opponent. Fourth. Rush limbaugh called obama a liar and con man this week for denying he intentionally misled us to pass on okay obamacare. He have described the last six years: The key to the con is that it's never over. You never let the person you conned know he's being conned, ever. The con always goes on. Well, that's what's happening here. They have run a giant con against the population of this country, and they are continuing to run the con. They are not giving it up. End quote. I know exactly what rush means. Limbaugh correctly concludes that it's time for republicans to man up, treat them as suspects and stop this. So when obama continues to unconstitutionally provide amnesty to illegal immigrants, remember the worst of all, he himself is an illegal immigrant who has never proven he's a natural born u.S. Citizen, meaning he's never been constitutionally eligible to be president, meaning obama has no legal presidential power, but vp biden does, according to amendment 20, section 3 of our constitution. And biden knows it. Therefore, he must be legally removed by impeachment when the new congress convenes in january '15, to hold them accountable, break their evil spell, so we win a very important spiritual warfare battle. In jesus' name I pray, amen, thank you mayor pro tem cole.

[06:23:25]

>> Cole: Thank you, mr. Leon. Joe quintero. Joe k quintero. David king?

>> Thank you, mayor pro tem cole and council members, my name is david king. I live in zilker neighborhood. I'm the here to speak about parkland funding, a new way forward, more tools in the toolbox. A january study of funding for city parks in the united states by resources for the future indicates that the most common funding strategies for parks are inadequate and unsustainable over the long-term. Here in austin our methods for funding parks did not provide adequate and consistent if you think the for maintenance of parkland. We use the general fund and we know parks are always at the bottom of the list for funding from the general fund. And as time goes by, more of the funding for our parks is coming from foundations, conserve

-- we're losing strategy as we move to other strategies. Golf courses, special events, there's an appearance that our parks

-- that the park priorities are influenced by for-profit business motives instead of the general public, and there are conflicting priorities for park uses, inconsistent and fluctuating funding, particularly during economic down turns. If we have an economic down turn turn, we can't rely on that source of funding

as much. And it encourages more commercial use of our parkland. Foundations lack transparency on parkland funding and uses. C3, for example, donated four million dollars to improve the shores, but there was consternation about strings attached to that donation, and it was not subject to public disclosure. In addition, funding by foundations can be uneven. It's not guaranteed over the long-term. We need a new way forward that will provide adequate funding and consistent funding for our parks over the long-term. The study by resources for the future recommended three strategies, endowments, trust funds and a new tax dedicated to parks. Down payments and if you have the funds prioritize funding to parks. Donations are not to specific parks but for all parks. And comes with no strings attached. And the city retains responsibilities for the policies, maintenance, and operations of the parks. These are long-term strategies that we should start implementing now because they will take considerable time and effort to build up the funding that will generate the interest that we can then use for our parks. In the meantime, we should use some other strategies, significantly increase parkland dedication fees for new development. Austin charges much less than peer cities for park land dedication fees. Limit the positions in ghost that could free up several million dollars that could be used for parks like walter e. Long. Ear mark 10% of the car rental taxes each year for parks' funding. Increase parkland dedication foods for hud's and other programs and incentives. Increase fees for commercial uses of parkland to the market rates. Create business improvement districts and urge the legislature to pass a dedicated tax for parkland. I'd be glad to donate the first dollar to our trust fund for our parkland.

[06:26:56]

>> Cole: Thank you, david, we appreciate it. Okay, council, that's the end of our speakers. The city council will now go into closed session to take up four items. Pursuant to section 551-.071 of the government code the city council will consult with legal council regarding the following items, item 131, discuss legal issues related to laurel, castillo, riley, versus city of austin, item 134, discuss legal issues related to proposed state highway projects, including sh 45 southwest, items 128, 129, and 130 have been withdrawn pursuant to section 551.074 of the government code, the city code will discuss the following item. Item 132, discuss personnel matters related to appointing a city auditor and related compensation and benefits. Pursuant to section 551.086 of the government code, the city council will discuss the following item, item 133, discuss competitive matters related to primary electric service contracts with the state of texas. And I do believe we have a 2 o'clock bond sale time certain that we will have to convene back on the dais to hear. With that, council, we will go into closed session. [City council? Closed in closedsession.]

[06:29:33]

[ city council in closed session.]

[06:46:03]

[illegible]

[08:06:30]

>> Cole: I would like to call to order this meeting of the austin city city council for item 35. 135. Bond sales.

>> Good afternoon, dennis whaley with public financial management. Elaine is passing out a book about the bond sale we're having today which is for \$275 million for the airport revenue bonds. This will be a negotiated bond sale through citigroup, bound council macc call

--

>> Cole: Excuse me one moment. First I want to announce we are out of closed session. We took up and discussed legal issues relating to items 131 and 134. We took up items 132. A competitive issue relating to number number 133. Now the austin city council is officially back in session and we will take up item number 135.

>> If you turn to page 3 of the presentation, the projects to be financed will be the terminal east infill product, the terminal and apron expansion, and parking garage product design. We met with the ratings agencies on november 17. Moody's and s&p and except ratings and post for bond sale and close on january 6. You are giving authority the the city manager of the city chief financial officer to approve the bond sale if it meets certain parameters such as length of maturity and sizes. I would be happy to get your approval of this bond sale.

>> Spelman: We need formal language on this.

>> Cole: We need formal language, councilmember spelman, and I believe I've handed that to you to make the motion.

[08:08:35]

>> Spelman: Move approval of item 135 regarding approval of ordinance authorizing issuance and sale of city of austin airport revenue bonds in one or more series not to exceed \$350 million for may 21, 2015 in accordance with parameters set out and approving related fees be approved.

>> Cole: And that was seconded by councilmember martinez. We have

-- all in favor say aye. Those opposed say no. That passes on a vote of

-- or unanimously with councilmember leffingwell off the dais. Almost said mayor pro tem leffingwell. Mayor leffingwell. [Laughter]

>> thank you.

>> Cole: Mayor leveling well attending to nlc business. Our next item

-- councilmember riley has.

>> Riley: I would like to just go back briefly to item 27, the seaholm wall just for a brief clarification staff had asked for. On item 27 when we discussed that, my intent was to make item 4

-- option 4 if funding can be identified. If that is the case, then I think really if staff could just send us a memo, then that would really suffice and we don't need to have it on the agenda, on our next agenda. On the other hand we're not able to secure funding it would be back on our next agenda for us to proceed from there. Just wanted to provide that clarification. I think that was the intent of the council. If anyone disagrees, now would be the time to speak up. But if no one is speaking up, I think that should be enough to clarify to staff our intent on that, that if funding can be identified, then a memo will be fine and we don't need to have it back on the next agenda. Assuming we're able to go forward with option 4.

[08:10:38]

>> Cole: I think that's clear, councilmember riley.

>> Riley: Okay, thanks.

>> Cole: Mr. Guernsey, our 2:00 zoning cases and after that item 56, concrete pours.

>> Thank you. I'll go through the 2:00 zone ordinance and restrictive covenant items for the items that I believe are going to be consent. Today. Item 136, npa-2014-0020.01, for second and third readings in the south congress combined neighborhood planning area. The property located at 113-23 south congress avenue, 4300 block of willow springs road. This is a change to mixed used land use. Item 137, c14-2014-0034, approve second and third readings for the property located at 113 industrial boulevard, 4323 south congress and 4300 block willow springs road to zone the property to limited industrial services, planned development area, neighborhood plan or lipda combined district zoning with conditions. Item number 138, this is case c14-2014-0088 for the property located at 1023 spring dale, approve second and third readings to zone

-- neighborhood plan with conditions. Staff would note that on the ordinance under part 3 there's a reference to 400 trips. We've been discussing this with the property owner and the commission looked at this actually agreed to 2,000 and we've narrowed that to 600 and offer consent on item 138. For second and third readings. Item 139, this is case c14-2014-0101, 13010 harris branch to zone to general commercial services, conditional overlay. And this is ready for consent approval on second and third readings. Just to note we did receive the street deed and that's all taken care of. Item number 140, case c 814-2014-0110. H, approve second reading only on the colony park p.U.D. For the property located on the north side of loyola lane to zone the property to planned use development. I understand there might be a councilmember want to add

--

[08:13:50]

>> Cole: That would be me, I do have questions for staff.

>> We can pull that then.

>> Item 141, npa-2014-0005.01 for property located in the montopolis neighborhood planning area. Change the future land use map. 737 montopolis drive. This is to change the designation to single-family land use. Excuse me. The planning commission did recommend single-family land use designation. This is ready for consent on all three readings. Item 142, c14-2014-0124, this is to rezone the property at 737 montopolis drive to sf-3 npt planning commission did recommend the zoning and ready for all three readings. Item 143, npa-2014-0005.02 for the property located at 1007 to 1011 montopolis drive. The neighborhood has requested p of this item to your december 11 agenda. That's 143, postponement december 11. Item 144, related zoning case, c14-2014-0127, again, the neighborhood requested postponement of this item to december 11. Item 145, 755 springdale road will be discussion item. The

related zoning case 146, c14-2014-0123 for that same property at 755 springdale road, discussion item. Item 147, again for the property located at 755 springdale road. This is a restrictive covenant termination. Say this will also be discussion. It's related to the other two even though the planning commission did recommend this item. Item 148, this is located within the greater south river city neighborhood area to designation mixed land use. The commission did grant a recommendation for mixed land use and we would offer this for consent approval on first reading only. Item 149, c14-2014-0117 for the located at 1101 music lane and 110 academy drive. This is to zone to general commercial services, neighborhood plan. For tracts 1 a and 1 b. And to zone to commercial liquor sales, neighborhood conservation combining district neighborhood plan for tract 2 to change conditions of the zoning for tracts 1 a, 1 b, and 2. The planning commission's recommendation was to grant the csncd-np for tracts 1 a and 1 b. The c is 1 and ccd and change conditions in the conservation combined district for 1 a, 1 b, and 2. And this is ready for consent approval on first reading only. Item number 150, case npa-2014-0025.02, and mayor, I'm not sure if we have any citizens that have signed up.

[08:18:12]

>> We do.

>> We do. So item 150 will be discussion. It's a neighborhood planning amendment for the property located at 5436 vega lane. The related zoning case is sworn 0112 for the same properties. Those will be discussion items. Item 152 c 14-85, 288.8. Staff is recommending postponement to your DECEMBER 11th. It is related to the other lantana cases, but we believe it will stay on consent agenda for postponement until december 11. Item 153, npa-2014-0027.02 for the property located in the central west austin combined neighborhood planning area for the property located at 1018 west 31st street. This is to designate on future land use map mixed use office land use. The planning commission did recommend the mixed use office land use december I designation. Consent on first reading. Item 154, c14-2014-0148 to zone to limited office, mixed use conditional overlay, neighborhood plan come bind district zoning. The planning commission did recommend the lo-mu co combined zoning with conditions and this is ready for consent. I'm told by the applicant they have reached some agreements with the neighborhood today. But this is only being offered for first reading for this item. Item number 155, npa-2014- 0029.01, in is for property located in the st. John's/coronado hills for 7400, 7424 and 7450 east u.S. Highway290 and 2509 east anderson lane. The applicant is requesting a p of this neighborhood plan amendment to your february 15, 2015, agenda. Item number 156, sworn this is a related zoning case. The applicant has requested postponement of this case as well to your february 15, 2015 agenda. Item number 157, c 14-2001- 0151 for the property at 835 west sixth street. Staff is requesting postponement of this item to your december 11th agenda. Item number 158, c 14-2001- 0113, this is to zone the property to community commercial or gr zoning. The zoning and platting commission recommendation was grant community commercial conditional overlay overday with conditions and ready for consent approval on first reading only. On item number 159, c14-2014-0011 a for the property located at 3800

ben garza lane, staff is requesting a postponement of this zoning case to your december 11 agenda. Item number 160, c14-2014-0011 b for the property on ben garza lane. Staff is requesting postponement to december 11. Item number 161, c14-2014-0027 for the property at 6308 spicewood springs road. This will be a discussion item. Item 162 for the property at 801 west wells branch parkway, staff is requesting postponement of this item to your january 29, 2015, agenda. Item number 163, c14-2014-0041 for the property at 10300 anderson mill road, staff is requesting postponement to january 29, 2015. Item 164, c14-2014-0108 for the property located at 13001 center lake drive, this is for approval of a rezoning on the property to limited industrial services, planned development area or lipda district zoning to change conditions of zoning. The zoning and platting commission's recommendation was to grant the combined district zoning and this is ready for consent approval on all three readings. Item number 165, c14-2014-0114 for the property at 11712 north lamar boulevard. The applicant has requested postponement of that item on item 165. Item 166 for the property at 2910 west william cannon drive, I understand there are neighbors that have signed up in opposition so this will be a discussion item. Item 167, c14-2014-0134 for the property at 1301 west fifth street. The neighborhood and the applicant have jointly requested postponement to december 11th agenda. Item number 168, case c14-2014-0143 for the property at 809, 811, 813 south center street to zone the property to family. This is ready for consent approval on all three readings. Item number 169, c14-2014-0146 for the property located at 6917 colton bluff springs road. I understand there's a councilmember that would like to have this case discussed so that will be a discussion item. 170, c14-2014-0153, 10301 to 10317 salmon drivement I understand there are neighbors that have signed up that would like to speak to this case. That would be a discussion case on item 170. Item 171, is c14-2014-0154 to zone to community commercial conditional overlay or gr-co. Zoning and platting commission recommendation was to grant community commercial overlay combined district zoning, ready for consent approval on first reading only. Text item number 172, c14-2014-0156 for 8611 and a half to 8627 north mopac expressway, excuse me, this is to zone the property to community commercial, gr-co combined zoning. The platting commission recommendation was to grant the zoning. This is ready for consent approval on first reading. And I believe on the dais you have an additional set of conditions that they have agreed to and with that we could offer this for first reading only. Item number 173, c 814-2012- 0085.01. This is for the property at 12814 interstate highway 35 south and fm 1327, staff is requesting a postponement of this item to your december 11th agenda. That's all I can offer.

[08:27:22]

>> Cole: That's plenty. [Applause]

>> Cole: Okay.

>> I wasn't here for the start of it.

>> Cole: Mr. Guernsey, let me verify 136 as a consent item. 137 as a consent item. 138 as a consent item. 139 is postponed. We pulled item 140 for a few questions. 139 we would offer for consent for three readings.

>> Cole: Consent all three readings. 141 was consent. 142 was consent. 143 was postponed. 144 was postponed. 145 is a discussion item. 146 is a discussion item. 147 is a discussion item. 148 is consent. 149 is consent.

>> Those are just for first reading.

>> Cole: Yeah, 149 I have consent first reading. 150 consent first reading. 151 consent first reading. 150 and 151 we have someone that signed up to speak.

>> Cole: So they are not discussion

--

>> discussion on 150 and 151.

>> Cole: Okay. 152 postponed. 153 consent first reading. 154 consent first reading. 155 postponed to february FEBRUARY 15th. 156 postponed. 157 postponed. 158 consent first reading. 159 postponed to 12-11. 150 postponed till 12-11. 161, discussion item. 162, postponed to january 29, 2015. 163 postponed until JANUARY 29th. 164 consent all three. 165 postponed until 12-11. 166 a discussion item. 167 postponed till 12-11. 168 consent all three readings. 169 discussion for comments. 170 a discussion item. 171 consent first reading. 172 consent first reading. 173 postponed.

[08:30:05]

>> And 172 is, again, I wanted to note there are additional lists of prohibited uses you should have on the dais.

>> Mayor pro tem, if I may claire, 155 and 156 are postponed to february 12, 2015.

>> Spelman: Move approval of the consent agenda.

>> Cole: I'll second.

>> And I have just a clarification. I'm assuming that the public hearing was closed on first reading or all three. Is that correct?

>> Cole: That is correct.

>> Mayor Leffingwell: Councimember spelman.

>> Spelman: When will that

-- you said a moment ago that 155 and 156 would be postponed until FEBRUARY 15th? IS IT FEBRUARY 12th? February 12, 2015.

>> Mayor Leffingwell: I heard the 15th too.

>> Spelman: The first time around.

>> Mayor Leffingwell: So we'll blame mr. Guernsey on that one.

>> Apologize.

>> Mayor Leffingwell: Councilmember morrison.

>> Morrison: I'd like to be shown as voting know on 136 and 137. The st. Elmo.

>> Mayor Leffingwell: 136 and 137. Same thing on councilmember tovo.

>> Tovo: Yes, if it remains on consent.

>> Mayor Leffingwell: So when we left

--

>> 136 and 137 we're offering for second and third.

>> Mayor Leffingwell: They are still good. Still five votes. We have an item on the table.

[08:32:13]

>> Cole: We withdrew it because we were going to hear it. With direction to staff to mediate.

>> Mayor Leffingwell: So the motion

-- there's a motion and second on the table for

-- to postpone this item and you are withdrawing that motion.

>> Cole: Yes.

>> Mayor Leffingwell: So we will hear that case.

>> Cole: We haven't voted on if consent agenda.

>> Mayor Leffingwell: Okay. Go ahead. All those in favor of the consent agenda say aye. Opposed say no. That passes on a vote of 7-0 with councilmembers tovo and morrison voting no on 136 and 137. And we go back to item 56.

>> Mayor and council, item 56 regarding approving second and third readings of an ordinance relating to permitting requirements for nonpeak concrete installation. We did prepare the ordinance as it was approved on first reading. After about a three-hour meeting last night, the downtown commission, and you have a copy of this on your dais, did recommend approval of the ordinance as adopted on first reading with some changes, first to include and to require an applicant to provide a sound and light mitigation plan. Third to change part 1 a of the ordinance and replace extraordinary circumstances with special circumstances. And 4, to include a provision that the planning director establish rules for the, quote, special circumstances, that would extend overnight pours to 6:00 a.M. Such as limiting the number of permits per project over a period of time, restricting the days it is valid included providers an appeal process, a grandfathering clause, and briefly there was discussion about projects that are already underway, under construction and completed the bid process and they haven't actually broken ground but signed all the contracts, that was part of the discussion last night, and our requirement for light and sound mitigation plan that would not be grandfathered. That would still be a requirement. It did pass on a vote of 9-1 last night. In addition, there was a council question I guess that came up late in the work session about some of the ongoing permits that are currently active and we provide that as well on a separate sheet. Both of those are on yellow paper. I'm here if you would have any questions and I believe there are at least I think 18 people that have signed up for this item to speak to it.

[08:35:24]

>> Mayor Leffingwell: Close. 16. Councilmember morrison.

>> Morrison: Thank you. I have a question for staff. So I appreciate you all getting this to the downtown commission because I think they have a good perspective and I appreciate their suggestions. One thing they suggest is include a notification process, but do you know what exactly they are referring to? Because there are some notification

-- what above and beyond we already have.

>> They were looking for additional notification that would go beyond 6:00. There was a lot of discussion 6:00 in the morning to allow

-- there's some confusion because I don't think all of the commission members were aware that the ordinance already had a notification section. They were asking for maybe some additional notice. But they didn't clarify, but they also didn't remove it from their motion at the end. So I think yes, there is notification, requirements in here about notifying adjacent property owners next door across the street and property owners within 600 feet. Contacting their

-- them of the project. And that would be the representatives or I guess the management companies of those. Also providing a 24-hour contact number if someone had a problem of what was happening and that was discussed last night. Even I am

-- at one point they talked about having additional notice if you went beyond 2:00 or 10:00. But in the end I think it just didn't get removed.

>> Morrison: So they didn't talk about anything specifically so that could have been a bit of confusion.

>> That may have been a bit of confusion, but they certainly talked about notice a lot.

[08:37:27]

>> Morrison: Okay. Notice is good. Another question I have about the recommended

-- recommendation. They are suggesting a grandfathering clause. Does that grandfathering mean that any project that's currently being constructed could have

-- could get future permits for all night pours?

>> I believe that's what the commission was actually talking about last night. They said they already have projects that are under discussion right now or projects that are about to break ground where there's mention of signing or any new contracts about building construction, I would imagine you can talk with some of those that might come up and speak to you about timing of contracts, when they anticipate the building to be complete. And there was concern that was raised that if you would inhibit projects that are already I guess been contemplated, site plans, building permits, they took both off because there was concern about that issue in general and threw it back to me to go figure that out.

>> Morrison: All right. And you haven't quite figured it out.

>> Not since last night.

>> Morrison: Okay.

>> So they were looking for something reasonable, I think.

>> Morrison: I get it.

>> Dealing with grandfathering and recognizing there are projects underway.

>> Morrison: I appreciate that. And then the draft ordinance that we have adopted on first reading that we're considering actually allows nonpeak pours until 2:00 a.M. Right?

>> That's correct.

>> Morrison: So

-- so the grandfathering would allow all the way to 6:00 a.M. As opposed to new ones would have to come in at 2:00 a.M.

>> That's correct, but they also had a provision to create a special circumstance to change it from extraordinary circumstance and then allow, I guess, myself to go back and work trying to come up with rules that would deal with that.

[08:39:28]

>> Morrison: Okay. Thank you very much.

>> Mayor Leffingwell: So I guess we can go to our speakers. And we do have 16 speakers signed up. I think a compromise is in place at this point or substantially in place to be very brief and not repeat. It would help us expedite our way through this lengthy meeting. The first speaker is phil thoden.

>> Good afternoon, councilmembers. I'm the president of the austin chapter of the associated general contractors of america. Our members work in the commercial construction industry here in austin including on projects downtown adjacent to city hall here. We have 250 members representing general contractors, specialty contractors, employing about 10,000 people. We can appreciate the noise concerns of downtown residents. If there is one consistent truth about construction, it's that nobody outside of the project likes the process of construction and the associated noise and dust. You all got a little about that with the reconstruction of the dais here and certainly is applicable with the building of a large project. Secondary truth is that everybody does love the finished project. That's what our members are trying to do to provide as quickly as possible with the most minimal impact possible. We opposed item 56 as it currently was on the agenda. Some of the tweaks here are beneficial, but I think there's a lot of confusion. There's one thing that a contract or developer doesn't like what is going to play out down the road especially with a large project on the works for many years and can take place of construction over 24 months or more. I would like to see some more given opportunity for staples to weigh in on this because I think the crux of the issue for the austin city council so consider is that you are trying to alleviate the pain that will be expressed today by people who live downtown, but I think you are pushing a lot of that pain on to the larger austin community that commutes downtown, that socializes downtown and may also live downtown. The numbers that I've heard from informed sources are the 12,000 or so people live downtown; meanwhile, 125,000 people choose to work on any given monday through friday. Word about some of the changes and the preparation going into construction for those who aren't involved in construction, I always like to give the visual of a marching band going down a field. They are all in line. They are marching in unison. If somebody messes up in the front, it messes up everybody in the back. When you take out concrete and make some changes there, it impacts the schedule of the electrical, the flooring, painters, people who are already in short supply

here in austin trying to build all the projects that are in demand by the austin public. It's very much going to stress their ability to deliver these projects. I'll end with the comment that the best construction project for everyone is to get finished as quickly as possible. Under the ordinance, the austin community can expect longer periods of construction noise and convenience. Thank you.

[08:43:03]

>> Mayor Leffingwell: Agreed. Richard scecsy.

>> Mayor and council. Thank you for the time. I'm the president and c.E.O. Of the texas aggregate and concrete association. We effectively represent all of the concrete producers in the state and aggregate producers in the state. Those are the big trucks that go down the road that have the concrete in the back. We were not a stakeholder in this discussion. On october 23 when the time provisions got placed into it, that's when we became a stakeholder. We've only been part of this discussion 20 days and the language has been changing so fast we haven't had time to fully vet it, we haven't had time to fully talk to our stakeholders or the impacts it may have a secondary ones. One of the things I can almost guarantee will happen as consequence of either an interim position or the current ordinance as it goes forth. The first is you will have increase in congestion. You will shift all of that traffic congestion to the daytime hours. And when it comes to congestion, you cannot look at a discreet construction example and do the math and say, well, it's only going to be an additional three or four or five trucks. Austin is a vibrant [inaudible] when you shift congestion traffic. All of a sudden you don't have three or four more trucks, you've got 50 more trucks. Now in the highest congestion traffic you've got. You will have increase in emissions almost automatically in your highest congestion hours downtown. You are going to increase the cost of concrete. You will increase the cost of construction. You will increase the cost of the buildings and rent. If there's one thing I've heard living in austin, it's about affordable housing and you are automatically going to drive those costs up as well. You will decrease worker safety because you will shift the concrete trades to working in the warmest part of the day as opposed to coolest part of the night. You will decrease the amount of [inaudible] will not be able to count on second and third shifts because those will be taken away from them. You will decrease commercial activity downtown because now that construction traffic will be blocking traffic downtown preventing people from getting to downtown businesses. My experience in dealing with ordinances across the state has been there are a practical balance between all of the stakeholders. The proposed language as is is not a practical balance. It favors one stakeholder group in deference to several in many other stakeholder groups. This places what I believe at a competitive disadvantage going forward whether in a temporary situation or long term. Thank you very much, council, I'll be more than happy to answer any questions if anyone has them.

[08:46:06]

>> Mayor Leffingwell: Councilmember morrison.

>> Morrison: I do have a question. Our staff did some

-- a sure stray for say what other cities do and other large cities indicate that they don't allow all night pours, but you seem to say other cities across the state found some kind of balance. So what kind of balance were you talking about?

>> I read the staff report. It did not indicate prohibition, it indicated allowance or variance in all of the other major metroplexes, fort worth, houston, san antonio and dallas all have all night pours that are currently going on, but they have a variance, they have an allowance process and mitigation built in. When the hours were added to the language here, that would be the first-of-its-kind in texas.

>> Morrison: But houston says you can go from 7:00 a.M. To 8:00 p.M. So why is

--

>> and past 8:00 p.M. You can still place concrete with a variance or allowance permit.

>> Morrison: So you are saying the staff report is wrong. It says staff at the city of houston was unaware of any provision for after hours

--

>> there is currently being placed in downtown houston.

>> Morrison: That doesn't mean it's legal.

>> It is being done and has been done.

>> Morrison: Okay. Thank you.

>> Mayor Leffingwell: Charles betts.

>> I'm charlie betts. I'm here representing the downtown austin alliance. And I'll make our ask right up front. We're here to ask you not to alter the curfew for overnight pours and to give mitigation a chance to be successful. We are in a difficult position as downtown property owners. We are very interested in the residents and the people that stay in our hotels to be pleased. After all, they are the end users of the product. We're also not anxious at all to discourage further economic development in our downtown. So we're between that sort of rock and a hard place that you are also today. The one thing, the two things I would like to bring to your attention is we are very concerned about the significant increase in large concrete trucks moving into the downtown area as 123,000 workers, those of us that work downtown are coming into downtown. And also our police department downtown commanders have also expressed to us a real concern about public safety of having those

-- those [inaudible] right in the midst of our downtown rush. We're just simply saying please give us the time, both parties, the residents as well as the contractors and economic development. Give us time to have further discussions and to come up with reasonable mitigation measures. Please do not impose a curfew today. Thank you.

[08:49:45]

>> Mayor Leffingwell: I have a question for you, Charlie. You know about the

-- the compromise that's going to be proposed I believe by Mayor pro tem which grandfather's old projects.

>> Yes.

>> Mayor Leffingwell: And allows them to go until 6:00 a.m., As I understand it.

>> Yes, sir.

>> Mayor Leffingwell: You are aware of that.

>> And we're supportive of that.

>> Mayor Leffingwell: Okay. Thank you.

>> Thank you. Mayor pro tem.

>> Cole: It might cut down on some of the testimony so I want to walk through that with you a little bit.

>> Sure.

>> Cole: I'm going to propose that we pretty much adopt the downtown commission's recommendation that the existing pours are able to stay until 6:00 a.m., but a new procedure be put in place for new pours. And that we organize a working group, a 60-day working group. Can you talk about how you see that working group operating?

>> Yes. We would

-- we would hope and certainly be supportive of a working group of representatives from downtown residents as well as contractors and concrete business people to sit down and try to come up with the best mitigation measures that will work without just simply abandoning and restricting any nighttime pours. And we don't think we've really had time. Those discussions are just beginning.

>> Cole: Okay. And I know you also have concerns about the mitigation areas, the number of feet, 600 feet as opposed to 300 feet. Can you speak to that?

>> Yes. We think 300 feet is reasonable. That covers the surrounding nine blocks. 600 feet would be more like 24 blocks. And we think that's a bit excessive. 300 feet would certainly

-- the notification would be I think more than sat satellite-radar us factory.

[08:52:07]

>> Cole: Was there anything else of significant I might not have touched on that you want to point at?

>> I think that covers it well.

>> Cole: Okay. I just thought, mayor, it might influence some of the other speakers.

>> Mayor Leffingwell: I'm glad you [inaudible]. I'm glad you pointed that out. I did try to allude to it before the speakers started, but evidently it was not specific enough. Gus pena. Bill hicks. Barry lewis. Barry lewis is here. You have up to six minutes.

>> Mayor, mayor pro tem, members of the council, I hope I won't take six minutes. I don't intend to. This is a difficult issue. It's a difficult issue for all of us. It's

-- it's an unintended consequence of the success that started 17 years ago when the policy was initiated to bring more residents downtown. And it's been a very successful policy. But the people who are being affected are not only residents of the hotels and other visitors who are in our city. This proposed ordinance has been characterized as a prohibition. It is not, as I read it, and the downtown commission in recommending the adoption of the proposed ordinance has stipulated that extraordinary should be changed to

-- the word went away.

[08:54:14]

>> Special.

>> Special. Excuse me. Special circumstances to be defined. We all recognize that there are circumstances that do require long pours. And they mush together and if you don't adopt some policy at this point, then the further we go down the road, the more projects we're going to have that are in effect grandfathered. And I would point to the fact that the downtown commission in their discussions last night recognized that and stipulated specifically that projects that were grandfathered would still

have to comply with the mitigation requirements of the ordinance. The only comment that I would make on behalf of dana is that the

-- the standards already exist in the city of austin code. They've been in the code for a long time. It's 70 decibels for sound and .4 of a foot candle for lighting. The lighting standards are not at all difficult to achieve. The sound standards I'm not so sure. As to notice, the notice provisions are also 234 the code. If you look at the same section of the code, 9-2, which permits or which authorizes permitting for amplified sound, and look at the application that has to be filed for an amplified sound permit, there are very specific notification provisions in there. There's no need to reinvent the wheel. Thank you very much.

>> Mayor Leffingwell: Councimember spelman, a question.

>> Spelman: I have a question for you.

>> Yes, sir.

>> Spelman: We've got, as you mentioned, a 70-decibel at the property line requirement. And you can't go over is it four-tenths of a foot candle?

[08:56:26]

>> Actually the -- the sound requirements that are in the sound ordinance say that the sound is to be measured at the

-- at the place where the

-- where the permit is issued or for the venue that the permit is issued. It doesn't use at the property line the [inaudible] because they were

-- they were written specifically for residential property.

>> Spelman: At the place where the permit was issued is inherently fuzzy because we don't know where inside the property you are going to be measuring it.

>> Yes, sir.

>> Spelman: You know where the property line is.

>> Yes, sir.

>> Spelman: We've got regulations for noise, regulations for lighting. Why do we need to have any regulation at all for concrete pours if the primary concerns we've got are the noise and lights?

>> Well, I think that's an excellent question, and my understanding is that this ordinance, 9-2-21, was created [inaudible] that prior to that there was no such thing as an after-hours concrete pour. They were definite operating hours during which construction could occur. And when the astin started, amli 1 was catty-corner across the street on second and there were a lot of complaints and the people building the ashton said wait a minute, we counted on doing this, this is the way things are normally done and this ordinance was

-- was adopted.

>> Spelman: I understand that. Let me follow up then. Were there complaints because the pouring at the ashton exceeded 70 decibels, that the lights exceeded whatever the allowable amount was for noise?

[08:58:30]

>> Spelman: Councilmember spelman, I was not living downed at that point in time and was not aware of these issues. I agree with you that the core issues are sound and light. If

-- if

-- if lighting is

-- is mitigated so that it doesn't ruin somebody's quiet, peaceful enjoyment of their residence, and if sound is mitigated to the point where residences do not become uninhabitable, then the hours don't matter.

>> Spelman: If you could pour quietly, go ahead and pour quietly.

>> We have businesses that operate 24 hours a day and nobody cares because they do not intrude on the quiet, peaceful enjoyment of other people. And that's also the reason for the music ordinance.

>> Spelman: Thank you, sir.

>> Yes, sir. Thank you.

>> Mayor Leffingwell: Councilmember morrison.

>> Morrison: I wonder if

-- I got a little confused in that last discussion, but I just wanted to be clear that the compatibility requirements are not in force here downtown because they are more about single-family compatibility.

>> Compatibility standards do not apply to central business district or or p, public zoned properties. They do measure mechanical equipment at a property line as far as that goes and they do require

shielding of a light source, not necessarily the foot candles but the light source under compatibility standards.

>> Morrison: So that kind of thing can provide a good model, but it's not actually in the properties we're talking about.

>> That's correct. There are other noise regulations that speak to amplified sound for music venue that allow it to 85 decibels downtown.

>> Morrison: Well, and that's another thing I wanted to mention. There's a mention about notification. Notification of outdoor music venues, that's required, but it doesn't apply right now, there's no notice requirement that applies right now to concrete pours.

[09:00:41]

>> That's correct. And those live music venue permits are good for a year, where a concrete pour permit is only good for three days.

>> Morrison: Right. Again, good framework, but they are not enforced right now.

>> Mayor Leffingwell: Debbie resing. Debbie resing. David newburger.

>> Mayor and councilmembers, my name is david newburger and thank you for letting me speak today. I have an apartment in aml on second. I'm on the 19th floor, catty corner to the construction, the green water treatment plant right now. I came into town about, oh,

-- I had been out of town for a the love summer, came into town six weeks ago, two months ago, middle of the night I wake up and it was a phenominal amount of light pouring into my apartment and a huge amount of noise. I pulled a gb meter I have for some of the music festivals and clocked 85 to 90 on my balcony at 3:00 in the morning. It's like having a lawn mower outside your window. I innocently sent an email to you all because I thought something was wrong, you can't do this in the middle of the night, you can't sleep. I got more involved, learned more details, I realized you had a discussion about this going on. And I decided I wanted to see how many other people in downtown were affected by this and were interested in this that were living in this residential neighborhood. It's not the cbd anymore. It is a residential neighborhood. It's a mixed use high densely neighborhood. About three weeks ago I set up a little organization called I love downtown austin.Org to promote better quality of living and the first focus being after construction activities. In just three weeks, you all have received well over 300 emails. All I did was good around to the various buildings downtown from [inaudible] and said hey, anybody being bothered by middle of the night construction noise? And that's where all those emails come from. It wasn't rocket science. It wasn't

-- I have no organization particularly behind me. I don't have a lot of boots on the ground. There are a lot of people being affected by this. This is their bedrooms. They want to sleep at night. There's been a lot of voices that I've heard. Some people want to leave it just exactly as it is. There's some people would like to see some modest improvements. 2:00 a.M. Is sort of a modest improvement. Barry said it goes from awful to less awful. And after listening to all these people, I've listened to some of the [inaudible] and voted 7-7 which is what the rest of the residential neighborhoods receive. That's the respect that we give families, workers, all over this city except for downtown so they can sleep at night. But after listening to all this, I listened to dana, who is sort of the main spokesman for residents downtown, and I came to a considered opinion that

--

[09:04:15]

[buzzer sounding]

-- what I would like to see is a 10:00 cutoff.

>> Mayor Leffingwell: Thank you, david.

>> I appreciate it. Thank you much.

>> Mayor Leffingwell: Julie fitch. David wiser. [Inaudible] here.

>> I believe he is.

>> Mayor Leffingwell: Clayton, raise your hand if you are here. Right now you have three minutes.

>> Thank you. David wiser. I'm also a supporter of ilda. And we do have some concerns about what the status quo will be during any review period. We believe very strongly that downtown residents need and deserve relief now. And it's true that what we're talking about is sleep of residents, that kind of quickly say it's a sleep problem, but I do believe that it bears emphasizing that without a good night's sleep, you know, the rest of activity is going to be very difficult. I don't think it could be said better than the bard and it's perhaps the most succinct description of the value of sleep in the english language. This is from act 2, scene 2. Macc beth is murdered king duncan and going crazy and said me thought I heard a voice sleep no more. Macc beth does murder sleep. The innocent sleep. Sleep that nips up the raffled sleeve of care. The death of each day's life, soar labors back. Bomb of hurt minds, great nature second course. Chief nourisher in life's feast. That's what you are dealing with here. We have downtown residents by the thousands that are being affected by nighttime concrete pours that effectively murder sleep. Thank you very much for your attention.

[09:06:19]

>> Mayor Leffingwell: Mike shernan. I think we're getting the picture now that it disturbs sleep so

-- [laughter]

>> Mayor Leffingwell: I think we've got that part of it.

>> Good afternoon, mayor, mayor pro tem, councilmembers. My name is shake mike sheridan. I lived in austin since 1965. I bought a condominium at spring and I realized when I moved downtown that there was going to be some more congestion and some more noise. I didn't realize there was going to be sometimes there would be 24 hours of constant noise and also light that happens. I didn't realize mayor pro tem was going to offer something later. I was basing on the current ordinance that passed first reading and I'm supportive of you all passing the current amendment. I did go last night to the downtown planning commission and share my comments. I understand and all of us understand I believe it's special occasional all-night pours are going to have to happen. The current procedures allow for a special permit for that a the people can go and get if they so choose. There is no prohibition on all-night pours. I also there any there are several projects, the bowie willing has not had a single all night pour and they are ahead of schedule. The gables, park plaza and gables park place also have been built and as far as I know they didn't have any and projects that have been done on time that didn't require the special permission of all-night pours all the time. So I'm just asking for you all to vote in favor of the amendment that is and I appreciate your time today. Thank you.

>> Mayor Leffingwell: Kathy marcus.

[09:08:22]

>> Hello. My name is kathy marcus. I live at the spring and I'm reading a letter from die and zuniga who wasn't able to be here today. So bear with me. She encouragees the council's to approve this amendment from 2:00 a.M. To 10:00 a.M. Which pours would be allowed. At its previous meeting regarding this matter, council directed staff to hold a stakeholder meeting which I attended, meaning diana. 60% of those attending were from the concrete industry and they made it clear to the group that they considered pouring concrete all night routine as opposed to an occasional occurrence due to an urgent need. As a matter of fact, the trammell crow company has poured concrete all night several times this week alone. Also I sent out pictures to everybody of the concrete pouring so I hope you were able to see those. When those of us who live downtown chose to move here, we recognized the downtown neighborhood would be noisy and congested. We expect and welcome construction because we support the continued growth of our neighborhood. Occasionally all-night pours with notice are acceptable. What is not acceptable is constant all-night pouring of concrete depriving the entire

neighborhood of any meaningful sleep due to the noise and light generated from that activity. There are many projects in our neighborhood that were recently built in a timely manner with few, if any, overnight pours. Among them are the gables park plaza, gables park, the bowie, a 400-foot tall building correctly across the street from the spring which is about to complete construction in record time. Concerns for impact on [inaudible] has been mentioned. Limited to 20,000 square feet. Requires approximately 12, 8 to 10 wide concrete trucks and occurs over 6 to 8-hour period. Therefore at any given time three to four trucks at the site, three to four at the plant and three to four on the road. Even on sites where so-called third shift pouring and finishing occurs, hoisting and placement of, bard and columns typically take place during normal business hours, 7:00 a.M. To 7:00 p.M. To say there will be hundreds of trucks lined up on our city streets waiting to pour their load is an extreme exaggeration. As a real estate professional

[09:11:11]

[inaudible] wants the right to pour concrete all night and recognize that this occasionally may be entirely necessary. As a downtown resident and president of spring hoa representing over 400 stakeholders

-- [buzzer sounding]

-- thank you for your service to our city.

>> Mayor Leffingwell: Thank you. Diane zuniga is not here, I just heard. Jason hokeman.

>> Hi. I'm a downtown resident and I've lived downtown for the last three years. During which time I've seen construction take place all around my building. I live in the spring just like the last two people who spoke. The trucks come in, hit the brakes, give a loud squeal and that wakes you up in the middle of the night. It's not about the constant [inaudible]. It's the start and the stop and when they finish pouring. I have multiple occasions where I have light shining directly in my bedroom and somebody [inaudible] 25 floors up in the air making all kinds of noise. So what I'm worried about is that you can pour till 10:00, you can pour until 2:00. What's the answer? What happens after that. It's a long slippery slope. Eventually the suggestion

-- no one wants to live downtown anymore and you can't have a situation where you want people to live downtown in a downtown environment and make it unlivable. Been going through this with 12 downtown residents our concern is about peace of mind and well-being enjoying the

-- just like people who live in the suburbs. Thank you.

[09:13:21]

>> Mayor Leffingwell: Jeff cunnington.

>> Mayor, mayor pro tem, the rest of the council, jeff cotington, a 34-year austin resident. I speak on behalf of ballet austin. Ballet austin owns the north half of [inaudible] which is immediately adjacent to the treatment center site. Construction projects in the city of austin with planned pours. Our facility on that parcel houses not only artistic functions but the education center. In any given week the [inaudible] welcomes children, families and seniors to a diverse range of classes and programming way beyond ballet. Among those we offer and have offered historically are [inaudible] program which

-- many current. At absolutely no cost to them. A better [inaudible] workshop with weekly class to prevent amongst the elderlyly that is geared towards those who are seniors or suffering from multiple sclerosis which affect folks' balance and mobility. And a new

-- a class of new mothers which offers an excellent place to work out and opportunity class with baby. These classes all reasonable and if they could be instituted yesterday, we would be happy about that. On the other hand, to change the hours at the pour at this point as has been discussed has, the potential of a lot of unintended consequences and so the action our board took and was communicated to you by me in email about 10 days ago is that we

-- we certainly favor a 60-day. 127.0.0.1

>> but state a specific time 127.0.0.1because working groups are 127.0.0.1known to go on and on. 127.0.0.1we don't want that. 127.0.0.1we encourage it to be 127.0.0.1staffed or facilitated or 127.0.0.1mediated if necessary.

[09:31:10]

>> Rather than one sided or the other. Thank you very much.

>> Thank you. Those are all of the speakers. Before we go on to discussion, item 72 is the next item we will take up. It has over 2 hours worth of testimony signed up, and, and if you are here waiting for that item, I suggest you align your side and plan for the possibility that council will restrict you to 30 minutes a side. So I am just telling you now so that you have time to get together and decide on who is going to speak. That would be roughly ten speakers at 3 minutes.

>> Morrison: Mayor.

>> Mayor Leffingwell: Council member morrison.

>> Morrison: I wonder if we could consider taking up 89 and 90 before the two hours of testimony on 72 because I think we may be anal to dispose of it very quickly.

>> Mayor Leffingwell: If it's very quickly we can do that.

>> Morrison: I was going to make a motion hopefully supported by all.

>> Mayor Leffingwell: Okay, so the floor open for a motion on item 56.

>> Cole: Mayor.

>> Mayor Leffingwell: Council member cole.

>> Cole: I am passing out motion sheet with item 56 with several amendments that I've briefly talked about. Before I get started, I would like to ask lazarus lazarus up. I thought I saw him. Can you just lay out for us why nighttime pours are responsible.

>> Howard lazarus, public works department. I think many citizens and interested parties who came before me have laid out the fact that there is safety

-- worker safety issue involved in terms of being anal to place concrete outside the heat of the day. There are concerns when you are placing large slabs of concrete that are necessary to achieve open spaces in these dramatic buildings that you don't want to have an interruption and have a coal joint in which compromises the structural integrity that you are dealing and that allows the buildings you are see downtown as well. There is also adverse impact spoken to of having concrete trucks for large operations coming downtown in a part of the day and during rush hour. Again, that delay and delivery of concrete can cause the batches to exceed the amount of time allowed in the trucks which in turn could cause interruption of delivery of the concrete and compromise the strength of the structure.

[09:33:57]

>> We understand what you are saying and from the testimony that we heard, that there is a lot of stakeholders with interest at stake that we are trying to protect and balance. I am not going to ask you to go into that any more than just saying that. I would just like to say that I think the 2:00 o'clock curfew that is being considered a compromise tonight under extraordinary circumstances is too much of a change. It's too much to make arbitrary decisions by staff and put some major risks in almost every case, especially case by case over time. I am concerned, also, about the practical implications about projects that are under construction. We have heard testimony about the workers and the implications that can have and concrete trucks on places like ballet austin. Almost every city in austin wishes they have the amount of urban redevelopment that austin is now experiencing. These are buildings that are taking advantage of some of the same rules that are in effect in all of our other high-rise state. High-rises went up. Austin has already a reputation for changing rules midstream and I don't think I should do that in the face of so much evidence that it could be potentially costly or hazardous to other members of our community. So one of the first amendments I am making or proposing is that we not change the time,

but in the draft that is in our backup, that we change 2:00 a.M. Back to 6:00 a.M. So that the loud period of time will be from 7:00 p.M. To 6:00 a.M. And that we strike the language in extraordinary circumstances, or of limited duration from 12:00 to 6:00, so that's the major change in the ordinance that's in our backup that will stay the same. And then

-- why don't we take a. I just thought about the fact that you had not laid yours out and I was amending a motion that wasn't on the table. So mayor, let me yield the floor to council member morrison.

[09:36:28]

>> Mayor Leffingwell: Did you make a motion in all of that, or are you just

--

>> Cole: I am going to make a motion to amend her motion.

>> Mayor Leffingwell: All right. Council member morrison.

>> Morrison: Thank you, and mayor pro tem, thank you very much, I appreciate that courtesy, and I do want to make a motion. I am, in just a minute going to make a motion to adopt the downtown commission recommendation which takes the ordinance back up and adds the grandfathering and changing extraordinary to special and all of that because I think those are really good points that were brought up and I want make sure we aren't disturbing people's plans and jobs and all of that right now, but I do want to remind folks that it was in april of 2008 when the

-- there was no such thing as an all night concrete pour, and there was an ifc, an item from council to change it so that instead of having to stop at 7:00 p.M., The concrete pours could go all night long. That was an ifc. It came back to council june of 2008, the very last meeting before I was on the council and it was adopted. Both of those were adopted on consent. There was not one bit of discussion or courtesy given at that point to the people that lived downtown. So what I was really trying to do by suggesting basically the 2:00 a.M. Stop is to bring at least a little bit of sleep to the people who live here, not too much of disruption to the schedules that are already in place, but I know what it's like to be living near a construction site where you cannot sleep for a month and it's just really not okay. So with that, that's my motion that I would like to get on the table, to adopt the downtown commission recommendation and I realize that will leave staff details to work out but I trust you all to work with the folks to figure out what the detail should be and let me add one more thing to this, also there be direction to have a working group, to consider this interim

-- the 2:00 a.M. An interim ordinance and have the working group come back with further recommendations within 60 days.

[09:39:21]

>> Mayor Leffingwell: A motion by council member most to adopt the downtown recommendation. Is there a second for that?

>> Riley: Mayor, I will second that. I would like to ask a question or two about it.

>> Mayor Leffingwell: Second by council member Riley. Go ahead.

>> Riley: Could I get clarification on the grandfathering? There have been discussion about how current or spending projects should not be subject to different rules under which they applied for building permits. Is that the expectation behind the motion?

>> Morrison: Mayor, if I may, it is expectation that we won't be disrupting things that are going on right now and I want to leave it staff to figure out the details of that in discussion with the industry.

>> Riley: So the current projects and those that have applied for a building permit would be fully subject to the same rules except the mitigation measures of the downtown commission would apply.

>> Guernsey: Greg Guernsey again, planning and redevelopment. We talk about building permits and we have talked about site plans and I heard from Ms. Mead, she asked about application for a building permit. It is on the table. I haven't made a decision that I can throw out right now but I think certainly the application of a building permit, it certainly sounds like a reasonable place to be, given that when you actually are filing that, you've already gone through detailed plan work and you probably outlined schedules that you would have for the timing of construction of that. So I don't think that's unreasonable if you are asking my opinion off the cuff, less than 12 hours of the downtown's commissions

--

>> that's okay.

>> Morrison: I am perfectly comfortable if you want to add that.

[09:41:24]

>> Riley: Sure, so the projects that apply for a building permit will be grandfathered under the current rules. I do want to ask another question about the particular hours that we are talking about. And maybe this was discussed at the downtown commission last night. As I understand it, the downtown commission stuck with the idea that we would have a 2:00 a.m. time limit, and I am just curious about why that would be

-- if we are only talking about new projects and we are talking about temporary period of 60 days while the stakeholder working group is coming up with the rule, then why

-- there has been a lot of discussion about the possibility of a 7:00 p.M. Cutoff, and then some folks have suggested the compromise of 10:00 p.M. Did the downtown commission discuss those possibilities? If so, why did they land on 2, among those abilities?

>> Guernsey: There is quite a bit of discussion about the time last night. I think the folks from spring and the downtown residents, a lot advocated for 10:00 o'clock. The industries were advocates for 6:00. The chair mentioned 2:00 o'clock was a nice time because it was halfway in between the two so they spoke of council member morrison arising at that time but they did agree there are special circumstances, depending on the type of construction going on that there was really a need to go to 6:00 a.M. So that's why they left the 6:00 a.M. In the ordinance for special circumstances but realize that 2:00 a.M. Is

--

>> for 2:00 a.M.

>> For 2:00 a.M. But to go to can have if there were special circumstances that said that. There were some statements from the commission recognizing director of public works in some circumstance in other cities as being the reasonable agency to make that call rather than the planning director because the department has engineers and is more familiar with the timelines of actual construction of public projects that was

-- you know, that was part of the discussion, too, that came up briefly last night. I would point out, there have been a lot of discussion

-- I haven't provided certain information to you. It's not that you can just have trucks lumber through the city of downtown all hours and they do have restrictions in the morning from 6:00 a.M. To 9:00 p.M., morning peak times and 4 to 6:00 p.M. During the workday of rush hour. They will not let you come up with a traffic plan

-- unless they come up with a way to keep trucks out during rush hour. You are talking about you can do it from 7:00 p.M. At night, or later, but there are still restrictions, if only 6:00 p.M. To 7:00 p.M., you are talking about 9:00 to 4:00, considering the traffic conditions you have and other problems that the austin transportation department may impose on you which only gives you a 7 hour window. If you did allow pours at 2:00 p.M., That will give you another 7 hours. If you went to the 6:00 a.M., Then you could

-- an additional 7 hours, that would be an additional 11 hours, just to give you some perspective on that.

[09:44:59]

>> Riley: I get I was wondering in particular about the time of 10:00 p.M. If we are talking about a temporary period of 60 days

-- did the downtown commission compromise in the working group? I don't remember that.

>> Guernsey: They certainly discussed it and heard from the citizens coming before them that something needed to be done now. They did discuss about certainly not ending or curtailing any of this, that there would be ongoing discussions. I don't think that was part of their specific motion, but I think a lot of the commissioners thought that this discussion is not over.

>> Riley: Right.

>> Guernsey: Really they hear and you heard forcefully from some of the commissioners their concern about business owners being shut out if projects take too long. The public safety issue of people trying to get around downtown during daylight hours. They try to keep a balance but that's why they put 6:00 o'clock in there but recognized 2:00 o'clock as the ordinance.

>> Riley: We have the 6:00 o'clock in there as part of amended but if we are talking about a 60 day working group, it means the limits we put in place are aimed at the next 6-8 period and lot of work related to that relates to summer months. That's when you need the later night hours because working during the day is problematic, but if we are talking about the next 60 days, it seems a 10:00 p.M. Shut you would be less problematic because you don't have heat issues like during the summer when working during the day. Because we are talking about new projects not applied for the building permit and talking about a 60 day period, it seems like a strong agreement for going to a 10:00 p.M. Cutoff rather than 2:00 a.M. Period for this period.

[09:47:03]

>> Morrison: When I first came up with the idea of 2:00 a.M., The grandfathering was not on the table so it does change but I will say the 2:00 a.M. Was meant to just take a very small baby step to provide a small amount of respite and to hopefully find four votes on the dais to be able to get something to support. I realize with the grandfathering, it's still

-- it's still

-- it's a different

-- maybe a different story, and I'd like to be able to make it bacit to 7. And I have gotten emails like oh, no, I need it at 2:00 p.M. But if this passes, assuming it's an interim, I think that taking small steps toward where we might be headed is might just be a little more graceful and transitional, so as much as I'd love to be able to say that, I think from a practical standpoint, it would be good to take a small step to start.

>> Mayor Leffingwell: Okay. So as I understand it, we are talking about anything that's already been filed will not be affected by this. It will be totally grandfathered. New projects limited to 2:00 a.M. Under your proposal and there will be a 60 day working group established to come out with a final recommendation in 60 days. Day.

>> Morrison: Yes and I think is that we say the 60 days that the recommendations get to the downtown commission because the downtown commission has provided a lot of insight for us.

>> Mayor Leffingwell: Does this ordinance mean it will be sunset in 60 days?

>> Morrison: Maybe it will be more realistic to sunset it some days after

--

[09:49:03]

>> Mayor Leffingwell:90 days?

>> Morrison:90 or 120. We have been looking at this since september. It has been on our agenda for september.

>> Guernsey:90 days would at least get you into the new year where you would have the new council sitting. Given the volatility of this item, staff actually

-- I pulled this item down two months just to have some more discussions. I would probably lean more towards 120 days, just because the interests and the passion is so strong on both sides of this, financial or mental that 120 days is more reasonable to sunset the ordinance and that will give time for the new council to have one or two meetings to say that we want this to come up sooner than 120 days if they so desire.

>> Mayor Leffingwell: Could I ask a representative of the group that is opposed to this

-- ms. Mead, could I ask you if you could comment on any aspect you want to of this proposal?

>> So I stepped out for a second and so I may have missed it but go back

--

>> Mayor Leffingwell: Nothing already filed will be affected in any way and there would be a working group to come up with a form innocent establish in 60 days and in the interim new filings to the 60 day to the 120 day period will be limited to 2:00 a.M.

>> So understanding that that's a compromise, you know, it's certainly better than I think what was approved on first reading. It seems consistent with what the downtown commission was trying to accomplish. Again, you know, we

-- consider a pour is 6-8 hours, you have to consider backing out from 2:00 a.M. When you are going to have that stage happening in the activity, so, you know, our preferences that we not have that

-- that curfew, but understanding that that's a compromise and if the commitment really is to have the stakeholders come to the table and try to

--

[09:51:24]

>> Mayor Leffingwell: So no project that's already been done will be affected?

>> Yes, I feel like everybody can live with it if the commitment is that we will work on it to come up with an ordinance that really hits all of the issues and considers everybody's interests.

>> Mayor Leffingwell: Yes, I think a big part of the working group's consideration has to be how do we establish a permitting process so that the problems that are peculiar, depending on the location of the project duration, all of that kind of stuff.

>> Absolutely. I mean, I

-- in the spirit of it being a compromise, I think it's sort of splitting the baby

-- I know people hate to use that phraseology, but I think it's something that's working. It's in the middle of what the different stakeholders are asking for and we can make it work and live with it.

>> Mayor Leffingwell: Okay. Thanks. Mayor pro tem.

>> Cole: One of the items

-- I agree with you that the downtown commissions

-- what they formulated is much better than what was originally filed, but one of the things that have come to my attention from some of your members is that in section a, a desire to delete the wording that says, finish a concrete pouring. And the idea there is that dana lewis said that finishing was very quiet and he had no problem with that occurring overnight and so one of the amendments that I was considering making or offering as a friendly amendment was to delete that. Do you have comments about that?

>> I think it's huge because mr. Lewis and others who know about construction agree that's the quiet process. It doesn't create the noise and light issues that the actual pouring does. So that would allow that additional time to be able to complete the process that was started earlier in the day. That would be very, very much appreciated on the part the developers in the industry, I believe.

[09:53:37]

>> Cole: Okay. Let me ask you one other question while you are here. We are talking about now, understand a 60 day working group. That's what I think we have compromised on

-- have been recommended by the downtown commissions on the table. I know that mr. Sid had recommended mediation, which I think is a very useful process and I am considering offering that as part of the direction for this ordinance. How do the stakeholders feel about that?

>> You know, we would be open to that. I feel like everybody involved has been playing nicely together. I don't think we need a mediators who making us all behave but I think if

-- someone to sort of facilitate the discussion, making sure the issues are addressed, I feel like it could be helpful and the stakeholders could establish that without an official mediator, without being licensed to mediators and they are experts for a reason and I always think their participation is very helpful. I wouldn't have any objection to it. I don't think I would be.

>> And let me ask this question

-- thank you.

>> You're welcome.

>> Cole: I would like to make a friendly amendment, mayor. The first one is to

-- in section a, part 1 section a, to delete the word finish from section a, understanding of that as a quiet procedure. Is that friendly.

>> Morrison: Mayor, if I may?

>> Mayor Leffingwell: Council member morrison.

>> Morrison: You said mr. Lewis had talked about that.

>> Cole: Barry lewis and howard, I think.

>> Morrison: To confirm the understanding from mr. Lewis or staff, plus staff, but since he comes out

-- since mr. Lewis comes at it from a particular side I want to make sure we hear specifically from him.

>> So the question is, is finishing quiet?

[09:55:39]

>> Morrison: Yes.

>> It is quiet? It is quieter than pumping. Is it quiet? No, but on a relative scale, the noise of the pump is up here somewhere and the noise of the finishing equipment

-- you are talking about mechanized trouse which are typical for a 20-foot hole is here somewhere. You wouldn't want it in your bedroom, but

--

>> Morrison: We aren't suggesting it's in the bedroom, but I get your point.

>> Cole: It is in my bedroom.

>> It's not white noise. [Laughter]

>> Morrison: Let me suggest that we go ahead and allow finishing but ask specifically that be discussed in the working group because we are just talking right now about

--

>> Cole: Let's hear testimony from mr. Knox.

>> Michael knox, staff planning and development department and part of the downtown commission. This was part of our meeting last night. That language didn't make it into their official recommendation but they said and communicated to council between [indiscernible] this morning that they really suggested moving and finishing from this ordinance.

>> Morrison: Okay. Great, next I need to talk to mr. Guernsey because actually if we strike finish from here, that means finishing is not allowed at all because you aren't allowed to use

-- this gives you all night allowance so we have to actually say, but finishing can go all the way to 6:00.

>> Guernsey: We can work with the law department in perfecting that language if that's a concern.

>> Morrison: Yes so the amendment would be to ask staff to change the language to the time is limited to 6:00 and not until 2.

>> Mayor Leffingwell: Council member riley? That's acceptable. Mayor pro tem, do you have another offering?

[09:57:45]

>> Cole: The potential for mediation is another offer. Is that considered friendly?

>> Mayor Leffingwell: I have one to add sunset clause of 120 days. Is that acceptable?

>> Cole: And then I have one last item, mayor, with respect to the adjacent property owners and the number of feet. Can

-- greg, can you give us any insight into how the 3 feet versus 300 feet, how it was discussed at the downtown commission?

>> Guernsey: Originally when this started, I said across the street and next door to the neighbor. Council at first reading introduced 600 because the reference was in the ordinance for 600 feet for sound, to amplify sound as you are dealing with annual permit. I think the 300 feet came up because it is about a city block. As you heard mr. Bets speak tonight, if you took a city block and taking nine blocks rather than two blocks out from the job site.

>> Mayor Leffingwell: Which would be 24 blocks?

>> Guernsey: Yes as you go exponentially from that. I will point out also this ordinance

-- because you have several people, I think, that are speaking tonight that are on properties dmu, that the ordinance before you does not include dmu. It only makes a provision for cbd, where it's only added today and adds public. So as I said, what was discussed last night, request to bring back dmu and requests for dmu, but I understand it's only applying to public and applying to cbd. I heard the mayor said with sunset, 120 days which I assume from the effective date of the ordinance, which would be ten days from today, that there is a 60 day and there is a working group, and that would bring forward some ordinance and that at the direction of seconder, council member riley, that it was the filing of a building permit on the property for that project which helps me because then I am not having to decide that it sounds like council is giving me the direction where you start in time. That's my understanding of what I heard you say so far.

[10:00:10]

>> Mayor Leffingwell: Okay. Sounds good to me.

>> Morrison: Mayor.

>> Mayor Leffingwell: Council member morrison.

>> Morrison: Two things. I would ask the second thoughts about 300 versus 600 feet.

>> Riley: And I don't have a strong point on that

-- can you remind me of the discussion at the downtown commission, where they were on it?

>> Guernsey: Well, the downtown commission, they really wanted to have some notice. I am not sure if it was discussed so much if it was 600 or 300, but the ordinance already speaks to 600. Council was gracious enough not to treat, notice in a manner that is similar to a zoning case where I am notifying every single property owner or resident tenant, I would tell the applicant you must come in and notify the management company for an apartment complex or the association of a condominium so the burden is reduced in that sense.

>> Cole: Pro tem.

>> Mayor Leffingwell: Mayor pro tem.

>> Cole: Could I ask julie or charlie bets to come talk about the 300 feet versus 600 feet, the importance of it to the association of it.

>> Thank you. Julie where downtown commission. It's not critical. 300 feet is 1 block and 600 two blocks so it's a very significant number of properties that would have to be notified. Again, it is not the most critical part of this.

>> Cole: Okay. Let's let the stakeholders work around that.

>> Morrison: I have one question.

>> Mayor Leffingwell: Council member morrison.

>> Martinez: This may be a question of mr. Lazarus or maybe mr. Guernsey, this ordinance asks, is adding p and the main thing I think is adding our central library.

[10:02:19]

>> That's correct.

>> Morrison: So this is going to allow the central library now to go until 2:00 a.M., The way I read it.

>> Mayor Leffingwell: It is under construction.

>> Morrison: It wouldn't have any 24 hour permits right now because it's not legal for p projects right now to have 24-hour permits so I thought it might be interesting to fully understand.

>> Correct, our obligation is not only to follow the rules but to set an example and be a shining beacon of compliance. [Laughter]

>> Mayor Leffingwell: It is getting deep over here.

>> And we tried to make sure we were foll following mr. Guernsey in the intent and letter and spirit of the letter.

>> Morrison: So that means the central library will be until 2:00 a.M.?

>> Not necessarily, it means we will be working strictly on the more hours we have on limited occasions. We are placing concrete on the third floor and we have a couple of more floors to do on the ceiling. We are generally not close to any residents, so we have an opportunity to mitigate the noise and light as was discussed today as well but we want to comply simply with the letter of the spirit and code.

>> Morrison: So does that mean p

-- that project can get an all night permit outside of the special circumstances, or only until 2:00 a.M.? I am sorry, I still don't understand.

>> Guernsey: Well, it sound like it depend on what you

-- what your decision is, but right now, if the ordinance is saying if you already have a building permit and if your p public, and the building permit has been issued previously, it sounds like that would be eligible to go to 6:00 a.M. If you are saying now that if you

-- if you had a building permit before and we added the p today, and those are somehow curtailed, then, I think

-- then you would have to stop at 2, but I think the way the motion reads right now, did you have a building permit previously? Yes. The ordinance would say if you had a building permit previously, then you could go, provided you did the additional mitigation, things in here you might be able to be a special

-- a special circumstances, and it might take you to 6.

[10:04:50]

>> Morrison: The reason I was asking is because if you already have a building application permit in, you may have all night permits and all night pours, well something with a p project didn't have all night pours because it was not legal for them.

>> Guernsey: However, I have, you can say enlightened the public works department when this came up and I think they actually anticipated and weren't necessarily aware

-- the project manager wasn't probably aware of the nuances of the sound ordinances because technically you don't need a sound ordinance if you are operating between 6:00 a.M. And 7:00 p.M., And so that's just allowed. It is only when you go beyond the 7:00 p.M. And that's the whole thing this started. You need a permit. Yes, you do. We need to work to amend the ordinance. That's how we got here today.

>> Initially it was our belief we didn't require the permit because the way the ordinance was written but there was some difference in interpretation of the wording. So we embarked upon the trail to get greater clarity so we could be the beacon of compliance and we worked diligently to make sure that the work has been done since that time has been comp completed.

>> Morrison: And this brings up another thought that you might be able to bring to the conversation at the downtown commission and the working group and that is, surprisingly, I met somebody yesterday that has been involved in lots of big construction projects downtown and they weren't even aware that weren't allowed to do general construction all night long. Much less, you were only allowed to do concrete pour, so it might be worthwhile to make sure that the folks in construction in developing this downtown really do understand the laws and I think that will help us from getting into more even deeper problems.

>> Guernsey: And council member, if you look at that survey we also had, there were exceptions made, specific projects or public projects, because it is acknowledged that there is not many civic projects or public projects and it does reduce the costs for taxpayers.

[10:07:08]

>> Morrison: Yes.

>> Guernsey: Trying to construct a project just like it's done in a private project in a timely manner.

>> Morrison: That's right.

>> Guernsey: So there are exceptions in several ordinances by municipalities that make exceptions for those civic or public project.

>> Morrison: Right and the work you have already done, doing the survey will be really helpful in the working group discussion, too. Thank you. Mayor.

>> Mayor Leffingwell: Council member tovo and then council member riley.

>> Tovo: This had quite a few points ago and I didn't have a time to speak earlier. I want to ask dr. Riley, you proposed earlier time and if so I agree with it, I agree with taking the process with the stakeholder but having earlier time would make a lot of sense from the resident's perspective but some sense in seeing how viable that is for a commercial perspective during those two months and I want to make sure mr. Lazarus is aware we are receiving photos of the central library core showing some of the light reflection and other concerns that residents have made. So I appreciate your intent and your goal of being the shining beacon of compliance and I hope you will take their considerations in mind as you move forward with that project.

>> Mayor Leffingwell: Council member riley.

>> Riley: To follow up on those points, how are you still around? I have seen those same photos, of work going on

-- concrete pouring going on at the library side. 4:30 a.M. Yesterday morning was one, and so the question is under what authority does that have? Can you clarify that?

>> Guernsey: I will council member riley, the contractor for public workings did take out

-- public works did take out a permit and issued a sound permit. The address is a little interesting in that the permit that was addressed was zoned central business district but the site was large so there might have been issues with regards to the issuance of this permit. Howard and I

-- since this came up and I had a chance to talk to mr. Newburger today, I had a chance to see a copy of the permit. I called my technician who issued the permit. We went through the whole thing but the address on the site is larger than maybe we thought we did the permit for. So we are going to clarify that. I think this probably remedies that situation any way for the upcoming permits, so, yes, they did take out a permit. We did issue it. We issued it for the portion of the site that we believe was zoned cbd and p public and whether it applied to all property and was it zoned because they were weren't all zoned for the cbd and p.

[10:10:17]

>> The first was for original improvements and the first concrete we placed was on the east abutment for the streak bridge which is at

-- the second street bridge which was on the zone of the sound permit and I believe the contractors used that address going forward. I had a conversation this afternoon and we are going to fix that problem.

>> Riley: Okay. Appreciate that. With regard to the other point that council member tovo raised, coming back to the possibility of 10:00 p.M. As an interrupt measure for new projects that have not yet applied

for a building personality, that does strike me as reasonable for the next 60 days on setting on 10:00 p.M. As a cut off time just for that interim period for new projects while the stakeholder group is working. So I will be happy to see if there is an inclination of the council to support that and I suppose that might be an amendment to the motion. I will be happy to make that as an amendment to this motion.

>> Mayor Leffingwell: Motion for an amendment to set 10:00 p.M. As the limit by council member Riley. Is there a second? There is a second. I am not going to support it. I think, you know, we are already in a position here where there are a lot of things like this that are going to be discussed by the working group. That's the purpose of it, and I think to unduly and restrict construction efforts downtown, which is something we all want to see, without having the input of the working group would be potentially a lot of unforeseen consequences. So I am a little bit uncomfortable with 2:00 a.M. But I am very uncomfortable with 10 10:00. All of those in favor of council member Riley's amendment say aye. Aye. Opposed say no. No. Okay. So that

-- customer Martinez, how did you vote council member Martinez, how did you vote?

[10:12:35]

>> Martinez: No.

>> Mayor Leffingwell: That fails 3-4 vote with myself, council member Morrison, council member Spelman, council member Cole and council member Martinez voting no.

>> [Indiscernible]

>> Mayor Leffingwell: You voted no. Fails on a vote of 2-5 and add council member Martinez to the no list. Council member Riley.

>> Riley: A last comment, you made a remark about to the effect that nothing that's already been filed would be affected in any way and I do want to clarify that that's not exactly accurate. We are going with the downtown commission's recommendations and those do contemplate that the

-- that the requirement for a sound and light mitigation plan would not be grandfathered so that even current projects would be subject to those new mitigation requirements that are new so there would be some impacts. We wouldn't have the same cutoffs but there would be some mitigation measures.

>> Mayor Leffingwell: These would be mutually agreed measures?

>> Guernsey: And staff understands that and staff also understands that the sound, as far as the time, deals with the filing of the permit, so it's not the issuance of the permit but the filing permit is directed

by you on the motion I believe that's on the table at present and that would be from the effective date of the ordinance, which would be ten days from today.

>> Mayor Leffingwell: All right. So we are back to the main motion as amended. I believe it's 2 or 3 friendly amendments. All those in favor, say aye. Aye. Opposed say no. Passes on a vote of 7-0. So as discussed, we will go now to items 89 and 90, taking up together. And strangely enough, there are two people signed up to speak on this item. Do you want to go ahead and hear the speaker first. Michael waylon, is michael waylon here? Apparently not here. Gary newton? So the speakers are not here. Council member morrison.

[10:15:01]

>> Morrison: Great. I would like to

-- so these are the resolutions that I have along with mayor pro tem cole and council member spelman and I

-- concerning the city auditor. I would like to withdraw item number 89 and with regard to item number 90, in terms of a resolution appointing a city auditor, I would like to have a

-- I have a substitute resolution for item 90 that has been passed out in yellow that appoints cory stokes as the acting city auditor effective december 1, 2014. It establishes her acting compensation as a

-- as \$145,000 and provides essentially the same benefits as the other appointees at the city council. The substitute resolution also states that the council expresses its full confidence that cory stokes demonstrates the qualifications and has the requisite experience to be a high performing city auditor and service to this city, and strongly encourages the new council to appoint her as city auditor. So that's my motion, mayor.

>> Second.

>> Mayor Leffingwell: All right, without objection, item 89 is withdrawn. We have a motion to approve the resolution just read into the record by council member morrison. Seconded by council member spelman. Further discussion? All those in favor, say aye.? Aye. Opposed, vote no. That passes on a vote of 7-0. Now go to item 72. And do we have

-- if not objection, council, we will limit discussion for 30 minutes each side, for and against. If you want to provide me with a list, we will go by the list. Okay. We have the four lists. We don't have the

-- we have the for list, we don't have the against. We will go to those speaking in favor. If I don't have a list by the time we get to those signed up against, I i will use the first ten people on the sign-up list. Gary

-- I am using the substitute list. Barbara scott. Is barbara c scott here?

[10:17:46]

>> Mayor and council, thank you for allowing us to speak on behalf of our neighborhood. I have been asked several times in the past couple of ways where m ms. Orr a houston stands on this project. I can't speak for her. I do have an email talking about the meeting with ora was at the pard meeting two months ago. At that point there had been no conversation with the neighborhood. I said over and over it was the process she was objecting to, not the project. I would like to read a letter that I sent to council. I says the colony park neighborhood association along with the lakeside community development corporation are in favor of giving full support on the decker lee golf course plan that will be voted on by you today. We had with warren hays several occasions which is a developer and we are satisfied our requests have been made and will be made. I had several conversations with ms. Susan hensley, who is the director of operation and she is very well aware of what we need in our community. Sunday night, several people who were opposed to this, accosted, the only word I can come up with, several persons who are in favor of this golf course. It is time for our community to take hold of our destiny and not look to other areas of austin to approve or disapprove of what could possibly be the spark we need in our community as an economic development plan. No one has cared about the lack of economic investment in our area. No one has cared that we don't have restaurants, medical facilities, viable walking trails or swimming pools for our children. No one has cared because what they are lacking, they have in their neighborhoods. What we have is a prison, a tank farm across from the middle school. We have no grocery stores. The nearest medical facility is saint david's on 32nd street. We have no swimming pools. Our children have to climb over the fence for the three tax credit properties that are out there to go swimming where there is no lifeguard. We wholeheartedly support this plan. This is the only plan that's on the table and my question is, these people that are against this plan, we never heard of. We have never heard of them before and probably when this is over with, we will probably never hear or see from them again. We are taking our destiny in our hands and I am asking you as a council and as a taxpayer that has paid taxes for the last 40 years and have nothing to show for it, I ham asking you to -- I am asking you to pass this unanimously. Thank you.

[10:21:07]

>> Mayor Leffingwell: Thank you. [Applause]. Metske r.

>> Hi, I am barbara vetscer and ily in harris ranch. When I moved back to texas, ten ways from there in 1996, I did t did the homeowners american dream of buying a home with the underlying assumption that the property value will increase as well as providing the net worth or increasing net worth and a home and a community. In those 18 years of homeowners

-- being a homeowner in harris ranch, my property has increased at less or right about 1% per year. About 20% in 18 years. While the rest of austin has increased 150-300% or more. So when I was reading about this particular piece of

-- of investment in our community, I was really impressed with it because it had a real

-- a comprehensive plan on how to give back to the community, how to make the community grow, that it was environmentally sound. It didn't have a lot of wasted water use and I was really impressed

-- I have a glimmer of hope that the city council will help support exactly what she was indicating which is an increase in value, et cetera, and in our community, and maybe we will even get a grocery store out of it, so the

-- the other part of this is how do you expect the community to increase a value when I personally

-- that's just one person. I have to pay an insurance on my home of over \$100,000 more than I can sell my home for because that's what it would cost to replace it, and that's what that lack of development has created for that whole area. And I really appreciate y'all passing this and I am asking for that and let's see if we can't change that for a lot of homeowners. Thank you very much.

[10:24:13]

>> Mayor Leffingwell: Thank you. Doug gillin. [Applause]. And we aren't going to be able to get to all of the speakers before we take our 5:30 break. We will do the best we can. The rest we will have to take up before we come back.

>> Mayor leffingwell, members of the council, thank you for the opportunity to present with you today. I am douglas gillilan managing partner to two large communities in east side, whisper valley and indian hills. I briefly want to take you to 2006. It was when sh-130 was finishing and it was a time when most of the handout there was in the county, it was a time when the city vision was our future growth is east austin. And they were making an effort to work with landowners out there to come forward with the proposition that if you will bring quality development, the kind of development that we like in austin, we will work with you to extend utilities out to the area. At that time there were no utilities. The idea was let's make an investment as the city and let's motivate landowners to come into the city. We worked with the city at that time. We created the city's first pid district which we have sold \$40 million in bonds. We are going to sell about \$100 million in bonds and we are doing a project out there that we believe the city is doing that you may like to see that adds tremendous value to families coming to the east side. You have an opportunity, I think, to create a win win situation. Right now austin on the east side is dominated by housing options and when people decide to move up and have something more, they typically lee that area. You have an opportunity now to cause people to stay in east austin and to grow in east austin. The who communities we are developing represent over 9,000 families. They represent

over 4 million square feet of new businesses and opportunities for people who live in that area. The golf course opportunity is one that doesn't come along very often. Just that project alone will create a new momentum on the east side and it will cause positive investment. It will be of benefit for everybody who lives out there. Instead of having a piece of land that has set behind barbed-wire for the past 50 years, it is time to open up the land for the residents who live out there and stay out there. I encourage you, for somebody who has joined in your vision for creating a quality project and the quality neighborhood on the east side to support this request for the golf course. Thank you.

[10:27:08]

[Applause] veroni veroni ca vargas.

>> Hi, my name is veronica vargas and I have been a resident of the woodland hills subdivision for over five years now. I live there with my husband and my two children. I am the third generation of my family to live in east austin. I am fortunate to work five minutes from my home. Most of my neighbors aren't so lucky. Housing

-- housing in my community is affordable, but bringing more jobs to our area would make it much more affordable. This is more an just golf. This is a unique opportunity that will bring desirable businesses and development to my community. I currently drive miles for a single trip to the grocery store. There are no medical offices, restaurants near my home. Everyone in my community faces the same obstacles with no services nearby. People from outside my community have voted to bring trash dumps, recycling centers, homeless shelter and many undesirable businesses in our community. The following statements I will read are from my neighbors in the woodland hills department about the decker lane golf development. Donny wrote to council members expressing overwhelming support of this development. Elizabeth shared a link in full support of the golf development and urged all of our neighbors to speak and support for such project and stated, we will join the group in expressing our full support. Matthew stated, emailed council members in full support. Katherine, when she heard the proposed development, wow, what great news. Deana wrote, I am happy to see others in our neighborhood are for this project as well. We will also write the city council in full support. Jill, my husband and I are strong supporters of the golf course. I also sent a letter supporting this morning to council members expressing our support. Talia, I also sent the council members an email engagexpressing my support for the project. Michelle wrote I am a strong supporter of the golf course development and also splitted an email to the council a couple of nights ago. Bobby wrote, in reference to the golf course, I would be a member. Jay said, I am in full support of this project. As a member of east austin, I ask that you vote in favor of this development that will directly impact me and my neighbors today and for years to come. We need a balance in our community to be able to THRIVE AND THE PROPOSED

>> Mayor Leffingwell: Thank you. Next speaker will be the last speaker before break. Alfred mayas. Oh, disregard all that. We've got another hour. We're going to finish this.

[10:30:33]

[Laughter]. I used to have a clock sitting down there, but since renovation occurred here in the chambers, I don't have a clock any more.

>> You're using my time.

>> Mayor Leffingwell: No, yours is starting right now.

>> All right. Make it short and sweet. I'm honored to be here. What we're looking at is something very important, very serious. As we stand here and make these

-- everybody is saying the exact same thing. Some are saying I want it one way, some saying the other. We unanimously have voted from the east side, from our community, that this is something we need. I need not rehash the whys and the w w w wh nots. In living in the east side 60 years, I've seen the east side change drastically. On hog eye road, I have looked at the fencing across from decker lake, a beautiful park it could be, for the last 20 years, nothing has changed. I ask that you look into your hearts and you described, on your own, what's really the right thing to do. We know what it is, and I think you do, too, but we have to make the best decision for the city, for the community, and what's right.

>> Mayor Leffingwell: Okay.

>> Thank you.

>> Mayor Leffingwell: Thank you, sir. [Applause] jeffrey schreiber.

>> Thank you. I'm jeff schreib erier. I'm a farmer and share cropper on land not far from this project. I can tell you this project would be good for us. It would be good for my family. It would be good for my local community. You know, some was in this area don't have power. We don't have water. And it's not because of drought, it's because there are no pipes in the ground, there's no poles on the road. My wife and I would like to build a house there, and we can't get those utilities. Our farm has no power, no water, and I appeal to anybody who thinks that this area is becoming gentrified. Next-door to us, a farm sold, and it's now a storage container lot. How does that kind of a develop help me? This park development will bring in strong businesses. It'll bring in hotels and restaurants and dollars from outside our community. That's what we need. I've got a lot of friends that say, well, you don't have power. There's a power plant next-door. And that just goes to show us the disconnect from folks who don't live in that area, from folks that don't live in that area, we're getting a lot of input from folks in district 9 who are lobbying against this park. That's strange. Because their mission statement

[10:33:39]

is: Make growth way for itself. And that's exactly what this proposal is doing. It not only pays for itself, it returns money to the park system. It more than pays for itself. It does this with a park that will benefit the community and bring in outside revenue. Some folks say, nothing but farmland, that's ideal. Let's keep it that way. That's a fine opinion, and they're welcome to move in out there, but my opinion is that the development is coming, with sh 130 and 290 right at our corner, there's going to be some kind of development. This kind of development, this park project, this destination golf course will help us bring in strong businesses, bring this dollars to our community, and provide prosperous growth, not storage container lots. I want to keep this land from becoming a landfill. And I believe, and my neighbors believe, that this project will bring us prosperous growth. We urge you not to lose this opportunity. Thank you.

>> Mayor Leffingwell: Thank you, jeff. [Applause]

>> Mayor Leffingwell: Jennifer mackurack. Close close enough.

>> Mayor Leffingwell: Close enough? Okay.

>> Mackura. First of all, council, thank you very much for giving me this opportunity today and thank you for your continued support. I'm the executive director of for greater austin. We're a youth development program, celebrating it's 15th year in east austin this year. Over the 15 years we've served over 15,000 kids in our program. We very much support this project for many reasons. One is, any more opportunities that we can create for our kids is a good thing. If you think about it, golf is a very inclusive sport. You don't have to be the fastest or strongest to participate. It's a sport that our kids can participate with across generations. They don't have to have another kid to play this sport. They can participate with their parents and grandparents. It's an activity that people can participate together, of different skill levels, and still enjoy it. But most important, we find that a lot of our kids don't have the opportunity to experience park or green space. If you think about it, especially the kids in east austin, most of their schools are covered with portables, so there's very little grass. Most of them are living in apartment complexes that also don't have a lot of grass. So being able to go out on a golf course and enjoying the open space is very important to our program, but also to our mission of teaching life skills through the game of golf. Again, I'd like to hope that everybody would support this project, and I'd welcome any questions that you might have in regards to our affiliation with the support.

[10:36:38]

>> Mayor Leffingwell: Thank you. [Applause]

>> Mayor Leffingwell: Joe ogleby.

>> Council, thanks for letting me speak today. I'd just like to buoyant out that since we've been talking about the support of the golf course, it has started to rain. [Laughter].

>> Mayor Leffingwell: Sure enough.

>> I'm going to talk about the golf course. I think that, you know, you've had a lot of people support, there's a lot of people against. The only thing that I can promise from a golf course standpoint is that we will build this golf course in the spirit of austin. We will build this golf course for grass and not to drink gas. We're only going to use 200 of the acres, probably less than that from an irrigation standpoint. There will be other things on this property, what the community wants, whether it's trails, whether it's other things. We will be using, you know, our agreement states that we should be using reclaimed water. Our agreement states that the city will be

-- will get benefits out of this from an economic standpoint. The council, this council and future council, will have a lot of authority over us. This is a city asset. We are building it for the city, but this is clearly a city asset. We are running it, we are maintaining it, and we are constructing it. Every member of this city that wants to play this golf course can play this golf course. Whether the

-- I read the paper today. It said \$150 to \$200 for out of town guests. We will not be able to get that in the summer. I think that, you know, if we get a hundred dollars for an out of town guest in the summer, that means the grievance fees fee

-- the greens fees for a local are not will probably be in the \$50 range. Higher than some golf courses, lower than others. We think that this will be the model for southwest development from a golf standpoint. We think that people who are against this, five years from now, when they're against future golf courses, they will look at this project and say, you have to do this. This is the model that you have to use going forward. Whether you're a detractor or a supporter, I think this fits into austin's overall figures, imagine austin. We think that we're going to do right by council, do right by the land, do right by conservation, do right by the environmentalists, and do right by golf. That's our goal. That's our pledge to you. We have to be fiduciaries. And I think we'll do one hell of a job. Thank you.

[10:39:27]

>> Mayor Leffingwell: Joe, you made the comment that a lot of people are for it and a lot of people against it, and I know I've gotten some e-mail, but I will say this everyone who wrote me an e-mail, who was against it, had incorrect information about the project. Most of the big concern was, we're selling or giving away parkland for a golf course, which is not the case. It still remains in the ownership

--

>> a hundred percent public.

>> Mayor Leffingwell: So they were against it, but they really had been given some misinformation. And I just wanted to point that out.

>> Thank you.

>> Mayor Leffingwell: Council member, you can't speak from the gallery, mr. Whaley. Council member tovo.

>> Tovo: I have a question for you. One of the comments that I received in my e-mail had to do with the pga and its

-- well, I'll just read it to you. One person who wrote suggested that it's really a gamble, that the pga would consider a brand new venue and that there are many venues around the country angling to be part of the tour. And I wonder if you can speak to that. Is there any certainty that the pga would schedule a tour at this golf course, were it to be approved and built?

>> There's absolutely no certainty now. I can only tell you that the architects we are using, my affiliation, I was on the board of the pga tour, I was on the player advisory council, which is our player representative for 15 years, they like

-- austin is the number one city in the united states that the pga tour wants to go to. They like everything that austin stands for. Having ben crenshaw involved, having myself involved, they love austin, texas, as does every organization. I think that currently we do not have a venue that they could necessarily go to. I believe if we build it, they will come.

[10:41:38]

>> Tovo: I think I heard that before.

>> I'm a big fan of the movie.

>> Tovo: Can I ask you, I appreciate your comment that this is the number one place pga wants to come, but can you just help me with some evidence of that? Have they indicated that in golf publications? I mean, is there anything I can point to that says austin is our number one next place that we'd like to

--

>> well, I think in the rfq presentation, charlie van cuse, the ceo, stated that austin, texas, is where the pga wants to go. I think it's page 2 of the presentation we had. I can tell you the pga tour has been in town the last three weeks, looking at different things, looking at different venues. They like it. I think that

-- and this venue is

-- this venue is very unique. I mean, having the rodeo and the expo center basically sharing a continuous property with us, of 6,000 parking spaces, that is unique in golf. That is unique in the united states. I don't think there's another venue in the united states that can be this good for the tournament golf. But that's one week of the year. We're going to build it for 52 weeks of the year, the public is going to use this. But the pga tour will come.

>> Tovo: Okay. Thanks. I'll look back at that presentation for that quote. Can you talk about your commitment to water use?

>> Yeah. So I think that

--

>> Tovo: Strong commitment. What is your

--

>> well, our opinion

--

>> Tovo:

-- Commitment?

>> The only way business model of golf is going forward is if we use less water. All right? Everything that, you know, our distracter's say about us from an environmental standpoint, they're typically right. We can't use as much water as we have going forward. Austin golf club, where, again, another ben crenshaw course, they probably use the least amount of water of any water in austin, and it's probably the nicest. They're going to use, on average, over the last 15 years, they've used 50 million gallons for 18 holes. Our public golf courses in austin use

-- you know, 36-hole facility, roy kaiser and jimmy clay will use 300 million gallons this year. So we're

-- call it one-third. We're going to put best practices. We want to work with the city. The usga, the united states golf association, has been in austin twice, met with kevin and his staff. WE'RE GOING TO PUT LITTLE FOBs In all the golfers' pockets. What's interesting, you can put that, and wherever they walk when they play any municipal golf course we have here, it will show where they've hit their ball, where they've gone and everything else. You'll quickly realize that you don't have to irrigate wall to wall in all our golf courses. We think we can save

-- we think we can deliver you two golf courses with a short course, with a kids' course, and we think that we'll be water neutral to water negative, even though we're adding two golf courses, or two and a half golf courses. Conservation is the only way golf survives.

[10:45:04]

>> Tovo: You and I have had a chance to talk in more detail about whatever that's called when you put little pods in people's pockets.

>> It's a slick little deal.

>> Tovo: It's very interesting. But I guess what

-- what I'm not really seeing in the contract is a firm commitment to a water neutral/water negative plan, or a firm commitment, regardless of the cost to the developers, of making sure that only reclaimed water is used on that site.

>> Well, I think that

-- I think as development gets out there, reclaimed water is probably the only thing going forward we can use. However, until development gets out there, right now we've

-- we're committed to working with the water utility, either this council or elected future council, has the trigger point on what the water is that we're going to use. Council, future council, will determine that. If we can't use reclaimed water, they have total discretion on what water we use going forward. So that's a

-- and you're on next council, so you will have a direct input on that.

>> Tovo: Okay. Thanks.

>> We're happy

--

>> Tovo: Because I know this is a concern that many people have raised in writing, that that is not

-- that is not one of the clear requirements of this contract.

>> And we're happy to commit to water neutral, but we also are not going to be controlling the other municipal golf courses, so we're

-- you know, we do this one, so we will be

-- I can honestly say, we will be the least

-- we will use the least amount of water of any golf course, certainly that the city controls.

>> Tovo: Okay. Thank you.

>> Mayor?

>> Mayor Leffingwell: Council member Riley.

>> Riley: One other question about the environmental packets at the site. Do you expect fertilizer is going to be used at this course that might create issues with runoff in the lake?

[10:47:09]

>> Well, there's going to be setbacks. I don't know the exact number

-- you know, I don't know the exact footage of setbacks. We will be using

-- one of the good things about using reclaimed water is the fact that grass needs nitrogen. Reclaimed water has nitrogen in it, or at least some nitrogen in it. So we won't use as much, it's possible, plus, we're not irrigating the roughs. I mean, most golf courses irrigate 30, 40, 50 yards into the rough. We're not going to do that. I mean, I've seen words used that this golf course is going to be pristine. I want to caution everybody here. This will not be a pristine golf course. I mean, we're going to water the grievance, we're going to water the fair ways and water the t boxes, but you're going to see brown. And if we're in further drought, you're going to see a lot of brown. And you're going to have to, and future council members are going to have to

-- if they look at this and people complain this golf course is not green enough, we're not going to make it green. If mother nature says it's going to be green, it's going to be green.

>> Riley: Okay. The rfq says the design should incorporate environmentally sustainable practices, materials and operational plans for the facilities, and just trying to get a sense of what that would mean in regard to the use of fertilizer at the site. Do you have any sense of that?

>> You know, that's

-- we're going to hire a superintendent that understands what core, Crenshaw, and the architects, the values that they have. Our value is that the more fertilizer you use, the more expensive it is to run. We're not into expensive golf courses to run. That's the way this thing works. Everything that you did in the 1930s for golf works. Golf will get to the 1930s again, which is kind of interesting. You don't move the land a lot, you don't put artificial lakes, you don't put artificial streams, you don't put a lot of artificial things in there, you let mother nature do the rest. We're going to irrigate. We are going to irrigate, and use some fertilizers, but not all the fertilizers that are normally used on the golf course.

[10:49:29]

>> Riley: Okay. Thanks.

>> So as a non-golfer, maybe you can help me understand, what's going to prompt somebody to want to pay, you know, three to five to

-- whatever, there are going to be higher green fees here, although you won't call them green fees.

>> No, they're called green fees. They're absolutely called green fees. We can call them brown fees if you want, but

--

>> I was just making a joke. So what is it about one course, like that

-- the course you're envisioning that's going to make it worthwhile to somebody to pay a lot more money than to go to one of our lower-cost municipal courses? And this

-- you're talking to a non-golfer.

>> Yeah. So the thing in golf, core crenshaw, which is our architect, live right here. They just happen to be the best architects in the world. They're the only people in golf that are turning down probably five projects for every one they accept. Architect matters. And golfers love the idea of going to and playing a core crenshaw golf course. They've only done, I think, 21, total, worldwide. Maybe it's 23 now. They're the most sought-after. They've done

-- you know, they've won the last four out of seven or three out of seven green awards. They have this ability to create a challenge when you play golf, but it looks easy. Golfers

-- golfers don't know what they want. But when they play a core crenshaw course, they look at it and say, you know what? I never knew, I want this. It's walking. You can walk the golf course. There's not a lot of length between holes. They actually make the golf course much less expensive to build than the golf architects that were very popular in the '80s and '90s. If you look at the golf rankings of the best could feel courses in the world, core crenshaw, you know, from the modern

-- probably out of the 22 or 3 they've done, they probably have 10 or 11. They're just fabulous stewards of the game and fabulous

-- they pioneered minimalist golf. And it turns out minimalist golf dovetails with sustainable golf, and sustainability.

[10:51:54]

>> Okay. Thank you. Appreciate your insights.

>> Mayor Leffingwell: Okay. Council member spelman.

>> Spelman: You mentioned a few minutes ago you'd like to get this water neutral if possible. I wondered if you could come up with, give me an example or two, of golf courses around the country that were, in fact, water neutral.

>> Well, I'm talking about water neutral from a current municipal standpoint.

>> Spelman: Okay.

>> What they used before, then they bring out another golf course, and best practices, so it's a different

-- we're going to use water.

>> Spelman: Okay.

>> I just want to make that clear. When I say water neutral, I'm saying if the total use of public golf courses in austin is 750 million gallons a year, I suspect, I can guarantee, when we bring these two golf courses on, it will not be over 750 million gallons a year.

>> Spelman: Okay. Let me be

--

>> let me say it an important way. If we've got a certain budget we're giving ourselves for water in golf courses, you're saying we're going to have two more golf courses but we're not going to use any more water, when you add up all the water used in golf courses suggests two things, the water used in your golf courses will be relatively low, and second, you will somehow have the effect of reducing the amount of water used on the rest of the golf courses that you won't be operating. Do I understand you?

>> I think that's right. And I think that in talking to city staff, that they would love that. When the usga came down and showed them the magic fob, or whatever that thing is, they were extraordinarily impressed. I think that that is something that we're just going to have to do. Now, they're all on gray water, so that reduces the amount of gray water that is used on the golf course. Some people like the idea of dumping gray water on the golf course so they don't dump gray water on

-- in the colorado. So

--

[10:54:01]

>> Spelman: People downstream from us are less excited about that notion. They kind of like it dumped in the colorado.

>> But I think that

-- what the governing bodies are excited about this project is the idea that we're in the southwest. We're going to use

-- we're talking the right way. We're going to use architects that are committed to the sustainability. We're going to

-- we're using architects that basically pioneered this. They are excited to make this a model going forward for every other golf course, not only that gets built in the southwest, but every other golf course that's currently being used in the southwest. They want to make brown is the new green.

>> Spelman: And what you're going to do, very privately, is introduce technology to the parks & recreation department which they can use and they will be able to use to reduce the amount of water used in clay and kaiser and morris williams and so on.

>> Yeah. And I think what it is is, basically, it's just saying, look, there's no golfers that go into these parts of the golf course anyway, so let's not water them.

>> Spelman: Sure.

>> It's a simple

-- it doesn't

-- it doesn't reduce playability. It doesn't

-- it's just something you should do.

>> Spelman: Remind me, I think we discussed this earlier, but remind me, about how many water do you think your golf courses are likely to need?

>> I think what we'll wind up doing

-- goo

-- if austin golf club used 50 million gallons in 2012, if you remember the fires in spice wood, it burned down, basically, the 65 million was 15 million more than normal. They had to replace the turf instead of watering the turf. You know, we think that with the short course and everything else, with it will be a little bit more than double because we're going to have more than double the holes they have. So call it a hundred and

-- hopefully no more than a hundred million gallons.

>> Spelman: And a little bit more during that growing-in period.

>> In growing-in mean, we're going to use more.

[10:56:03]

>> Spelman: Yeah.

>> It depends on

-- you know, it depends on the drought. If we get rain, hurricanes, things like that, we're not going to use nearly that much.

>> Spelman: Thank you, sir.

>> Mayor Leffingwell: Warren hays?

>> I'm going to sit this one out because it's gone so long, maybe we can beat [inaudible] once it closes.

>> Mayor Leffingwell: All right. Richard subtle.

>> I've got a parliamentary inquiry. Normally the public hearing process is for, against, and rebuttal.

>> Mayor Leffingwell: This is not a public hearing. This is comment.

>> Mayor, members of council, I'm richard subtle. I've been helping warren and joe on this now. Some people will say this has been fast tracked. I know I've been working on it about two years now. It started out, we did the research to find out what is available out here, what was the master plan. We researched the failed election that you will hear about later, and that was a totally different deal, has nothing to do with this that was an election to lease, sell, or convey parkland. We're not asking for that. We're asking

-- my clients are asking for the opportunity to build the city a public course, and for building it, they ask that they be able to operate it and maintain it, and we share revenues, and we share programs, and we share with the community. We went through

-- if you hear, oh, this has been a fast-track deal and out of sequence, we went through the procurement process. There was a bid process. My clients won the bid process and that's why we're here tonight, hopefully when you deliberate, that you will think think that this is a good idea, and you will approve the staff recommendation that we won the procurement process. As you've heard, we've gathered community support. I'm not certain, my last check tonight was, there are probably 60-something people in favor of this, probably close to double the folks opposed. The folks that we have been working with are the folks most impacted, the folks out in this area. In the agreement we addressed, to the extent we can at this stage of the process, the certainty on the water issues. We've addressed the financial issues. I defy anybody to find a downside on this, unless you just flat hate golf, and that's okay. I don't play golf. You know. But if you just p flat hate golf, I don't think that's a downside here. This land has sat for a long

time. It's been planned as a didn't feel course. You'll hear those who say, yeah, it was planned for a golf course back in the late '60s. Well, this city takes a long time sometimes to be able to accomplish stuff.

[10:58:47]

>> It's only 50 years.

>> This city did not pour the money to its parks department that maybe it could. We are offering a proposal that there's no downside. I've heard people say, well, what if the golf course fails? What if it fails? We've got an area that's cleared out, irrigated, we can go walk around, hang out. There's no downside. In 30 years of doing this type of work, I've never seen a situation similar to this where the community in and around the proposal overwhelmingly supports it. And by overwhelmingly, I mean I've talked to a lot of these folks. We've gotten e-mails, so have you, overwhelmingly, I think that the folks in opposition to this are not from the immediately surrounding community. Tonight I hope you'll go with the community in and around it and not delay this. This community, good things in this community, have been delayed long enough. Thank you.

>> Mayor Leffingwell: Council member martinez. [Applause]

>> Martinez: You brought up a point that's been raised about whether or not the project succeeds or fails. Let's say hypothetically it gets built, you're open for a couple of years and you aren't turning the rounds that you need, and you didn't get the tournaments that you're hoping for, and you have to shut the course down. Is the city obliged for any of the infrastructure that's been put into it, any of the improvements, if it truly reverts back into the full hands of the city of austin, outside the lease agreement?

>> No, sir. It's a public course. I would suspect

-- if the world turned against us and our clients decided it's just not doing as well as it could, there would be conversations with the parks department about whether or not we should keep it going or not. Then the city could decide whether they keep it going or not, and that would be the discussion. But there's

-- the city is not on the hook for this.

[11:00:56]

>> Martinez: And I just state that openly because that's what I'd like to see in the negotiated agreement, is an agreement to where decker lake, I.L.C., Should this be passed, is 100 percent blanked for anything

that happens on that side, and if something happens at a future date where it's no longer, you know, a viable daily fee course, that it doesn't come back to us that

-- sort of like in a municipal utility district where you take over, if we annex them, we've got to take over the debt on what they've already put into the ground. You know, I want us to assure ourselves on the city's side that if we take over the course and start operating it ourselves, that, obviously, we would pay maintenance, o & m, once we take it over, but there wouldn't be an existing debt we'd owe as well.

>> That's absolutely correct. There can be no debt. You can't mortgage parkland. My client can't even go out and get a loan and mortgage the parkland.

>> Martinez: So this is going to be

-- so all of the improvements are going to be made by investors.

>> That's correct.

>> Great. Thank you.

>> Mayor Leffingwell: Mayor pro tem.

>> Cole: I think this is more a question to legal. We've heard some testimony about, previously, when we put this item up for vote, and what we're doing now, because we're not conveying or leasing it, it does not have to go to public vote. I just wanted to be very clear of what we are doing now, legally, and why it doesn't require a public vote.

>> Greg miller with the law department. The arrangement we have here is for a revocable license. The prohibition in the city charter is against leasing, selling, mortgaging, or otherwise alienating public parkland. If that is what council wants to do, then it needs to go to a referendum. The distinction here, and it's a very important distinction, is that this is a revocable license. It's in the a sale, as opposed to a lease, for example.

[11:03:17]

>> Cole: So it has a certain term? Is there a

-- is there a ten-year license term or

--

>> 50 years.

>> Cole: 50 years.

>> Yeah. The distinction here is with the lease. Let's say you need to evict the tenant. The tenant will have certain rights of recourse. But as was mentioned earlier, this is a revocable license. If the developer leaves or needs to leave or we need them to leave, they have no recourse against the city.

>> So if for some reason in a year the next council comes up with information that they decide this is not something we should have done and they want to revoke this license, what would they have to do?

>> It would be a vote.

>> Cole: They could change it simply on a vote of council.

>> That's correct. The way the provision reads, we've been through this extensively with the developer and everybody understands, this deal can be revoked for any or no reason at all by vote of the council. And that's the expressed language in the contract.

>> Cole: So moving forward now doesn't change what can be done in two months.

>> That's correct. Yeah.

>> Mayor Leffingwell: [Inaudible]

>> I'm sorry?

>> Mayor Leffingwell: Never mind. Council member tovo.

>> Tovo: I have questions about the term you said is 50 years, are there extensions available?

>> Yes, there are extensions available.

>> Tovo: Up to 90 years?

>> My ears aren't so good today.

>> Tovo: Sure. What's the maximum amount of time specified? Is it 90?

>> Yeah, I believe it's 90.

>> Tovo: That's what I recalled. Do we have any other licenses of the city that are with 50 years up to extensions up to 90 with the parkland?

>> Not that I know of. Anybody from park?

>> Tovo: I guess I have two questions. One is that it seems

-- it strikes me this is different in two ways. One, it's a my long length of a license, and the other is that it's a pretty big area. And I would say probably in both cases, that's pretty different from any other license agreements that we have entered into on our parkland. And I wonder if you can give us some comparison.

[11:05:31]

>> Sarah Hensley, director of parks & recreation. It comes to mind that we have the Sunshine Camp that was renewed a year or two ago. It was 50 years with 50 years renewable. We have the Zach Scott Theater with the city that's also long-term. Another one recently passed was longer term, and there might be another

-- Easter Seals was a long

-- yes, was very long, oh, yes, was. So there are others that have been long-term. West Austin Youth Association.

>> So we have the Sunshine Camp, we have Easter Seals, and Zach Scott, all have long-term licenses.

>> Yes, ma'am.

>> Do we have any

-- those are pretty small

-- that's pretty small acreage in every one of those cases.

>> The largest one would be the one where the golf courses right there

-- Easter Seals is not a big property. Zach Scott is right there, and not

-- probably an acre and a half maybe. So not the size, no.

>> What is weya in he remembers the of the size some.

>> I'll have to get that for you. I've been just pulling that out of the air.

>> Okay. All right. Thank you. Let me ask you another question. Have we ever revoked a license of that length? You know, in looking at this clause, the developer and the developer's representative pointed out that clause that says the city can get out of it for any reason, and it's my understanding that particular clause appears in most of our contracts, including, say, the cemetery contract, and when there were folks urging us to get out of that cemetery contract, it appeared not to be particularly easy to do so. So I guess I would ask you how often the city has exercised that clause with some of our long-term licenses, if ever.

[11:07:39]

>> To my knowledge, I'm not aware of any instances. What I can say is, the contract is

-- I mean, as clear as it gets, in terms of our rights to revoke. So there's

-- no one will be able to say that the contract doesn't let us revoke it for any reason at all. That will be clear. But if we've ever done that before, I don't know.

>> Tovo: So you feel that we have a clear ability as a city to revoke for any reason a year from now, three months after their major investment, with no are he per cushions to the city, no financial, no litigation possibilities, if they've made multi-million-dollar investments in this property?

>> I can't say there's not going to be any litigation. I mean, anybody, you know, can sue us for any reason, but we do have the contractual terms which are black and white, and we've been through this with the developer, and they understand completely that we have this right.

>> Tovo: Okay. Thank you.

>> Mayor Leffingwell: So let's go to those who are signed up against. We have first brandon reed. Brandon reed here? And set the clock for six minutes.

>> Good evening. Good evening. My name is brandon reed. I'm a resident of colony park, and there's been some question brought up to me being a resident of colony park. Apparently I'm not smart enough to be able to afford to live in that neighborhood, you know, so I have to live with relatives. I have several relatives. My father-in-law lives in colony park, my aunt lives in mark, she just passed away. They have the third house from the end of the street. They purchased their house in 1973. So we can clear that up. My ancestors were slaves in austin/travis county, so they paid it forward. So any taxes that I hadn't been able to pay for it, they took care of that for us. Okay? So let's move on. So, the non-profit that she just spoke of, the parks director, we tried to have reform on parkland and we couldn't do it. We're in the middle of a full desert, and apparently no one cares that we're in the middle of a full desert because we rather give away parkland on a 90-year or 50-year lease with 40

-- with four ten-year options for recreation. Let me give you a little background on recreation in our area. Right now we have a bike lane that extends from downtown to north austin that is recreation. They shut 2 down a farm en route, in our neighborhood, right across from budweiser, so we're still starving in a neighborhood waiting on h-e-b to come serve us, when we had opportunities to feed ourselves in our own community, with locally fresh had of gro --fresh-grown foods in our area. So what is the best use of this land, being we're in a fool dessert? We're starving out here. Why aren't people educated out out here, why isn't the parks & rec department focused on picking the children, in aid, picking the children up in the afternoon? We keep hearing holding onto their destiny, but we're pushing them out of austin/travis county, with a fluent golf course, where these children can't even afford to buy \$90 worth of food, let alone a \$90 round of golf. So my thing about this usage is, best usage, we have a office of sustainability who has no role in this particular ordeal. I know the office of sustainability didn't claim this would be the best usage of 700 acres in the middle of a fool dessert. We have a watershed

protection department. Why don't we have a fool shed protection department? Do we not care about the energy our people need to get out to go to work? All we care about is receiving taxes from these people, building a higher golf course so the effluent 500,000 or better can come play golf and push this out, along with the pud the neighborhood has? It's the perfect storm for these children that everybody claims to represent to be pushed out of this neighborhood because they don't have the education levels that some of these people in this room have. So we

-- where we going? You know, I'm homeless. Right? I've been homeless in colony park, but you all know me. I sent e-mails, I live in colony park, everybody know me up on that dais. Council member spelman felt it was good enough to appoint me to the sustainable for a while policy board. But it's been brought up I don't live in colony park. Right? So we're talking about a master plan. Master's plan? 1968? What was going on in austin in 1968? My cousin, vomar overton, was not at this particular building, doing shut-ins, eat-ins, whatever they could do to get rights for people. Now we sit here today, sit here today, to push those same people out of the neighborhood. What a travesty. So ogleby brought up about the rain. Is that rain going to be beneficial, or is it going to be deadly? Because we have storms coming in a couple of days, and it might pro of that what we're doing here long-term, god is not going to be happy with what's going on. But anyway, I want to talk about, last point, before we go to the presentation, we want to talk about how the neighborhood association wavered. In one particular meeting, they were for it. And two weeks later, before any public output, before their meeting, before any other meeting went on, they changed their stance. What's going on? I'm not sure. I don't know. Sounds like secret dealings to me. Can we get the tape going? So here's over in houston, what the neighborhood association

-- video? With the neighborhood association behind her, speaking against this golf course project. The reason why ora is not here today is because she doesn't support this project.

[11:14:27]

[Video playing.]

>> I'm glad I was able to be at the colony park neighborhood when this first came up, and nobody in the room [inaudible] redevelopment of colony park in the acreage [inaudible] for a long time, nobody knew this was a master plan. We were all shock. We were all shocked that this happened and was kind of dropped in our lap. So I ask the question, if this had started since '78, and it was up for bond election in [inaudible], 14 years ago, nobody, not a soul, has said a word to the people who live in that community. So why is the community engaged? [Inaudible]. That's what we really need to talk about.

>> Cole: Thank you. Your time is up. Brian rogers. [Applause]

>> may we continue to play that?

>> Cole: Brian, you have a total of nine minutes.

>> I'd like to see the rest of the video, please.

>> Cole: Give a second. We will start your time. He'll call it up.

>> Start from the time it comes on, if you would. Are [video playing.]

>> nobody in the room [inaudible] redevelopment of colony park [inaudible] for a long time, nobody knew that this is a master plan. We were all shocked. We were all shocked that this had happened, and it was kind of being dumped in our lap. And so I ask the question, if this has started since '78, and it was on a bond election in 2000 and failed, 14 years have gone by, and nobody, not a soul has said a word to the people who live in that community. So where is the community engagement? Who does it? And how is it done? And that's something we really need to talk about. We just purchased a golf course for \$9.6 million. What is it with golf courses? Is this the hen that laid the golden egg? I mean for real, how many more do we need in the area? As somebody said, I served on the imagine austin task force, and the concept map says the growth is going to happen downtown, where we know it's already congested, and where? To the east. So why would we give up parkland, as we know that people are going that way to live, even to the edges of town and so you said of the city? So we need to keep all the parkland we have for the people who are going to be moving and into that area. It's kind of like we want to keep barton springs pristine. Those of us who live in that part of the town want to keep decker lake pristine because we know that as people grow and the community grows, there's going to be a need for additional parkland. And if we give this up, and we make a golf course out of it and a high-end golf course at that, then what will we do when we have so many people that don't

-- I love rowing boats. I think that would be a great thing. I love picnic areas. I love all the other things, I just don't think this is the place to put parkland

-- a golf course, especially a high-end golf course. We have the bluebonnet golf course right there on decker lake

-- wrecker lane, I'm sorry. So why do we need yet another golf course? I understand about the economic development and people say that all the time, but we don't see it on the ground. So I need a lot more information. So what I ask tonight is put this on the table until after the new city council is elected. Let us do some real community involvement before the decisions are made about what happens to that piece of property. Thank you so much.

[11:18:39]

[Applause]

>> thank you. My name is brian rogers with [inaudible]. Is it proper

-- I'll talk loudly. Sorry. Is it proper public use to turn over 735 acres of a metropolitan park, waterfront park, to a for-profit developer? What happened earlier with the sunshine camp, those are all non-profits. These are for-profit developer, until the year 2105. Would you start my powerpoint, please? In a minute I'll talk about economic development, but right now I'd like to talk about the contract itself. Okay. So this is a schedule from the developers. Mid 2018 is when it opens so the first dollars we're going to get out of this is 2018, if you look on the bottom, you can see the construction. 2018 the first course comes up. 2023 the second course and the short course. The only public benefit that comes off of this, that's in the contract, is under section 8.1, which is discount golf, 8.2, discount golf, 8.3, open house, 8.4, discount golf, and 8.5, discount golf. So we don't have discount golf, the short course isn't to be developed until the year 2023. That's where the community benefits are supposed to come from. That's the kids' completes it's going to be developed with the second completes it said or earlier, but it's not contracted to be until at a minimum of seven years after the notice to proceed. That could be three years out, plus construction, it could be a long way out. I look up at the numbers in the red. So we show all these actual rounds of golf going up, g up, up. You're still on the first golf course, miraculously, the city gets in 2018, we've spent that MANY FTEs FROM THE PARKS Department overseeing this. So, yeah, three years, the first revenue year began the date the city gave it ceo. It can be six years away. So economic development, all people under 35 are leaving the game. This is a sport, as you know, it is going downhill. I mean, it's

-- by every cater, indicate indicator, they're losing people. It's like bowling. There's a lot of similarities. Golf is dropping faster than bowling. But these are projections of decker lake golf. This is how their projections go on number of rounds. So they're really countercyclical. You think they can drive this train against the entire structurallal decline of golf? I don't think so. The no-contract period, it started in april '14, the only person you're supposed to talk to is terry nickelson. You lifted it on november 6th. I was in a conversation out at morris williams with gary bellamy, the architect, and I said how did you get this big, fat contract? Did richard cell give it to you? He said no, no, we sat across from the parks department and hammered it out. I said, didn't you use lawyers? He said we used lawyers when we needed lawyers but they did it themselves. I thought they were the no contact period. Then I hear pga and a bunch of people went out to the land, possibly with a developer. So that automatically disqualifies the developer if that's what happened, and I think that needs to be investigated because that's an actionable item, either now or after this thing passes. Autobahn certified. It's not the auto bon society. Doesn't that mislead the public? The lcra, I'll let other people get into that, but essential needs of the community, I don't think so. The walter plant, yeah, the only thing to be completed is the golf course, boat lamp, picnic areas, jut the golf range. What you can't see if that plan is everything else. I went and took a copy of a map and blew it up and I read it. Here's everything that was supposed to be on in 1968, which included campsites, trailer parks, cabins, baseball diamonds, tennis camp, youth recreation, fishing points, swimming, beach, this was the glorious park it was supposed to be. It wasn't just, we like a golf course, but what's out there now, there's your fishing pier. Okay? One of them. Then there's with the boat docks, there's no camping, I mean the thing is

-- what happened to it? Nobody cared. All right? Nobody had the political will to go out and do something out there. And now there's a change in council, and the focus has always been on downtown

and where the focus is is where the money is. It's time for that. But this is what happened in just august 27th, the parks won't talk about that. There was a visioning meeting out at the expo center about the expo center and zilker park

-- I mean walter e. Long, and this is what the people wanted. My time is running out, but I will tell you that I will

-- the mayor said a conserve ansi is what it needs. I'll donate to a conserveany, and he has a whole list of things, things he's working for, you can put in mountain bike things for kids, we have a whole list of things. We will help make this park what it's supposed to be. The times have changed, the council is changing, put it off till next time and we will help people make this a beautiful place. Thank you.

[11:24:30]

[Applause]

>> Mayor Leffingwell: Suzanne almanza. This will be set for three minutes.

>> Good evening, mayor and city council members. My name is suzanne almanza, I'm new executive director for people organized in defense of earth and her resources, and I must say this sounds like a deja vu project for me. In the early 1990s, as the high tech companies began to grow in the montopolis community, another low income community, a community that had been neglected, unwanted for such a long time, and yet we were becoming a high tech corridor, what were we promised? Jobs, jobs, jobs, jobs. What else were we promised? Economic development, economic development. So much. They also said we'd get men through social responsibility funds. Well, guess what. We found out that they were using millions and millions of gallons of water a day, and there was no plan, and now we're in a drought because we kept recruiting facilities that kept on using so much water without looking at our water plan, and we said that was something we needed to look at back then. Also, too, when we looked at their social responsibility funds, guess what, all their social responsibility funds were going west of ih-35. It wasn't coming to east austin. It took us years for them to give us some of that money for the community where they were at. And the other thing? They were using a lot of chemicals. And the other thing we found out was that our water treatment the center wasn't made at that time to receive a lot of those different chemicals, and now we come with the water, a golf course is going to be using water, looking at the golf course. And then looking at the whole use of chemicals that we know that it uses and again, here we go with the community. A lot of the community we felt when they dangled that carrot, jobs, jobs, jobs, we're getting get he these things, but we're still living at a 33% poverty rate. We still don't have what was promised. But guess what they got sidewalks, but shelters, they got all of those things, then their employees don't even use them. And we would have to wait for decades before we got those different things, so I have to

-- I have to remind the community here to be careful to what they're promised because they could be getting a whole lot more. What they need to make sure is that they're going to be

-- don't even look at the golf course, look at all the other uses that brian brought up that they were promised, the cabins, you know, because when you have log cabins, you're going to have stores nearby and gas stations, you can get

-- you've got to really

-- it's time for district 1, 2, and 3, to get the finding. That's why this city council is coming into play now, that's why we're coming into single member districts. Please don't tell me we need to look at the entire city because you haven't been looking at the entire city. Let's be honest. We wouldn't be living in this neglect, we wouldn't be living in this poverty, we wouldn't be living with lack of economic development and jobs if we were looked at as the entire city. So I ask you to really look at this project and in the process. Thank you.

[11:27:50]

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

>> Howdy, you all. My name is roy whaley. I'm conservation chair for the austin regional group of the sierra club. And we've been talking a little bit about water here this evening, and what I would encourage you to do is not talk to the golf course people about water, but let's talk to our people about water, particularly when it comes to the lcra. Let's be sure to ask greg mazaros and darrell flusher what they think about the purple pipe and about the impact with the lcra. It could be one of those pleasant surprises where you find that austin sierra and austin water are on the same side of an issue. And wouldn't that be exciting for all of this? So what I'd like to say is many of the issues I want to talk about aren't going to be addressed by some of the other folks, so I've listened to the neighborhoods this evening, and everything that the neighbors are saying they want, we want, too. That's what we want to see happen in that area. And that is coming. And the reason that those services are coming to this area is because of you and the actions that you've already taken just this year alone, and the development that has been approved out there. When we look at the different subdivisions that are on their way out there, that is going to create the critical mass that will make it economically inviting and feasible for growth restorage, restaurants, and other services to come to this area, this long, long overdue, underserved area. And so that's already in the works without golf. And so it is about our parks. We hear that this is not an accessible area. Depends on how badly you want to get there. Because I go there. I know other people that go there. And it should be accessible. It should be something that everyone in austin can get to. It should be the grand park that it was brand to be. And we don't want to

-- brian talked about the declining golf numbers, along with bowling and tiddly winks and other sports that are going down. We don't want to hook our park fortunes to a dying sport, not when we have

-- I understand the concerns, but we have golf courses in the area that will help service this. The whole idea that the pga is going to be the panacea of riches that f-1 was promised to be, that's probably true. It because we have seen that f1 is not the wealth of riches that we were promised and I am going to break now and we will see you after the break.

[11:31:10]

>> I have a question, mr. Waley.

>> Mayor Leffingwell: Mayor pro tem cole.

>> Can you lay out exactly what you and the water utility have agreed upon with the problem with the golf course with respect to water? What is your concern about water? , The fact we need to be changing our water and even if this is the green water in the sense, we don't have water for it. February, april, we are hitting a critical cutoff point on our lake levels.

>> Cole: All right. Thank you.

>> Mayor Leffingwell: Thank you.

>> I was just answering the mayor pro tem's questions.

>> Mayor Leffingwell: She indicated she had her answer.

>> Cole: Thank you.

>> Mayor Leffingwell: So without objection, we are in the recess until approximately 7:00 p.M. [Recess].

[11:37:46]

>> Mayor Leffingwell: Time for live music at austin city council and I want to start off with a confession that I want to make. I love bands. I really like brass bands, so this is what we have tonight. The austin sidido band works to to enhance salvation army worship services 56 weeks out of the year. I think that's every year and during christmas time you may see them with a red kettle for background for traditional christmas carols and christmas is on the way. Not quite thanksgiving but we are already thinking about it. Salvation army brass bands traditionally use british style brass instruments which include comets, baritones, eutronias, from bones, b flat bass, c flat bass and percussion. Please help me welcome the austin sidio band. 🎵

>> joy to the lord, the world has come and we are the band of the salvation army and we are here to ...  
[Indiscernible] 🎵🎵

[11:40:11]

>> as salvation christmas we want to serve the less fortunate. If you know the salvation army has been serving in the austin area for over 125 years.

>> No, I didn't know that. [Applause]. 🎵

>> we wish you a happy thanksgiving and also wish you a merry christmas. 🎵

[ music playing ]

[11:42:33]

[applause]

>> Mayor Leffingwell: So what we usually do at this point in time is ask the band or the band leader to tell us what cabaret they are going to be playing in next. [Laughter] but I don't know that's appropriate here but you are free to say a couple of words.

>> Thank you so much. Well, we are so glad to be here with you today in honor of receiving a proclamation, the austin salvation army has been in the community over 125 years. We want to thank the austin city council for having us here and the austin community for continuing to support the salvation army year after year. You will be able to find us next

-- our special event is at midnight rodeo and the band is opening for cory murrow and friends for rock the red kettle concert. It is on the screen. It will be a very fun evening spent with traditional music and more contemporary music and you can also find the austin cididal band at barton creek mall in fridays in the afternoon and fridays in the domain in the evening. Thank you so much. God bless you all.  
[Applause].

>> Mayor Leffingwell: Great. I was starting to get in the christmas spirit there a little bit already. Have a proclamation for you. 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 new comers alike and we are pleased to showcase and support our local articulates and so i, mayor lee leffingwell, mayor

of live music capitol of the world call 11/20, 2014 as the austin cididal dan of 2014. You guys were great. Loved it.

[11:44:51]

[Applause]. The austin citadel band. [Applause].

>> Mayor Leffingwell: Bring them over.

>> The mayor said it would be all right if I got my two daughters and wife up here if that's all right and granddaughter. [Applause]. This is mayor lee leffingwell, hannah, daughter chris, and daughter rosann.

[11:46:56]

>> Mayor Leffingwell: I will tell you, I am smiling but this is a sad day for us. Charlie betts, who has served austin as executive director of the downtown austin alliance for so many years, has been such a positive force for the city of austin, and now he is retiring and I feel so bad about it, I am going to join him in about a month and a half. [Laughter]. [Applause] so we will go fishing or do something, charlie. We have been good friends for many years and we both are one of the approximate handful of people here in austin that are actually austin natives, born and raised in austin, texas. So

--

>> mccallum and travis.

>> Mayor Leffingwell: Yes, north and south. So it's with great pleasure that I read this distinguished service award in honor of my good friend, charlie betts. For 1 years of dedicated service as executive director of the downtown austin alliance, charlie betts has r is deserving of public acclaim and recognition. A third generation austinite, charlie was an ideal candidate to lead the partnership of downtown property owners, individuals and businesses in preserving and enhancing the value and vitality of downtown, austin. Preserving austin's historic buildings has been a priority. In charlie's previous position as president of franklin's savings, he oversaw the preservation of four significant historic preservation projects, including the renovation of the tips building on south congress, south congress avenue. He is past president of the austin heritage society and a founding member of the city's landmark commission. But charlie is also a proponent of advancing our city for the future. He is advocated for waller creek tunnel, multimodal transportation, affordable housing, the dell medical school, the downtown austin plan, and the emerging innovation zone. Ever the gentleman, charlie betts has been a welcome visitor to city hall and an ally on many projects that have benefited our city and its

citizens. We are pleased to recognize his many contributions during his career with this certificate presented this 20th day of november, the year 2014. 2014 by the city council of austin, texas. Charlie, I am honored to present you with this and I know you are always ready to say a few words if you'd like.

[11:49:50]

[Laughter]

>> thank you, mayor, very much, very much. [Applause].

>> Thank you, mayor, very much and what a pleasure it's been to work with lee leffingwell as our very fine mayor, really solid and always, always there and I think always doing the right thing. I would I like to thank a few people, fist call up my wife sill v via who put up the days I left in the dark and got home in the dark. She has been in my back many times, 52 years, I think, sylvia, and I have the best looking 74 year old wife in town. [Applause]. Daughter ruth ann, as you can tell use the athlete growing up, the tall girl and chris was our entertainer and shakespeare and she had a lovely daughter and our granddaughter, hannah, who we are so proud of. You may see her in some shakespeare plays. She just graduated from the university of texas, and she entertains us, too, I have gotten to where I enjoy shakespeare. [Laughter] by necessity. The volunteer directors over the years, tom stacy and david bodeman came and got me for this position, some 17 years ago and to you and the others, I really say thank you. It has been a joy to be the executive director of such a wonderful organization that's making our downtown great. I think that's it, mayor. Thank you very much and I would say one last thing.

[11:51:50]

[Laughter]. [Applause] our job at the daa is to advocate, to make downtown attractive to investors and developers, and we always have had great support from this council and a number of councils previously, and I think the investment in infrastructure downtown has paid great dividends to all of us. What a pleasure it has been to work with you. Thank you.

>> Great job. [Applause].

>> The mayor allowed me to say something. Let me staff stand up and be recognized. They are the many people who made my job easier. Thank you. [Applause].

[11:54:56]

>> Mayor Leffingwell: So this is another bittersweet occasion that occurs almost on a weekly basis now, where another dedicated city of austin employee makes the decision to retire and try to fill the gap. Richard morgan has worked very hard at austin energy and you can tell how many people are here to honor him on the day of retirement. I asked him a few days ago if he was ready to go through with it. He didn't hesitate too long, yes, I am going through it. So let me read this distinguished service award to richard morgan. For his 16 years of dedicated service as a city of austin employee working to make austin a more sustainable city, richard morgan is deserving of public acclaim and recognition. His arrival in austin in 1991, richard became involved with the green building program for developing and managing the award winning casa verde building program. Casa verde works with at risk youth to build green affordable housing in austin and was the learning component of the green habitat learning project that built the first affordability green presentation home in our city. After five years with casa verde, he became the manager of the city green building program. He worked with u.S. Green building council, staff and volunteers to hold the first gbc green building conference in 2002. He also led staff in a city council task force of builders, affordable housing advocates and energy advocates, energy efficiency advocates to develop the zero energy capable homes 2015 plan. Richard's in depth knowledge of the the energy and his ability to diverse solutions to diverse issues has made a plan to help austin be the leader in development of energy code efforts in the entire united states. This certificate is presented in acknowledgment and appreciation of his service to our city and its citizens on this 20th day of november, the year 2014, by the city council of austin, texas. Congratulations, richard. Enjoy a great retirement.

[11:57:50]

>> Thank you, mr. Mayor, thank you, everybody. Thank you, roger for coming. Roger duncan is my mentor, my boss, inspiration for many, many years. Well, I don't know if I can get through this. I always tell people when I travel around the country that I have the best job in the city and when I tell them what it is we are able to establish here with green building, with our energy codes and all of the sustainability issues and electric vehicles, they are always amazed at how progressive one seat can be, and the reason for that is the support of the city council and general managers I worked for and kimberly and all of the folks behind me that have worked for me or worked for me, except my wife and daughter, who I guess I work for. [Laughter] so it has been a tremendous honor to be here and I will still have the best job in the city for the next month or so, so thank you. [Applause].

[12:01:00]

>> Morrison: So we are here tonight to celebrate the small business program's graduating class and the 8th business success skills certificate with over 31,000 small businesses in austin and the austin area, we know small and local businesses are not only vital to our local economy but they are what define and make the spirit and character of the city that we love and part of why we love living here. As a matter of fact, austin has ranked among the top cities for small business and we certainly recognize the contributions of small businesses to the local economy. One of the ways we show our commitment to small business in helping small business owners is through our partnership of the university of texas, their professional development center, and it's through this collaboration that we help business owners develop skills to grow their businesses and ultimately make austin a lot stronger. Tonight we are honoring 11 committed individuals who have completed at least 6 business education classes in the last 6 months to achieve their business success skills certification. Congratulations to all of you. We are certainly happy to celebrate with all of you and we consider your success shining examples of the entrepreneurial spirit we have in the city. Now I want to welcome vickie valdez who is the manager of our small business program to recognize our graduates.

>> Thank you. [Applause].

>> Hi, there, the city of austin's small business economic department with a contract with the university of texas provides support to further the growth of new and existing businesses in austin. Just got to say this contract, we offer 20 classes, different classes on basics of how to write a business plan to small business taxes and even marketing classes. I am proud to say the past five years we have had this contract, they have trained over 5,000 intrapray knewers in

-- entrepreneurs in the area and have provided over 51 training hours, that's a lot of hours and a lot of entrepreneurs who have benefited from this program so graduates have completed at least 6 small business classes to help them better manage the assistance. We are proud of assistance from small businesses and those we celebrate tonight for the business success skills certificate. So I will call out their name.

[12:03:39]

>> Morrison: Do you want to say what it says here. Okay.

>> Okay. I will pleased to say that joseph having successfully completed course work to finish the business certificate. This business training that has developed a core dress of business programs and it is offered through a small business program and the university of texas in austin's professional development program. We join utpdc in recognizing this class to help build strong viable interests in this community. This is a certificate, 20th day of november, 2014, signed by council member

-- I am sorry, mayor lee leffingwell, mayor pro tem sheryl cole and.

>> Riley: , Mike martinez, and morrison. So go head. [Applause]. Emily champ. [Applause]. Elaine. Paula guerrero. [Applause]. Mariam mata. [Applause]. Crystal mcmccullough.

[12:06:09]

>> Mia phem. [Applause].

>> Jenny trower. [Applause]. And cindy wiggin. [Applause].

>> Congratulations. [Applause].

>> [Indiscernible]

>> y'all go ahead because I want to do some closing remarks. I was just going to say mayor and to you, council member morrison for all of the continued support of the economic don't program and the small business program and for the continued guidance and leadership of our director kevin johns who is here with us today and our assistant director, and with that, thank you, and on behalf of the small businesses in austin.

>> Thank you. [Applause].

[12:08:31]

>> Okay. I will read the handoff

-- no, you should read the name off so I can hand it to them. Yes, we tried this before. Right.

>> Morrison: So if you wouldn't mind taking your conversation outside. That way we will be able to go with our next one. I am so excited to be able to be here tonight with this group of fine folks. I think it was only last march I sponsored a resolution with council member spelman and riley that said we really need a digital inclusion strategic plan because we have so many great programs. We had a survey going on which is now identified that there are 55,000 adults in the city of austin that do not use the internet for a variety of reasons but it is really important that we make sure that everybody has the opportunity to be part of our digital society, and so these folks pulled together a group to put together a plan to say, what do we got, what do we need to have and how are we going to get there and so I am very excited. It is a beautiful plan. The council adopted it unanimously on consent today, by the way. [Applause]. It's

-- it really is nice. It's got some real guts so it. It has got actions to it, so it's really going to put the city of austin on the path toward real opportunity for everyone, so my heartfelt thanks to all of you. So I am

very delighted to be able to be here with certificates of association with these folks and I should represent della hawkins who is our regulatory affairs officer who sort of led the charge but it was a group effort.

[12:10:50]

>> Yes.

>> Morrison: So I want to read out

-- we have a certificate of appreciation for each one and I am going to read the text here and then we will call off the names. It says by sharing knowledge and expertise as a member of the steering committee to develop austin's digital inclusion strategic plan, this one says grover bnum and he is not here and the city was devised with a plan that would enable every austinite an opportunity to be fully engaged in today's digital society. The committee developed a plan across five action categories. Connect, engage, include, integrate and coordinate, along with 25 specific initiatives designed to increase internet usage to overcome barriers and pro

-- to overcome barriers and provide the training. We appreciate the many hours already expended and the committee's willingness to continue working as ambassadors of the initiative and to further the dialogue within their sectors. This certificate is presented in recognition thereof this 20th day of november in the year 2014. It is signed by the mayor of city of austin and references all of the council, so we have one for each person, and they mentioned here in the certificate the sectors. Could you just talk about, just briefly who

-- how you brought the different sectors together? Because I think one of the cool things about this plan is that it

-- it has the perspectives of all of the different pieces that are going to have to go into it, so before we start off, if you wouldn't mind.

>> I certainly,

-- ran della hawkins and we wanted to provide a broad base solution on the steering committee and the sectors that were represented were public health, entrepreneur business, nonprofit, community. We had education, of course.

[12:12:54]

>> Morrison: Right.

>> And am I missing any other? But we had a broad

-- we had a broad representation and we had city of austin

-- we had libraries. We had our it department. We had

-- it was a broad representation.

>> Morrison: That's right. And I want to thank

-- I know we have people from different departments and elements of the community, aisd and all of that so it took a team to put it together. Do you want to do the honors of reading the game and then do the presentation.

>> This certificate goes to juan honcheng. [Applause] rebecca frost davis who I don't think is joining us today. David calligan who is not here this evening, joe fock. Zack green. [Indiscernible] sarah churchill lamas, james lax, who is here. [Applause]. Carrie o'connor the chief innovation officer who led the facilitation method.

>> Thank you. [Applause]. Kevin paris. Terry pennington. [Applause]. Robert penharro. Gilbert rivera.

>> Morrison: He is with the community development commission.

>> Community development commission. Vanessa lasaria. Alexis schrubb, sue soy, library.

[12:15:08]

[Applause]. Sharon strover. Joseph strawbower who is here.

>> Thank you.

>> Thank you for working on this.

>> Sure.

>> And higher education. It is.

>> Angela woods. Aisd. John spears. I know john is here. [Applause]. Charlotte chamberlain I know is here. [Applause]. Jane rana who is not here. And miss ra ran rondella hawkins, thank you.

>> Morrison: And I want to recognize the chair of our community technology and telecommunications division who has been instrumental in helping us move along, williams.

>> Yes, thank you, I want to say thank you very much to everyone on the council, all of the committee members, mayor pro tem. Thank you so much for this opportunity. It's been a long time coming and just assembling the individuals that you see here behind us today, they are actually the ones who are the ones who should get the recognition. They worked with their organizations. They have worked with the committees. They have worked with city staff and to really put this action plan together, you are really going to see some big things in 2015 and beyond, so thank you so much for the time. Council member morrison, thank you so much for believing in us, supporting us, and just giving us the tools and techniques to make this happen. Thank you again.

>> Morrison: Thank you. [Applause].

[12:18:40]

>> Cole: I am pleased to have the honor of presenting a proclamation for the center for child protection. It says be it known whereas the child protection center opened its doors in 1989 to change the way child abuse cases were handled by the criminal justice system and to help children impacted by abuse and violence. Whereas the center for child protection has since provided almost 74,000 services to children including 13,700 forensic interviews and more than 43,000 to adults and whereas at the core of the center for child protection's work is the belief that every child is entitled to a life free of violence and full of possibilities and whereas the center for child protection believes with hard work and determination they can end the cycle of child abuse through advocacy, community support and education. So I, Lee Leffingwell, declare November 2014 as the center for child protection 25th anniversary. Thank you. [Applause].

>> Thank you so much. My name is Michael Horse and the executive director for the center for child protection and we are the only one 501c3 nonprofit involved in the prosecution and investigation of crimes of young children and we are community representation of the child protection team which includes the law enforcement jurisdictions in Travis County, the district attorney's office, child protective services, AISD and Dell Children's Medical Center, so on behalf of them and all of the community representatives who are involved with the center for child protection, I want to say thank you very much for the Austin and Travis County community for supporting us and thank you so much to mayor pro tem and the city council for this proclamation. Thank you.

>> Let's take a picture. [Applause].

[12:21:06]

>> It's with great pleasure I get to present another proclamation to an organization and to individuals I have come to know well and cherish my entire time that I am on council. I appreciate the opportunity I have had to work with you and I will read the proclamation and then I will get all mushy, okay. Be it known that whereas the ending community homeless coalition echo of austin is the u.S. Housing development designated continuum of care of austin and travis county, and whereas the national coalition of homeless and the national campaign against hunger and homelessness cosponsors this special week nationally and whereas eco organizers execute it is activities to the contribution to conyour homeless awareness week and whereas travis county and the city of austin is focused on decent care based on affordable housing and permanent housing so i, mayor leffingwell, do here by proclaim, november 23rd, 2014, as homelessness awareness week. Thank you.

>> Thank you very much, mayor pro tem. We appreciate your steadfast support. We are making progress in housing more people more quickly and on cold nights and on hot days, that's significant in austin, texas. I think the council agenda today that's so full has several things that are trying to address homelessness. Everything from social impact bonds to doing more affordable housing and other strategies and we really appreciate your leadership on this. We also couldn't do this without volunteers. I am joined today by marshall jones our board chair and it is the steadfast volunteers from the community that are helping to drive change. Thank you.

[12:23:07]

>> Would you like to say a word?

>> Sure, mayor pro tem it is an honor to receive the proclamation from you and all of the years and hard work you have done. It is a major issue and you have worked hard on eco and we are an organization that is fiercely committed to ending homelessness, let me leave you a thought, people who are hungry need food, people who are jobless need jobs and home who are homeless need homes. Thank you. [Applause].

[12:28:57]

[City council is in recess]. ,,,

>>

[12:46:36]

>> >>

>>

>>

>>

>>

>>

>>

>>

>>

>>

>>

>>

>>

>> ,,,

>>

>>

>>

>>

>>

[12:54:38]

>> >> >> ,,,

[12:57:35]

[austin city council meeting will resume momentarily.]

>

>

>

[13:08:47]

>> decker lake, what you'll see, there's a spit down the middle of it. There is an old ruined house that I found years ago, and there are plants planted around it as if there was a garden. I found out that guy weasand by louie blanger. He had an old farm, he was getting old, two guys walked up and offered to buy it from him at a decent price, and he sold it. Those two guys turned around and sold it to the city for almost twice as much as they bought it from him. Those two people were will odom and jake pickle. It doesn't always have to be about the money. Development is coming to east austin. At most of the land, city will have little control over what nature remains and what is destroyed. East austin is going to need parks and preserves. The land around lake long is the wildest piece of city land remaining in the area. It is the one place in east austin where the city can control the destruction of natural habitat. I've been visiting lake lawn since I first moved to austin. Contrary to what you've been told, there's access to almost the entire park from a boat, you just have to that pointing to there. Over the years this park has become increasingly neglected. I continue to visit because it is a great place to canoe, a great place on hike, and great place to watch birds and other wildlife. It maintains these attributes because it is still undeveloped. This proposed golf course will forever change this character. This park has one of the few remaining grass sites in austin, it has a spectacular display, as a matter of fact the best I've ever seen, of primary in late september. On lake lawn, one can see osprey diving into the lake catching fish. It's the only place I've seen a bald eagle, an immature bird whose picture is on the monitor. As green as a developer says they will make it, there's no way that a chemical requiring water didn't you see link high end golf course will do anything but degrade these qualities that exist out there right now, at no cost to the city, I might add. I have a question. Why isn't the golf course being proposed on any of the many hundreds of acres surrounding lake long? Why does it have to be developed on city parkland? I do not believe that austin's problems will be solved by allowing to use parkland for a limited access high end golf course. Thank you.

[13:11:33]

[Applause]

>> Mayor Leffingwell: Mary arnold. Mary arnold. David king? That you remember, mayor, council members, my name is david king. I live in the zilker neighborhood. And a decision to use parkland for a high end golf course for 90 years should require a vote of approval no matter which park we're talking about. If the parks department submitted a proposal to convert zilker park to public golf courses, you can be sure that many people throughout the city, not just those who live next-door to the park, would oppose it and would insist on voter approval. The city has spent hundreds of thousands of dollars on an update to the master plan. Why don't we have the money and time for the 50-year-old master plan atwardly e. Long park? Although the developers of the park and the parks department have apparently been working on this golf course proposal for two years, the general public has only been included in the last two months. Just two public meetings have been held on this proposal. The parks board asked the parks department to bring the proposal back to the board for public review before it went before this council. At the october meeting of the parks board, director hensley indicated that the contract would not go to the council until the council meeting in december, and that she would bring the contract back to the board for public review at the board meeting in december. This proposal still has not been brought back to the parks board, and the board has not had the opportunity to review or provide input on it. Why is the council effectively bypabypassing the parks board on this contract? Why is there a rush to execute this contract now? The public engagement process on this proposal has been woefully inadequate. There are other ways that do not require converting this park to golf courses, and there's no guarantee that golf courses will provoke any development around that area. And since this proposal is being touted as an economic development project, why hasn't it been analyzed to calculate the economic impact to the area? The city routinely does this on other economic development projects. Neighborhoods and residents around decker lake deserve improvements toweled e. Long park and the council could make millions of dollars available for improvements to the park by eliminating one-third of the chronically vacant positions in the city and redirecting that money to improvements for the park. Voters should decide whether or not to convert the parkland to a high end golf course for the next 90 years. Thank you.

[13:14:26]

[Applause]

>> Mayor Leffingwell: Okay. Those are all the speakers. Is there a motion on item 72?

>> Sir, my name is on

--

>> Mayor Leffingwell: Wait a minute, you all, your name

-- we took ten speakers from each side, limiting debate to 30 minutes.

>> Mr. Arnold didn't get to speak. We had nine speakers. We can have one more.

>> Mayor Leffingwell: All right of the you've got three minutes. Come up and tell us your name.

>> Thank you, mayor.

>> My name is kenneth cohen. I've asked for a map to be put on this showing imperial valley neighborhood association. I'm the president. And we have less than .05%

-- less than four percent

-- less than the first I said. [Laughter]. Please, I'm not

-- I'm especially short with this council for having run a system that won't let us have a grand canyon dam, by working the people in an organized fashion so that they actually end up with doing something. But we need an engaged community. This question is county-wide, but imperial valley, what you see on the map is 21 miles by six miles, 102 miles. We expect that this is the area 750 people will go to as this town grows. And it is quite possible that we could have a dam on the grand canyon. It's a different kind of dam, though. Okay? I'm talking figuratively because we need some kind of interaction. Jojoe ogleby and I have not met, but on august 15th of 2013, he went down to the corporate offices, or he had his lawyer go there, and form decker lake golf course. My community has not been able to walk on these properties because of the fence and because of the way that this community operates, and it is not allowing people to go onto parkland. Why? Why are you kept from out of there? We needed a place to have our monthly meetings. We could not use a park building on the property, on the walter e. Long lake property. I apologize, but this is time that we be able to

-- organizers know how to organize with the shutdown, being the shutdown, mr. Suttle coming here to shut down dialogue. That is negative, and it is a lack of engagement. Is there any questions?

[13:17:50]

>> Mayor Leffingwell: No questions. Thank you.

>> Thank you. [Applause]

>> Mayor Leffingwell: So now we have completed the 30 minutes allotted to those opposed. I entertain a motion on item 72. Council member spelman.

>> Spelman: As much as I would like to make a motion, mayor, and shorten the meeting, I still have a few questions I have to get answers to, my apologies.

>> Okay.

>> Is mr. Siran there? I see him there.

>> Greg.

>> Spelman: Greg, this has gone through a couple of iterations. The first version of objections to this proposal we heard from the community seemed to be based on the misapprehension that this golf course was going to be using potable water, which as I understand it was never really on the table, and we're not going to try and take potable water, they're always going to try and get reclaimed water. Then I started asking, okay, so if you have reclaimed water or some other sources, not potable water, is that a problem for you. And I hadn't really thought it through until that moment. I wonder if you'd help me think this through. Is there

-- I understand potable water is something which is exceptionally scarce right now, and any additional potable water we use for a golf course or any other purpose is just another million gallons we can't use for people's drinking purposes and other things that you've got to have potable water for. Is there something similar going on with reclaimed water? If we use reclaimed water for purposes of a golf course, is there something we're giving up by using it for purposes of a golf course? Help me think that through.

>> Yes. We've been working on this transaction with the parks department and the developer and trying to reconcile some of the risks the project represents, particularly in this drought period that we're in. And my comments are really not going to be based on the merits of the golf course, but more on risks to

-- efforts to stabilize the water supply and protect it through what is a very bad drop that may continue for well into the future. As the council probably recalls, we e-mailed a water resource task force this summer and working collaboratively with the quality we identified some short short and mid-term projects to especially help with the water supply. The decker concepts had the highest value of short to mid-term water supply of all the projects that we identified. It is the most rapid emergency water supply that we could deploy through this drought, and we're just beginning the feasibility of that project and how we might employ decker lake for its best purposes for water supply. And the kinds of things that we're evaluating is how we'd use that off channel reservoir, how it might one day be pumped directly into our water plants for treatment. We want to evaluate how we could keep the lake filled if we drain it down, how it could refill. We want to evaluate how we might use well water surrounding the lake as a potential source of water supply, how reuse might help refill the lake, and the golf course complicates those matters, quite honestly. We just won't know how we may use those things. The golf course has talked about using wells themselves. They've talked about using reclaimed water. You know, we would like to optimize the reclaimed water to compliment the water supply in this area, as opposed to trying to get a 13 to \$15 million project off the ground to bring reclaimed water to the golf course as the primary initial purpose. We're just trying to balance all those risks. We're also looking even beyond decker lake,

we're looking for opportunities to do things like aquifer storage and recovery where we would pump reclaimed water into the ground, let it get a natural treatment, and then pull it out later, and I think, you know, those are future uses of reclaimed water, and even potentially land in and around this particular lake might be good for aquifer storage and recovery. And we just don't know how a large development like the golf course may inhibit some of those uses. Beyond decker as a water supply strategy, we have been investing a lot of time in working with lcra and downstream interests to cut off flows with this drought. As a matter of fact, just this week lcra's board voted for the fourth year in a row to cut off all downstream rice water. There is high emotions with these matters. Our long-term water management plan or lcra's long-term water magnet plan that is right now before the commission, the tcq, that would permanently build in the risk protection to curtail downstream rice flows is being considered. And again there's high emotions there. One of the things that I certainly discuss often is our credibility in terms of being early adopter of conservation, being very cautious with how we use water. That has helped us immeasurably develop this water management plan in a way that is really revolutionary in the terms of way it's proposed to change how water is kept in the lakes to protect our firm water supply. And I think

-- again, this is probably more opinion than anything on my part, but my experiences there is that I think a large golf course development that would use reclaimed water that may be able to normally return back to the river system proposes some risks to upset the delicate balance of these water management plan revisions. I mean, I'll just give you another example. If the lakes fall below 6,000 acre-feet of storage, which we're just a little bit above that emergency level, they're going to implement robbins elena rat a curtailment. And that's not just on firm water, that's going to be obey and estuary flows. They're going to cut that by at least 20% and maybe more as the lakes would continue to fall. That's going to bring a lot of intensity on our reuse program because every drop of water that we're pulling out of the river is going to be that more valuable under that curtailment regime where bays and estuary flows aren't getting as much water, and will get a lot of attention. And that might be on or about the same time we're trying to get additional reuse water to a large golf course on city property. And I think just

-- I'm the water guy so I'm worried about water, you know. They said at lunch, I'd pull my hair out.

[13:24:51]

>> I didn't say that.

>> Yeah. So, you know, I'm just

-- I'm trying to give you some of the risks. You know, they may not be insurmountable risks, but I think the council maybe should consider all factors when we're doing this. Again, I'm not judging the project, I'm just giving you the water site.

>> Spelman: You're telling me

-- your using a lot of words like this complicates things, we're not sure what the final results of this would be, this may hurt our credibility with lcra, which are not incontrovertible facts, but these are the things refined ourselves in as we get further and further into the drought and it's less and less clear. So what's going to happen next, that opinion is valuable to me. It doesn't mean we can't do this, but it doesn't mean we're taking all sorts of risks we don't fully understand if we do. Is that a fair characterization?

>> I think that's a fair characterization. There's a lot of things we're balancing now, and this drought is grave. It is a grave drought. The last four years have been the lowest ever, four years by far, of inflows into the lakes. We're hovering just about emergency levels. The el nino pattern that is supposed to form is weakening, sputtering, it may not form or bring water. I hope the drought breaks and lakes refill and we take a step back from the brink.

>> Spelman: Life becomes easier.

>> Yeah. But we just don't know. Even if that happens, I think with primate change, precious, history of this drought, these issues aren't going away. We're just trying to reconcile that with regard to things like this golf course being kind of wrapped around the primary emergency water supply source that we had identified through the summer deliberations.

>> Spelman: Is this the sort of thing which you could

-- right now, it looks extremely uncertain. Is it

-- would it make sense, from your point of view, to continue working on this issue to figure out if there's some way where, for example, a golf course could get a million gallons without materially hurting our credibility or hurting downstream flows to the estuaries and bays and things like that, or is it just plain kind of dead from your point of, it's just going to hurt us and we should say no?

[13:27:11]

>> Ooh, that's a good question. I think it's a good policy question. You know, it's hard for me to make a broad judgment like that. I'm clearly anxious about these matters, and I think we've communicated that internally as well as in some of our discussions with the developer. I mean, they're working hard to try to address risks. I've seen that in them. I mean, even today I heard some concepts I hadn't heard before, like this water neutrality that they would work to reduce water at other golf courses, and so, I mean I hadn't heard that before. Certainly, anything we could do like that helps manage some of these risks that I'm speaking of, but I mean, I just

-- I just have

-- I don't know, it's hard to say, you know, what would happen. I do know, you know, this is by far the worst drought we've ever faced, and I'm pretty risk averse in that regard.

>> Spelman: I think we all are. Thank you, greg.

>> Mayor?

>> Mayor Leffingwell: I have one quick question. Would you, by the same token, be opposed to any new people, any population increase within your ccn or any new business that used water within your ccn?

>> Are you asking me if I am opposed to that?

>> Mayor Leffingwell: Yes.

>> No, I'm not opposed.

>> Mayor Leffingwell: Okay. And I would only say, I understand your trepidation, but you haven't been around here that long. The lake levels were much worse back in the '50s and '60s than they are now. Mayor, I probably respectfully disagree with that, but

--

>> Mayor Leffingwell: It's a fact. It's a fact. It's not something to argue or disagree, it's just a fact.

>> I would say the in flows we're experiencing in this drought are considerably worse

--

>> Mayor Leffingwell: Any say inflows, mr.

--

>> I don't want to argue, mayor.

>> Mayor Leffingwell: Okay. Good. I don't want to argue with you, either.

>> I have a question.

>> Mayor Leffingwell: Mayor pro tem.

>> Cole: Greg, you said some pretty weighty stuff here at the ninth hour so I wanted to make sure I got it. You said that this project would be inconsistent with our water management plan as it exists right now. Can you expand upon that?

[13:29:29]

>> Well, let me clarify. The

-- the lcra has a water management plan, and it governs how water is released out of the highland lakes for downstream users. The water management plan has undergone significant revisions, and it is proposed, and it's before the tcq in the months ahead, to radically limit the amount of water that downstream interruptible customers would get. It's gone through really a transformation in that regard of the that's good for us, that that demonstrates that the more lakes

-- more water will stay in the lake and lcra and tceq will hopefully support a significant, long-term permanent reductions to downstream rice water, which is going to be very controversial for downstream rice interests and others that are downstream of austin. That has been about a five-year effort to get to this point of that revision, and literally tens of thousands of hours of work by austin and other stakeholders in the process. I'm just concerned that if austin looks insensitive to the drought, that that

-- that good work could be complicated as we're getting to the discussions with t cveq. I don't know that in fact, but there's many downstream interests that will oppose that management plan. We'll be in a contested case hearing aid. It may go to the courts. I just don't know how a new golf course on city property in the middle of this drought, with these low in flows and this big revision, how that would play out. It's a variable. And it's a variable that I think, you know, potentially could come into play.

>> Cole: And so you heard the developer talk a little bit about water neutrality and that stuck with you for some reason. Can you explain, would that be the best water for some reason, is that a new concept that would help if we took that to the lcra, if we did end up in some kind of battle like this, or what

--

[13:31:46]

>> yes. Certainly, that's a better story, that a development, a golf course that, because I think some folks just say a golf course is like an optional use, and if you're doing a recreational use in the middle of the drought and you can demonstrate that you've offset all the water for that by optimizing the water use at other golf courses, and that's a clear, factual presentation, I think that's certainly a stronger story than, you know, we built a golf course and are using more water, whatever water, whether it be reclaimed water or those kind of considerations.

>> Cole: But you haven't worked on any plan like that with the parks department and the developer.

>> Oh, no, the first that I heard today, that they were proposing this to be a water neutral development

-- to the best of my knowledge, that language isn't in the contract. I hadn't seen it, I guess, in the proposed contract. Today was the first time I had had

-- I heard that, so that's certainly the kind of concepts we would encourage them to pursue. And they have been fair minded in terms of their talk about how this golf course would be more water sensitive, in terms of its plantings and whether they would irrigate, so we're hopeful that, obviously, they would stay with those kind of options. I mean, typically, I mean, I've been a director now for seven years. You probably don't hear me standing up here opposing development very often. It might be reflective of the risk that I see this drought. Again, maybe I'm just a little paranoid about it, but it's

-- it's challenging for us.

>> Cole: No, you're here to level with us, and that's what we want you to do. Thank you, mayor.

>> Mayor Leffingwell: Council member Martinez.

>> Martinez: Mr. Mayor, I wanted to continue down a similar line of questioning. If we run into a risk by approving this project, but let's just say any project, if our goal moving forward is to increase reuse and gray water use as much as possible as a means of conservation, wouldn't we be in the same trouble or predicament with ICR whether it was a thousand rooftops that were in a water neutral subdivision, which is where we're moving forward towards, as a policy, we've said, you know, we want to create neighborhoods that conserve as much electricity and water as possible. Wouldn't we be in the same

-- aren't we going to head to the same point if this drought continues, regardless of whether we approve this project or not, and if our goal is to increase gray water use, where else would it be better to use it than on golf courses? And aren't our current golf courses using gray water, and isn't that the direction we're headed as a city to get every city golf course on gray water?

[13:34:47]

>> I'll answer it in a couple of ways. One, I think you make a good point that downstream interests, others that are opposed to curtailing water, saving water for

-- from water customers like Austin, they're going to criticize Austin irrespective of this golf course. I think the golf course issue, though, raises some issues. One, council member, we have almost exclusively focused our reclaimed program on converting existing uses off of potable onto reclaim, as opposed to, like with the golf courses, we've taken existing golf courses and flipped them from potable use to reclaimed use. This is the first major transaction where we're taking reclaimed water and facilitating a brand new development, for lack of a better way to put it. So it's a little different animal, in that regard, and I just would put that out for you.

>> Martinez: But wouldn't it be the same if we were doing this for a new subdivision with thousands of homes and putting purple pipe through that subdivision, wouldn't it be the same scenario? It's not

about what development is on top of the ground, it's about the purple pipe under the ground, and using that water, as opposed to putting it back

--

>> exactly right. If we have reclaimed water happening in other areas that's brand new, I think you face those same issues. Probably the double whammy per is, a large water use for a recreational purpose, happening right in the middle of the drought, also wrapped around the best project we identified for emergency water supply, that's where my anxiety goes up. It isn't either one of those issue, it's those two things aligned up, that the location of this golf course, being around the number one project we've identified for emergency water supply, and it being a large reuse recreational purpose, that's probably the alignment that, you know, is the

-- kind of stacking this for us. We're going to execute this. We're going to

-- we're not going to drag our feet. We're going to do the best we can to make this happen in a way that manages all these risks. And, again, I'm just trying to put them on the table for you.

[13:36:59]

>> Martinez: And I appreciate that, and I know you're in a tough spot. You have to give us the most conservative advice that you can, based on the current conditions that we're facing and what you see as a potential condition in the future. And right now it doesn't look so bright. Doesn't who can like we're going to get the rain this season, this winter, that we thought we might get. You know, for me some of the most, I guess, compelling testimony is actually from the community the resides in and around that area, and, you know, I can't overlook statements like, we had a tank farm in our area, and we have a landfill in our area, and we have, you know, a prison in our neighborhood. Why can't we get something that

-- [applause]

-- you know, that they actually come down here and ask us to help them, help them improve their neighborhood. We have some incredible planning going on long loyola lane with the park, and I want to see all that happen, but I'm just in a tough spot here because I think

-- I believe what they're telling me, those neighbors saying, you know, we've been neglected for quite some time, and maybe this isn't the panacea of what that neighborhood needs, but they don't have anything out there right now, to hear them tell the story. I'm not putting words in their mouth. And so if this does induce a hotel and restaurants and ancillary economic benefits, I think that's what they're

-- what they're fighting for, is what I'm hearing. And so that's the predicament I'm in. I wish we had some more assurances as to this water neutrality that was brought up today. I don't know what that

looks like or what that means. I certainly know what it means to have a grass that is drought resistant. I certainly understood what mr. Oglevy meant when he said this is not going to be some lush, thick-carpeted, green country club. It's

-- you know, mother nature is either going to make it green or make it brown. I appreciate those comments. I think what I'm looking for and what I'm hearing on the dais is just every assurance that we can get on using potable water that is, obviously, one of our most scarce resources right now. And I don't know how to get that assurances, and I'm trying to ask you to help me understand that and help me get there.

[13:39:31]

>> I appreciate you being in a tough spot because I feel the same way. And the

-- you know, I mean, I'll throw out a you mean can of thoughts. I mean, what you described, council member, and the worthiness of this project and the catalyst effect and the need for investment in this part of our community, I think those are all, you know, very strong. I would offer, I don't know if you'd consider this of value, but with the water utilities' interest in Decker Lake as a potential emergency water supply, you know, we routinely work with the parks department and I think there's an opportunity did you understand, we have to work with the city manager's office, for the water utility to supply a lot of funding in this area for the parks department, that is routine for us to engage in partnerships with the parks department, particularly if we work to use this property and this lake to supplement our water supply and help us with droughts now and into the future, I think there's a great opportunity for the water department to work with the parks and invest in the park and see the park develop in this area. Our finances are a little weak right now but we're going to get stronger in the future. We've had assistance with the council to help us with our rates. I think we could structure a transaction to develop a revenue stream that would be a boom for the parks department and this would be a good part of our emergency water supply planning. And, you know, maybe the golf course is a part of that, too. I just think there are opportunities here to get at some of the concerns that you're weighing. And no matter what happens, if this golf course goes through, we'll work with parks and with the developer and get data and see that this is as wise a water use as we can, and hopefully they'll, you know, live up to their commitments and their promises. They certainly seem sincere in that, and, you know, I haven't seen anything to doubt them. And I think this would be, you know, perhaps a model golf course from a water use perspective.

>> Martinez: I just see the risks that we're heading for. We're already heading down that path. The risks that we're going to run with downstream environmental flows and, you know, with reuse is

-- we're there. We're there today. If we don't, you know, replenish the highland lakes in short order, we're going to be having that conversation regardless. And if there is no financial risk to the city, which

is part of the questions I asked earlier, and if it's something that the adjacent neighbors truly want to see if it can be a spark for inducement of some opportunities in their areas, I think I'm trying to weigh

-- balance all of that and weigh that decision as well.

[13:42:09]

>> Understood.

>> Cole: Mayor?

>> Mayor Leffingwell: Mayor pro tem.

>> Cole: I certainly heard the testimony loud and clear to neighbors, and I lived in this neighborhood for quite some time myself, and I know the lack of services. And I press appreciate the work that the community has done to point out the water issue, greg, and I'm glad you're standing tall today and explaining the difficulties with it. I'm going to make a motion to postpone this item to the last council meeting in february and give direction that, greg, you and sarah work with the developer and the community on the water issues and make a recommendation to council about them, because we know we're in a drought, and we know that we have a very dicey relationship with lcra. And we have to be very careful of that, and I think we just need to take the time to make sure that we're making a wise decision, not only for this neighborhood but for the entire city. [Applause]

>> Mayor Leffingwell: That's a motion by the mayor pro tem to postpone del december 11th, seconded by

--

>> Cole: That was mid-february.

>> Mayor Leffingwell: Till mid-february? I don't know what date that is.

>> Spelman: I think it would be february 26th, mayor, but I'll defer to somebody with a real calendar in front of them.

>> Mayor Leffingwell: That's seconded by council member spelman for postponement till the meeting in february, which we'll nail down. Let me just say I'm not going to support the motion to postpone. I think the case has been made. This is a wonderful opportunity for the entire city of austin, especially for the folks who live in that area. It is truly looking a gift horse in the mouth, and I

-- I don't want to be too critical, mr. Razaros, but I think your attitude towards this has been counter to the interests of the city of austin. Council member morrison.

[13:44:39]

>> Morrison: Thank you, mayor. I'm going to support this motion. I want to throw out some more questions to

-- and you don't necessarily have to answer them now, but I think that in the ensuing weeks, to make sure that they're also considered. One is, I would be interested to know and want to make sure it's in the conversation for the new council, if we spend

-- if we build the reclaimed water system to go there, where does that money come from, and what does it take? What would we not be doing if we spend our money on that? Because I presume we have a reclaimed cip budget. Is that correct? I think

--

>> we would provide you more specifics, but in general terms, we would build a large reclaim transmission line, and we do have a master plan that a transmission line for reclaimed water would go through this area, and for the decker lake water supply, we'd probably think of that. But then we would oversize that line and

-- and also work to get it to the golf course development. What we envision and what I believe is in the contract language is that we would work with the developer on their specifications for how much water they need and when they need it, and then they would go through the service extension request process and pay a proportion of the waterline, of the reclaim line that we would bring out to this property, they would participate in funding a portion of that. That's what we're envisioning. Alternatively, you know, they have explored that they want to evaluate potentially using well water on the site, and that might be another option that they would come back, and I believe that has to come back to the council to explore the use of an alternative water source like well water. But we did reclaimed water, we sized it extra big for them, then they would pay a portion of that.

>> Morrison: I guess what I'm envisioning, we only have so much money for building reclaimed water and we have a schedule for building our reclaim water system and this would shift the schedule.

[13:46:45]

>> Yeah. We would have to really accelerate. This would be probably a 13 to \$15 million project and we'd have to get it there. They've been talking about a pga event I think in 2017, so this would be a full-court press for us to match that schedule for them.

>> Morrison: And what would we not do instead? See, I guess what I'm getting at is, if we had plans already to build some part of a reclaim water system with that, you know, ten million, twenty million dollars, to go take some existing water, potable water uses off, so it's a

-- it would

-- we would backtrack there. I just think we need to understand what the trade-off is in terms of timing and for that amount of time that system wouldn't be in place, that is currently planned.

>> I understand. We could give you some feedback.

>> Morrison: Okay. And it's not going to be me, you're going to be giving some other people feedback.

>> Oh, that's

--

>> Morrison: So I appreciate that. Let's see, I'm going to support this because what it sounds like to me is that we're potentially closing off options, we're potentially putting a target on our back, and all that needs to be discussed a lot more because that's not going to be a good thing. The whole issue of amenities and quality of life issues for that area of town, I went back and looked at our 2012 bond and our 2006 bond, parks bonds, and I didn't see anything on those for Walter E. Long. And I wonder if I could have

-- if somebody from parks

-- I didn't go back any farther but why have we not been investing our bond money and putting bond projects in that area of town? [Applause] and in that park? I mean, here's the thing. I'm going to let you finish in just a minute, but what I want to say is, we often hear we need to have a plan so that when we can look at funding sources, we'll be a step ahead, and we have a plan. We've had a plan since '68, and it sounds like very little money has gone into the plan.

[13:48:54]

>> Sarah Hensley, director of parks & recreation. We asked for money. We did not receive it in the bonds. Both times we requested dollars in the bond program, but we did not receive those dollars. It was cut through the bond council and having to squash it down.

>> Morrison: Okay. So the parks department has been putting it on the list when it goes to the council.

>> Yes, ma'am.

>> Morrison: You're talking about the committees that we put together.

>> Yes, ma'am.

>> Morrison: So by the time it has gotten to the council, walter e. Long has been

--

>> taken off the list.

>> Morrison: Okay. Because my thought is, seems to be there's a drive, we want something, this is something that we can have now, and that there's a drive to support it because of that, but we have to look back as to how we even got here and what our options are in terms of correcting that.

>> No, that

-- absolutely.

>> Morrison: Thank you.

>> Mayor Leffingwell: Here we have the opportunity basically to have a park for free, because it's not just two golf courses, it's a lot of passive use park space. We don't have to ask the citizens for bonds. This is being provided as a part of this package, at no cost to the city, at no cost to the taxpayers. And by the way, if we were to vote bonds to build a park inner decker lake, wouldn't we have to use water on it?

>> I think we would.

>> Mayor Leffingwell: I think we would. I'd like to ask mr. Suttle how this delay until february would affect this project.

>> Well, I don't honestly know, mayor. I would ask that

-- give us the opportunity to come back at your last meeting in december for at least a status report, and possible action. One of the reasons is, we've been in this process a long time, we went through a lengthy rfq process. We've performed a lot of this based on a certain time frame. We also have things in the mill that you heard talk about. The pga is looking at austin. If they see that we're getting pushed out now, another three or four months, that could affect that, which could affect the viability of this whole

-- whole project. I don't know if there's any harm in coming back december 11th, let us work with mr. Mazeros and his group. I thought we had cleared this up, frankly. I had a talk with mr. Mazeros in the contract. We're blindsided, by the way, with the report, but we still want to work with him. I would ask that you try to give us until december 11th, put it back on the agenda. If we don't have an answer for you, then kill it off. But I would

-- it would be helpful to be able to come back then and at least give us a shot. These poor guys have been in the process for a while, and I don't know that you have anything to lose by bringing it back in december. Thanks.

[13:51:48]

>> Mayor Leffingwell: So I would offer a friendly amendment that we come back, that we postpone until december the 11th instead of february next year, just to see if any progress has been made.

>> We're going to close the public hearing.

>> Mayor Leffingwell: It's not a public hearing but we've cut off public comment.

>> Cole: Cut off public comment and we just receive a report from staff.

>> Mayor Leffingwell: Right. Is that acceptable to you? Potential action. It's not just receive the report, but it's receive the report and potential action.

>> If I might, mayor, I don't have a substantial enough objection to doing that that I would say no, but I do want to say two things. First, that it is

-- it would be lovely for the parks department to be able to monitor this unused 750 acres and be able to get money which could be used in parks, for park activities throughout the he is are of the system. And I've always seen as being the great value of this, there's not another golf course, because frankly, I don't play golf, and I don't watch golf on tv, but I'm alive, but

-- [laughter].

-- My apologies, guys, I couldn't resist. But because I think it is the valuable thing for us to take this land and find some use for it, which the parks department can actually use, that's a good thing. I'm for that. But if there are substantial risks with respect to

-- one of the biggest single problems that we're dealing with right now as a council and as a city, whether it's the worst drought or the second worst drought in recorded history is less important to me than it is a serious drought. We've got a million people knocking on our door trying to come to town, wanting more and more water, and ref a tremendous shortage of water to give them, it seems to me that we need to be very careful that we have a good bridge with the Icra who has to be our partner and has to have our back and be with us on this stuff, and that we've done everything we reasonably can in order to take care of our very scarce water supplies. It's conceivable to me that there is a solution to this problem which can be arrived at in three weeks, and I have no objection to seeing what it is that our water department and our parks department and the applicants can do to come up with something which we can all live with in the next three weeks. But I find it extremely unlikely that's going to happen, and I suspect what's going to happen in three weeks, after we hear from these three guys is, that's going to be more work to do and we're still going to have to put it off until february. So, mayor, I accept your suggestion, but I have grave doubts as to whether that's going to be the end of the matter.

[13:54:33]

>> Mayor Leffingwell: Council member tovo, did you want to say something?

>> Tovo: Yeah, I do. I would have supported the motion to talk about this again in february or to delay it until february. One of the other things that I heard as I attended the public meeting on monday, I think it's great that the park staff and others were able to organize those public sessions, and there was clearly a lot of dialogue going on at the individual tables, but I did hear from multiple people that they would like an opportunity to talk as a group. It was structured in such a way that individuals could go up to the presentation, to the presenters and talk and ask questions of staff and ask questions of other parties, but I think there would be enormous benefit to having a dialogue take place, a real public discussion take mace with all of the stakeholders conversing with one another. And so that would be

-- that would be another argument in my mind for providing some more time on what is a very big decision that lies ahead about a large tract of land. I would also just ask that our staff consider a few other

-- consider this from a few other angles. One would be the revenue projections. One individual who wrote suggested that we ought to consider in terms of the revenue projections and the rounds of golf how that might impact our other golf courses, our other municipally owned golf courses. I know we had a lot of discussion at our first public hearing about the golfers who would be tracted to this particular golf course, and they may not be drawing golfers away from other courses, but I would like for our golf advisory committee and our staff to give that some thought. Are we going to be increasing our revenue in that, or are we just drawing some golfers away from other golf courses. And I would also like to ask that our watershed protection staff be involved in this discussion as well, there are wetlands involved. It's my understanding my staff have had opportunity to talk to some environmental review staff in watershed protection, and I'd like them to explore whether there

-- if this proposal goes forward, whether there's a need for a buffer around the lake because it is critical water quality, establishing critical water quality zone, and I believe that any contract that this council or future council considers should really have more explicit provisions about integrated past management and integrated past management plan and other important provisions. So I will say I really pay a lot of attention to director hensley's comments about, you know, the real stress of trying to develop this park without funds, and I

-- I applaud her willingness and the willingness of other staff to consider options for doing that. I do believe that this area needs and deserves a really fine park and ought to have had it long ago. I am not at all convinced that this is the best way to achieve that, though, and that this is the only option for achieving that. And, you know, I just want to thank our water utility staff for

-- you were asked some very direct questions, and you answered them with the expertise that comes from your years of work in this area, and it's

-- you know, we rely on you to provide us with accurate information and with your cautions when they're warranted, and I appreciate you standing up here and doing that tonight, even though it was

-- your answers were not popular among some of my colleagues, I appreciate your willingness to do that.

[13:58:23]

[Applause]

>> Mayor Leffingwell: Council member martinez.

>> Martinez: Mr. Rozarsa, my mom caught me not to apologize for another man's actions, but I'm going to apologize for you for the lack of respect and decorum that was shown to you. You have been through some of the most difficult times with this council, starting with water treatment plant 4, leading up to tonight, and you have been nothing but professional, straightforward, honest, and respectful, each and every time we've asked you a question. So I apologize.

>> Mayor Leffingwell: All those in favor of the motion, say eye. Those say no. It passes on a vote of 7 to zero. We'll now recess this meeting of the austin city council and call to order a meeting of the austin housing and finance corporation. There are four items on the agenda. Will you take us through, ms. Spencer?

>> Good evening, board of trustees, betsy spencer, treasurer of the austin housing finance corporation. We have four items for you tonight which I offer on consent. I have several speakers from the severe chavez foundation who are available to answer questions and ann howard from echo is also here available to answer questions. Mayor?

>> Mayor Leffingwell: Let me ask first, is james price in the chamber? Is james price in the chamber? He happens to be the only speaker who has signed up against any of these four items and he's apparently not in the chamber, so

--

[14:00:31]

>> Cole: I'm going to ask that we postpone these because I have items for ms. Spencer. These are items I have pulled for several council meetings now of the I want to run through some questions with you. Are you ready?

>> Yes, ma'am.

>> Cole: All right. First I had concerns because

-- well, maybe I should ask this of the

-- because this was not a current operator in austin. Can you tell me the extent about the operations in austin?

>> I'm sorry, can you say that to.

>> It's my understanding that the application from the cesar chavez foundation is a current operator in austin?

>> That's correct. This will be their first project in the city of austin. They do have other projects in I believe dallas, some other areas in texas and they operate in california, arizona and new mexico and are entering texas.

>> Rds my understanding they would move forward with this, even if it's not to make the property fully tax exempt. Is that correct?

>> I think it would be best if they answer that.

>> Alfredo is here.

>> Good evening, council.

>> Cole: My question to you. Thank you for being here and thank you for being here to answer some questions. You had said you move forward with this deal even if austin was not a partner in making the property fully tax exempt. Is that correct?

>> That is correct.

>> Okay. With regard to the loans that you are taking out, is there any exposure to the city of austin or the austin housing finance corporation if you were to default?

[14:02:36]

>> No.

>> Cole: So they are nonrecourse loans.

>> Nonrecourse loans and also the guarantees are provided by the cesar chavez foundation solely.

>> Cole: Can the city exit the partnership at any time?

>> Yes.

>> Cole: I have a concern of how much of a subsidy we were providing to you by making the item 100% tax exempt. I understand over 15 years, that's a \$1.6 million of all of the taxing jurisdictions including the school district. Is that correct?

>> Not, not totally because itn't take into account the fact that we were going to pay back to the housing planning finance corporation, 30% of the proceeds from cash flow. When you take that into account, it reduces the subsidy to about 900,000. We provided this information to mr. Miguel and explained that to him and also if we did

--

>> Cole: So the subsidy amount is actually 900,000?

>> Well, again, providing cash flow back so you have to do the offset.

>> Cole: Offset.

>> And the other factor we mentioned to him, since we are eligible to get 50% tax abatement on our own, if you were to reduce that out of the equation, it drops down actual cost of 261,000. This is based on the analysis that mr. Miguel and I did together.

>> Okay. Mr. Miguel works for me.

>> Right.

>> Cole: And I am trying to make sure in front of my colleagues and this city that this is a good financial deal. So let's walk through it and make sure I understand it now.

>> Sure. We did the analysis with him.

>> Cole: It is okay, but you will have to walk me through.

>> I am walking you through is that typical affordable housing is eligible for 50% tax abatement. So in this scenario that would be approximately 800,000. With the city participating in the transaction, that would go up to a million six but we offered 30% of the cash flow back to the city, so that reduces that subsidy. There is no direct cash coming in to the project from the city. I understand the city has, in fact, supported affordable housing in other projects with direct subsidy. There is no direct subsidy in this development. So on a basis of cash per unit, it's a very, very good transaction for the city of austin in creating affordable housing.

[14:04:58]

>> Cole: So now I am understanding the real subsidy we are talking about is about 231,000 over 15 years?

>> That's the difference.

>> Cole: Okay.

>> If we were to proceed without you, that would be the difference.

>> Cole: That's the difference?

>> Correct.

>> Cole: So this project includes 20 market rate units.

>> We are going to try to convert to affordable housing.

>> Cole: You are going to try to convert those?

>> That's correct. We explained we have to go through a process with tdch and so we are trying but they have the final approval from market rate to affordable and the other thing is we will provide five permanent supportive housing units which are not present at the site, once we complete the rehabilitation.

>> Cole: It is my understanding that you are going to do five multiroom phs housing?

>> That's correct.

>> Cole: And you are going to repair and upgrade the complex in.

>> Correct.

>> Cole: Are the units at 60% mfi? 60 percent and 50% mfi.

>> Cole: Next I want to ask ann questions from echo.

>> We both have, okay.

>> Cole: All right.

>> Cole: Ann, can you tell me the effective criteria to have a ph housing.

>> Yes, we determined they would be low barrier housing first units which we have been working hard to make this a reality here in austin. These clients would be screened in, which means regardless of poor debt history, poor rental history, perhaps poor criminal history, we are looking large enough for families. You don't want families living by you with criminal history but there are a lot of those and so we implemented a new coordinated assessment to assess what the families need and we will identify the families and then match them with the service provider and they will house the five families at this complex. Maybe we will do moreover time, but the commitment is to get started with five.

[14:07:18]

>> Cole: So are you concerned this is listed as a very low opportunity district in which to raise a family?

>> Mayor pro tem, I am concerned that tonight there are family asleeping outside and in cars. It's not perfect, but we need housing and I found nothing but a lovely gentleman who wants to offer us that with a track record. I don't know a lot about this foundation. I have asked betsy for a lot of information. I am looking for tools in the tool kit and I am looking for partner that want to offer housing first, permanent supportive housing. There might be a strategy, also, where a family is not quite so needy but has lots of barriers. We just screened 50 families that need apartments and support. I got messages in my moan with single moms with kids who can't get into apartments. We need housing and they are offering it to us.

>> Cole: Okay. Well, let me ask you, are you willing to agree to the screening criteria that echo is requesting for the five units?

>> Yes, we have done this in other developments throughout our portfolio, so we are comfortable working with different populations and working with different service providers, so, yes, that's fine.

>> Cole: Okay. Well, I would like to go ahead and make the motion to support this item but simply give direction to staff when we have these new type of deals

-- and they haven't done this in austin and we aren't familiar with their process

-- that we kind of lay out the transparency of information so it's not so difficult to determine if this is one that's going to be financially prudent for the city. Thank you. I will make that motion. Move approval.

>> Thank you.

>> Cole: Council member morrison, would you like to make a motion on that item? The mayor is not here.

[14:09:18]

>> Morrison: I will make a motion to approve these items with the direction

--

>> Cole: I will second.

>> Morrison: That mayor pro tem had mentioned, because I think we are in a little bit of in between stage because we have work going on, on trying to figure out how best to win and how best to do these deals. So this was ahead of the ballgame but clearly wanting to understand because it's complicated, and we have to be able to be accountable for the decisions that we make so I appreciate your direction. I do have two questions for you. One, what if all of this falls apart? Have we taken any steps with our actions here? Because it is about acquiring something, putting together this partnership to acquire some property, right? So what if that doesn't happen?

>> So there

-- yes, there are many steps that have to occur for all of these transactions to come together. They are going to apply to h.U.D. For financing. They are going to apply to tdhca for four different tax credits and issuing to us with the activity bonds and the exemptions so all of that has to fall in place before they are able to acquire and do all of the work. If all of those things don't happen, what most folks will do is, you have to have a plan b, right, you have to figure out something different. As a partner in the transaction, we would be aware of any of those because that is the relationship and anything we have come together with, will come together with. If for some reason one of those pieces didn't come together, they would have to come back to us and say, this fell through but this is plan b and so we would have to go through the same review process.

>> Morrison: Okay. So we are not closing up our options in case something doesn't work. There is one other question I have, and that's item 4

-- and let me say this. This is new to me and a lot of words I don't know or haven't seen before, item 4 to set a public hearing to receive input on the issuance of these bonds we are talking about. So why are we setting a public hearing for after we are already taking action?

[14:11:29]

>> So that's the teffer hearing. We presented a lot of actions, one is to negotiate, authorize, and execute an agreement. One is to establish the relationship, a partnership. One of the other items we asked is we just have to set the public hearing which we are asking to occur december 11th. When we issue private activity bonds, the finance corporation, one thing we can do is issue private activity bonds. It is private debt. It is not debt that the city pays. It is private debt so we have to announce for everyone we are

going to have a hearing. We will have a hearing on december 11 so people can come back and have a conversation about it before we are given the authorization to go ahead and apply for that debt.

>> Morrison: But isn't number 1 the authorization to apply for the debt? Maybe I am not understanding it right. So when would it come back, then, to get approval?

>> We can't complete the transaction without having the public hearing.

>> Morrison: Which are we approving that before we have public input? Can we change our minds after the public input? Otherwise why bother having a public hearing?

>> I apologize. That's a great question. I don't have a terrific answer on that.

>> Morrison: So number one is

-- if somebody has something to say to suggest to me that we shouldn't be authorizing that and

--

>> I am going to ask, is scott marks in the audience?

>> He's not.

>> Maybe I can help on this. When you do a teffer hearing, it is a requirement for issuing private activity bonds. And this is where it's done and typically what happens is they have the hearing. No one shows up because it is a private activity. It is not a public activity, and there is not really much input, but if there were, if people had questions or wanted to understand further, we would discuss those items at that time, and resolve them if there are any issues but in my history and I have been doing affordable housing for 20 years, I have never seen anyone come, because it's kind of

-- as you said, a little complicated and typically because it is a private activity with a specific development in mind, usually those inputs are already resolved, yeah.

[14:13:53]

>> Morrison: So I realize it is probably pro forma and there is probably nothing that would come up, but it's just too much of a charade in my book

-- is number one the action we would have to submit

--

>> we can't apply without fulfilling the requirement of the public hearing.

>> Morrison: I know, but I want to make sure I don't take action on anything before I get public input and clearly there will be opinion lick input and I believe number 1, that's correct, that number one is approving action that we are going to get public input on, on december 11?

>> This is not the first time we have had teffer hearings and I know we most them together. And I apologize I am not giving you a clear answer. I know we cannot actually apply until we have met the requirements of the teffer hearing, so even though you are authorizing this, we cannot apply for

--

>> Morrison: I understand that. I understand that. I am just saying I would prefer not to take action on something I am setting a public input for. Is that item number 1?

>> Yes, if

-- if, in fact, we set the public hearing for the 11th, if you want me to bring back the first item as well on that day, I will do that.

>> Morrison: I would like to do that.

>> Yes, ma'am.

>> Morrison: Just because I think that's good governance.

>> Sure.

>> Morrison: So I am going to change my motion to postpone item number 1 until december 11 to approve items 2, 3, 4, with the direction from mayor pro tem.

>> Cole: I will second. Any other comments? We have a motion and a second, all those in favor.

>> Riley: Mayor pro tem.

>> Cole: Council member lyle.

>> Riley: Does that pose any problems in terms of funding the project?

[14:15:55]

>> I don't believe so because we can't actually apply until we met the requirements of the teffer hearing.

>> Riley: Okay. Okay.

>> Cole: We have a motion and a second. All those in favor, say aye. Aye. Those opposed say no. That passes on a vote of 6-0 with council member leffingwell off the dais. Mayor leffingwell off the dais. [Laughter] sorry, mayor leffingwell, mayor martinez, mayor tim spelman. [Laughter]. Okay. We will

-- we are now

-- I don't have a script

-- we are now out of our meeting with the austin housing finance corporation and we will reconvene this meeting of the austin city council. If legal wants to give me a script or tell me I should say that different. I think the language is I will move to close this meeting of the austin housing finance corporation and reconvene this meeting of the austin city council. Okay. Okay. Okay, council, I think we will start with our zoning item. The first zoning item that I have is item number 145. Council member morrison.

>> Morrison: I was contacted by someone during the break. We have one item that has one speaker. Item 176. Is that correct? 170.

[14:18:05]

>> Cole: Let us consider item 170 because we have one speaker and I need someone to help me with my screen.

>> Guernsey: , Item number 170 is c14-2014- 0153, located at 10301-10317 salmon drive, this is for a resident interim standard lot. The property is approximately 12.82-acres. The planning commission's recommendation was to approve the staff recommendation to grant the sf-2 zoning, with a conditional overlay requiring extension of salmon drive to the north property line, to the adjacent property and including the transportation reviewer's comments that were approved by commissioner seeger. There is opposition to this request, although we haven't made a formal determination regarding application of vesting. It appears close to the sos ordinance. It is in the barton creek zoning, recharge zoning, edwards aquifer. Currently there is a single family residence to the north. There is some park land owned by city of austin and single family to the south. To the east is single family residences in the oak creek park subdivision and to the west is circle c ranch metropolitan park. Given the number of items on the agenda, I will pause and I know the applicant's agent, mr. Free

-- frostfree is here. You can hear from him and we can hear from the citizen.

[14:20:08]

>> We will hear from the applicant.

-- Ross frie.

>> Good evening, council, my name is ross frie with frie planning and construction. I am here on behalf of the owner, mark cunningham. Kind of caught me off guard. I was outside. I have been here since 2:00. But anyway, this should be a relatively simple case. The property is currently zoned interim single sf-2 and interim rr and we are asking for permanent sf-2 zoning. The property is surrounded by the oak park neighborhood which is also ozoned sf-2. I think there are 350-400 homes there, so it is zoned sf 2 on three sides of it and about a year ago, the adjacent property owner which was zoned rr was approved for permanent sf-2 zoning and so we are asking for this on the four side of the property, the city of austin circle c metropolitan park and slaughter creek, it was approved by the zoning and planning commission a few weeks ago and I want to say for the record, there was one decedenting vote and that was because of the conditional overlay but not because of the zoning itself. Glad to take any questions you have. Thank you.

>> Cole: Thank you for your presentation. We have one speaker. Gayle madolley.

>> Hello, council members. I have never done this before, so bear with me. My name is gayle madolley and I am a resident of oak park neighborhood. I am speaking for myself and I also represent the majority of the owners of the affected properties. Our neighborhood of what is shown on the agenda as the enclave, but I will refer to it as the salmon track, because it is the tract of land which entrance is salmon drive which is in oak park. We are fine with homes going into that tract, and we are really fine with sf 2. That's not the question. It's more involved in that. We are mostly concerned about homes going in to

-- well, our first concern is the number of homes that can go into that tract, and our second concern, the traffic flow within our neighborhood that will be caused by those new homes, particularly due to the fact that the zoning commission added that conditional requirement of an extension of salmon drive to the north property line to the adjacent property. They called it stubbing out. If you look at the diagram, it's much more complicated than just looking at the salmon tract because they are talking about stubbing it out into what I will call the saw mill tract, the l-shape. Do you have ... So although you can only address, and although at the zoning commission, we could only address the salmon tract, it really is

-- is looking forward

-- if it's stubbed out, it can become a much more longer tract. The development can go into the two properties. So the traffic flow within our neighborhood, if you join those two together, will mean that it opens the door for additional homes being built on that saw mill tract, and all of them having one entrance and exit, which is saw mill drive. Saw mill drive is in the far interior bark corner of oak park. Our neighborhood was developed with wide street with a lane wide street on wool trap and sawmill and the others are very resident l residential streets, by this coming over at the back corner of the neighborhood, it is a concern of traffic wise, safety wise, ems, fire vehicles, and so when we first went to the zoning commission, we were hoping we could say, instead of having it

-- if it was going to be

-- [buzzer alarming] we were taking a stub out

-- it would go all the way here to sawmill. I guess my time is running out but it does not do that. Our main concern, therefore, are, we would like to remove the stub out requirement, or say if it's stubbed out that it must then with have an exit here to also sawmill so there is a flow of traffic not going to the back corner of it.

[14:25:34]

>> Mayor Leffingwell: Ma'am, your time has expired.

>> Okay. Thank you. Sorry.

>> Mayor Leffingwell: Okay. Rebuttal from the applicant, 3 minutes.

>> Again for the ross, my name is ross frie, as far as rebuttal, the previous speaker, the zoning and planning commission added that conditional overlay or the conditional restricted covenant for the stub out. We didn't ask for it nor did we want it so if they want to take it out, we are fine with taking it out. It was approved that the street had to be stubbed out to the end of the property

-- to the adjacent property but we didn't have any attention of that so

--

>> Mayor Leffingwell: Council member spelman.

>> Spelman: I suspect what the zoning and planning commission had in mind is there is two vacant lots yours and the one immediately to the northeast of you which I think ms. Madol is referring to the sawmill tract. If you extend it sawmill drive directly further to the north and east, it would be exactly parallel to that and run right through the center of the additional tract. I think they were getting at is there would be some kind of opportunity between the houses you were proposing to build, which would be an exdeposition of salmon drive and

-- an position of salmon drive and then a developer would be building on sawmill. Make sense?

>> Yes, but they are completely separate property owners.

>> Spelman: I can see that but I can see their point that whatever you are doing on salmon is going to speak to whatever they are doing on sawmill and some point they connect so you don't end up with two cul-de-sacs and much of a traffic property where there wasn't a connection between the two of them with your properties. So the hash line is your property and the one immediately up and to the right is what I believe ms. Madol was referring to as the sawmill property. Make sense to you?

[14:28:04]

>> Uh-huh.

>> Spelman: I don't care if you stub out to the property or not, so long as you make reasonable

-- when you lay out the properties you will be building that you will ensure there is a possibility for a connection to that property and up to the right. Is that something you can do?

>> Yes, but, I mean, on the other hand, I am not developing it. I am

-- the owner warranted permanent zoning on it so I am reasoning it for im

-- rezoning for him and they both had permanent

-- interim zoning since annexed to the city so ...

>> Spelman: Let me rephrase this comment. To the best of your knowledge, is this something that your client can do?

>> Pardon.

>> Spelman: Is this something that the owner of the property would be willing to do it?

>> Yes, to make one development out of them, it will make sense to connect them

--

>> Spelman: If you built one and not the other one, it seems to me appropriate for the city to insist there be some decision made that someone with the development that yours connect with yours or yours to them if the other one went first and there would be some way to get salmon and sawmill drive connecting.

>> I don't know how to respond to that. It is limited to

-- the properties are limited to 15% impervious cover, so there is not going to be

-- I am not sure there is going to be a whole lot buffer lots.

>> Spelman: How many lots are we going to get?

>> On 7 tract we are talking about alone with the 15% impervious cover because almost two-thirds of it is in water quality and critical water quality transition zone which gets deducted out. Right now platted for 6 lots and we figured maybe 6 more in total of 12 lots in the one tract, would be the extension and I

said, I wouldn't call it the neighborhood. It's just extending the street. It is just a street, not a neighborhood. We are talking about building

-- or someone would build.

[14:30:14]

>> Spelman: Okay, talking something like 6 lots on your side, and some on the sawmill side and then 18 lots if we added them together which I understand we aren't talking about them here but I want to make sure you understand the value of the stub out of having connecting there for them. I think it will be good for emergency flow and movement down the stream. Mayor I move for approval and recommendation.

>> Mayor Leffingwell: So is this the first reading only? First reading only? Motion to close public hearing and approval on first reading?

>> Yes.

>> Mayor Leffingwell: Second to that.

>> Cole: Second.

>> Mayor Leffingwell: Second by mayor pro tem.

>> Riley: Mayor.

>> Mayor Leffingwell: Council member riley.

>> Riley: I have a question for greg. Greg, you understand the concern of working toward the eventual connection of salmon and sawmill. In your view is there anything that we could be doing anything differently that would position this property to be better suited for that connection over the long term?

>> I think what staff made a recommendation, we initially adopted that, we saw the advantage of having that subout to the north

-- stub out to the north and the possibility and it affects the future of what will happen in the other tract and this will set up the possible connection in the future. I think what has been recommended to you is sufficient to allow it to happen in the future at such time as development when the future occurs.

>> Riley: Okay. Thanks.

>> Mayor Leffingwell: All those in favor, say aye. Aye. Opposed say no. Passes on a vote of 7-0. So let's go back to item 88. There are a number of speakers on this item. We will go to the speakers. The first is michael fossum. Is elaine martinez here. So you have 6 minutes if you need.

[14:32:43]

>> Riley: Mayor, there have been ongoing discussion about this item even the past few days and I think it might be helpful if we can have a prepresentation by the staff now on the language of what is going on now so we are on the same page of what is under discussion.

>> Mayor Leffingwell: Do we have somebody from staff to brief us on the changes and current status of this item? Is ms. Smith in the claimber? Here she comes.

>> Riley: Sorry to catch you off guard about this. And before we launch into the speakers, I think it is important to get an update of where we are. You have been great working with everyone on the language on this to make sure we address all of the concerns and just so we are on the same page on what is on the table now, can you provide an update of where things stand? Have a language looking

-- you previously expressed concerns about some language that was in a previous draft, and so if you could just address how

-- whether your concerns have been addressed and whether

-- and whether you still take the same position about this item?

>> Abigail smith chief animal services officer. So, yes, we worked really closely with several other departments and with the county and with texas wildlife services to come to an agreement on some language and on the exhibits that are attached to the resolution, and so at this point, we are in agreement. All of the parties involved are in agreement that this policy and the guidelines that are attached to it will allow us to

-- to responsively address any aggressive coyote issues that might arise but focus on education first around because it is a policy with guidelines, we feel when public safety is imminent or in danger or there is a responsible approach to the solution, that we have the stability to do that so we are in complete agreement with what's on the ...

[14:35:12]

>> Riley: You know travis county expressed concerns as well. Do you feel these changes to the language address the concerns expressed in that letter as well?

>> We, we worked closely with travis county and let them know where we were in the process. We showed them the language and we all talked through it and they

-- they are in agreement with us, that it will work out okay.

>> Riley: Great, thanks.

>> Sure.

>> Mayor Leffingwell: So were all of those changes laid out in writing? Because I believe the last time I looked at a draft, which is maybe

-- maybe last night, the draft I saw still forebade any intervention unless there was an attack. Is that not the case now, you are saying?

>> It was revise and the bar was moved a little bit to include other incidents. So it is incidents and attacks and I think there was some discussion around one of the items on that matrix but, again, we feel as though if there is an incident where the aggressive behavior is a public safety risk, the city staff and partners at the county and texas wildlife services have the ability to respond in an appropriate, responsible manner. So it's not perfect but it is the product of an effort and some cooperation to get us to a place that we can accept.

>> Mayor Leffingwell: Are you saying now that travis county, the commissioner's court sent us a letter recommending that we not do this

-- are you saying they are okay and their animal services people are okay with it?

>> No, I am saying the city of austin departments and the county executives we work with and the texas wildlife biologists have reached consensus that we can make what's in front of us work. It's not going to make everybody happy. And that is not consensus with citizens. That's just with our staff and with the county and with the biologists.

>> Mayor Leffingwell: So we are still in the position where you

-- a person can't retaliate, can't

-- to a coyote unless it actually attacks their pet or their child or attempts to?

[14:37:20]

>> I am sorry, what is the question?

>> Mayor Leffingwell: You still can't take action against the coyote

-- lethal action or whatever you want to call it, unless the coyote attacks a pet or a child or attempts to. Is that correct?

>> The attachment to this resolution that we have in front of us gives us more ability. It's aggressive behavior before someone is physically attacked or an animal is killed or hurt is now allowed. Again, I will say this. It's a policy with a guideline attached to it. We feel as though when public safety is clearly at issue, that we are going to

-- the biologists will make the determination that

-- that is responsible to the people that we serve.

>> Mayor Leffingwell: So a person that has coyotes working through their yard would have to contact the biologist before they could

--

>> it is the same process we use now and I will say that coyotes walking through yards are no cause for alarm in this scenario. What happens is citizens will call 311, 311 take the calls

-- private citizens, there is a way to handle this park band and for pcg but private citizens will call 311 and the biologists go out and investigate every single complaint or, you know, whatever the resident says and so they will determine, based on the evidence that they see and the described behaviors and the amount of calls that are coming in whether or not this is a situation where they really need to respond or whether they don't really need to respond and they need to do education and do hazing.

>> Mayor Leffingwell: What if the person instead of calling 311 attacks the coyote in some way, throws a rock at it, et cetera? Is that

-- is that prohibited by this resolution?

>> I don't think so. [Laughter].

>> Are you asking me if a person can throw a rock at a coyote?

>> Mayor Leffingwell: Well I am asking

-- yeah. [Laughter]

>> do you know what? It addresses what the city's response is allowed to be. Sort of by a policy perspective. It doesn't really

-- and it encourages students to hazing and we want to educate them on proper hazing techniques, which all of this stuff is in place. The wildlife biologists already do all of this and, mayor, it probably wouldn't include throwing things but it would probably making a lot of noise and keep the coyotes afraid of people. That's what we try to do now. I think you will see a more robust education approach which can only help but I think all of us agree that when it comes time that the behaviors are beginning to threaten public safety that the biologists need to be able do their jobs with all of the tools they have in their tool box and that's what this policy says can happen, which is why we think it's okay.

[14:40:09]

>> Mayor Leffingwell: That was my concern. That's why I pulled it off the consent agenda but since then so many people have signed up to speak on this item, my concern was the information we got from Travis County and others, that failure to taking a yes aggressive action with coyotes before they taking a aggressive behavior of the coyotes will only cause aggressive behavior.

>> We share that, parks and APD and citizens are concerned we won't be able to respond until and unless somebody gets hurt. This doesn't say that. There was a lot of work between the last meeting and today where consensus reached and everybody came to the place where we feel we can have public safety and respond in an appropriate way.

>> Mayor Leffingwell: What is the exact wording in the resolution or the matrix?

>> The bright line was changing an aggressive coyote that were showing its teeth, raising its fur around lunging and nipping without contact and the bright line on that was where it was changed from an encounter to an incident, and that's where we were hung up on it in order to make sure we could respond appropriately and that activity could be classified appropriately so the wildlife services could respond to a private citizen's complaint if need be.

>> Mayor Leffingwell: Yeah, well, my concern before and remains, you know, what I say to someone who loses a family pet or even worse, has a small child attacked, and the response is, well, the animal hadn't shown any aggressive behavior before, so we are waiting until he did and then this incident happened. So my question is, what do I say?

[14:42:15]

>> Well, I certainly hope we don't find ourselves in that situation. I will say for the program I have been running the last 9 years, we still lose pets. Pets are

-- but we have kept the people safe, and in my opinion, there is no real substantive change to what the outcome will be. In other words, the response will still be the same to the calls that are coming in. So I

-- with this policy, I don't have any reason to believe that we are going to start seeing people get hurt. I think we have been protecting them under this strategy for almost a decade and I think moving forward, it will be okay. That said, not everybody is happy and I understand that.

>> Mayor Leffingwell: I am not saying I think somebody is going to get hurt. I just said I think if we are taking an action, it increases the likelihood that they might, then we are in a very bad position.

>> I understand.

>> Mayor Leffingwell: Thank you. I think we are ready to go to our speakers. Michael Fossum, and is Martinez here? You have up to 6 minutes if you need it.

>> Thank you, good evening council members. Thank you for listening to us

-- can you put the slides up, please. I signed up in opposition to the policy. That would certainly change if there are some suggested changes which I would like y'all to make to the attachment b. So let's talk a little bit first about the nature of coyotes. They are cute, they are beautiful, the little pup in the lower left hand corner, you probably want to pet that one but they are attracted to urban areas and that's because they can make a very good living here. In the wild it takes ten square miles to support a coyote and in urban, five square miles. There is another side to the animals. They are wild animals. They are predators and when they are in our yards and their streets they are no longer in their native habitat. They are looking for food so we have to manage the risk in order to protect our cats, our dogs and also people as well, because it's important to have a proven effective policy in order to protect public safety. Now this is the proposed response matrix. The coyote is a predator and these are stalking behaviors that are highlighted in yellow and red. Stalking behaviors are precursor and leads to attacks, whether it's on pets, possibly on people, yet in this matrix, those stalking behaviors don't even call for evaluation of the threats where we send out the wildlife biologist, someone who is in charge of the city, whatnot, in order to evaluate whether the best management in that particular case would be either to haze the animal, educate the neighbors or possibly consider a lethal action. Now, the key to effective policy is deterrence of aggressive behavior. There are numerous peer reviewed studies show that using lethal options to manage coyotes is effective and it shows the responses to aggressive coyotes have to be made at the appropriate time in order to be most effective. Now, on the other hand, hazing, while I am all for that, I think it's a good policy to put into place, as well as education, is not supported by peer reviewed studies, there are no peer reviewed studies that speak to the efficacy of a hazing program. So what I would, in order to

-- for me to support this plan, I ask you to either amend exhibit b or we did pass out and send to you earlier a proposed matrix that would go along the same lines that would make a response to a coyote for increased aggression. Evaluate the best response and evaluation be done early so that hazing or education can be started early in order to prevent having to use lethal option. Now, from the research we have done, if you have had

-- what we have seen in other cities is that if you have a high profile attack on a child, frequently the reaction is to go in the areas and to cull all of the coyotes in the area. If we use the appropriate matrix, we will control the problem before it becomes out of control and that will benefit the public and the coyote because we only remove the aggressive individuals and we need to change these encounters into incidents so an evaluation can be done early in the process. Thank you very much.

[14:47:04]

>> Mayor Leffingwell: Thank you. Zoala vega, is marilyn martinez here? David king? And peter

--

>> peter is speaking for himself, so not giving time. Time.

>> Mayor Leffingwell: We will change it over to shawn

-- you have up to 9 minutes.

>> Can I have my slides please. I am zoala la vega and I live in south austin and I am opposed to the resolution and ask you to deny it as well. The question, mayor, about what changed last week or two weeks ago? Two weeks ago, the response to consider lethal removal was only when the pet got hurt or a child got hurt. This week big enhancement is if the aggressive coyote lunges or nips at a pet. If you lunge or nip at a child, you are very close so there is not much difference of doing the bite. It is not really proactive. It is better than before but it should be further back. Like on the previous slides, it should be in all of the cases where many experts have said, those are the signs of aggressive coyotes, so when coyotes are hanging by playgrounds. When coyotes are chasing people, when coyotes are approaching people and taking pets from people's daylight from people when people are present. The reason is the coyote should be invisible in residential areas. Coyotes are animals and survive because they like to be invisible. That's why a lot of residents have never seen a coyote in urban areas. When you make eye contact with the coyote, the coyote is supposed to flee right away, and be scared. When a coyote is hunting at the playground, he is not looking at the children because they are cute. He is looking at the children because he is seeing, trying to engage which one will be the weakest one, just like on the nature shows, they are trying to see, can I get this one, can I have this prey. Also, children move in different ways, like jagged ways that trigger incidents on coyotes. They think they are prey. Young children also squeal, like the prey nor coyotes, like rabbits and quills, when they get killed they make high pitch noise. When children play they trigger it in coyotes and coyotes because they are animals follow their instincts and go after children as prey. That's why it is important to add those incidents

-- encounters as incidents. They are really incidents. They are really only considered [indiscernible] by the humane society in this proposed policy. So this is the add from the humane society for

-- ad from the humane society two weeks ago. I attended the humane society meeting in december because I know a little bit about coyotes. I heard the presentation and it was very good but I thought it was kind of twisted until we started asking questions, the humane society specialist told the crowd that coyotes are mostly vegetarian. They don't eat cats. When they eat cats, they only eat the bad feral cats. Right. That's what she said. I played the tape to make sure I wasn't upset at the time but they did. They made the coyote out to be a wonderful, innocent, harmless creature, but it's not. It is a wonderful creature, but it is a predator. I asked my young neighbor next door and children are playing in the backyard around the coyote jump the fence, what should I do, they are under four. Of course they need

to be under supervision but sometimes the woman goes into the kitchen. Teach them to haze. Can you see a 4 year old going like that to a coyote? Do you think that will make an effect so I say, well, they

-- they say, well, they don't go after children, very few attacks. But we will show you pictures of what happens. The aac working group was very bias. I tried to participate but they would not let me. No, you cannot come in. 7 of them were there and all had the same point of view. They wouldn't let anybody work with them. When the community health services committee formed a seed working group that said go work with staff. They didn't work with staff. They didn't want to know anything about the texas wildlife services. They made a monster out of them. Even though the humane society told them, when we come in december, we can train those people, the people that take the coyotes. I obtained the email from the working chair and they said, no, we are not inviting them. So you are under this impression that this was read by the public by the state officials but it is not. This is what the humane society said two weeks ago. Emailed the council because coyotes are killed in barbaric traps and insisting on their native habitat, by existing in their native habitat. Those in favor of mutualist austin wildlife are contacting council members to encourage them to allow the brutality to continue. This is the type of working environment that happened in the working group. What are we talking about? We are not monsters. We like coyotes. We are not talking about eliminating them in their natural habitat. We are saying we draw a line and don't want them in the residential areas because that's where we live and that's where our pets live. Look at these pictures, coyotes jumping the fences and in the backyard. When you look at coyotes and you think of the ecological impact of coyotes but you don't think that a four year old has watched too many disney movies, you know a coyote is a predator. They like to hide and they like to get prey. We are asking you to please not approve the resolution because the aac didn't look at the current policy at the current process. They assumed that it was bad based on the data from the

[14:53:45]

[indiscernible] trappings and they made the [indiscernible] and the city a monster. So the defendant was convicted without a trial and without being present at that trial. The current policy is not cruel. It's humanely done. It is conservative. It targets humanely removing only the minimum number of aggressive coyotes that are threatening citizens during daylight. It is exactly what is proposed, exactly the same, except for incidents. They talk about, well, let's put an education of hazing program. We already have that. Hazing for sure, we already have that. The program is working as demonstrated by the results over 10 years. It is very inexpensive, less than 4% of the coyotes are removed per year. That's already no kill because no kill at the shelter is 10%. Even with no kill aggressive animals are not allowed back in the streets. The claims were absurd and totally exaggerated and false. They said they are falsified and

-- the data they presented were falsified. They were falsifying the data or misunderstanding it. It was incomplete. I have reviewed it. You know for me five years of working through the austin heritage tree foundation. You know I do my research. You know I don't say things that are not based on facts. I

reviewed this. If you must approve acting incidents, because it is not a joke. It is based on research. I see a lot of people laughing that the coyotes are in the playground watching the children, no, they are stalking them and want to attack them. The children need to be protected. Coyotes protect their young and we are human beings and talking about not protecting our own young. Maybe we should learn from coyotes and other animals. The meeting this morning started with a prayer, and the prayer said the welfare of all. It didn't say the welfare of the animals. Didn't say the welfare of coyotes. It said w welfare of all. How we continue is through the incidents. The humane society thinks there is a conflict where a coyote provides an unsafe situation for a human. It's critical that you allow the incidents because that's the way to control the aggressive coyotes. If you leave the aggressive coyotes, they teach the kochs to be aggressive and before you know, we don't have ten but many more than that. The coyotes approach humans and coyotes enter a yard.

[14:56:34]

[Buzzer alarming].

>> Mayor Leffingwell: Thank you.

>> Thank you.

>> Mayor Leffingwell: David lynnstead.

>> Not here.

>> Mayor Leffingwell: Joyce stats.

>> I am jan [indiscernible] and I signed up to donate time to david and david is not here.

>> Mayor Leffingwell: So you have 3 minutes.

>> Okay. Thanks. I would like to speak out in favor of the new policy. I think it's fabulous. It is

-- it is working and working well in videnberg, colorado. Denver

-- actually the entire state of colorado has banned steel leg hold traps which are incredibly cruel. The entire state banned the traps. They are all using hazing all over the state and it is working beautifully. In denver itself, their parks and rec department went out hazing themselves. They coyotes in the streets, the yards, taking pets, cats, dogs, et cetera. After the hazing started there, they

-- it

-- the entire problem vanished. So they did a great job. The parks and rec even said something along the lines of, we have had calls from people wondering where the coyotes were, we are missing them. We thought you had removed them. So it

-- it works. It works not only in denver and in colorado but also in vancouver, canada, in lots of communities in colorado, and even, for crying out loud, in d in decater georgia, and so austin is late to the party and we can do this and this works

-- this policy will work. Thanks. [Applause] [indis [indis cernible]. Jennifer hopper.

[14:58:45]

>> Good evening, council members and mayor leffingwell. I have been here since 10 with y'all so I know we are all tired and I will make this quick. I think it goes without saying that it's the duty of elected and appointed officials to put the needs of community members before those of outside interest groups. In the case of this policy, community stakeholders were shut out of the creation process. While the humane society of the united states was hugely influential in the creating of this policy. The walk of residents have a long and well documented history of living with urban coyote and yet informing a workgroup on this issue, the animal advisory committee did not seek the input of the the nuaca board or other austin stakeholders as part of good faith effort to provide a balanced policy, although they say otherwise. The proposed policy has been through many iterations and this is a result of having to work backwards to appease the stakeholders that were lets out of the process from the outset. Due diligence did not occur at the start of the process. A legitimate effort was not made to include all stakeholders. Had the acc set out with intention of creating a strong policy present to serve austin citizens they would have sought to put owl stakeholder concerns on the table as the first order of business. That did not happen. Had they included basic step of including public policy, they could have avoided what they have characterized as 11th hour surprises that have served to drag out this process. Austin currently has procedures in place for city officials to follow when addressing coyote complaints. Please consider that the city can continue to rely on current procedures while it sends the acc back to work as they create a policy based on peer reviewed studies and the needs of actual austin residents. Of course citizens who are invited to participate in the creation of this policy will be frustrated to see their efforts wasted. However, it is important to point out that the responsibility of that ultimately lies with acc leadership. And as far as a walk up

-- we were here earlier today and I think I have a couple

[15:01:11]

>> I have a couple of seconds to say we'd like to see the coyote in and around children's play area, with humans present, moved up to the level of an incident. I've lived in northwest hills for ten years and I've seen coyote packs come and go and we've had interventions that have been effective, and ten years ago, when this current procedure was put in place, we saw a lot of packs of coyotes roaming around and they were in fact on our neighborhood playgrounds during the day. So this is not some sort of maybe this will happen, this will happen, and it has. Thank you.

>> Mayor Leffingwell: Thank you. Carolyn abernathy. Carolyn abernathy.

>> Can I take my spot? I'm joyce scott.

>> Mayor Leffingwell: Joyce scott, I called you earlier.

>> I just got back from teaching class. I'm sorry.

>> Mayor Leffingwell: Sharon marrony?

>> Shannon.

>> Mayor Leffingwell: Shannon and mike maroney. You have three minutes.

>> I'm president of the northwest austin civic association. It's an area of 4100 homes and several hundred coyotes. The revised resolution we saw today is a serious improvement over what we saw several weeks ago and we thank the staff for the tremendous effort you went through. You got a lot of the things we cared about, a lot of things the city staff and county staff cared about and we really thank you for that. We surveyed our neighborhood at the beginning of november to see what they thought about these coyote issues, and we had one of the highest turnouts we've ever had in our surveys. We had 453 responses. Of those, 77% opposed any restrictions to what we do with removing coyotes beyond the status quo. What we have is working, and we don't want to change that. 81% said no to box traps, and we know that that has been removed from this set of documents, and we hope it stays that way. We'd like to have some assurance that it will stay that way. We do remain concerned, however, about the coyote response guide that is included in the set of materials, and that is attachment b. This doesn't look like a very effective scale when used by city professionals and by those of us who are guiding our neighborhoods. And so we would like to propose that you is it your testimony attachment b which should have been distributed to you by the clerk, a investigation that has been put together by a group of us that are working for the safety of our neighborhoods. The scale needs to be more proactive than what was in the set provided by the committee. We have people who are seeing coyotes in our parks, in our school yards, and as you can tell from media over the past several weeks, parents are not happy about that. It leads to threat to human safety. What we would like to propose is the scale you use be one based on research, that has numeric levels identifying levels of aggression of the coyotes, that can be used when we, the citizens, call 311, that can be used by the 311 staff to classify what's coming in so that we can monitor and manage the aggressiveness of the coyote community. We want to use it with our neighborhoods to educate them about how to respond and to educate them about more than just when to call 311, but that there are times when hazing is appropriate, there are times when it's not.

So we need an objective way to deal with this, and we would propose that our proposed attachment b is a better one than what we had before. So I would urge you to either vote no for this resolution or adopt our proposed attachment b, and then we'd be happy to support it. Thank you very much.

[15:05:24]

>> Mayor Leffingwell: Is that the attachment that's entitled mawaka and austin coyotewise, october 21st?

>> That's correct.

>> Mayor Leffingwell: Thank you.

>> Carolyn abernathy?

>> Not here.

>> Mayor Leffingwell: Craig nasar? Roy whaley? You have up to six minutes.

>> I would like to donate my time. [Inaudible].

>> Mayor Leffingwell: All right. You have up to nine minutes.

>> Hello. My name

--

>> Mayor Leffingwell: Lori michelle is donating time.

>> Hello. My name is dr. Craig nasar. I'm the park co-chair of the neighborhood association, member of the austin sierra club conservation committee and member of the coyote working group of the animal advisory commission. And to get on that working group, I showed up at the meeting. No one knew who I was. I said, I'd like to be on this working group, and they said, come on and join us. As a representative of the austin sierra club, I would like to advise you of the sierra club's national policy, which is, quote, the sierra club considers body gripping, restraining and killing traps to be unnecessarily inhumane and opposes the use. It promotes humane, and the austin sierra club strongly sports thisless pro. I was unaware of this policy until a couple of weeks ago when I decided to look it up to see what the national sierra club thought. Has anyone here ever removed a trapped and suffering animal from one of these devices? I have. All I will say is that if you had ever done, so I feel very certain that most of you would not allow their use on city property. As for texas wildlife services, which is attar parani of the usda, there are lots of things you can look up and read about, about that organization, and the problem was that the usda would not examine to see if the reports really happen. People call in and reported, they assumed whatever anyone was telling them was true, which we thought was a problem with truly evaluating

coyote behavior. As a matter of fact, in the entire history of texas, including all native american lore and legend, not one human being has ever been killed in our state by a coyote. Not one man, woman, or child. None. There have been only four certifiable so-called unprovoked attacks on humans, in texas, I'm talking about. These attacks happened because of an open dumpster at a park which coyotes had become used to feeding and the bites were all minor. There has been a lot of fear and misinformation circulating about coyotes in austin recently. Most of this information, coyotes have assumed, they've just zoomed to be a danger, particularly to children. There is no credible evidence that coyotes are a danger to our children. In fact, the evidence shows that our own cats and dogs pose a much greater danger to our children than coyotes do, just by the amount of incidents that we have proof of. Coyotes are also cited as being a danger to our pets. Studies we looked at showed that less than one percent of coyotes' stomach contents include human pets, yes, it includes vegetative matter. Dogs eat a lot of different stuff and coyotes are no different. In my neighborhood where coyotes have lived for many years, I know of one cat that was definitely killed by a coyote. It happened at 2:00 a.m. However, I know many cats that have been attacked and killed by off-leash dogs in my neighborhood, most in broad daylight. Despite this I have never known an owner of an off-leash dog to receive a citation in my neighborhood, despite the fact I see off-leash dogs regularly in our neighborhood parks and many incidents have been reported on 311. Once again, human pets are a much greater danger to our other human pets than our coyotes. In the charts that are commonly used to predict coyote behavior, a range of increased aggression is assumed to be a threat, yet there is no scientific basis whatsoever to show that one level of aggression will lead to the next higher level of aggression, because the highest levels of aggression have never been observed in texas from an unprovoked coyote. The subspecies of coyote that lives in texas weighs 25 to 30 pounds. Coyotes are known to be smart. Nowhere on this planet does an intelligent, 30-pound predator view humans as suitable prey. Coyotes will act aggressively to humans only as a last resort when threatened, unless they have been habituated to receiving food from humans. In the vast majority of cases, a 21st century coyote to trust a human in any way is a dead coyote. Given all this information, why is there so much misplaced fear of coyotes? Native americans did not fear coyotes. The name coyote comes from the aztec word, coyotl, which means trickster. The coyote was considered the clever clown in many native american stories. They saw the cleverness of the coyote but did not see the coyote as a threat. They saw it as a magical creature. They saw the coyote "god's dog." There is an excellent book about coyotes under this name, and I recommend everyone here to read this book if you're interested in some real good coyote research. A woman spent a long time living with coyotes and filming them. So why all this fear? Here is a quote from chief dan george, a famous native american

[15:11:41]

author poet and actor: If you talk to animals, they will talk with you and you will know each other. If you do not talk to them, you will not know them. And what you do not know, you will fear. What one fears, one destroys. I've heard the coyotes talking in the metropolitan park when I lived in north austin since I

moved there in 1993. I see them regularly behind the north ridge campus of acc where I work and occasionally see them as I walk through the greenbelts of the grassy woods neighborhood. I never call 311. I'm glad they are there as they are an essential part of a healthy, balanced ecosystem. The majority of my neighbors are not afraid of coyotes. We see them as a creature like the bats under the congress avenue bridge that help make austin a more interesting place to live. The coyote working group follows an open inclusive process. Our recommendations reflect the best information available. The changes recently made, while not ideal, are acceptable as they are an improvement to what has happened in the past. There's a whole lot of fear being peddled here today and if you succumb to this fear receive listening to good science, the result will be, as chief dan george for her told, the needless suffering of austin wildlife all at the taxpayer's expense. Now, david linsted couldn't be here so I'm here to answer any questions. He asked me to tell you this, I'm here to answer any questions you may have about our process or what went on at the work group. I was there for every meeting. Thank you very much. [Applause]

>> craig, council member martinez has that question for you.

>> Martinez: I'm sorry, I was off the dais for just a little bit. I wanted to ask you, some folks have asked us about when coyotes are in close proximities to play escapescape

-- playscapes and around children. What was the response when austin 311 could investigate in those cases and whether or not that would be recorded as an incident? Can you tell us just a little bit about the conversations with the working group?

[15:14:05]

>> The conversations about that happened in the last week, and the working group did not meet to discuss that, specifically, but we are informed of those changes. The situation here is that coyotes don't usually congregate around playscapes. If they do, what you do is, you haze

-- you haze them. You throw things at them, you scare them away. A coyote

-- I have

--

>> Martinez: I was asking if you could please just

-- specifically about whether or not we could record and respond to that as an incident.

>> According to the new writing of the working group, I think

-- I'm not sure

--

>> Martinez: Maybe a abigail would be the best

--

>> yeah. That's with you have the things that changes.

>> I think it has been a moving part in a conversation.

>> Yeah. I think that that was

--

>> Martinez: Abigail, I'm sorry, I was upstairs for just a little bit. You may have already covered this.

>> We didn't actually really cover it. In the current document right now it is still called an encounter. But what I talked initially was that when a citizen calls in something to 311, 311 is not going to make any decisions. They're going to record the complaint and pass it on for investigation. Then the investigators will respond appropriately depending on what they find. Usually by the time I get to lethal removal, there is a preponderance of the evidence that we have a situation to deal with. It's not, one time we saw a coyote. So I do think that when coyotes show up on school yards and in playgrounds, calls will go in, and the investigators will take a look at the situation. I don't think that will be taken lightly.

>> So what you're saying, it wouldn't necessarily directly correlate into a response to the scene, but based on the information, it doesn't preclude a response to the seen for further investigation.

[15:16:06]

>> Correct.

>> Martinez: Okay. We just take that under advisement. If it sounds like it's something we need to go investigate and look further into, you'll send somebody out there.

>> That's right. And actually, the decisions will be made by the professional people. We're going to pass on the information to those who will know what they're looking at when they

-- when they look at, you know, prints in the ground or fur on a fence or teeth marks on something. That's not something city staff does, those are professionals that we work with.

>> Thank you. Thanks, craig.

>> Cole: The next speaker is linda solomon. Linda solomon? The next speaker is pat gails trellis? Pat?

>> Thank you, mayor pro tem. First and foremost, I want to dispute the claim that there has not been public input. We have had public input. This policy first passed out of the health and human services committee in march, and as you know, those meetings with posted, so everyone knew that that meeting was happening, and those of us who supported the policy and the changes, we came, we spoke, and there was very little, if any, opposition at those meetings, if I remember it correctly. However, back in june when it was on the council agenda, council member riley sent it back to the animal advisory commission and we had a meeting, and some of the people who were in this room participated in that meeting. We had someone from hsus on speakerphone answering all of your questions and we walked out of that meeting shortly after that june council agenda with the thought that we had an agreement. Somehow that changed. It became back to the october health and human services committee meeting. It passed in october with a lot of us in the room. Again, we had the are support of hsus, we had the support of the sierra club. It was posted on the agenda, and it passed, again. So it just doesn't make sense to me that people are saying there was no input. There was, and council member riley, you were a big part of telling us to work with elm this,

-- work with them, and we did. Second of all, people are saying

-- the things they're saying about what's been going on to justify lethal responses to coyotes proved that the lethal responses we've been using have not worked. If you look at what they're saying, they're showing you that what we've been doing with the lethal responses haven't worked. We're trying to do another thing that we not only hope will work better but we also think it will be less cruel to the coyotes, less cruel to pets that may get trapped in those steel leg hole traps and less cruel to anybody else that may get hurt by it. I think there's greater possibility that a child or a pet will be hurt by a steel leg hole trap than be hurt by a coyote, with the exception of free-roaming cats, which we do know are susceptible to coyotes. I'm not happy with the compromise, but I accept it because it's a compromise. What I was happy with was what you passed on october 21st. I would have liked that policy. I think it would have worked. I think it would have been the ideal, but we had to go back and compromise. Now we have given in on certain things. We will have to accept the cruel leg hole trap being an option. We're hoping that will not be used. We think it doesn't need to be used. They think there's better things we can do, but we have accepted that. The fact that it's supported by the sierra club, hsus, and the animal advisory commission, I just would request that you pass it. Thank you.

>

[15:20:09]

>> Mayor Leffingwell: Thank you. Rusty keller. [Applause] okay. Peter torgemson.

>> My name is peter torgemson. I live in northeast austin. I've had direct experience with coyotes. I'm here to urge you to not vote for this policy. I think it's not ready for prime time yet. If nothing else,

there's evidence by the fact there's changes made in the last day or whatever to continue to do this. My concern is, first, provided this information about the denver experience which is on the slide, and in response to some

-- a little bit more vague comments made about the experience in denver, and this study that she refers to shows clearly that the new plan is resulting in more encounters, more human attacks per year in the denver metropolitan area than were present before. My concern specifically is prevention. I live in a neighborhood in northwest austin where basically cats and dogs don't survive outside. Very, very few cats, feral cats or any other cats live outside full-time. Very few

-- there's not any feral dogs around, obviously, and very few people leave their dogs out at night. It's just a practical matter. We live in an area where there are coyotes and we accept that, but we want to take some preventative measures that we can, and we would like to prevent coyotes from being on everybody's backyards. We have lost a cat to a coyote. A neighbor of mine lost a dog in the fence swimming pool area immediately adjacent to their house while they were present. Those people moved out of the neighborhood. I view coyotes in my backyard or my front yard with

-- with alarm, unlike the lady who spoke earlier that that wasn't a threat. I believe that as coyotes are in people's yards, they get more used to being there, they are not

-- and that leads to more aggressive behavior, I believe. I think the experience in my neighborhood justifies that, and I'm opposed to anything which lessens very aggressive action to discourage coyotes from being in people's yards. I consider myself an environmental 12. Coyotes are an essential part of the ecology, but they belong in undeveloped territory, not in people's yards. I know they're tracted to those fat cats and dogs that might be living there because those things are easy, easy prey. But aside from that, I take aggressive action every time I see a coyote in my yard and my most memorable

-- memorable one was a 30-foot range of him coming right at me and I was going right at him, and he did turn around and run away. But I had to check ten minutes later because he was coming back, and I made sure that he didn't want to come back again. And I think it did work. But the more they get used to running around in people's yards in neighborhoods, the bigger problem we're going to have. Any policy that does not aggressively go after that is going to be a failure, and I urge you to not vote for this policy.

[15:23:46]

>> Mayor Leffingwell: Thank you.

>> Thank you.

>> Mayor Leffingwell: Sharon maroney. Sharon maroney. Chris leineger. Okay. Fred brown? Okay. I believe that's all the speakers that we have on this item. Council member riley.

>> Riley: Mayor, I want to thank everyone who's worked so hard on this policy for so long. This process has been going on for the better part of a year now. There have been numerous meetings at the animal advisory commission and its subcommittee, as well as the council's health and human services committee. Nobody is completely happy with the final result, but at least now we have parties that are willing to go with it and accept it as a workable compromise. And in light of that, I'm going to move approval.

>> Second.

>> Mayor Leffingwell: Motion by council member riley to approve, second by council member martinez.

>> Martinez: I have a couple comments, mayor.

>> Mayor Leffingwell: Council member martinez.

>> Martinez: Thank you, mayor. I know that we still have some pretty strong differences on this item, but when

-- when we embarked upon this journey to come up with this policy, it really was from a standpoint, at least in my perspective, from a standpoint of if we're going to be the most animal friendly and humane city in the country, let's have policies that reflect that throughout our city, not just in certain areas. And while I realize that there are dangers associated with coyotes, and that there are grave concerns in the community, the steel leg hole traps are just as much a danger to pets, to people, to children, as coyotes are as well. And so I just want to thank everyone for being a part of this, but I really

-- my position in this is, we can't be the most humane city in the country to animals if we don't also treat the wild animals in our community, you know, with the same thoughtfulness as the rest of the animals. We went through this with deer as well, and I understand folks like to feed deer, and they enjoy them, but then the other folks don't want them eating their plants and don't want them in their yards. And we try to come up with what we believe is the best non-lethal forces possible. But we are the no-kill city of america, and we should continue that and lead that, not just at our animal shelter, but in wildlife. So I want to thank everyone for that, and certainly we'll be supporting this. And I certainly am open to continuing the dialogue and if it can be improved, based on information, education, and incidents that we

-- you know, that future countless can revisit this and add to this policy. So thank you.

[15:27:02]

[Applause]

>> Mayor Leffingwell: Council member spelman.

>> Spelman: I have a question, leading to a possible friendly amendment. Ms. Smith, I was very much taken with mr. Torgemson's graph which was up on the screen for a few moments, showing the difference between 2003 and 2010, when denver was engaging in only a trapping policy, and 2012 at least currently to 2014 when they have been engaged in a policy which qualitatively resembles the policy we're talking about here. And he showed that the number of attacks on humans went from 1.9 per year to 4.5 per year. My first question about that is, if we were to have a similar graph here, is it true that the numbers from 2003 to 2010 would be 0.0 and the numbers from 2012 to 2014 would also be 0.0? We haven't had attacks on humans in austin, texas, yet, have we?

>> None that I'm aware of.

>> Spelman: Okay. Attack to the point of assault without actually any contact.

>> Possibly. Has there been an attack and serious injury, not that we're whatever.

>> Spelman: Okay. So seems to me, what I'm interested in here is finding some kind of early warning system which will give us a sense for whether or not our policy is, in fact, working or whether it could be conceivably counterproductive. A lot of people believe it's actually going to help. If there's a way of measuring something that coyotes are doing, which will give us a sense for how dangerous or aggressive they're being, short of looking at attacks on humans, since we haven't had any, it seems to me that would be a really good idea. I wonder if you could suggest something.

>> Yeah. Actually, council member, it her exists so the texas wildlife biologists keep all the data. They record all the calls that they get, what they find when they investigate each of those calls, and they rank each of those in terms of where it is on a scale of 1 to 7, being it's a sighting, it's normal coyote stuff, to 7, which is like we don't see those because hopefully we've addressed the issue before it gets there. So there's a rating system for the level of aggressive behavior that they find when they investigate, not what the caller reports, what they find when they investigate, and they keep track of that. So every quarter we have a report and I'm happy to provide these. I've got them. We've been keeping them for years and years. Every quarter we get a report that says how many calls came in, what the average score was for each investigation, and usually it's somewhere between 1 and 2, 2 and 3.

[15:29:42]

>> Spelman: Sure.

>> When we get up to the 5 range, that's when activity happens. That is being collected and reported on a quarterly basis. What we'll see over time is whether this policy changes the average score of each

-- of each of those phone calls. If it starts to go up, it perhaps could say that the response

-- we're taking less of an aggressive response than we were before. If it stays the same, which I expect it will, it will basically be status quo for the activity in our community.

>> Spelman: Would you be willing to accept that as a performance indicator for your department?

>> Sure.

>> Spelman: If you could also put that quarterly report

-- you don't have to collect the data. It's already collected by

--

>> right. We don't handle

-- we don't touch this, except it lives in my interlocal with the county. But certainly I get those reports and we can certainly report that quarterly.

>> Spelman: If you could report that quarterly, put it on the website so all people concerned about the policy, one way or another, could keep track of this, I think that would be a wonderful thing.

>> There's also a map that shows where the activity is happening. We'll share that with you as well.

>> Spelman: That would be great. Thank you, ma'am.

>> Mayor Leffingwell: Okay. I'm not going to support the motion. I certainly support the no-kill city, but these, what we're talking about here, are predatory animals. They prey on smaller animals, and potentially on smaller people. I know you said there's not been a damaging attack that you know of on a human being, but we all know, and I think you said yourself, there have been pets who have been lost. I notice that most of the people who came down here and spoke against this item live in parts of the city, far south, far west, where there is a prevalence of coyotes. Certainly not all, but a great number that I heard who had direct experience with these animals or almost encounters are opposed to this resolution. That's what I heard here tonight. And, finally, my wife has a 12-year-old cat that's partially feral, spends a lot of time outside. She would never be happy without it. And I know my wife worries every day because we know we have coyotes near where I live. And I don't want to have to explain to her, and I don't want to have to explain to one of my neighbors or somebody else why I voted for this, and their family pet was killed, or heaven forbid, a small child was attacked. I don't want to have to explain that. So I'm going to vote no.

[15:32:30]

>> Riley: Mayor? I realize there are serious concerns at stake here and for that reason we're asking

-- the resolution that we're considering calls for a report back to the public health and human services committee within six months, at the end of may, and periodic reports thereafter regarding our management efforts and how they're working out. So to the extent there are issues with the limitation of the

-- of this new policy, then we will certainly be in a position to address that. And of course, obviously, if concerns arise before that time, we would always be interested in hearing whether that policy is causing any difficulties in addressing those issues. So this may not be the last word on that, but it does represent a very good effort on the part of many in the community to address the issues in a cooperative, collaborative way, with a number of partners, and I think it represents a very good step forward in managing coyotes, while still respecting our role as a no-kill capital of the country.

>> Mayor Leffingwell: Okay. Those in favor of the motion, say aye. Opposed, say no. No. That passes on a vote of 6 to 1, with myself voting no. [Applause]

>> Mayor Leffingwell: Ma'am, if we have another outburst like that, I'm going to ask you to leave the chamber. Thank you. There's been some input, I've received some input that there would be a desire to address some of the items that have zero or perhaps one speaker on. If there's no objection, I'll go ahead and do that, skip through the agenda and pick up those items. The first would be 126. The public hearing has already been closed.

[15:34:34]

>> Mayor?

>> Mayor Leffingwell: Council member spelman.

>> Spelman: I have a proposal on 126. It seems to me that the issue on 126, the issue has been clouded to some extent because the way that the issue has been framed, take approach 1, approach 2, or approach 3, very early became symbolic and political, and we all kind of lost tack, including me, we kind of lost sight of the fact what we really were talking about was a scope of work for a particular contract, and the scope of work for the contractor was not necessarily the same

-- will this work better?

>> Yeah. I just didn't hear you.

>> Spelman: Okay. The scope of work for the contract is not necessarily the same as the scope of work for the entire project. What contractors are asked to do, more or less, is to come up with a draft revision for our land development code, which then will be studied by staff, by our citizens, by the next city council, and then

-- and then will be either adopted or rejected or amended, and then adopted in part and rejected in part. Can people hear me now?

>> Yeah.

>> Spelman: Okay. It's late and I'm tired. My apologies. So we're going to have lots of opportunities to talk about this when it comes back. The question then is not whether or not we need, it seems to me, a complete makeover because a complete makeover is the full project. The question is whether or not we need opicose to being responsible for that entire makeover or not. A lot of what's involved in the scope of work of the entire project is taking the basic elements of a form-based code and applying them on a very specific case-by-case basis to activity centers and neighborhoods in the urban core. If a lot of the work that opicose would be required to undertake under option approach 3 would be to put together that form-based code approach on a neighborhood by neighborhood activity center by activity center basis for a whole bunch of neighborhoods and activity centers. And seems to me that's not a good idea, for the following reason. No matter how many neighborhoods and activity centers we get them to do, as soon as we're done and they leave town and the contract is over, there will be another activity center, there will be another neighborhood. As soon as they're complete with the land development code, there will be necessary changes in the land development coat because circumstances are going to change, building materials are going to change, something is going to happen and we're going to have to go back and revisit the code as we habitually revisit the code many times every year. Seems to me the best way to set ourselves up for that flux is not to have opicose do all the work, here is the code of your dreams, but too a lot of the work and spend sometime towards the end of that contract period working with our planning and development review staff and other staff in other departments around the city who are going to be important to revising and improving that code downstream, so that everybody is

-- has a sense for how to do what it is that opicose has done, in particular that we do the following. And this is what I'm getting at in that second bit. I'm suggesting we adopt approach to, more or less, with two revisions. First revision is, whenever the consultants have to make a decision as to how extensively they're going to rewrite the code, that they on the side of being extensive, because it is easy for all of us, meaning the city staff, the citizens, and the future city council to move it back to where it was. That's relatively easy, coming up with new

-- new material is going to be more difficult for us than it will be for opicose. So it seems to me that's the right way to err is being a little more citizens stiff rather than less so. In the same way, providing nor buy right development opportunities because it will be easier to back off into our habitual approach of making up as we go along than to create more buy right developmental opportunities. That's not what we were used to doing. Secondly, this is not going to change the scope of work on the part of opicose, it's not going to require them more time or money on this project, it's just going to give them the freedom to be as extensive as they think they need to be in order to deliver the best product for us. The place where it might change the amount of money spent is in the application of form based code. I'm suggesting we do three stages. The first stage is consistent with approach 2. They find a small number of neighborhoods or activity centers and they just apply the form based code to those as they ordinarily would. In addition, I'm suggesting two more stages. The second stage,ist consultants are around. They're

providing coaching, advice, assistance to city staff, but it's primarily city staff's job to apply code to a small number of neighborhood have the. For example, opticose does four, they stand back and watch staff do four, coaching assistance along the way, and third stage, having seen this whole interaction, they will provide advice as needed to city staff which will develop a proposal for the city council to review, describing what it is they're going to need in terms of people and time, and implementation timeline for applying the form-based code to further neighborhoods or activity centers as appropriate, getting us to the end of the whole process, getting us to that complete makeover that we're talking about. The basic difference here is, we're not asking opticose to provide the entire makeover, but we are asking for opticose to assist us in coming up with a schedule and training our own staff to get us to that point of complete makeover. So this is a little bit more. That's my motion there.

[15:41:10]

>> Mayor Leffingwell: Motion by council member spelman to

-- I guess you would call it a stage

-- option two and a half, something like that, option 2.

>> Spelman: Two with very specific additions.

>> Mayor Leffingwell: Two with specific additions. Is there a second for that?

>> Riley: I'll second that.

>> Mayor Leffingwell: Council member riley seconds that.

>> Riley: If I may comment.

>> Mayor Leffingwell: Go ahead.

>> Riley: Council member spelman, I appreciate all your work on this. I know the community advisory group did recommend option 2 with some revisions, some additional work, and so your sense that this motion will be aligned with the recommendations of the advisory group?

>> Spelman: The first bullet point is absolutely in line with the suggestion. The second is a little bit modified. My reading of the caag's suggestion was that opticose do all of the form based code work. I don't believe that's doing us a favor. I think they should do some of it, not all of it. So this is a backed-off version of the caag's suggestion.

>> Riley: But it would position us to apply the form based codes ourselves, over time, indefinitely, and going forward.

>> Spelman: I think it would better position us to do the form based code application downstream, yes.

>> Riley: Right. Okay.

>> Morrison: Mayor?

>> Mayor Leffingwell: Council member morrison.

>> Morrison: Thank you, and I appreciate your thoughtful approach to this too because it takes us sort of out of the one, two, or three, and so we're talking about stage i, stage ii, stage iii. So I think I can support it, and I want to add, too

-- talk about two things here. One is that in terms of the rewrite being extensively rewritten, I want to add, we've had a lot of input, I'm sure everybody has heard from the landscape architects and about their concern that we're sort of leaving the, you know, sustainability and green as a focus in our code rewrite, we're sort of leaving it by the wayside. So I wanted to

-- I'm going to support this, just so you know, and I'm going to offer an amendment which I hope will be friendly, in terms of the

-- because sometimes I don't

--

[15:43:34]

>> it's good to know that in advance.

>> Morrison: I know. I know. What I hope will be friendly, about the extensiveness of the rewrite, and that is that I would like the rewrite

-- the extensiveness of the rewrite to focus

-- to have a focus including on green infrastructure and sustainable water management, so that we can address the things

-- because I think that it takes extensive rewriting to get some of these things in there. And in particular, we did get some very specific things from

-- and this was from the texas chapter, and that was, number one, water conservation, so to recommend the combination for water conservation and management, the mitigation of urban heat island effects, info regulations that minimize loss of impervious ground cover and tree canopy, the promotion of urban agriculture, and use of green sulphurs to separate compatible land uses. That's probably in the exhaustive and is going to have to be balanced out with a lot of other things, but that

gives you an idea of the kinds of things when we're talking about putting an emphasize on rewriting to incorporate green infrastructure and sustainable water management. And to conclude on that topic, they had some very specific ideas about how to about great

-- howto integrate people with that kind of knowledge into the rewrite structure, mechanics, including focus on the inner departmental green infrastructure regulatory team and make sure we have the right people there to tap the professional organizations, the landscape architects, to consider ensuring that we have a registered landscape architect involved with the citizen advisory group, and to leverage our design commission in all of that. So that would be

-- that's a lot of words for saying ensure that, in the extensiveness of the rewrite, we focus on green infrastructure and sustainable water management.

[15:45:51]

>> I happily accept that as friendly.

>> Morrison: Okay. Great.

>> Mayor Leffingwell: Council member riley, do you accept that? Okay.

>> Morrison: My second request then would be, one of the reasons I'm comfortable going with this is because we know it's going to come back in front of the new council, and I think that there's probably some murkiness in a lot of people's minds about what an extensive versus non-extensive, and what kind of ideas the consultants might think about where it's appropriate. And so I would just request that when it gets presented back in front of the new council, that their

-- that that be filled out a lot more, about exactly

-- as much as they can, to give examples about where they think it's going to be appropriate, in their judgment, to do an extensive rewrite.

>> Spelman: So are you asking examples be given here?

>> Morrison: No, no, when it goes to new council so the new council will have a firm idea of what they're doing.

>> Spelman: I see. Here is where we're extensively rewriting and going light.

>> Morrison: Exactly. That way they'll be able to make an informed decision about whether they want to change that path.

>> Spelman: That sounds very reasonable to me, too.

>> Morrison: So that's in addition to the motion. Thank you.

>> Mayor Leffingwell: Okay. Council member tovo.

>> Tovo: Council member spelman, I have just a couple of quick questions for you. As I see this, your language adds to, rather than replaces, the language that's already been laid out for us in terms of the alternative, the descriptions of the alternatives 1, 2, and 3.

>> Spelman: Yeah.

>> Tovo: Okay. I just wanted to check on that I think the discussion

-- I think it's very useful to have a discussion about where the consultants begin to hand over the reins to the staff so that we're empowering them to kind of continue that work after our contract ends. And so that's what I see as really the main piece that you're adding here.

[15:47:53]

>> Spelman: Uh-huh. Me too. I agree.

>> Tovo: Am I understanding what you have

--

>> Spelman: I believe you are, yes.

>> Tovo: Okay. So in terms of just looking back at the original language of the deep clean, it talks about refined and carefully developed standards allow for

-- and I'm excerpting here

-- will allow for a balanced mix of buy right review, customized zoning, and discretionary review where appropriate. Again, your language isn't replacing that language about balanced, buy right, discretionary, customized zoning, with buy right development, it's just

-- you're just encouraging them as they see appropriate, to use buy right, in addition to the other options mentioned in our original language.

>> Spelman: Exactly right. They should not feel constrained to some moderate level of review just because it said so in the deep clean in reset. If they believe in some section of the code that something more extensive needs to be condition, they should feel free to do so, with the caveat that, as council member morrison suggested, the city council and the staff know. In this one we were a little bit more intrusive, a little more intensive.

>> Tovo: And we still are holding them responsible for a balanced approach.

>> Spelman: Absolutely.

>> Tovo: The other language I want to be sure we're not replacing, original language in 2 talks about creating form based standards for a limited number of interested communities. And I want to be sure we're still talking about interested communities in all of your description here.

>> Spelman: I am not talking about going from steam based code in a happy neighborhood.

>> Tovo: Good. Very good. Thanks.

>> Mayor Leffingwell: Council member morrison.

>> Morrison: Something you said, I wasn't sure we were on the same page. When I was saying I wanted to bring back to the new council for the consultant to tell us, you know, where they're expecting to do the extensive

-- I was thinking that would become

-- it would be a hissing when they come back for their reaffirmation or change of approach.

[15:50:10]

>> I did catch you that time and I was actually talking about in both situations. So going forward they're going to have a sense that some parts are probably going to need more work than others, and they can say that. After they've rewritten, they should then be

-- I think they should then tell the council, we did a lot of work here, we didn't do as much here as we thought we would.

>> Morrison: Okay. Great so in march they will get their ideas what's going to be rewritten and traceability of which ones were.

>> Spelman: Exactly.

>> Morrison: Okay. Perfect.

>> Mayor Leffingwell: I'll just say I'm persuaded by council member spelman's comments, but not tonight, about his comments that he made yesterday at a public forum, when he and I were both speaking. And he recanted a situation that occurred a number of years ago when there was an attempt to clean up the code and rewrite the code. And as they went through it, each item that people suggested, well, we change this, or modify it or move it or whatever, there was somebody in the room who had this memory, institutional memory of why that was in there of the and the end result is, very

little got done, at the end of the day. And I think that's what will happen with option 2. I had been very much in favor of taking this dramatic step and going back and doing a complete code rewrite, and I still support that. So I'm going to vote no on the motion.

>> Spelman: Mayor?

>> Mayor Leffingwell: Council member spelman.

>> Spelman: Since I was persuading you the other day, let me try one last time. One could argue the difference between 2 and 3 is the difference between a deep clean reset as it says on the

-- on the approach, and a complete makeover. But seems to me that these labels can get in the way, and might, in fact, be [inaudible] if what we're asking them to do is say we want you to take a good, hard look at this, if you think something's wrong, if you think something can be improved, we want you to be intrusive and sensecive in your rewriting of this, just so you let us know in advance, we think we're going to be intrusive and extensive here, and you tell us after the fact, we may want to look at this closely but we think we helped you here, I don't believe there's anything in the direction that I'm proposing to give to optocose which is going to prevent them from doing a complete makeover. The only place where I think I'm preventing a complete makeover is respect to the application of the form based code, where I think it will in the long run help us get a complete makeover by getting the staff used to the idea of doing what eventually it's going to have to learn how to do itself.

[15:52:55]

>> Mayor Leffingwell: And I appreciate that intent, and certainly think that would be a good approach to take, except I think there will be too great a temptation to have that always in the background, what is the existing code. And I believe it would be better just to take it from ground zero. So all in favor of council member spelman's motion, say eye. Opposed, say no. Passes on a vote of 6-1 with myself voting no. We'll go to item, which has no speakers. The second and third readings. Yes.

>> Mayor, I pulled this item to briefly add some questions of staff. Is betsy still here, or

-- yeah. I visited fairly extensively with the neighborhood and there was a resolution that we passed about this colony park, wanting to ensure that there was connectivity and other items. And I was hoping that you would give us a brief report on that.

>> Are you talking specifically about the resolution that we're going to report back on december the 11th?

>> Yeah. I just want to know the status.

>> Sure. So a couple things, one of the items I think that everyone is interested in is connectivity. So the plan itself provides for a great deal of connectivity, and in the first phase, we are proposing to connect colony loop, which will give greater connectivity between the east side and the west side. One of the other things that we will be doing, we've been working with the austin transportation department, travis county, and some other entities for a collector street plan that will probably not be ready for approval until next year, but with that, we're hoping for the adoption of a collector street plan which would accommodate future connections outside roadways, outside of the 208 acres. So we've made a lot of progress, I believe, internally on the 208 acres, and outside of it, for connectivity.

[15:54:58]

>> Okay. I appreciate your work.

>> Absolutely.

>> I'll move approval, mayor.

>> Mayor Leffingwell: Motion to approve by mayor pro tem cole, second by council member morrison. Further discussion? That's approval on second and third readings. All in favor say aye, opposed, no, it passes on a vote of 7 to 0.

>> Spelman: Was that ready for second and third reading or only second?

>> Mayor Leffingwell: I'm just looking at at the language

--

>> I'm sorry, we were going with second reading only, the reason being the ordinance is very complicated. We want to make double sure everything is correct so our plan was to give is second and third look and bring it back on the 11th for third reading.

>> Mayor Leffingwell: Make a motion to reconsider, second only, it will be one motion, the whole thing. So moved by the mayor pro tem, second council member spelman, this will be second reading only, all in favor say aye, opposed, say no. Passes on a vote of 7 to 0. We're going to the non-time consuming, if there is such a thing, 161 and before we take up this case, we're approaching 10 o'clock, so we'd have to waive our rules to continue past 10 p.M. I would suggest that we waive the rules to continue until 12 midnight. We still have about 25 items to go, and assess at that time whether or not we want to recess for the day and come back on friday. Council member martinez.

>> Martinez: Yeah. I'd certainly support going at least till 12 a.M. And seeing where we are at that point. When I look at items

-- item 145, 6, and 7, which is related to springdale farm, it's all the same

-- a lot of the same speakers, so I would hope we could combine those, and then maybe

--

[15:57:06]

>> Mayor Leffingwell: We have already

-- we already have a list that would limit to 30 minutes each side, so that would be, just guessing, an hour and a half to cover that item with 30 minutes testimony and some discussion.

>> I'll move to waive the rules and continue the council meeting.

>> Mayor Leffingwell: Is that a motion to continue indefinitely?

>> Yes, sir.

>> Mayor Leffingwell: All right. And council member morrison seconds that?

>> Morrison: Yeah.

>> Mayor Leffingwell: I will say we may not have a full council at some hour, some wee hour of the morning. Council member morrison.

>> Martinez: I completely understand that, but what we know is, if we recess and convene in the morning, we will have a short council because council member spelman can't be here till noon and mayor pro tem cole has to leave at noon, so if we don't push on tonight and try to finish, we will be short a council member.

>> Mayor Leffingwell: Well, I think the suggestion was that we

-- the original suggestion was that we continue till midnight and reevaluate at that point, but if your desire is to just continue on no matter what, we'll

-- we'll just have to see how many people stay around.

>> I'm happy to stick around.

>> Mayor Leffingwell: All those in favor of that motion to extend the meeting indefinitely, ssay eye. I would oppose that so that passes on a vote of 6 to 1. All right. 161.

>> Greg g uernsey. Says c 14-20140027, for appropriate located 6208, spice springs road, property known as ace discount glass. This is a zoning change request to two different districts from its current interim irr designation. First contract to csu, that would be approximately 2.5 acres of land, and the

second is for cr zoning for about five acres of land. The property currently is developed with a auto recycling business and a glass business. They also recycle glass on the property. Prior to annexation into the city of austin, they did receive approval for a site plan, for a kennel, and a multistory convenience storage use, and even with or without this zoning change, they do have the right under state law, state annexation law, to go forward with the construction of that project. The staff did not recommend the rezoning request because of the proximity of the residential zoning and uses that are in the immediate area to the north and to the east and the proximity of the creeks and lesser residential zoning further to the west. The staff came back, recommended the townhouse condominium residences with a limitation of 2000. The zoning and planning commission unanimously recommended the staff recommendation on the property. I would note that there are adjacent property owners that did come to the hearing and voice concern over the commercial zoning that was proposed by the applicant. Given the lateness of this hour, I think I'll pause. If you have any questions, I know that there's at least one individual here, I think, from the neighborhood that would like to speak to this item.

[16:00:57]

>> Mayor Leffingwell: We have a presentation by the applicant?

>> I'm not quite sure if the applicant

-- if mr. Steven ihnen is here. I don't see the applicant in the audience, but I know from the neighborhood someone is here.

>> Mayor Leffingwell: Okay. So there's no presentation from the applicant and no one signed up in favor, so we'll go to those signed up against. And that is one person, period of time

>> Mayor Leffingwell: And I believe this is ready for first reading only?

>> Guernsey: That's correct, mayor, that's for first reading.

>> Hello, I am peter tulberson and I am very good with the property and have been here many times. I am speaking for residential zoning and it's for sf6, the most dense and then there is sf2 and the zoning of sf-6 would be desirable and appropriate but the staff has recommended sf-6 and I am fine with that, I view it as a real gift to the property owner to have a much more dense residential zoning, but it is a residential zoning, the cs zoning which is what first attracted my attention to this property is completely inappropriate for this property as any residential or retail type zoning, is completely surrounded by sf-2 or a less dense property, some of which are in the county. There is basically industrial kind of use on the property at the current time. It is an unfortunate situation, this property is immediately adjacent to bull screening and the long dimension of the property is along bull creek. Table a environmental situation. Bull creek is one of the few relatively undamaged creeks we have in the territory. It is a particular jewel

for those living in northwest austin. I would really hate to see something happen to that and we are sitting on a continual liability on the current

-- with the current use of the property. This is the county property that was built out in the middle of nowhere, and when you are built in the mid of nowhere, people don't

-- but when you are the city, you have rules and you have rules of what you can do with that are property but not where it infringes with the neighbor's rights on what they can do the property. The owner has real resistance to this idea but my observation is in a situation like this that I have seen in this part of town elsewhere is that there is a lot more restrictions but the property is typically worth a lot more than it was when it was out in the county, and I believe that's the situation here. This is the property the owner is not currently oriented toward residential use but it is a property that has large creek frontage and a lot of situations and it is a pretty nice development in my opinion and I see no reason why there shouldn't be any more tense development than sf-6 so I ask you to vote for the staff recommendation and the staff recommendation for sf-6. Thank you.

[16:04:32]

>> Mayor Leffingwell: Thank you. Those are all of the speakers we have. And there is no one here from the applicant side for rebuttal. So I just ask one question, I think I remember this property is the use

-- if the property is rezoned, the use, existing use would continue. Is that correct?

>> Guernsey: Mayor, it is correct. Under our regulations that we have, after a period of ten years, it might have to cease because of our nonconforming use regulation because of the single family zoning on the property. But as I said before, they do have a valid site plan that was approved in the county to build a kennel and a convenient storage facility where you would see on the property the existing auto salvage yard, so regardless of the [indiscernible] regulations and regardless of the ability, they would still have instructions to conduct that use.

>> Mayor Leffingwell: Your recommendation is sf-6-co?

>> Guernsey: That's correct.

>> Mayor Leffingwell: Council member spelman.

>> Spelman: Is there any difference between your recommendation and the zoning and planning commission recommendation?

>> Guernsey: No, the zoning and planning commission recommendation adopted the staff recommendation.

>> Spelman: I move for staff recommendation.

>> Mayor Leffingwell: Move and approve the hearing and seconded by council member morrison by the staff recommendation. All those in favor, say aye. Aye. Opposed say no. That passes on a vote of 7-0. Item number 166.

[16:06:40]

>> Jerry rustoven with the planning review department, case c14-2014-0101, the vista hills and it is from single family 2 to mf mueller family 2 zoning and the staff recommendation is a low density conditional overlay or combined district zoning with combining district trips of 3,000 per day as well as a requirement of a toll of 150 feet right-of-way were william cannon drive which will be 100 feet from the zoning, the planning commission agreed to combine the zoning with the additional right-of-way with william cannon and as recommended by the staff and I am available for my questions.

>> Mayor Leffingwell: So this is ready for first reading only?

>> That's right.

>> Mayor Leffingwell: And the staff recommendation and the zoning and planning commission were the same? That's right.

>> Mayor Leffingwell: All right. Is there an applicant? Someone would like to speak on behalf of the applicant? All right. We will go

-- there are no people signed up in favor so we will go to those signed up against. Julie klusnik.

>> Hi, good evening, council, thank you forgiving me a chance to speak in opposition to agenda item 166, the vistas of western hills, located at 2910 west william cannon drive. I respectfully request that you reject in project in favor of the existing neighborhood home owns, the safety of the drivers on west william cannon drive, wildlife habitat and the heritage trees and access to the watershed. In order for access, a retaining wall would have to be cut into. My family owns a place in the victory hill condominium complex which is immediately adjacent to this project. We are deeply concernedant potential hillside destabilization as what happened to the complex next door to us which is deaton hills complex and the condos next to us which I believe is called flagstone condominiums. My condo directly overlooks the project site. My greenbelt view will be completely obliterated. This is the most special feature of my condo. This project at 8 units will not be affordable housing has some people have suggested. These new condos will most likely be sold at a high price point to let the developer recoup their costs. To the best of my knowledge, none of the openers of the victory hill condominiums have ever been shown the developer side plan and would very much appreciate this information. Before this risky habitat destroying project gets final approval, thank you very much.

[16:09:43]

>> Mayor Leffingwell: Thank you. Okay. So there is no applicant here for rebuttal. Those are all of the speakers that we have. Entertain a motion on item 166. Council member spelman.

>> Spelman: Is this the first time you heard about the potential engineering concern about the breakdown of the retaining wall, jerry? Where have you heard about that before?

>> No, I have not.

>> Spelman: You have not. From your point of view, is there some engineering reason why that problem cannot be overcome?

>> I am not an engineer so I hesitate to say but it's something we can look at between first and second and third readings if you'd like.

>> Spelman: It sounds like a very good idea. If you do that, I appreciate. I move approval of the first reading of staff, provided they come back with a description of the problem in second reading.

>> Mayor Leffingwell: Council member spelman moves for first reading for the provision for the second reading, second by mayor pro tem cole. Vote, say no? That passes, on that. C14-001, and the applicant is colon bluff llc and glasco the request of zoning is from lr to sf-4a, the area is about 1.3 4-acre tract. The staff recommendation is to recommend deny of the sf4a small lot single residential zoning, the zoning recommended lr zoning and this was a part of several cases

-- this is adjacent in the part of the same development that was approved in your last council meeting where we had the down zoning of a track from gr to sf4a and it was requested on this zone from lr so sf-4a for any larger small lot single development. The staff her mend this become lr so we have commercial services be available for the citizens of the residents of the future development of the future single family development. The tract looks about the right size to us for convenient store type use or gas station or possibly a small limited restaurant. Therefore, we recommended maintaining commercial zoning on this portion but recommended single family for the other portions. Like I said, the staff recommendationed lr-mu and they are still opposed to lr-mu because the mu portion of lr would allow them to do single family as sole use and does not require mixed use and so lr would be a single family and the intention of keeping some level of commercial service with the new residents. With that, I am available for any questions.

[16:12:50]

>> Mayor Leffingwell: Okay. Hear from the applicant. And is tom anchor here? Bill barton? All right. Dustin goss.

>> He is gone.

>> Mayor Leffingwell: Okay. You can have 6 minutes instead of five.

>> There is one person who signed up to give me 3 minutes, bill barton.

>> Mayor Leffingwell: Excuse me, 8 minutes instead of five.

>> Thank you. I will try to be shorter than 8 minutes. I am alice glasco, good evening council members and I am representing dl horton who is the potential developer of this slide. If you can please turn on the slides for me. Do we have

-- here we go. The zoning and platting commission of Ir-mu is acceptable to the applicant. The subject tract comprises of approximately 1.34-acres. In your packet this information that I give you a summary of the request. My client develops single family developments throughout austin and they understand the need for having retail and other support services for their residents and they typically include those where appropriate. This particular property is not appropriate for residential development and I will just show you a few highlights. This map shows you the general location of the subject site. It's east of i-35, between william cannon drive and the proposed extension of west

-- of east slaughter lane. The subject tract is south of colton bluff springs road and the intersection of mckinney falls parkway. That's the little red dot you see up there. This slide indicates that they

-- there is proposed commercial development in the vicinity of this site. Within a quarter of a mile of this state, you have 39-acres of proposed commercial development that is part of the springfield development to the north, at the intersection of william cannon drive and then to the east of mckinney falls parkway you have the proposed pallet

[16:15:26]

[indiscernible]. It is 2,000-acres and the north of the [indiscernible] the pod of mixed use development and so there is potential development for commercial development on the entire side that can support retail for this area, our site, which is 1.3 4-acres is not appropriate simply because of the terrain on the site. Topography is a major issue, so when you set back from the street

-- redevelopment is not enough. I will use my hands to demonstrate. Mckinney falls is over here and the property falls down, because of the ter rain, you see a slope map. There is a 10-foot drop from mckinney falls to a portion of the site and then it slopes downwards to another drop for about a 16-foot drop. Under the city criteria manual, you will have to have cut and fill to bring the property up to 16 feet of cut

and fill to bring it up to the street level. The street is here. The property is here. You would have to bring it up to be able to see the site. Regional development requires a visibility. If it is not visible to citizens, then they don't frequent the site. So this site has challenges that would be costly, cut and fill of 16 feet to bring it to our site, to the level adoptable. The level of the site is 6.5-acres that can be developed for retail but it means about

-- you still have to address the visibility. The project will not be viable for retail development. What we are proposing to do instead is to

-- I will go backwards, to have approximately 5 lots so with our family of single family development on that lot, instead of having 8,000 square feet of residential development, a detention of what a multi-pond that is required for a site plan for the site of a retail development and to get the cut and fill to bring the property up to where it can be seen from the street would be more environmentally unfriendly to the site, due to the environment to have a driveway on either side of Colton Bluff Springs road and then also have enough driveway from McKinney Falls property without the terrain. With our proposed development, we aren't doing all of that. We have to do very little cut and fill, very minimal at 3 feet of the part that is colored in red. We have five lots that show this. We showed it to the zoning and planning commission and the zoning and planning commission recommended lo-mu and they understand the challenges that the site has as far as the topography goes, that when you have slopes that exceed a 25% gradient, it is important for this to be proposed or developed here and my client would have to

-- if it's not used for single family development, then it will just not be developable. I pause for any questions and we do agree with the zoning and planning commission recommendation and we hope that you can support that. The case was ready for all three readings two weeks ago. Council member Riley pulled the item to discuss the need for retail and we feel that there is adequate retail in the area to support the development in this area. A quarter of mile, people can walk to the Springfield environment which is fine

-- which is measured in our intersection for our property and we appreciate your support, thank you.

[16:19:28]

>> Mayor Leffingwell: If it's lr-mu, you can put retail wherever it is appropriate, could you not?

>> Yes.

>> Mayor Leffingwell: So

--

>> yes, if it can, indeed

-- if it's possible.

>> Mayor Leffingwell: That's what I mean. It could all be residential or it could be mixed use?

>> Correct.

>> Cole: Mayor?

>> Mayor Leffingwell: Mayor pro tem cole.

>> Cole: Given the terrain difficulty and the fact that we have adjacent retail available, I am going to go ahead and move approval of the zoning and planning commission recommendation on all three readings.

>> Council member

-- mayor pro tem cole moves to close the public hearing and approve the zoning and planning commission recommendation on all three readings. Is there a second to that?

>> Spelman: Second.

>> Mayor Leffingwell: Second by council member spelman.

>> Riley: Mayor.

>> Mayor Leffingwell: Further discussion? Council member riley.

>> Riley: I will not support that, I share staff's concern about the lack of retail in this area. If you look at this site on google maps you will see a largely green area for this site but it's adjacent

-- nearby development you see now is a sea of single family detached homes with no commercial at all anywhere in site. The

-- so that it's concern not just about the new development but about serving the development that is already in the area. There is nothing there for people to walk to at all. I understand the concerns about the topography on this site, if the applicant

-- or if landowner had come forward and said that we

-- that this other nearby site close to this one would be

-- would work better for retail, then I certainly would have been open to rezoning to do that, but I think

-- I cannot support simply reducing what is already a very small amount of retail for a very heavily residential area. We are creating

-- exacerbating a problem of an area that is strictly single family use with

-- with no other services to walk to in the area, so I won't be supporting it.

[16:21:47]

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

>> Riley: No.

>> Mayor Leffingwell: Passes on a vote of 6-1 own all three readings. Council member riley voting no.

>> Thank you.

>> Mayor Leffingwell: 174. Is somebody going to do the presentation on item 174?

>> Jerry rustoven case 174, cd-2014-0015. This is the development assessment report for the marshall planned unit development located at 1300 lost creek boulevard. It is a 37 and a quarter acre tract located roughly on lost creek boulevard and loop 360, it is 29.6-acres of office space, 7-point-acres of office use and .1 to restore existing cemetery, surrounding is sf-2 and we have the lost creek subdivision and lo and go on the northeast and lr and f1 at the corner of lost creek and loop 360. It is important to know that the lost creek subdivision will be annexed from the city a year from this new year's day and because of this people in lost creek are not in austin and the compatibility wouldn't apply to this project, nor would petition rights. The applicant says they intend to meet the tier 1 pud requirements as well as pier 2 to achieve superiority. For example, some things are green star builder, to provide it 40% and connect a driver that would connect to the las cimas development, so the traffic would go to las cimas rather than lock creek which has more residential traffic on it, to exceed the available handicap parking and to provide for possible purchase a site for a fire station or possibly some water infrastructure. The property divided between barton creek and eanes watersheds. The applicant said they will comply with the watershed requirement for the eanes and watershed and they are asking for applications of the city code. I will go over this quickly as can, one to modify and the go

-- which will be the proposed district in this case, from 60 feet to 122 feet. They are proposed to exceed the

-- to allow for a cut and fill of 50 feet as opposed

-- a cut of 50 feet as opposed to current cut requirement of 4 feet, to allow fill up to 35 feet from an existing four feet, to increase the ratio of the slot on variety of slope categories to basically double them on each slope category, to modify the requirement that within 200 feet of the hill country run way and the modern zone that the height be limited to 40 feet. There is a proposal in this case to go to 122 feet. To allow construction on slopes to exceed the requirement and basically to allow construction of buildings on slopes exceeding 35 feet as well as parking garages that you see

-- sorry, 35%, as well as provide parking lots on slopes that exceed 35% and to allow interbasin transfer between two different watersheds for an area of up to 2-acres. With that, I am available for for any

questions and I believe we have a presentation from the applicant. I would see a question coming. I will try to answer first. With regard to the base district, in this case we wouldn't be talking about tier 3 requirement because it doesn't have a residential component so the affordable housing is not an issue but with regard to where the staff would consider the starting point, we consider it not to be 60 feet from the go district but consider it to be 40 feet because that's what is allowed in the hill country roadway, so that's the opinion going from 40 feet to proposed 122 feet.

[16:26:23]

>> Mayor Leffingwell: Still have a question?

>> Morrison: Yes, sir. So do you all have

-- do you feel

-- do you have an opinion on this case that you want to share.

>> I will say we don't have a pud yet but development assessment, going from 40 to 122 feet and 4 feet to 35 and 50 feet of cut and fill, as well as the construction on the slope, so those are all very serious issues. We do have concerns about them, especially with regard to the height on the property. I do have concerns about the superiority and the purchase of the fire station tract which is proposed, so I would say that we have had some pretty major issues to work through before we reach a staff recommendation.

>> Morrison: Thank you.

>> Mayor Leffingwell: Council member tovo.

>> Tovo: Mr. Rustoven, could we

-- could you clarify your position with regard to the superiority element of the fire station tract? Are you suggesting that

-- that that's not

-- doesn't weigh in heavily for superiority? Like for particular reasons, does the city plan on building a fire station there?

>> The area is a site that the city identified as a place for fire station. We have lost creek annexation coming up and a need for fire station there. The area has a flight area from lost creek and the fire truck from the potential station could access the light at 360 and lost creek boulevard to get out and make a left easily but the thing I am concerned about is that right now the offer

-- I am concerned about is right now they are allowing the city to purchase a site for a fire station which I think is always an opportunity available to the city. I might be interested in negotiating that a little bit further.

>> Tovo: So in terms of

-- there is quite a lot of, as you pointed out,

-- variance on not just proposed building height but also the fill and the building of slopes. I don't recall really seeing a recent case where we were talking about such an increase of cut and fill and this extent of slopes. This seems to be out of variance on what we typically allow?

[16:28:50]

>> Yes, it has been a while since I have seen this proposed.

>> Tovo: I am not clear on what

-- on what the superiority elements are that would mitigate this level of variance from our current zoning.

>> Of course we have assessment and prepare the report based upon what they are proposing. The next stage would be if they submit a pud, to negotiate that so the city, our staff would try to negotiate with the terms that be and try to reach an agreement. We haven't done that work yet because this is just an assessment but fiduciary concern that these are often in code and I think we have serious negotiating to do before we get to a staff recommendation but it's still early.

>> Tovo: And I guess I didn't phrase that clearly enough as a question. What are the superiority elements? I heard two star green building, the opportunity to purchase a tract for a fire station but

--

>> decrease in open space environment, moving it from loss cimas versus lost creek boulevard, increase in open space.

>> What is that.

>> A level 40% above that which is required of the code and I believe a portion of that because a good portion of the sites on the barton creek watershed is more than 15% impervious cover.

>> Tovo: So a lot of that space is not buildable with the current zoning.

>> Mostly, yes.

>> Tovo: All right. Thanks. Anythi anythi ng from the applicant?

>> Mayor and council members, I am steve drenner, on behalf of the applicant, cousins properties. I may let you get a little closer look at the site in particular that will show you this view of quaker ridge and what drew the planning for this site is ongoing set of discussions with the neighborhood that have led us to many decisions we've made. So we started meeting with the hoa leadership before doing the due diligence at the site. We also met at their request the city of austin real estate department, fire department, with regard to their request they have a site through here. We floated balloons showing building heights. We proposed alternative site plans, we are early still in the discussion process with the neighborhood. We certainly haven't reached a consensus with them but we are still having that discussion. The priorities, as we heard from the neighborhood, the number one priority was to take the traffic for the office development, they wanted all development off of lost creek boulevard. In order to do that we had to negotiate an easement to take the traffic to loss cimás, in addition to the driveway that runs from the office building back to las cimás is where you have the majority of the cut fill that's not right and the building. We have a preliminary read from the city staff, the environmental staff that in order to sink the garage

-- which is what we were asked to do by the neighborhood

-- that the area around the garage would not be

-- considered to be cut fill. That it would be part of the exemption that you have for having a building and not utilizing cut fill under the building. If that's the case, the cut fill numbers go way down and we are only talking about the cut fill along the driveway. The other issue that we really wanted to work on and what drives a lot of the issues is trying to move buildings away from the western border of the site closest to the neighborhood. That obviously pushes them a little closer to capital of texas highway. This is a bluff along there that has flat spots that are where the building would be located, closest to loop 360, which still would be almost 400 feet from loop 360, but it's not on the side of a hill. It's on a bluff, so it's a relatively flat spot on the bluff. To go the other direction would be pushing the buildings closer to the neighborhoods along quaker ridge. Parking structure was the third issue that we dealt with. We put the parking structure in between the buildings, rather than have those closer to the neighborhood, to frankly so that they wouldn't have a view of a parking structure, and that parking structure will then be a shared parking structure between the two buildings. Finally a fire station, what we originally proposed was a senior living facility. As mr. Rustoven said, the proposal is to allow the city to buy the site. Economically, we can't afford to just donate the site because we are losing revenue from senior living facility. But we have agreed if the city wants it for a fire station, we are amenable to becoming a fire station rather than a senior living facility. It started out adds a senior living facility due to the city's interest in the site, it would be a fire station. So let me stop there, given the hour. Happy to answer questions.

[16:35:05]

>> Mayor Leffingwell: Any questions? Council member morrison.

>> Morrison: So mr. Drenner, we are hearing serious concerns from the neighbors. So you said that you have been working with them. You floated balloons. How did they respond to the height that you are suggesting?

>> Well, we had a

-- we've had a presentation as recent as last week to the entire

-- to a large neighborhood group. We've shown some different alternatives for the building that would be closer to quaker ridge. We also have seen alternatives that would replace the building closest to them with a separate use. I think the response from the neighbors was, we'd like to think about it before we get back to you with the position.

>> Morrison: Did I hear you right? You said that you wouldn't have to do the cut and fill as extremely as you are suggesting, because 50 feet is

-- 35 and 50 feet is pretty extreme, if you didn't bury the garage as was requested by the neighbors. Did I hear that right?

>> Yes, the garage being buried, what we were concerned about was, in order to do the work

-- in order to drop the garage, you have to have a broader area than just where exactly the building is, so if we are

-- if the preliminary review turns to the

-- the answer that we got turns out to be the final answer, then we don't have to worry about the cut fill around the garage and then we would only be talking about the cut fill along the roadway that goes back to the las cimas boulevard. We can take the traffic to lost creek boulevard. We can do that without the type of cut fill that would be required to go to las cimas, we would save a lot of money because we wouldn't have to buy the easement in order to do that but that would be expressly against what we understood to be the neighborhood's wishes.

[16:37:14]

>> Morrison: Right. Okay. Thank you. So I guess I have a question for staff, if I would. So jerry, I think I also understand that there is also requests for variances or exemptions from the amount of construction on slopes, too, right.

>> Yes, two variations from that. One to change the hill country roadway requirements which is the ratio on slope and existing limitation is .5 for slopes less than 15%, the proposal to increase up to .25 and the fair limitation is.

-- Let's see, .25 on a building between 15 and 25 proposal so raise to .1. To go from .2 to .05 for 35-40% slopes, .1 but for the construction of slopes, the current code said a person cannot conduct a driveway with a slope more than 15% unless it provides access et cetera and they are allowing to do that with maximum of 35% and to do the same in a building in a parking structure so it would allow the slopes in excess of 35%.

>> Morrison: So it's pretty extreme. We are here sort of to

--

>> yes, it is the development assessment report. There is a briefing, and there is no vote required and if it is received, they are submitting a pud. That will be taken up on the next council.

>> Morrison: You don't think you can get it processed by december 11.

[16:39:23]

>> Morrison: I have a concern because this is zoned for sf-2, so going from some 20-foot office building is some extraordinary change which I question the appropriateness of so it's a complete shift in its use. When I go and look at the superiority, I am not sure

-- I guess I agree with you, mr. Rustoven, when you said that having an offer to sell the land to the city doesn't really seem like much of an offer

-- I mean, much of a superior element since we can always go out and buy land. I guess sometimes it's hard to find, and I also think the driveway to be superior because what it's saying is where they would expect under normal zoning to have sf-2 traffic possibly going on to lost creek boulevard, to say that, well, we are going to avoid dumping a whole bunch of office traffic on to lost creek boulevard is an avoidance of something that would be a very negative impact as opposed to a variance. Does that make sense? I don't know if it makes sense, but I would expect if there is going to be office there, that, yes, you wouldn't expect the traffic to be dumping traffic on to the residential traffic. I am really concerned about the cut and fill. I understand maybe technically it may not be called cut and fill of 35 and 50 feet. But the fact of the matter is, it is cut and fill of 35 and 50 feet and it's extraordinary impact to sensitive land as is the building on the slope, so independent of even whether it's got superior elements I have real concerns about it having really detrimental elements to it, too, in addition to it being inappropriate to put 100-foot office building next to the residential area. So those are my thoughts.

[16:41:48]

>> Riley: Mayor.

>> Mayor Leffingwell: And my thoughts are, what are we doing here basically? Since this council won't be doing any action on this. We are just receiving the briefing. Council member martinez.

>> Martinez: Yes, we have been talking to the neighbors as well and we don't have a speaker signed up tonight. But I would like to ask ms. Lamb, who we have been exchanging emails with if she can come up and share with us the process so far and the concerns that the neighbors are stem feeling about this potential case?

>> Thank you very much, council member martinez.

>> >>Male student: Introduce yourself.

>> Jennifer lamb and president of the lost creek neighborhood association. I appreciate you inviting us up for a few comments. I have a few notes if it's easier to read. I am nervous but I appreciate your comments as well.

>> Mayor Leffingwell: If you can confine to the questions that you are asked since this really isn't a public testimony period.

>> Okay. I understand. If you can repeat what the questions were, that would help me.

>> Martinez: Share with me your thoughts thusfar on the process leading up to now because mr. Turner mentioned that he had been meeting with you all and then the concerns you feel the neighbors still have with the potential project?

>> The lost creek neighborhood association has been patient and reasonable in this matter so far. We have been asking since march, the developer has just shown us the super imposed images of the proposed 5 and 7 story buildings, this past monday night, not last week, this is thursday and we saw them monday night. They did not give us advance notice there would be options presented. That's the first we heard of it, the board included, even though the board had been privy to these images last week and they have not made the electronic files accessible yet. Conveniently they are supposed to be accessible tomorrow after this briefing. This uncooperative approach limits our ability to get realities out to residents, the developers are paying lip service with the idea of working with us. Developers are approaching this as if they are negotiating down from a 5 and 7 stories as if they are somehow entitled to it. The land was properly zoned sf-2 and any rezoning in the future should weigh the effects of the development of the surrounding neighborhood character. We have made suggestions that may make the project more palatable to the residents, such as reducing setback and lowering height. The responses is the numbers don't work for us. Proposed pud would significantly impact the long-standing character of our neighborhood and this translates to lost dollars for us as well and then as far as where

we are where are with the current proposal. We just saw on monday night an option that we were told was viable. One option. The other option we weren't told was viable but they showed it to us so we aren't sure, and we aren't sure what to do with that information. I ask that we certainly get more time and more importantly, based on your comments, you ask them to maybe either go back to the drawing board or to go away.

[16:44:55]

[Laughter]. [Applause].

>> Mayor Leffingwell: Ma'am, we are not taking any action on this. This is just a briefing, which is a part of the process that you have to go through, and there will be plenty of opportunity for you to make those persuasive arguments along other bodies along the way as we go through the process but we will not vote on it.

>> Cole: Mayor.

>> Mayor Leffingwell: Mayor pro tem cole.

>> Cole: Ms. Lamb, I understand you wanted mocked up images or something from the developer. Can you describe what those are or what you are looking for?

>> Well, we just

-- let's say in march, they told us about the project and we did not tell them that traffic was the number one concern. That's what they heard. We asked for some sort of visual, not on paper that's a maybe, which is what we saw in march. We very clearly said the neighbors want to see what it's going to look like from the neighborhood. That was march 12th. Monday night the neighbors saw 3d

-- the super imposed images, and it was not for a look of trying on our part.

>> Cole: So you want to see those images again?

>> We saw them on monday but we have had no time to process. Not enough neighbors came. We didn't know what we were getting because we didn't have advance notice that it was going to have an option but not an acceptable option, it went from 7 and 5 to 7 and 4. You are still looking at the numbers and still looking at what they are requesting from the city as far as cut and fill height.

>> Cole: Okay. Thank you.

>> Mayor Leffingwell: Thank you.

>> Thank you.

>> Mayor Leffingwell: Item 176.

>> Number 176 is where staff is requesting a postponement of this meeting [read item number 176]

[16:47:02]

>> Mayor Leffingwell: Motion to postpone to december 11. Seconded by council member spelman. Vote say aye. Oppose say no. Passes on a vote of 7-0. 177.

>> Mayor and council, michael knox, economic and development department. Number 177 is a conduct a public hearing and consider an ordinance regarding the austin downtown public improvement district 2015 assessment roll and authorizing the levying of 2015. They approved the assessment and the 100-dollar evaluation and the proposed assessment role the hearing tonight will challenge property owners for assessment of individual properties. While in the public hearing, the council will accept approval and levying of assessments. I am happy to answer any questions. Otherwise ready for the public hearing.

>> I believe this is an item we got today. This funding chose to go to the daa, right?

>> That's right.

>> Morrison: And the question we got was about the appropriateness or the legality of taxpayer funds that is going to an organization that has political expenditures. I wonder if you can comment on that. Or if it's a legal question.

>> Mayor Leffingwell: I will let the city attorney comment on that. I don't think it's really our business, but ...

>> Morrison: Well, I think there is a question whether taxpayer funds can be used for political purposes.

[16:49:03]

>> Mayor, council member, we have a contract that we have under this particular ordinance for the pid, and that contract requires that they comply with all state and federal laws. We monitor that contract, but to the extent the letter that you receive whether or not the downtown austin alliance is in compliance with the provisions of the texas election code, we can't make that determination. We had talked to the gentleman

-- someone in my office has talked about the appropriate state agency for overseeing those provisions of the election code at the texas ethics commission. They have the jurisdiction of the state for hearing

those types of violations. There is a provision for filing complaints. There is a hearing provision. They have authority to issue civil funds or move forward for criminal prosecution. So I believe somebody in my office referred that person to the entity in texas that oversees that provision of the election code but right now according to the contract we have with the downtown austin association, they have met all of the requirements of that contract.

>> Morrison: So our contract doesn't address one way or another whether they will be engaging in political activity?

>> Our contract just says that they need to comply with all state and federal laws. That is a state law provision that the letter addresses under the election code.

>> Morrison: I see.

>> But we don't have the authority to enforce the election code, but, if, say, someone filed a complaint and there was some determination that they had violated that provision of the election code, then we could take action pursuant to the contract that we have.

>> Morrison: Thank you very much.

>> You are welcome.

>> Mayor Leffingwell: Okay. We have one speaker. Brian rogers.

[16:51:10]

>> Good evening, mayor and council, I have been digging through the documents through the downtown austin alliance and done open records requests and right now it is sitting over there at the attorney general's office to try to figure out whether or not they are going to grant our request to see how this pud money is being spent because the downtown alliance encompasses \$5 million worth of property and they collected 2.3 million last year. 99 percent of their funding comes from tax money. It is public money. They turned around and gave it to, let's go austin, \$440,000 of it. So essentially they are giving public money to a pac, a political action committee. Just because you all happen to be for let's go austin this election, the next election, the downtown austin alliance may not be on the same side as y'all. They are use public funds to support a measure, is what they did. So what I would say is why don't you amend the agreement? I have seen the agreement, if I am working from memory here but it doesn't say anything about

-- it says promoting downtown austin. It doesn't say anything about ballot initiatives. If it's c-4, I believe it could but this is using public money. As elected body, you should amend the agreement to say that the downtown austin alliance cannot use public money in any campaign contributions for or against any measure or candidate. And that would clear it up. That way the money that is taken involuntary from all

of those property owners who may not agree with the measure that was the let's go austin rail and who feel that their money is being spent on the promotion of downtown and here it is being used in a political campaign, so that's one thing I believe you should do is amend it and table it and number two is require that it be subject to the public information act because if it is public money, then we should understand how public money is being spent. It is our money, their money, the taxpayers, so for a little bit of sunshine, let's make sure that we can see that it's going to a good

-- for a good public purpose. Thank you.

[16:53:26]

[Applause].

>> Mayor Leffingwell: Those are all of the speakers that we have. So I entertain a motion to close the public hearing and action on the pid, authorizing the levying of 2015 assessments.

>> Cole: Move approval.

>> Mayor Leffingwell: Mayor pro tem cole moves approval

-- move to close public hearing and approve item 177.

>> Cole: Second.

>> Morrison: Second. Second ed by council member morrison and a question.

>> Morrison: Yes, can you tell us when the contract for daa comes around for approval?

>> It was just approved a year and a half ago and it is a ten year contract.

>> Morrison: Okay. Thank you.

>> Mayor Leffingwell: Those in favor say aye. Aye. Opposed say no. Passes on a vote of 7-0.

>> I will be brief, item 178 is essentially the same item but for the east 6th street public improvement district, again, a public hearing on the assessment and ordinance levying the assessments.

>> Mayor Leffingwell: No speakers signed up to speak. Entertain a motion.

>> Move approval to close public hearing.

>> Mayor Leffingwell: Spelman moves to close public hearing and approval.

>> Second by riley. All those in favor, say aye. Aye. Opposed say no? Passes on 7-0.

>> Item 179 is the same item but for south congress public improvement district.

>> Mayor Leffingwell: No speakers signed up.

>> Move public hearing and move approval.

>> Mayor Leffingwell: Motion by council member spelman. Second by council member riley to close public hearing and approve the ordinance. All those in favor, say aye. Aye. Opposed say no. Passes on all three readings on a vote of 7-0. Item 180.

[16:55:32]

>> Cole: One speaker.

>> Mayor Leffingwell: Well, we have any staff presentation on this? If not ... We will go to our speaker, david king. 180, schedule of fees, fines and other charges.

>> [Indiscernible - no mic].

>> Thank you, mayor, mayor pro tem, council members. I just wanted to comment on the water rates that I am hopeful that the rates consider that the low and moderate income families have been deeming with stagnant and falling incomes for the past decade and so I hope the rates are set with that in mind and that there is money available to help them pay these

-- their utility bills, and that we work with them to be able to afford these

-- the water utility and other utility rate bills. Thank you very much.

>> Mayor Leffingwell: Okay. Entertain a motion.

>> Tovo: Mayor.

>> Mayor Leffingwell: Council member tovo.

>> Tovo: I would like to move approval of this item.

>> Mayor Leffingwell: Council member tovo moves to close public hearing and approve the ordinance. Seconded by council member morrison.

>> Tovo: I want to say a couple of things about it.

>> Mayor Leffingwell: Council member tovo.

>> Tovo: We had a discussion about this at our council budget session and it was on the day we were approving it but I had asked the staff to look at some different options and they had responded with the plan that's before us here today, in addition to another one, and I think

-- I would

-- we also directed the staff, although the council moved forward in adopting a different rate structure, we did agree to ask our joint water use task force to look at

-- to look at the rate structure and to consider it and to see whether it would be a better option for ratepayers and I am just really grateful to them for reconvening, for reviewing the two different options that staff had prepared in recombining to us in the

-- recommending to us on the plan today which is much less impactful on the water users. I think this is a rate structure that makes really good sense, unlike the one that was adopted during the budget process, this one is more mindful of our low

-- low water users and increases it as the water use increases down the road

-- down the spectrum for ratepayers so I am really pleased to have this before us. Thanks again for the staff and community members for looking at it really quickly and returning this recommendation to us.

[16:58:27]

>> Spelman: Mayor.

>> Mayor Leffingwell: Council member Spelman.

>> Spelman: I see David Anders here and I would like to ask him a question to use reassurance on this issue. This is making our already tiered residential rates more tiered. The low end is becoming lower. The high end is becoming higher. One of the things that we have been talking about the last few years are people are going to respond to increases and decreases in rates. I wondered if this is

-- if this particular class of set of decreases and increases could, in your opinion, reasonably lead to lower total revenues for the utility and is there a possibility this will make it more difficult for the utility to recoup its losses and be able to make good on its debts.

>> David Anders assistant director for Austin Water. When we went back to joint committee, we looked at two options. One thing the rates for the volume rates, and one on the tiered fixed fee. What we recommended and what the joint committee recommended was to implement a wider spread on the tiered fixed fee, so instead of only going up to about \$13, it goes up to over maybe \$27, so that additional spread is less volatile than in the volume rates because we have tier 4 and tier 5 at that same level, so as people are incentivized to conserve in the fourth and fifth block, it is less volatile because

even if they go from fifth block to fourth block, they are still paying the same amount so there is additional incentive to continue as we go forward. So the tiered fixed fees are much less volatile and we supported the joint committee's recommendation.

>> Spelman: Thank you very much. Appreciate that.

[17:00:34]

>> I also recall, maybe it was in some of your memos to us or something, that what we're adopting really had been contemplated by you all in conversation with the committee, but this was just moving up the schedule for getting to this point.

>> That is correct. The joint committee in its may recommendations of earlier this year had recommended that in 2016 rates, that this greater spread within the tiered if I fixed fee would be implemented. And they moved that up to this year to help offset some of the impacts of this year's higher rate increase, where hopefully we expect next year's rate increase to be a little bit lower. And it wouldn't give as much of a benefit next year as they would this year.

>> Got it. It's good to know this is all sort of in the same framework that we had been working on. Thank you.

>> Mayor Leffingwell: Those in favor of the motion, say aye. Opposed, say no.

>> No.

>> Mayor Leffingwell: It passes on a vote of 6 to 1 with myself voting no. 181.

>> Mayor and council, item 181 is to conduct a public hearing and consider an ordinance amending city code title 25 relating the regulation of fence height. The current city code limits height to fences to a height of six feet. However, there's an exception if you have a residential property that abuts a property that is either zoned or used for industrial or commercial use, it allows the fence site to go up to eight feet. This madam would allow the same eight feet of height for residential property that abuts

-- has an alley between it and a commercial and residential use. So right now the commercial use and the residential use have to touch in order to do an eight-foot fence. This would allow an eight-foot fence, even if there is an alley in between the residential and the commercial use. I'll take any questions.

[17:02:35]

>> Mayor Leffingwell: Council member morrison.

>> Martinez: Jerry, when you say allow, currently we can build up to an eight-foot fence if you get an adjacent property's permission. This wouldn't require that, it would simply allow you by right, if there was a council member property across an alley from you?

>> Yes.

>> Martinez: Thank you. I move approval, mayor.

>> Mayor Leffingwell: No speakers signed up. Council member martinez moves to close the public hearing and approve. Council member spelman seconds. All those in favor, say aye. Opposed, no. Passes on a vote of 7 to 0. 182.

>> Item 182 is conduct a public hearing and consider an ordinance on second and third readings a amending city code title 25 related to development of multifamily units that are 500 square feet or less. This is sometimes known as the micro unit item. If you recall, city council approved on first reading a recommendation or I'm sorry, a code amendment that stated that for multifamily unit less than 500 square feet, located in a future transit corridor, they comply with a requirement at 50% median family income, the requirements or density limitation, and requirements are zero. That pad on first reading. We had a second and third reading at the last city council meeting. There was no action taken, and the item was put on this meeting. Any questions?

>> Riley: Yeah. I'll make the same motion I made last time, which was a tied vote of 3 to 3. The motion was to approve this item on second reading only, with the following items

-- following amendments to be brought back for third reading. First, change the affordability threshold for home ownership units to 80% median family income. Second, require that parking spaces be leased separately from dwelling units. Third, require the first floor

-- require first floor retail, if it would otherwise be required. Fourth, exempt three-bedroom units from site area requirements. And lastly, direct staff to monitor parking around projects built without parking to determine if expedited residential permit parking is warranted. And I would just note that with regard to the fourth item about exempting three-bedroom units from site area requirements, that will require an adjustment of posting language, so I hope if this passes, when it comes back for third reading, we would need to have slightly modified posting language so we could approve that on third reading.

[17:05:31]

>> Mayor Leffingwell: So we do have the speakers. So we have to go through. Normally we do that before we take a motion.

>> Riley: We do have a speaker? I didn't realize we had speakers.

>> Mayor Leffingwell: That's okay. So your motion is to close the public hearing and approve on second reading only with five additional conditions to be looked at on third reading.

>> Riley: That's right.

>> Mayor Leffingwell: Is there a second? Seconded by council member spelman. Now we go to our speakers. You can always change your mind if you need to. Stewart hirsch.

>> Members of the council, my name is stewart harry hirsch. Like most, I rent. There are over 400,000 of us who rent and less than that who own. I've been attending the this item, I haven't heard a renter who oppose this. Homeowners have. Our affordability issues are now featured in alburnberg business week. Income growth has been tepid, making homes unaffordable for average earners. To be mentioned, in affordability with new york, as austin, horrifies me. And my humble suggestion is, this past summer when this article was written in bloomberg business week, council passed on the recommendation of the planning commission and city staff ordinance that kept us a renters from living unrelated in single-family homes in the numbers we have been living for years. So we've got to go somewhere. And people don't want us to go to garage apartments, and people don't want us to go to micro-units, and where the heck are we going to go if we wait till code next? And the housing market study has clearly said we can't wait till code next to solve this problem because every piece of vacant land and redevelopment land that gets done without this ordinance will not create affordability standards because they're not required under current code. So, when you listen to other speakers tonight. Who erge you to take a more deliberate approach. To wait for code next and all of that. I'm telling you as a renter and I'm realitively affulant compared to other renters in this town. That we feel an immediate sense that our rents go to a certain point we have no where to go.

Because the options that existed six months ago have gone away. So I'm urging you to approve this on second and third reading tonight. I would suggust humbly a change to the parking requirement to address the ligitament concerns.

oh, sorry.

I'm available to answer a question on that if you have one.

>> Mayor Leffingwell: David King?

Council Member Riley.

>> Riley: I would like to hear that suggestion about parking.

>> My suggestion is, we go to 0.25, which is what we have in congregate living, because people with support services need one parking space for every four bedrooms and with the separation that is being proposed on the rental rates versus the parking, that will address some of the legitimate neighborhood

concerns about traffic overflow. So changing from 0 to 0.25 will come a long way toward addressing concerns.

>> Mayor Leffingwell: Okay.

David king, Joyce Paciano.

You have up to six minutes.

>> I'm not going to need that six minutes.

You know, it's not true that because we're speaking out against about this amendment, that we're against micro units.

They can already be built in the city.

All we're asking is that these proposed amendments, this proposed ordinance be changed a little bit.

And the fact is that the micro unit does not guarantee more affordability, and in Seattle where they relaxed the rules for micro units, they had a backlash because there were parking issues.

Just as we're saying today.

And it's a campaign issue in the City Council elections in Seattle this year, because of this backlash.

And there is not affordability.

The housing folks there in Seattle have come out on the record and say that does not make the housing more affordable to have more micro units.

You cannot say that.

So we're not against micro units, we're just saying let's be realistic about this, let's understand how it's going to impact our neighborhoods and let's not take it to the extreme here in relaxing these the rules on micro units.

The planning commission voted 6 to 1 to 1 against the micro units ordinance, and they said it would be best to let code next look at this, in a comprehensive, citywide perspective.

Not just me, not just some residents here, the planning commission.

And so what I would ask that you do is to let this go through the code next process.

Let's let it have a good, comprehensive review.

And if you're going to take action on it, don't reduce the parking requirements and create a problem that we'll have to come back and fix later on.

And the other thing is, if you're going to pass this, put a restriction so they can't be used as type 2 or type 3 short term rentals.

A short term rental does not create affordability, and it takes housing off the market that could otherwise be used for folks who are looking for apartments.

Thank you very much.

[Applause]

>> Mayor Leffingwell: Eric Goth.

Is Eric Goth here?

Okay, is Amy Hartman?

>> No.

>> Mayor Leffingwell: Shaun brown?

>> No.

>> Mayor Leffingwell: Alicia Haggerton.

>> No.

>> Mayor Leffingwell: You have three minutes.

>> All right.

Thank you, council members, mayor, Mayor Pro Tem.

I appreciate you working on this issue.

I'm a member of aura.

Aura believes that we do need more housing units of all kinds, that includes micro units, and we want people to be able to live without cars if they choose to do so.

So decoupling the renting the space to sleep from the space to park your car is a good idea.

It will also provide some real data on the value of that parking space, too.

If there's nowhere to park, then they might be able to charge more rent for that, which could, you know, be a piece of data that future councils could use in discussions on parking policy.

So decoupling that is a good idea.

I would encourage you to allow that these micro units that are on corridors to have low parking requirements because many people do live without cars.

There are a number of people in our organization that do live without cars or drive only when necessary, and we have plenty of bus riders that never get in a car unless it's in a friend's car or a TMC or a cab.

So please allow people to not be required to rent a parking place if they don't want one and it would go to just a landlord.

So with that, I appreciate your time.

Thank you.

>> Mayor Leffingwell: Cory brown?

Is Cory brown here?

>> No.

>> Mayor Leffingwell: All right.

Those are all the speakers that we have on this item.

We already have a motion on the table.

Council Member Spelman.

>> Spelman: I seconded the motion in part because I think it's generally a good idea, and I think because it is much improved with the amendments that were offered the last time out, but I am persuaded, in fact I was persuaded before this meeting, that some parking allowance was probably a good idea, and 0.25 sounds like a good number to set it out.

I wonder if the maker of the motion would consider adding that to the list of motions to be prepared for the third reading.

>> Mayor Leffingwell: Council Member Riley.

>> Riley: It would not be my choice but given the vote we had last time, I would be willing to accept that for purposes of third reading.

>> I appreciate it very much.

>> Mayor Leffingwell: Okay.

So the amendment is modified to include six proposed amendments for third reading.

All those in favor, say aye.

>> Aye.

>> opposed, say no.

>> No.

>> Mayor Leffingwell: I believe it was only two nos, with Council Member Tovo and Morrison voting no.

That passes on second reading.

So now we go back to item 92, which has about an hour and 15 minutes of public testimony.

I'd like to ask if the speakers would be willing to limit themselves to 30 minutes a side, and there is only one side, so Council Member Martinez.

>> Martinez: I've received word I think they're down to three speakers; if we just let them have three speakers, they'd be done.

>> Mayor Leffingwell: If I could get a list of those three, otherwise, I will just go down the list and read everybody's name, and if you're one of the three, you can come up.

Okay.

Ellen Jefferson.

And do you need more than three minutes?

>> No.

>> Mayor Leffingwell: Okay.

>> And I believe that we only have I saw rusty Talley and Ryan Clinton speaking, as far as I know.

>> Mayor Leffingwell: Thank you.

>> First I just wanted to thank Mike Martinez for sponsoring this and Laura and Chris for co sponsoring.

I wanted to back up just a tiny bit and point out why this is so important to us.

We have Austin has become the largest no kill city in the country, and the reason it has become that is because largely because of the programs that Austin pets alive has created for the most at risk animals that come into the shelter.

There's not any other city of this size that is doing what we're doing, and in getting to no kill, because they don't have these programs.

And protecting these programs so that they can continue to save the most at risk animals is is critical for our success.

That is the orphan kittens, puppies with Parvo virus, ringworm cats, and cats with feline leukemia.

All of those, if we don't have a facility, those are animals that use the facility at Town Lake, and if we don't have a facility for those programs, then they they're not going to be saved.

So that's why this is critical.

The extension will help keep us no kill, and is not it doesn't strengthen or weaken the chances of us being there forever.

It's just preventing us from going backwards with our no kill resolution.

And so we respectfully ask for you to support that.

The only other thing I'd like to do, and I sent an e mail earlier, is that I noticed in the backup materials for this item, there was a Q and A, and I think there was some confusion between the question and the answer, but the question was: Do we house animals from outside the five county area at Town Lake.

And our our license agreement does not show us to do that.

We don't do that.

We've never done that.

That's not part of what we do.

So the answer that we bring in animals from other communities, we do that, and they go to foster homes and they go to our other facilities, but they never stay at Town Lake animal center, and we're very, very strict on that rule.

So I just wanted to clear that up and make sure if there were any other questions that there is an opportunity to ask them.

>> Mayor Leffingwell: You do accept animals within the five County area?

>> Yes.

>> Mayor Leffingwell: That would be Williamson, Travis, Hays, Bastrop.

>> Caldwell.

>> Mayor Leffingwell: Caldwell?

>> Yes.

And 80 to 90% of the animals at Town Lake are from the City of Austin alone.

So we reserve most of Town Lake for the City of Austin.

>> Mayor Leffingwell: Thank you.

Next speaker is rusty Talley.

>> Mayor, Mayor Pro Tem, council members, thank you for allowing us to be here.

I'm rusty Talley.

I'm chairman of Austin pets alive, and I'm here to ask for your support on our lease extension.

The council previously voted 7 0 to be a part for APA to be a part of the Lamar beach master plan.

The process is not scheduled to be completed until late 2015.

Parks is only just recently awarded the contract on the feasibility study, which is just the very first part of the process.

Once the master plan is finished, it will start public hearing process, council vetting, and the vote, which takes us well into 2016 or later.

Our lease expires on May of 2015, so we must have an extension to provide operations until we see where the master plan will take us.

As I've stated, this process is likely to take two years, so, thus, we've requested a two year extension with some options in case it drags on beyond that.

Once we have a decision with the master plan, we're going to have to design and permit for our future project, whether it's at Lamar beach or whether we're having to go somewhere else.

We can't do any of this prior to the master plan being completed because we're in limbo.

So we need to stay in the location that we are.

We've been good neighbors to the stakeholders who are there, and we're going to continue to be good neighbors.

If we could not continue operations at Tlac and had to shut down, the city would no longer be no kill, as it would probably drop to at least a 20% kill rate overnight.

The city does not have the budget or the programs to do what we do.

We have a \$2 million operating budget that we use to do the city's work and be basically the city's shelter and help them fulfill their mission.

This would then fall on the city if something happened to us.

The city also has a commitment to continue to operate an adoption center on Town Lake.

We can fulfill that obligation for the city, as well, at no cost, and this alone is an excellent reason for an extension.

The October culture map article named Austin the third most influential city in the United States, according to a survey of the mayors, and it cites the no kill policy in Austin as actually the first reason that they cited for the award.

This extension allows us to continue to operate as a partner with the city until the master plan is solidified, so we respectfully request that you approve the lease extension.

Thank you very much.

>> Mayor Leffingwell: Ryan Clinton.

>> Before I begin, I'd be remiss to not acknowledge that this may be the last time that many of you have to deal with this issue.

And so I would like to take a moment and hope that you guys will join me and thank each of you for putting us where we are today.

Without you, we would not be the city on the hill that we are, as far as no kill in Austin, so thank you very, very much.

[Applause]

Today is a mere baby step along the path that you have already repeatedly paved.

Keeping the status quo, at the same time, we plan for the future.

Also, this extension gives Austin pets alive the opportunity to improve the conditions for animals at the shelter because the current contract does not allow it.

And that's a good outcome for both the citizens and the shelter pets, because it does give no tax consequences to the citizens.

When pets alive asks the community for help, the community delivers.

You may have recently seen on the news where the community came and repaired the heaters at Austin pets alive at no cost to the taxpayers.

Cracks has been sealed and painted and repaired.

There's even been an offer to repair the roof at the facility, at no cost to the taxpayers.

These and others are among the things that the city gets for free, that the city doesn't have budgeted for, and won't have to budget for if we extend the license as currently contemplated by this motion.

Speaking of the community, I also wanted to point out that the community in which the shelter currently is has repeatedly voted in favor of keeping the shelter where it is, and has repeatedly voted in favor of Austin pets alive running the shelter.

In conclusion, we are incredibly thankful for the decisions this council and each of you have made on this issue.

We're incredibly thankful for the path that you have paved, for the enforcement actions you have taken to make this happen, and we simply ask that you vote today to stay the course, to keep Austin's pets alive, to keep Austin no kill.

You have given us your faith in the past, and we ask you to do it one more time today.

Thank you.

[Applause]

>> Mayor Leffingwell: By agreement, those are all the speakers.

Council Member Martinez.

>> Martinez: Thank you, mayor.

I want to move for approval of this item and hopefully get a second.

I'll make some comments.

>> I'll second it.

>> Mayor Leffingwell: Motion by Council Member Martinez to approve and was that you Council Member Riley seconds.

>> Martinez: I just want to briefly state that how important a partner APA is and since 2011, taking over 8,000 animals from our animal shelter, doing everything you can to adopt them out, these aren't just pretty puppies in the window, we're talking about puppies animals that are sick and ill, Parvo puppies and bottle baby kittens, it's not just like taking animals and getting them adopted, you're nurturing them back to health and I couldn't think of a better partner.

But I want to be very clear this item allows them the stability we need as a community for the APA to exist.

There's a complete and full understanding the master plan process will move forward next year and the current site will come down, including any improvements made under this agreement. I also want to thank those community members who offered to make

those improvements but we understand that the old TLAC site has outlived itself. And it's time for a new adoption center

on Lamar Beach and that's what will come out of the master plan process. Austin Pets Alive happens to be the organization

that remains there. That's going to be a future council's decision. That's going to be through the master planning process.

I want to thank them for all the support that they have given the City of Austin and all the animals here in Austin.

I'll be supporting the item.

>> Mayor Leffingwell: Any other comments?

Is Abigail Smith the shelter director still on. So we discussed this a little bit in the work session on tuesday.

What is your recommendation on this ordinance?

>> I think the most important thing from the animal services point of view is that that facility be brought into compliance with state minimum standards for the health of the animals.

You know, the agreement does allow for repairs.

It requests permission, but I think the common the common understanding was, we weren't going to be there long enough to put good money after bad.

And as Council Member Martinez stated, everybody knows that building has to come down; no one is saying otherwise.

But if for any amount of time that this is going to be extended, we're going to need to see that it gets brought to a safe condition.

The building is so bad the city is moving out, so I think it's a conflict for us to turn around and be compelled to send thousands of animals back to the place that wasn't healthy enough by state standards for us to put our own animals there.

So we're going to need to see those improvements.

I'm concerned about the resources necessary to achieve those.

>>Mayor Leffingwell:

It was my understanding at the work session that you felt like this additional extension for two years.

With 3 additional one year extensions was too much and we had discussed the possibility on extended for an additional six months. Do you have time to finalize the other master plans in that general areas? Did I misunderstand that?

>> I think there were several of us involved in this process so not only is this about the relationship of the city and Austin pets alive and my concern about the condition of the facility, it's also about the

timeline and all the other stakeholders involved in that master plan, pressler street extinction and things tied to it.

I think the timeline discussion was about pressler, was about the master plan and those things, and I think there are other staff here that might be able to speak to it better.

I think it's not unreasonable to stay the course, but I think if you're asking us to continue to put animals in a facility

that is complete disrepair we are going to have a problem with that.

>> Mayor Leffingwell: The shorter extension would be preferred so we can complete the other master plans and deal with those issues you just described.

>> Unless the facility can be brought into compliance with local code and state standards.

>> Mayor Leffingwell: So I have this memo from you dated November 19th, where you suggest changes to part 1, Section 8, of the ordinance to ensure the safe facility, and adding the words well, it says payers will, instead of may, and adding the sentence at the end that say these repairs must be in compliance with the Texas health and safety code and Texas Administrative Code.

Is that correct?

>> Yes.

>> Mayor Leffingwell: First I would like to offer that as a friendly amendment, to the maker and second.

>> That was the whole point of the inspection that recently took place?

>> That is the purpose of the existing license agreement.

However, the facility is not in compliance with state with local code or state minimum health standards present.

>> On the city's side or on Austin pets side?

>> The entire facility.

>> I'm fine with that language, mayor.

I think they understand they have to meet certain standards and they're willing to raise the money and make the repairs necessary to do it.

>> Mayor Leffingwell: Council Member Riley.

>> Mayor Leffingwell: I doubt if this is going to be too friendly, but I'm going to offer as a friendly amendment we change part 2 to extend the term through December 2015 instead of the existing language for two years.

Well, I guess I would offer it as an amendment.

I doubt if I'll get a second.

<<Council member Spelman: Mayor.

Council Member Spelman.

>> Spelman: Would you be willing to extend the term for one full year?

>> Mayor Leffingwell: I would consider that a compromise, yes.

>> Spelman: I'll second that motion.

>> Mayor Leffingwell: All right.

So the proposed amendment is to extend it for one year, so that would be roughly 2016, mid 2016.

Any further discussion on that?

All in favor say aye?

Opposed?

That fails on a vote 2 5 with Council Member Riley, Martinez, Tovo voting no.

That put us back to the main motion.

Those in favor of the motion, say aye.

Opposed, no.

No.

That passes on all three readings on a vote of 5 to 2 with myself and Council Member Spelman voting no.

[Applause]

>> Mayor Leffingwell: Okay. We're going to address 145, 146, and 147 together. Can I respectfully suggest, I know you're enthusiastic about this, that we cut down on the whooping and restrict ourselves to clapping as a show of approval. And we have, by previous agreement, 30 minutes per side, and I will keep track of that time. Do you have something you want to

-- go ahead.

[17:32:36]

>> I wanted the presentation.

>> Mayor item 145, npa 2014-0016.02, springdale farm, property located 7055, springdale road, the proposal is to change the future land use map designation in the govalle neighborhood plan from single-family to mixed use. The staff recommendation is to grant the change, the planning commission recommendation was to deny the change. Item 146, the requested zoning is from cm mu comp, to change the condition of zoning, I'll get into more detail on that in a moment. Item 147, case c 14-99-2061, rct, springdale farm, property located 755 springdale road. This is a proposal to terminate a restricted covenant. The staff recommendation to terminate the covenant, the planning commission recommendation is the same. I will first address the zoning case, or I guess I'll do all three together. 19

-- I believe it was 1999, this property by glenn and paula foore, were in a small business loan program, opened a business, the property was rezoned from li sf 3 to the existing cs mu zoning, followed later with the neighborhood plan. At that time the applicant agreed to a restricted covenant that said if the existing landscape business recedes, they they would not oppose a zoning back to the original zoning. The rct would terminate that restricted covenant. This is what we commonly call a roll back covenant, however in this case it is actually a rollup since li zoning is more intense than the existing cs zoning. To my knowledge, neither those in favor or opposed here today to the larger question of the urban farm want to see the property rezoned the li, so for that reason, we recommend the termination of the restricted covenant. However, we're ready for first reading only on items on the neighborhood plan amendment and the zoning case, so we would recommend that we actually postpone item 147 if we have a first reading motion today to december 11th, but we and the staff and the planning commission are in agreement to terminate the restricted covenant because we believe li zoning is inappropriate. With regard to the zoning case, if you remember, last year the city council approved the urban farm ordinance after about nine months' worth of stakeholder meetings and discussions. By the time we did the urban farm ordinance, there was a proposal to do what was called urban farms with events. The city council did not recommend that we create a new land use called urban farm with events, rather they recommended that for urban farms zoned single-family, they be limited to six events per year, through the temporary use process, they be allowed even though they have single-family zoning to go ahead and have events over 50 people and to have commercial type events. At that time, the situation in springdale farm, which is somewhat different than all the other urban farms was discussed because springdale farms has commercial zoning so there was talk at that time about springdale farms coming in for a conditional use permit for what's called outdoor entertainment to allow them to have weddings and types of events that had been occurring on the site for many years. So that I actually remember that the ordinance did not take effect until march of this year, with the intention of giving springdale farms a chance to come in for a cup and be in compliance that way before the ordinance took effect. When the applicant went looking into the possibility of pulling its cup, it was discovered there was a conditional overlay put on the property. There was part of the zoning ordinance that was done with the neighborhood plan, and that that

-- at that time, there were about 50 uses prohibited on this property, not just this property but basically all the properties zoned cs within the neighborhood, and one of those prohibited uses was outdoor entertainment. So they could not apply for a cup because the zoning did not allow them to do so. So the purpose of the zoning case today is to change that conditional overlay and to make outdoor entertainment once again a conditional use to allow for the events to occur. That would have to go through a separate process, the conditional use permit process. So for that reason, or anyway, the staff recommendation is to grant the request with the following conditions, to rezone the property csmu co with the following conditions, limited to 2000 trips a day, the following be removed from the land use list, that being outdoor entertainment, the following uses be added to the list of prohibited uses, alternative financial services, bail bond services, storage and dispatch, and guidance services, with approximately 50 land uses restricted in the neighborhood plan, remain prohibited with the exception of outdoor entertainment, of course, keep the hours friday saturday, 10:00 to 11:00, sunday and thursday, 11:00 a.M. To 10:00 p.M., That no outdoor entertainment events shall occur within 80 feet of any zoned or single-family use residential, and that the maximum number of outdoor entertainments event be limited to 30 per year. The planning commission recommendation was to improve the staff recommendation with the following modifications, that there not be a arithmetictation on number of events per year, but rather that condition be something that is discussed with the conditional use permit process, which is entirely allowed, and that no events, including setups, shall occur before 3:00 p.M. On school days, and that the limited to 75 decibels mum maximum. That was the the planning commission. With regard to

--

[17:38:36]

>> Mayor Leffingwell: Reiterate the staff on that condition only, what was the number of events recommended by the staff?

>> The staff recommended 30.

>> On 30. 30 per year.

>> Otherwise, the two recommendations are the same. Is that correct? 30 per year and pc also said nothing before 3:00 p.M. On school days, they also set 75 decibels at the property line. So 30 events is the most important, though. With regard to the neighborhood plan, the staff did tell the applicant back in february when they made this discovery about the conditional overlay restriction, they needed a plan amendment because now the neighborhood plan designation, the form designation is single-family, and because we are proposing to change the co, outdoor entertainment, to commercial use, we change from single-family to mixed use. There is opposition to that from the neighborhood, from some in the neighborhood. At the time that we went to the planning commission, we had kind of a further

discussion about that I was asked at the planning commission meeting, is it an absolute necessity to change the neighborhood plan in order for the zoning case to go through? I offered my opinion that it is not, that the neighborhood plan is an advisory document, it makes recommendations as to what the future land use should be, but does not preclude a zoning change from occurring. It is still the staff recommendation that the neighborhood plan be changed. We think it would be a good policy as well as make sense, because we are adding a commercial use. However, the planning commission recommended that we leave the neighborhood plan to say single-family because it is the future land use map, and we are not changing the zoning. The zoning has changed from cs to cs but we're changing a condition of the zoning so staff does not feel it is an absolute necessity to change the neighborhood plan. However, we still feel it is a good idea. With that I'm available for any questions.

>> Just to reiterate, all this is ready for first reading only, these three items?

>> The plan amendment, 140

-- the neighborhood plan amendment, 145 and 146 are ready for first reading. We recommend we postpone 137, that's a restricted covenant, we could bring that back at the time of second and third readings which we're planning to doing december 11th. We could bring that back, that would need just a single reading.

[17:40:58]

>> Okay. Questions? Council member tovo.

>> Tovo: Quick ones before we hear the speakers, can you tell me why the staff recommended setting an event limit through the zoning rather than the cup?

>> It really could be done at either time, we just felt that perhaps it would be best to lay out some of the broad parameters right now, with the zoning ordinance, and we would work out more detail with the cup. However, it's possible to do it either way. The planning commission felt that

-- since planning commission is the body that will be considering the cup and will have more detail at the time we do the cup, we'll have natural site plan and more things clarified at the time, they felt that is something they would rather handle at the time of the cup rather than the zoning case.

>> Tovo: I think you've answered the second question, more or less, that I had. If there is a limit, if there's an event limit in the zoning, and then the cup was more restrictive, is that possible?

>> Yes.

>> So a cup can modify the zoning, any limits of the zoning.

>> Yes. The zoning would say no more than 30. The cup could further strict restrict it.

>> Tovo: I should know the answer to this, but I don't. Can cups be reevaluated.

>> Cups can be appealed to the city council, by an aggrieved party.

>> That's, though, immediately after the decision; right?

>> Correct.

>> Tovo: So can they be appealed a year or two later?

>> I believe not.

>> Tovo: So the only remedy a group would have would be to say that they're out of compliance with their cup.

>> Correct.

>> Tovo: But they can't say planning commission, we think you should renegotiate the terms of the cup.

>> That's correct. The only thing I think that could happen is there could be a city initiated rezoning case that could change one of the conditions of the zoning. That, of course, may be opposed by the property owner, may need a majority to override it. Once the cup is approved, whether it's appealed or not, that's pretty much it for the site plan.

[17:43:04]

>> Tovo: And the city can initiate a change to the cup. It could only initiate a change to the zoning.

>> To the zoning, yes.

>> Tovo: Okay. Thanks.

>> Mayor Leffingwell: Council member morrison.

>> Morrison: It's funny that should come up because I remember when that idea came up before and that was when we were talking about urban farms and would there be some way to have sort of a time limited cup. And the answer was, not really. So that's not

-- but I do have a question for you, jerry. So this would add outdoor entertainment as an allowable use.

>> As a conditional use.

>> As a conditional use. But right now, urban farm is a use that they have on this property. If they get outdoor entertainment, what about the urban farm use, technically in the code, are they accessing?

>> Most specifically, the part is it allows them to raise crops on the property and sell those crops.

>> And sell them. Okay. But there's cs. Do they need

-- do they need that to be able to sell crops?

>> The urban farm is permitted in cs zoning. They have cs zoning.

>> Morrison: Right.

>> The urban farm on the property requires all the things we worked on last year. What's different is, if they want an urban farm, the only other thing they could be doing similar to what they're doing is crop production, which is a farm, and not an urban farm, but a farm, and that is only allowed in the ag zoning category. As a side note, I learned that a bill has been prefiled in the legislature that actually overwrites city zoning and allows that in every zoning district, but we'll have to see if that bill passes or not.

>> Morrison: Interesting. So it's about the actual growing for more than yourself.

>> Exactly.

>> Morrison: Okay.

>> And they do have their, what we call certificate of compliance for an urban farm. That is something that we

-- it took us a little while to work through this year after you all passed the ordinance on how to do it, but Springdale and about four other farms do have the certificate of compliance at this time.

[17:45:13]

>> Morrison: Okay. And actually, any of those urban farms can get six temporary use permits for events during any given year.

>> Correct. All the others are zoned single-family.

>> Morrison: So are you saying that six limit is somehow tied to single-family?

>> No. What I'm saying, normally in single-family you could not pull a cup for those type of events but an exception was made in the ordinance last year that allows urban farms to do that, even though single-family, but only for six times a year.

>> Morrison: Okay. And can temporary events be pulled on commercial property?

>> They could.

>> Morrison: Any number of them? So why

--

>> I would say, in this particular instance, even though they're zoned commercial, because they are an urban farm, that is land use that not to receive the outdoor entertainment as permitted conditional use, they would still be limited to the six times per year because they're an urban farm.

>> Morrison: Although there could be conflicts in the code that would suggest they could do more?

>> Yes. But I think the fact they're an urban farm would kind of trump that.

>> Morrison: Okay. Thank you.

>> Mayor Leffingwell: So we're going to go to public comment period, and when we restrict the time like this, we often grant considerable latitude, which we're doing in this case. The times will vary, but they all add to 30 minutes in the end. First speaker is paula ford for five minutes.

>> I'm paula foore with springdale farm. If anyone is still here for springdale farm, would you quietly

-- in about five minutes, tomorrow will be our one-year anniversary, you and me and urban farms. Who knew? And at the end of that day, what was your intent for springdale farm? Yesterday we hosted a group of mayors and city council members from around the country here for the national league of cities conference. We did what we do, we gave them a farm tour and we fed them farm to table bites, prepared by local chef. It was well attended, and of course we loved that they wish they had a place like springdale farm back in their cities, even with full disclosure of our activity. We are asking today to amend the conditional overlay to allow outdoor entertainment but we're not asking to grow a

-- we want to preserve urban farms. They're vitally important in our food culture and education. It's a third place, a place we can connect with nature and break bread together. Urban farms are nothing, though, if not community oriented. But I can tell you that keeping it going is kind of like keeping three basketballs under water. There are challenges. It can be a struggle to find the balance that makes it work. It makes me nervous when staff talks about outdoor entertainment and big, broad sweeping motions that encompass every gathering on the farm. In the urban farm ordinance, single-family zoned farms were told they may have six non-educational events of more than 40 people by applying for temporary use permits. We all thought that meant events under 50 were not limited and did not require a permit, and small events are not included in the number of event that we asked for. So when less than 50 people gather on the farm, with no amplified music and no neighborhood impact, should that require a conditional use permit? We used to have 52 employees, and workdays were not event days. When austin sketch art class comes to draw and paint, will we be counting that as one of our events? When the east side mommies ask to come with their little ones and spread quilts for a picnic, does that require a conditional use permit? We believe that getting people on the farm, even without a formal farm tour, raises the awareness of local food production, healthy food choices, and opens the dialogue for healthy communities. Farming is a full-time job. Full-time and beyond. When we host functions on top of that, that's a long day. We are grateful to the people that want to have an event to the farm, and it's part of

what makes urban farming sustainable. We are also grateful that those events are seasonal. Every event is different. But here's what a typical wedding might look like. Farm style tables and benches are set up under the old pecan trees with lights above. Guests are asked to park outside the back gate in the school parking lot and they walk down the farm road to attend a reception hosted by a local chef, local produce, employing local people. There might be a band playing or a dj or it may just be someone's play list running on small speakers. The music ends by 10:00 and sometimes guests linger for a little while, but not very long because the farmers get cranky after their bedtime. You know the growth and development all over austin is remarkable, but what is really mind boggling to me is how this little urban farm can be causing such a fuss. It begs the question, what is the real issue here? It's no fun to be a target, and there's been a lot of misinformation and misrepresentations spread around. The bottom line is, we want to be good neighbors. We want to do our part to keep our neighborhood safe and happy. We live there, too. We've had the sound engineer out to talk to the farm and show us best practices. We have a new decibel meter. We monitor the parking. We are striving to keep our impact to a minimum on those occasions when we may be hosting an event. We are good neighbors. If anything good could be gained from this almost two-year saga, it is that we have become keenly aware of our truly amazing community in austin, texas. It's the people that grow food, create food, serve food, eat food, it's our small businesses and our creative, artistic

-- artistic community. We have and you have a unique and caring city. We need the flexibility that amending this conditional overlay would allow in order to operate. We hope you will allow us to continue to be part of what makes this city so special.

[17:52:17]

>> Thank you. Next is michelle lynch.

>> Mayor pro tem.

>> Tovo: Just one question, ms. Foore. On the graph you presented the pie chart showed maintenance services?

>> We still, you know, as part of that restrictive covenant that said if you ever cease and desist, we still do a maintenance. My crew is here. They kind of some days are out mowing yards, which is a continuation of the landscape services, some days they're on the farm.

>> Tovo: Okay. Thank you.

>> Cole: Michelle lynch.

>> I don't know what time it is so I'll say good evening, council members. I'm sorry. Don't start my time. Yes. It's good evening. Good evening, council members. My name is michelle lynch and I'm here tonight

to speak briefly in support of this item. I think we all know exactly where the property is, but I'll show you a couple of pictures there. I think you heard a little bit from one of the owners about the farm. Here's some detail on that as well. We do have three applications before you tonight as staff mentioned. The zoning, the neighborhood plan, restrictive covenant termination, a future filing should those applications be successful would be the conditional use permit. This is the surrounding zoning on the property and the zoning on the property, as you can see, some commercial, residential, office, and public space. So specifically in zoning, we recommended some conditions, and one of those is to allow for the outdoor entertainment use to be conditional. We removed the original restaurant request after hearing from the neighborhood and their concerns. We have suggested to you additionally prohibit other uses that are allowed on the property today, and we would like to keep the existing prohibited uses. We have worked through hours and location and sound and number of events, as you've heard staff talk about. Specifically, with regard to 30 events, I think in the last week we've actually learned a little bit more as ms. Foore mentioned that perhaps 30 wasn't the right number. We weren't counting events that we were unclear about that were under 50 people or that were dinners so that may need to be revisited. Then of course we're limiting to 2000 trips per day. From a parking perspective we've been using the aid lots for allen element. We've past agreements and current agreements with them to use those for facilities. When we go into a conditional use certain process we'll have to go into a greater memorandum of understanding with aid. We've talked with the neighborhood about residential parking options and we're happy to assist with those if expired. This map shows where we're limiting events and ceremonies specifically, then you can walk to the parking. This is a neighborhood plan, flum, you can see in yellow is springdale farm. Current use is single-family and we had requested mixed use. There has been large discussion with the planning commission about whether this amendment is needed. I think that's a policy decision by staff and we're open to learning more about that. There is a restrictive covenant that limits the property to a certain number of uses and if those cease, it will roll back to li and sf zoning. We're not desiring that to happen. We're asking it to be terminated. I want to point out in the imagine austin plan we are within 65 feet of what will be the springdale station neighborhood center. It talks about corridors such as springdale road and encouraging sectors in the food economy and having healthy food choices for local residents. We have talked with the neighbors a couple of times and learned of some concerns and we have tried to address those. As you can see here, we've limited hours and location of events. We're continuing to work on the number of events. I will tell you that one of the requests was to limit to ten events per year and that will not really keep the farm viable. And we still have to do a cup and go through that process. We've limited our decibels by code. We have removed the restaurant as a permitted use. We don't feel the food trailer is a restaurant. It is permitted by code otherwise. And we are still keeping our agreements with aid for parking. We'll continue to seek other options for parking to solve those problems as well. We've heard about trash and littering loitering, so we've tried to educate our ghosts, removing litter, maybe if it's not our own lit. The farm is free. Anyone can come at any time and also the residents do receive a discount. If we were to seek a conditional use permit we would again be discussing all of these items, what's required, adequate parking, conditions, hours, and if a cup were approved and the property was sold in 10 or 20 years, someone would have to want to do that use and honor those same conditions. If they ceased those operations, then they would no longer be able to utilize that cup. As you heard the planning commission did recommend largely staff's recommendation, with a couple of modifications related to

not talking about a limitation on events, and a start time that's later at 3:00 p.M., Then of course limiting the decibels to 75. So our reasons to support that we ask from you tonight are related to helping to keep the farm viable, with these few events. We think that a conditional use permit would help further restrict and allow for other talks to be had about those types of events. We have talked about be limitations on hours and event numbers and locations and sound in this application. We did receive staff report

-- support, sorry, and planning commission support, and we do have support from several neighbors that you'll hear from tonight and many others in the farm industry. So I welcome any questions and I thank you for your time.

[17:58:07]

>> Cole: Next we have matt garcia

-- oh, council member morrison.

>> Morrison: Michelle, I'm wondering, does the farm get outdoor amplified sound permits when they do events without outdoor amplified sound, at this point?

>> I don't think they have an amplified permits, no.

>> Mayor Leffingwell: Okay. But they do contemplate outdoor sound.

>> My understanding is with the conditional use process, they will be applying. I've talked to don pits about that, the music officer, about getting those annual permits.

>> Okay. Thanks.

>> Cole: Matt garcia. Oh, two minutes.

>> Hello. My name is matt garcia. I live directly across the street from springdale farm at 746 springdale. I've lived there for about five and a half years. If there's any property that's really exposed to what's going on at springdale farm, it's mine. If I look out of my living room windows when pipeline watching tv, I can see what's happening in springdale farm. If I'm in my guest bedroom slash studio doing some work, I can see what's happening at springdale farm. When I leave every morning and come back, springdale farm is there. In the time I've lived there, it's been a pleasure living across the street from glenn and paula. They've always been great neighbors. The events have never been a problem for me. The noise has never been a problem. Parking has never been an issue. Springdale

-- that part of the street is always the cleanest part of the street. I feel like they go out of their way to keep it clean and looking great. And springdale farm is a real gem, and it's been great living across the street for all this time. That's it. Thank you.

[18:00:18]

>> Cole: Thank you. Chris alecia? One minute. You have one minute.

>> He's going to need a translator. [Speaking in spanish]

>> my languages got mixed, I'm sorry. That's what happens when you have

-- I've worked at springdale farm for 24 years. [Speaking in spanish] they are part of my family. I have been working there for 24 years and I've never had any problems. They're part of my family, and they've been for many years. [Speaking in spanish] there's never been a problem around the area, and I have never seen any difference than what it was 24 years ago. Thank you.

>> Cole: Thank you. [Applause] darrell foore? Darrell foore? You have two minutes.

>> Hi. I'm darrell foore. I'm the eldest daughter of the farmers. I grew up in austin and have lived in almost every area of town. Austin is my home. I began spending time on the property I live out, which is 755 springdale in 1992. I've watched east austin change and I've watched the neighborhood change. I understand the fear behind that change, and I don't typically like it, but this neighborhood is thriving, and that is something to celebrate. There's enor nowhere else I want to live. I want to be part of the history, the culture, the artistry, the diversity on the east side. It's what makes it special and as a community we should celebrate and not stifle the growth. Where else can I walk half a mile to a juice bar, half a mile to a tea house, .4 miles to art galleries and cafes, half mile to one of the best tacos in the city and to bars and live music venues who serenade me through my windows, and right in the middle of that, a green space, from the hustle and bustle of our city, where I can get food from the ground we all walk on. That's springdale farm. That's what the definition of community should be. We all offer something, share in the work and support each other. Our neighborhood isn't the first if austin to thrive with this model. Cherry wood, hyde park, peaceful neighborhoods with booming commercial hubs in the center that allow residents to enjoy restaurants, bars and local businesses that coexist in their own backyards. It's always been the charm and allure of our neighborhoods. East austin, which is my neighborhood, is no different. It is important to assume positive intent with all of our neighbors and community members, and when we waiver and venture off that path, it is false accusations that can be the most detrimental to our community. I will continue to aid springdale farm in all that it does, including charity events. I promise to support and look out for my neighbors to keep our neighborhood safe and unique in a place we are proud to call home. A year ago we redefined what an urban farm was. Today let's redefine community.

[18:03:49]

>> Okay. Thank you.

>> Support springdale farm today.

>> Mayor Leffingwell: Katherine nicely. Two minutes.

>> Thank you.

>> Mayor Leffingwell: Set the timer for two.

>> [Speaking in spanish]. My names katherine. I'm an urban designer and architect and former policy board member. I wanted to talk to you about urban farms and community hubs. That's my baby girl, by the way. Community hubs are spaces that foster great local community activity and bring residents local businesses, community, and smaller organizations together. Springdale farm is that community hub. It's the third place in our city. The space is scaled appropriately are key in our neighborhood and our city. Last year in the community outreach of the urban farm ordinance, we also heard from the community that we should consider adding urban farms with facilities for gathering. Imagine austin also talks about these community hubs or notes springdale centers

-- center is actually located a few feet from springdale farm. As a community hub, it also sits on a food dessert, as shown in the next slide. This farm sits in a neighborhood with a lack of program and non-program open space. If you see the next slide, please, springdale farm is the neighborhood center and third place of our community. I think we need to look at more of just not only the farm. This is a horizontal mixed use, and it's important for that community. Thank you very much.

>> Mayor Leffingwell: Thank you. Applause applause. .[Applause]

>> good evening, council members and mayor. This is an image

-- my name is greg esparza, and this is the image of my wife and I's wedding a couple years ago at springdale farm. Before the wedding, the day before the wedding and the day of the wedding, and that's what 200 people looks like in that middle wedding gathering space. And for us, when we were considering getting married and east austin being our neighborhood, we thought about what we valued as a couple and as a community and wanting to share that with friends and family coming from all over, and what we wanted to share about what we love living in austin. And for us, having our wedding at springdale farm allowed us to do all those things and invest

-- it was also

-- it was an affordable wedding option for us, for the size of wedding that we wanted to have, and it allowed us to invest money back into the community and the causes that we believed in. That's what I want to talk about quickly, is, so in imagine austin, it's provided that accessible community gathering places are an important part of a functioning community, and in 2013, springdale farm had 26 private events, including weddings and supper clubs, and donated farm space for 24 educational events, non-

profit and cause related fund razors. On the next slide, you'll see fresh chef society, pies and pigs, austin conservancy, annual fund-raiser, this is just kind of a sampling of events that in a lot of these cases glenn and paula didn't charge for, and were just causes that they wanted to support in the community and they were able to because of the kind of miraculous fact that that farm is still there. That farm has been there since 1920 and it's almost a five-acre mature green space in the heart of an urban neighborhood. I also wanted to touch on that springdale farm is a good neighbor. I live on springdale road. I've bought a house with my wife, after getting married there. I drive down springdale road every day. This is a 200-foot radius around springdale farm. And then on the next slide, you can show that, you know, the support and on situation, as measured by the petition, is certainly balanced. It's been stated that 22 of the neighbors

-- 22 of 33 neighbors are in opposition to the farm, and that's not true. It's actually 12 neighbors in opposition, 11 homesteading neighbors, and one

-- one woman, rosa santos, who's an investor and owns a few properties in the area. And an actual number of

-- an equal number of people in support that own 21% of the properties.

[18:08:41]

>> Mayor Leffingwell: Thank you.

>> And then 20 about the equal, same amount on the other side. Thank you. [Applause]

>> Mayor Leffingwell: Mike photozek.

>> Good evening, mayor, council members.

>> Mayor Leffingwell: You have three minutes.

>> Michael fotojet of the I'm here as the owner of the restaurant that we just opened at 17th and san antonio street. Thank you for the opportunity to support springdale farm. We, as the chefs and restaurant tours of austin, need springdale farm with their awareness and building events. The produce they created last year was a tremendous economic multiplier for more than 41 billion-dollar

-- 43,000 job industry. Austin has an opportunity to become a leader in our important national food movement I'm here to represent the 25-plus restaurants who purchase at springdale as well. Here's a short video by long time austin restaurateur david bull in support of springdale farm.

[ Video playing.]>> S what' impornt her I think to talk about is that springdale farm is providing an opportunity for austin to become a national leader in the food movement. The local food movement, we believe, as restaurateurs and young food people, is the future of what this coury I headetoward yo

know, tss a trendouseconomriver a wl for t city. The city ha bee pseed on t ge ofoving forrd tards being a leader, sar as wha weanccomplis yo know, you loo atajor cies aroun the cntry, my of tm ha the oportuty and e support to moveorwardpushin thi lal food idea. Here we go. But I think that what the video is trying to say is that we're here

-- the restaurants are here to support the foores and the springdale farms and their ability to have events and I'm available for questions if anybody has them.

[18:11:36]

>> Mayor Leffingwell: Thank you. [Applause]

>> Mayor Leffingwell: Sonya? Two minutes.

>> Good evening, mayor and city council. My name is sonya cote. My name is sonya cote. I'm have chef and co-owner of eating east, a food trailer located on springdale farm. I'm on the farm every day. In addition to creating 20-plus jobs for east austin residents, our presence represents our commitment to the future of food, with growing concerns of sustainability, we believe that sourcing organic food from small family farms helps boost the local economy and at the same time keeps the food as healthy as possible. We have countless culinary volunteers and participate in a foster program mentoring teenagers that are aging out of the system. Some just live right down the road. Austin is known to the rest of the nation as a farm to table culinary experience, and what I do is to ensure that the new and upcoming chefs promote that reputation to tourists and our residents. Evening easies open friday and saturday evenings and occasionally on thursdays. On most nights we sell out our seating capacity. This is a re rereflection of what the city craves. The farmers and myself are committed to the experience of our guests. We keep our space clean and trash-free and respect the land that we are on. The price of a five-course meal fluctuates depending what we serve that week and the cost of food that we purchase. We are byob and we do not sell alcohol. My staff is tabc certified lieu inaccording to texas law. We're a unique dining experience. Twenty-fourth come to the farm to dine, sit at tables, get to know people around them and make new friends. We share the story of the farm to table with each guest and inspire a connection to their food and encourage them to stroll around the farm and witness it for themselves. We serve an average of 50 people each night over a three-hour period. We have a parking lot on the property for our guests and also public street parking across the street from the police station, and my employees are required to park inside the farm itself to have less cars on the public parking spots on springdale road. This council supported the fsc incentive program earlier today and we need those urban farms in order to support this program. Please vote in favor of springdale.

[18:14:10]

[Applause]

>> mayor, I have a question. Mayor, I have a question.

>> Mayor Leffingwell: Council member tovo.

>> Tovo: Ma'am, I have a question for you. I've heard different information about how often the food trailer is open. I thought it was friday and saturday. I see on your website it is thursday, friday, and saturday. I know you said it was occasionally on thursday, but it looks

-- in looking through your reservations, it looks like it's pretty consistently on thursday, with the exception of next week, which is thanksgiving.

>> Well

--

>> Tovo: Can you clarify for me what days of the week you're open?

>> Well, we have been open friday and saturday only until about three weeks ago, and then it's only been two nights that we've been

-- tonight we're obviously

-- we're not open because we're here, and next week we're not open, and we're intending on just doing that seasonally, just to kind of boost a little bit of revenue for us. I mean, it wasn't in our original plan, it was just a friday and saturday night, just to have people be able to have a special experience and not every day of the week and in and out traffic. It's nice to have the reservations so that we know exactly how many people are coming at any given time.

>> Tovo: And how many

-- I appreciate that additional explanation. I think, though, as you're probably aware, one of the things we're trying to evaluate is how much activity there is going on on the farm, and I think it's fair to say it looks, if the reservations online are accurate, it looks like your intent is to stay open on thursdays, fridays, and saturdays.

>> Eventually, yes, if we can

-- if everybody agrees.

>> Tovo: And how many

-- how many do you typically seat in an evening?

>> Average of 50 people. It depends. I mean sometimes we have 25, and a lot of times we even cancel with the weather, with the weather permitting, it's just an outdoor space, so we're kind of, you know, subject to the environment.

[18:16:18]

>> Tovo: But it does look like you have the option of being inside the farmhouse. It says, for example

--

>> we can only seat 40 people in there.

>> Tovo: Okay. And so the maximum in a particular evening you would say is 40 to 50?

>> Yeah. I mean, sometimes we do 60, but it's

-- it varies, depending on the reservations for the evening.

>> Tovo: Okay. Thanks very much.

>> Thank you.

>> Mayor Leffingwell: Okay. John ramos. And this will be one minute. Timed one minute.

>> My name is john ramos and I live in front of the springdale farms. I am happy to have paula, glenn, and sonya as neighbors. I don't have a prepared speech or anything like that, but I can tell you that since they've been there, it's been nothing but improvement. And there have been a bunch of lies spread about them. There's a lot of people that have a lot of misinformation. If you can ask them where they come from when they're making these accusations, you'll find out that most of those people aren't even from around there. I'm happy to have them there. That's all I can say. Thank you. [Applause]

>> Tovo: Mayor.

--

>> Mayor Leffingwell: Council member tovo.

>> Tovo: In your opening you said where you lived, but I missed it.

>> I live right in front of them. I can see everything, just like matt.

>> Tovo: Okay, so you're right across the street.

>> Right in front. They're right there.

>> Tovo: Okay. Thanks so much. I appreciate it.

>> Mayor Leffingwell: Josh jones.

>> Excuse me?

>> Mayor Leffingwell: Josh jones.

>> Oh.

>> Good evening, mayor and city council. My name is joshua jones. I live at 706 springdale road, which is about one block from springdale farm. I'm also the chef of the butcher shop where I raise much of my produce from the farm. I'm here to address the council as neighbor, concerned citizen and patron of the farm. I have a wonderful family living down the street. The most common concern I've heard about the farm is noise. As far as I'm concerned we live on a busy street near a busy intersection. There's always noise, whether its be the segovia warehouse loading trucks at all hours or the bar next-door playing music on the patio until two in the morning or police station with screaming sirens a few doors down, I can safely say I've never heard noises from the farm. The events in the food trailer hosted at springdale farm only enrich my neighborhood. I don't see how hosting events is any different than schools, churches, and other community meeting places all throughout our city. If anything, I moved to springdale road because I couldn't think of better neighbors to have. As the chef of the local restaurant, I couldn't do my job without them. They support the local restaurants who support our growing community. We should all be so lucky to be able to spend our money with another local business keeping our local economy as strong as possible. The food service industry of austin has become a major source of employment, as well as a draw for tourism. As an industry we rely on small farmers to source the vegetables we need. Here in austin I feel we're incredibly lucky to have them right here in the city. I can literal walk one block to a farm and buy fresh produce. There are very few places in our state or country where this is a possibility. As our city and industry grow, we will need more farms. If we're lucky we will have these farmers to teach the next generation how to source good food. To finish, I thank the council for hearing my opinion, I thank glenn and paula for being amazing friends, neighbors, and farmers. Thank you.

[18:20:13]

[Applause]

>> Mayor Leffingwell: That's also two minutes. Ready?

>> Howdy, council. I'm austin pilot. I live 4608 gonzales street. Springdale farms is my backyard. I've lived in austin my whole entire life. I've lived in east austin for going on about three years now, and I was lucky enough to be blessed to buy my house on gonzalez street a year and a half ago. Glenn and paula

were the first people to come and introduce themselves when I moved to gonzalez street. They made me feel like I was at home immediately. Since living there, I've never once had an issue with noise, traffic, trash, or any of the negatives that go along with that. On the contrary, the bar on the corner at seventh and springdale is infinitely louder and if you all could do something about the karaoke they do there on wednesday nights, I believe, that would be a huge help to the community. [Applause] glenn and paula represent a sense of community. They provide a place that encourages sustainable green living, healthy food choices, friendship, and just a general sense of community that I'm proud to be a part of. I love them as my neighbors. They've helped me out in times of need, and they've always been there for me. The first thing they told me when I moved in there was that if I ever had an issue, that their door was always open. They're great people, they're a great family, and this city would be doing itself a disservice to push them out. This is a place that the city should be proud of. But what makes the city is the people who live there, and the family, that's good people, and something that's going to make this city keep growing. Support local agriculture and support the farmers that make it happen.

[18:22:25]

[Applause]

>> Mayor Leffingwell: Okay. We're going to those signed up against. All of these will be three minutes each. First is laura lopez.

>> Good morning. My name is laura lopez and I live right behind springdale farm on guzman road. Thank you, city council and mayor for allowing me time to speak. I would like to start off by clarifying some misinformation. Neither the community nor I want to see the farm closed. I want the farm to succeed as a farm, not as a center. I love the fact fresh produce is within walking distance of my neighborhood, but I do not like the loud music late at night, and I do not like the fact that alcohol is allowed to be distributed at these events or at the on-site food trailer. I don't want people under the influence driving through my neighborhood. The farm needs to be more transparent about exactly what it is they want to do with these permits. First, we don't have a clear number of events the farm wants. 30 events was suggested by the planning development review department, but the farm itself has not given us another number. Second, they haven't given a clear explanation of what they want, what kind of events they want to host. Third, they haven't addressed how many

-- they haven't addressed how the parking situation will be handled. Don't give them a blank check, please, because we don't fully understand what they want to do with these permit changes. All we know is what we have seen from these events, and most of the events produce lots of parking issues, and among other issues. And, again, the farm has not communicated to us about how they will be resolved. Thank you for your time and consideration, and I hope that you do not vote for this change in land use because they have failed to give a clear explanation on how they are planning on resolving the concerns and issues that the community has. Thank you for your time.

[18:24:46]

>> Mayor Leffingwell: Claudia. [Applause]

>> good evening, city council, mayor, my claim is claudia

-- artero. My family owns two properties, 4607 and 4609. This matter is extremely important to me and my family. During the last couple of years the farm has had many outdoor events ranging from private parties, birthday parties and many weddings. We've had to deal with a lot of issues that are direct results of these events. We have had to deal with an influx of visitors to the farm who attend these events, park all along our streets, blocking the entrances to our homes. We've had to deal with trash left behind such as diapers, beer cans, wine bottles, and cigarette butts, which is left to clean up. More so, we have to deal with loud noise, and that's the main issue. The farm is surrounded by residential homes. People have to sleep, children need to rest. This is not a place for outdoor entertainment. The farm's activities disrupt our home life. This neighborhood is counting on you to make the decision that will save the essence of what makes a residential neighborhood a peaceful place to raise your families. Unlike some of the people that have spoken, I live next to the farm and this truly affects us. Events at the farm last late into the night, 11:00 p.M. On weekends and weekdays. I want to mention that my dad goes to work at 3:00 a.M. I go in to work at 6:00 a.M. So losing sleep is simply unacceptable. We are not against urban farms. I myself have shopped at the farm. I purchased eggs, I purchased tomatoes from there. We are not against the farm. But we are against the activities that are not farm related. The normal farm activities are fine, as I mentioned. The events that are held throughout the year that are not farm related are truly what we are against. This isn't a farm. To me, it seems that this is the beginnings of an outdoor event center. During these events around 200 people will show up. They cheer, they clap, they yell. I know they're celebrating. It's weddings, it's outdoor events, but this is simply too much for the neighborhood to handle. At these events there's a consumption of alcohol. This creates an additional threat for the neighbors since these people have to drive through our streets to go home. Council members, I know that you too would not want a place like this next to your home and I'm not talking about the farm, I'm talking about the events. You wouldn't want those events as your neighbor. Please don't make us live next to a place that will hold these events. I ask that you vote against their request. Thank you, and I would be glad to answer any questions.

[18:27:31]

[Applause]

>> Mayor Leffingwell: Thank you. Mira.

>> Hello. I'm mira opero and I live next to springdale farm. I'd like to start off by saying that our goal is not to shut down the farm. I just want peace and quiet for my family. It's not uncommon for springdale farms to hold events into the night with loud music and loud cheering. They are in a residential area. Some people need to work, study, or get to bed early for the next day, and having so much noise becomes disruptive. This makes it impossible for me and my family to get sleep and especially unfair to my father who has to wake up at 3:00 a.M. Every morning for a very difficult job. He's had to stay up on event nights the noise from the music has kept him up. I personally have had to leave my house to go study because the noise has not allowed me to study. I feel that this is unfair to the surrounding neighbors who shouldn't have to worry about the noise happening outside our homes. No one could sleep in an open event center in their backyard. The events bring noise, high traffic, littering and stress to the surrounding neighbors. I honestly don't want springdale farms to shut down, that is not our goal. But they need to respect the fact that they're situated in a neighborhood with people who need to wake up early to earn their living. Thank you. I can take any questions if you have any.

>> Good evening. My name is nunez. I live at 4703 gonzalez. Like everybody else who's spoken, we're not here against the farm. We're not against the farm. I'm here today, though, because I want to say I am for my neighborhood. And my family and i, I have a wife, I have a son, we live within 600 feet of the farm. We get all the notices because of all these changes, proposed changes. We also get some of the noise from the farm, and it's not when they're

-- you know, it's not when they're getting their produce, it's when they're having their parties. And it's not the farm parties, it's the wedding parties, and I understand they're celebrating something. It's fun to celebrate when you're getting married. It's fun to celebrate with a hundred and 200 of your favorite friends. But you're doing it around a neighborhood, a residential area. When you looked at those maps, you saw that there were homes on each side of that farm. Those homes do get that sound. My home was built in 1937. It's not well insulated. It doesn't have, you know, modern, you know, insulation to keep noise out. And I kind of doubt that my neighbors who live in front of me are able to keep that noise out, too. Now, I'm shielded from the farm by those

-- by those hopes and those buildings, and I can still hear that sound. Now, it's cooler outside, we're going to have

-- you know, we're going to have a pretty nice fall, we're going to have a nice spring. That's when they're going to have the bulk of their events. That's what I'm worried about, is that we can't enjoy our neighborhood and we can't enjoy our homes in peace and quiet on the weekend, on the nice time of year. If they want to have, you know, their parties when it's super hot out or super cold, we'll have our windows shut. I probably won't hear them as much. But that's not the case. So noise, as you can see, is primarily my concern. Outdoor entertainment, you know, according to the zoning guide, austin zoning guide, it's

-- it's

-- it says it's predominantly conducted in sports arenas and amusement parks. Not in neighborhoods. I know they're not having the same type of event but it's still ruckus and we can still harry auto it.

Basically, you know, that's my concern here. And I think that's a concern for a lot of my neighbors. Some of them aren't here. Some of them are older, and they're not going to be able to stay up this late, and I think some of them have left. This is basically fairness, you know. I don't think that anyone would have to even, you know, think that they're going to have to consider this in Hyde Park or in West Austin, but it's happening here. It could happen in Rundberg if they had an urban farm there, but I don't think it would. It's happening here. Thank you. Does anyone have any questions?

[18:32:23]

>> Mayor Leffingwell: Rosa Sanchez.

>> Good evening, members of the city council. My name is Rosa Santos. I'm a graduate from the University of Texas in Austin. I own many property near Springdale Farms. Dollars of taxes in the city. And I never ask for help from any government so I can be successful. You have heard the community. We are here to oppose an outdoor venue with alcohol. We are not here to oppose farms. Farms are very important. I already mentioned this to the others. I'm ready to help them as much as I can. Members of the council, communities are our society. Our homes are our temple. After a long day, we come there to rest in peace, to be prepared for the next day. But with big parties like they mentioned, 200 persons in a wedding, 50 days, almost every day, how can people rest? There is no way they can rest. For me, this is unacceptable. This cannot be happening in the West. Nobody will even have the opportunity to be here in the city council discussing this. I would like to ask you, put your hand in your heart and ask yourself this question. Would you allow a music venue place next to your house? I'm sure none of you will accept that. Why? Why the Hispanic community? Why Springdale? Springdale farm can dictate what to do? Do they need a bailout of their economic problems? Does the city have to do that? I think our taxpayers

-- as a taxpayer, I would really ask, please, consider the community first. Those people living there, they don't need to bear these noises and to put up with all of these people that are drinking so much. Please.

[18:35:34]

>> Mayor Leffingwell: Thank you.

>> Respect the neighborhood and our neighborhood plan. Thank you very much.

>> Mayor Leffingwell: Daniel Yanez. [Applause]

>> thank you mayor and council. My name is daniel yanez and I share the govalle johnson terrace team. You have heard from the people who have signed the valid petition and there is a lot of disinformation. Actually, the valid petition has been verified over 20% and as we speak, other

-- other property owners are signing the petition as well. Our contacting convened a meeting a couple of weeks ago to try and find a common ground for this. You heard the neighbors say that they are not interested in having outdoor entertainment. The neighbors proposed a variety of points, and the farm refused to give an inch on any of them whatsoever. We have offered compromise last year. I talked with paula and

-- and glenn last year, and they told me that their average weddings were about a hundred people. Well, it may have started out small, but now they have really morphed into an event center. You heard the neighbors say, and no one has ever said that we want to shut down this farm. What people don't want is an outdoor venue in the middle of a residential neighborhood. I'm not sure what we can say to you any more beside that, because the trailer does sell alcohol. They don't sell alcohol directly, but when you make a reservation, you pay for a ticket, and that includes all the alcohol you can drink. They didn't tell you that. But it is on their website, as you saw. They said that they are only open on friday and saturday, but as you saw, they actually are scaling up. There was not a problem with springdale farms before. They say that they have to have these events because they can't make it as a farm. Boggy creek is making it as a farm a few blocks away. Ray and lily is making it as a farm a few blocks away. House bar farm, now that they don't compost chicken body parts outside, they're making it. No one has complained about boggy creek or springdale or ray and lily. The complaints are coming here because this farm is morphing from an urban farm to an event center. If you count the food trailer, see, we were counting at two days a week, but if you count three days a week, over a 52-week period, and let's just be conservative and say they have 48 weeks out of the year, that's over a hundred and some-odd events, plus there's six farm events, plus they want 30, that's way too much. Thank you very much, mr. Mayor. Thank you very much. Yes.

[18:38:57]

>> Mayor Leffingwell: Council member tovo.

>> Tovo: Daniel, just to be clear, I don't actually see on their website

-- you're correct about the days that they're open, but on their website, they do indicate that it's bring your own alcohol. And I know that's come up a couple times, so if there's any additional information, that would be useful, but it does look like they do not serve alcohol, with the exception it does mention

-- maybe the owner can clarify that.

>> Maybe they can, but the result is the same, council member tovo, that people come to a party and, as I've said to you, when you are sitting around and you're talking and you're eating, that's one thing. But when alcohol is introduced and people do bring alcohol, it raises the level, the volume level. People linger afterwards, and this is

-- this is what the problem is. Thank you very much.

>> Tovo: Yeah, I appreciate your point about

-- I appreciate the point you're making about the alcohol. I just wanted to clarify that I hadn't seen that on the website.

>> I appreciate it.

>> Mayor Leffingwell: Mary engle.

>> Good evening. I'm mary engle. I'm here tonight as a neighborhood advocate, if you can imagine that, and I'm here to speak in support of this neighborhood and their neighborhood plan. This is not about debating the merits of an urban farm. This is about challenging the plan amendment request for a zoning change other than what the farm says. This is about challenge the outdoor entertainment conditional use permit for 30 events per year. This is about challenging this particular business model. I support good planning principles. I support urban farms. I also support honoring neighborhood plans and the flum of this neighborhood plan. Thank you.

[18:41:04]

[Applause]

>> Mayor Leffingwell: David king.

>> Okay. My name is david king. I live within the zilker neighborhood. Thank you mayor, mayor pro tem and council members. I just want to repeat that this is not about opposing springdale farm. I grew up on a remember if a. I'm supportive of farms. I know how important they are. I agree that they are important and we should have urban farms. So it's not about opposing springdale farm or locally grown food or farmers. If we oppose anything about details about the plan, then we're automatically against urban farms, automatically against farmers, we don't want locally grown food and we'd like food dessert to continue. And that's unfair, to just push people aside with that kind of criticism when they have valid criticisms that we've heard tonight. It's disrespectful to me. This is about having commercial uses in the middle of the neighborhood, having events. And I live in what I call event central over in the zilker neighborhood because we have event after event after event at zilker park. So I know firsthand big problems with traffic, parking, noise, and trash. I empathize with my neighbors over there around springdale farms. And I think this is about striking a balance that's reasonable so everybody, the farms

can be successful, the farm can be successful, and the neighborhoods can have quiet enjoyment of their property that they bought and they've invested in. That's what this is about. And I don't think we're there yet. I don't think that balance is there yet. And I think it's ironic that we're sitting here talking about allowing more events, larger events, when we're trying to establish a citywide, especially events ordinance, to manage those events better and address the negative impacts of having events near neighborhoods. So I hope we take that perspective when we look at this particular issue here. And when it comes to parking, what is the guarantee that they're going to be able to use that school parking lot into the future? I think we need to have a backup plan that says if that doesn't go through, then we have to have another way to ensure that parking doesn't take up all the neighborhood parking along the streets there. And I'm concerned about the consumption of alcohol so close to the school there and the church as well. This is about respecting the rights of the residents to the quiet enjoyment of their homes and their neighborhoods, and I hope that you will strike the right balance. Thank you.

[18:43:53]

[Applause]

>> Mayor Leffingwell: Joyce fausiano.

>> Good morning, mayor leffingwell and council members. I'm joyce fasiano. I live in west austin. That's a disclaimer here, and I can tell you this wouldn't be happening in west austin. People who spoke earlier were right about that. I'm not opposed to urban farms. After all, vegetables make good neighbors. They just sit in the dirt and grow quietly. What's happened at springdale farm is that farming alone is not profitable, so the owners have added hosting outdoor events to their business model, that's weddings, fund razors and other farm related events, whatever that means. If a farm owners are asking for conditional use to hold events to remove the prohibition on outdoor entertainment from the conditional overlay from a termination of a restrictive covenant that would revert the land to light industrial and single-family use, and change of map from single-family to mixed use. The farm is asking the neighbors who stand in opposition to all these requests to bail out their business. Bailing out a failing business is bad business, especially when it's at the expense of the neighbors in this old, established residential community. Please honor our comprehensive plan imagine austin by respecting the existing neighborhood plan, the contact team, and the neighbors who have signed a valid petition in opposition to springdale farm's request. Please consider voting against these amendments. Thank you.

>> Mayor Leffingwell: Suzanne almanza.

>> Good evening, mayor and city council members. My name is suzanne almanza. First let me state that I support urban farms. My family were urban farmers in east austin in the late 1940s, and so was i. The austin chronicle is fueling the fire of hatred, making it seem that poor and working class poor people of color are trying to shut down the poor farmers that own five acres of land, who should be allowed to

have events every weekend with no regards for their neighbors or the communities. For everyone's information, the community offered some compromises to property owners, but they didn't accept them. Why should they listen to people of color in east austin who are forced to live in east austin when the city created its 1928 master plan? Why should people of color have rights? For there is an environmental justice organization that helped close down six of the largest oil companies in the springdale airport community that were negatively impacting the people's head and the health of the environment, for that health, relocate bfi that was bringing 350,000 households recyclable to the garden's neighborhood and harping the community, we helped close down the largest carbon footprint in east austin, the holly park plant. We supported the sos ordinance, the plastic bag ban, protection of trees, and much more. The 755 springdale zoning case is before the city council because the owners glenn and paula foore were in non-compliance of the urban farm ordinance. They were and are illegally hosting events. That is why the case is before the council. The community is not trying to close down any urban farm. I've been to numerous meetings at the planning commission and the city council and have heard and witnessed people living west of ih-35 complain about venues that are bringing increased traffic, traffic spilled over into their neighborhoods, noise, public intoxication, et cetera, into their neighborhoods. No one is stating that they are antimusic or antiautomobile. This thursday a group of people who live near city hall wanted a special ordinance to stop all construction by 8:00 p.M. Due to noise and traffic. Are they antidevelopment? Yet when people of color desire the same things that people we was i-35 want, we are portrayed as people who don't like fresh food or people who don't like urban farms. Reverse racism is used to describe us. We have now been labeled as a gang. Hatred is being used at people of color. People of color should have the same rights as everyone else. I will continue to stay on the path of justice in a world that acts out so many injustices. Thank you.

[18:48:54]

[Applause]

>> Mayor Leffingwell: Those are all the

-- all of the speakers. We can take these items up separately. 147 I believe is recommended for postponement. That's termination of the restrictive covenant. 145 is the flum issue, flum change issue.

>> Mayor would you like a rebuttal from the applicant?

>> Mayor Leffingwell: I guess we have to. [Laughter]. You have three minutes.

>> Okay. Thank you, mayor. Michelle lynch again. Thank you for coming

-- I mean thank you for staying here tonight and this morning. I just want to touch on a couple of points that have been brought up and speak to those briefly. I will say that I've heard a lot of people say they are not opposed to the farm, they're not opposed to urban farms. I'm fairly certain a year ago some of

those people said the opposite. And I think this is about the urban farm staying viable. Something that you talked about a year ago as well, and how that was going to happen with this particular commercial farm. We've heard a lot about noise. We are complying with the ordinance. We're going beyond the ordinance for noise. Events, we can continue to work on the number of events in the conditional use process or today, but ten events is not going to be viable for the farm. Alcohol. There are numerous events, places all over town that serve alcohol. That's not unusual for an event. We heard a lot about west versus east. You and I have worked with the perry mansion, outdoor entertainment use, which is a west outdoor entertainment use and we came to some good agreements on that. The petition. We first saw the petition at our very first meeting with the neighborhood. There were people that signed that petition that we've discovered now that don't even know what they were signing and that's very difficult for us to understand. Yes, we met again with the neighborhood and came up with some conditions that they talked with us about, and we reviewed them carefully, and a lot of them are just not things that we could agree to. No alcohol, no parking on the aid lot, and ten events per year are just a few of them. We do of the right to do off site parking on the aid lot. If we do not have that parking right, it's terminated by aid or they decide they don't want to share it with us anymore, then we don't have events unless we find other parking. Period. The future land use map. If staff or other policy makers feel like this particular future land use map needs to stay single family and does not affect the other requests tonight, then we're open to that. We did not want to submit a future land use map amendment, but we were told we had to, so that is why it is on file. We're only asking tonight for the right to come back to the planning commission to discuss all of this over again as a conditional use. This is simply the request to ask to have that privilege to come back again. I'll be happy to answer any questions. Thank you.

[18:52:15]

[Applause]

>> Mayor Leffingwell: May I ask who's whistling? That wasn't you, jerry, was it? [Laughter]. Who's whistling? Would you please stop it? That's the second time. Okay. 145 is the request to change the flum. It's ready for first reading only. I'll entertain a motion. Council member morrison.

>> Morrison: This is the one the planning commission recommended denial?

>> Mayor Leffingwell: That's right.

>> Morrison: So I guess I'd like to go ahead and recommend denial.

>> Mayor Leffingwell: Motion by council member morrison to recommend denial. Is there a second? Council member tovo, are you seconding?

>> I will. I think that's

-- I think for the reasons the planning commission recommended, I think that makes sense.

>> Mayor Leffingwell: So I mean, you told folks that they had to request the flum change, but there isn't any reason why, with the zoning change and with passage of 146 and 147, that they couldn't achieve the same goal. I mean denial of this does not affect their

--

>> correct. That's a good idea but we don't stop it would legally stop from doing the zoning change.

>> Mayor Leffingwell: So the flum is

-- I've used this term before

-- the vision. The zoning is reality.

>> Advisory. Exactly.

>> Mayor Leffingwell: Right. Any other discussion? Those in favor say eye. Eye. Opposed, say no. That passes on a vote of 6 to 0 with council member spelman off the dais. We'll go to 146. [Applause]

>> mayor 146 is a zoning case.

[18:54:16]

>> Mayor Leffingwell: It is the zoning case, first reading only again.

>> Yes.

>> Mayor Leffingwell: I will entertain a motion on that. Council member riley.

>> Riley: I move approval of request for rezoning.

>> Mayor Leffingwell: That motion is to close the public hearing and approve the requested zoning.

>> Riley: On first reading.

>> Mayor Leffingwell: On first reading only.

>> Riley: Right.

>> Mayor Leffingwell: Seconded by mayor pro tem cole. Any discussion?

>> Yes.

>> Mayor Leffingwell: Council member morrison?

>> Morrison: I appreciate everybody's enthusiasm, shall we say, about this topic, and it's a hard topic. I'm glad we're only doing it on first reading. I remember

-- I remember last year when we were all here, and I'll tell you one of the things I remember about that was that I thought that that was a high point in the way I've seen this council work together because I felt like everybody really came together, wanted to find a way to find the balance and to make things work because we

-- I think that there was a real shared among the

-- you know, from community folks, but from the people up here oti on the dais a real shared commitment that we saw. I was real impressed how we worked together that night. I thought that was good. And I remember essentially we were kicking this one down the road, so here we are right now. And I think that we envisioned that there was going to be a way for springdale farms to continue, but what my impression was, what we were going to be looking for was going to be that we were going to find a way to make it work with the neighborhood. And what I'm

-- what I'm disappointed in, frankly, and I think we're not there yet, is that we have not

-- there has not been a productive dialogue between the two sides. And I think that's what's needed. And I don't know how staff might be able to help us do that. What I'm inclined to do tonight, I know, obviously, there's a petition. What I'm inclined to do tonight is to vote no, with song suggesstrongsuggestion to the two sides to get together to make it very clear to both sides that I could either stay with a no, or I could move to a yes if we need to get

-- if it's left to the council and we need to make up the numbers ourselves and the limitations that are going to make this farm work in the middle of a neighborhood. Bought it is a precious resource. It brings a lot to the community. But it has to be compatible with the neighborhood. And we did have, as michelle mentioned, another opportunity working on

-- it was a different situation, but really bringing people together and finding ways to make it viable as a business, as a business, but also to make it compatible. So I'm optimistic that something can happen. I think there might need to be some help from staff to

-- I don't know if there's a way that you all can offer to try to help to bring the decides together to have a

-- to have a conversation and with a mediator or facilitator because conversations just aren't working yet. So I guess I'm going to vote no on this, I'm going to assume it's going to pass on first reading, and I'm just with strongly urging both sides to find a way to work this out.

[18:57:55]

>> Mayor Leffingwell: Those in favor, say aye. Council member tovo. I'm sorry.

>> For clarification, was it the planning commission recommendation that you were moving approval? The planning commission recommendation was the staff recommendation as well as the applicant's request but with the modification that they said, no specific number of events

--

>> yes, that's right. Yeah.

>> Tovo: That's phone. I also want to echo some of what's been said. I appreciate all of you coming and sticking through a very long day and appreciate your feedback. I know many of you have not had an opportunity to speak but I know you're passionate about this issue on one side or another. And I would just echo what council member morrison said. I believe there

-- I hope that there are some opportunities for finding some common ground here in the way that did happen with the zoning case and others. I'm going to be supporting this on first reading, but I agree that there's work that needs to happen here, and I would just share with you some of the concerns that I have, that I've heard, that I think are very viable and very did you understand, very important concerns that should be addressed. One is the parking situation, and so I'm very interested in aisd's willingness to carve out an agreement over the long-term. I think that's important. I understand the point that's been raised about that can be hammered out in the cup, but to me it's an important question to answer now if we can. We've heard concerns about consumption of alcohol, especially near the school, and I guess I'd like to understand better from our city staff the extent to which

-- I mean we always have a concern about the sale of alcohol near a school and it's required to have a waiver to allow that to go on. We've talked a little bit about alcohol and its relationship to the

-- to eden east. Yes, it is byob. On the other hand, they are giving away a free cocktail, according to their website. So I think there are some valid concerns to be raised here about alcohol on this site. And, you know, we did hear from the developer's representative that events all over town serve alcohol. That's certainly true. The events eden east and their dinners three nights a week, though, are not captured within the description of events, as per our discussion. So, anyway, those are just some of the

-- some of the things that I hope are really well facilitated or well mediated discussion can

-- some of the points that I hope can be

-- can be raised. I think springdale farm is a very good model for austin and I certainly want to see it continue to be part of our community. I also want to see you consider some of the concerns that your neighbors have raised about how to minimize those impacts on the surrounding neighborhood. So thanks again for all the testimony from via e-mail and here tonight.

[19:01:17]

>> Mayor Leffingwell: Council member martinez.

>> Martinez: I two remember this last year, and we had full-on discussions about commercial zone land versus single-family land, and we placed limitations on the single-family zoning tracks, and we were moving forward knowing full well that this was a commercial

-- commercially zoned site. So why couldn't you have commercial activity on a commercially zoned site? What else would it be more appropriate? What we thought at that time was, this is going to have to come back for a conditional use permit. And that would be where we'd have the discussions as to hours of operation, numbers of events, sound, those kinds of things. And it's still

-- they will still have to come back for a conditional use permit, even with this, should this happen to pass on all three readings at some point in the future. So the conversation is not done. It's still going to have to happen as we discussed last year, and, you know, I'm optimistic that we can figure out some of the concerns that have been laid out. But the school keeps getting mentioned, and if I'm recalling correctly, it's a school building owned by aisd. Is that correct? It's not a school.

>> It's the former allen elementary and my understanding is it's currently used as a library service center for the district but it's not used as a school.

>> Martinez: Well, and I don't want to spark a big debate, I just recall this being a part after conversation, so if we could have the factual information coming back on second and third reading so we can clear up any ambiguities that might exist with that regard as well. So understanding that there's still a conditional use permit, there's still more conversations to be had, I'm going to support this item so that we can get to that point where we all said we were going to get last year, and that is, adopt the urban farm ordinance, which, by the way, I was the only one that voted against the urban farm ordinance last year. But

-- because I didn't think it went far enough. Because I thought we should do on site composting as well. But anyway, we'll get to the cup process where we can have these conversations with hours of operation and sound and other issues, and parking, quite frankly. So I'll be supporting this on first reading, mayor.

[19:03:44]

>> Mayor Leffingwell: Council member tovo.

>> Tovo: I'm sorry to make one more point but I believe I understand from the motion that we're considering the planning commission's recommendation in terms of the number of events, and I would just say that's fine for tonight, but I do appreciate the staff's approach that we should set

-- that the zoning ordinance should take a first crack at events if it is to pass, and then the cup can refine it. I think having some parameters is good both for the applicant as well as the community to have some sense of what's going to be contained within the maximum at least.

>> Mayor Leffingwell: Planning commission recommendation also has other restrictions on it, sums the decibel limit. All in favor say aye. Eye. Opposed, say no. Passes on a vote of 5 to 1, council member morrison voting now, council member spelman off the dais.

>> I recommend postponement till december 11.

>> Mayor Leffingwell: Council member morrison moves to postpone item 147, second by mayor pro tem, favor say eye? Eye. Opposed, say no. Passes 6 to 0 with council member spelman off the dais. 150?

>> Mayor Leffingwell: I think we take those together. 150 is neighborhood plan commitment, npa 2014-0025.02, lantana tract 28. Tract 1 located at 5436 investigate a avenue. At 1 half rialto boulevard.

>> Mayor Leffingwell: Just a second here. Please hold your conversations until you get out of the chamber so we can good on with the meeting. It's 1:05 in the morning. Thank you very much.

>> There's a 28.8-acre tract, change in the flum for tract 1 tract 2 to office to 1, multifamily, two mixed use. C (142)014-0112, lantana tract 28 and portion of 33, located 5436 investigate a avenue, and 6601 and a half rialto. The requested zoning is tract 1, the existing zoning is ll mp, tract 2 is glnp. The requested is

-- the staff recommendation is to grant for tracts 1 and 2 respectively with the following conditions, applicable for the 1 tract, maximum 17 per acre, property limited to maximum, minimum lot size, 800 square feet. The minimum front yard set back 20 feet, the minimum set back five feet, minimum rear, ten fees. Minimum for the residential unit for he efficiency, 3,000 for each one bedroom unit, the maximum height limited to 60 feet, conditions for both tract 1 and 2 which you limitation of 2000 trips, development of the contractual and development of the property shall be in compliance with commercial landscape ordinance. Planning commission recommendation is improve staff recommendation. I'm available for any questions.

>

[19:07:16]

>> Mayor Leffingwell: We have a staff

-- or applicant presentation.

>> I'm kind of excited to be back-to-back in the last item. I don't know how that happened but thank you, mayor. This actually is a project that near another project that you did sort of here last year

because it went on consent, so we're dealing with this one as it's come along with some discussion, but quite frankly it's actually more restrictive than the one you voted on loose year on consent. This property is located near southwest parkway, rialto and vega, the amd campus you can see at the top of the screen. Here you can see closely. There's three applications. I believe the restrictive covenant is postponed for the evening. The neighborhood plan amendment is specifically to change tract 28 from office to multifamily, then office the mixed use, with a flag lot out if the rialto driveway. The zoning application mirrors that with a mf 4 and gommu change. The restrictive covenant is one of those old oak hill restrictive covenants you've seen from the '80s that gives a certain amount of far and a lot of impervious cover. We are seeking to amend that and add some additional restrictions to it. This is when we talk about tract 28, that is in the yellow. The magazine that you see going to rialto crosses tract 33. So when we're talking about the difference in 28 and 33, there you see that. Am I supposed to point it somewhere? This is the future land use map for oak hill. You can see there the site is purple in office, largely because this area is under a 1985 preliminary plan that shows office for this area. I'm sorry, I'm having trouble with this. Oop. This breaks down again what we're requesting on the 26.754 acres, with a proposed 300 unit multiple family project. As I mentioned earlier, the restrictive covenant does garner at alamo impervious cover. It's 65% gross for the portion in williamson creek and 55% in the barton creek ordinance. Our purpose is reduce that overly to 28% gross. There's a 2001 settlement agreement that covers this property and basically gives you grandfathering to 1985. We are waiving the majority of that, pretty much 99.9% of it, and providing current code and sos water quality. Here's a conceptual plan of the project of the as you can see, we have the magazine lot going out to rialto. We do have an emergency access drive going to aiger road. We would have to build that road unless the city allowed us to vacate it. You see detention ponds on the either end. Those are sos ponds. The zoning change specifically would have an overlay that would limit us to 300 multifamily units, that's 11 units per acre. We would be doing all mf 1 regulations with the exception of height which would be 60 feet for mf 4. We're limited to 2000 vehicle trips per day and the flag lot is just a driveway so there are no conditions on that. The neighborhood plan amendment is simply to change

-- to allow for office

-- I'm sorry

-- to allow for multifamily and mixed use. I mentioned about the old preliminary plans and that's where it came from. This does promote the neighborhood plan goals in this area. The existing covenant I've told you has the larger amounts of impervious cover as you can see there. The amendment, specifically, would be to remove that far restriction which does not normally apply to multifamily uses, then lower impervious cover to 28% and allow for all of the things we're stricting in the 2001 agreement to be removed, except for a specific area that would allow for additional cut and fill and construction on slopes which you see here. We worked very long and hard for several months with the city's environmental officer on this project and have agreed to some buffers and other things where we will not be putting impervious cover. We did meet with oak hill neighborhood plan contact team and they are supportive of the project. They came up with a number of conditions and we've added those conditions to the restrictive amendment or to a private covenant with one of the neighborhoods in the area which is oak parke. Specifically we're limiting vehicular access to emergency only until certain

traffic improvements are in place onto aiger lane. We are also agreeing to make a contribution to increase the capture of volume detention in one of our ponds that's sort of a mini regional pond that serves a cup of different tracts. You'll hear a lot tonight from some individuals in the neighborhood area who are very concerned about flooding and there are grave concerns about flooding out here. In discussions with the oak parke neighborhood we talked about what we could do to good mitigate that, not solve the problem, quite frankly our we can't solve that problem it's a city larger problem but what we are doing is detaining the flows. I have people tonight to speak to that. I'll be happy to answer any questions but we appreciate your support.

[19:12:33]

>> Mayor Leffingwell: I don't have anyone signed up for. Customize expects has a question for you.

>> Michelle, I have a question for you. You went through, I know you had to talk fast. You went through what the oak hill neighborhood contact team, there was that one slide, 14 please. And I just got as far as number 3 that the city of austin dedicates a new tax revenue generated by this development to constructing general water quality controls that mitigate and prevents flooding. Have you talked to staff about that?

>> Staff has reviewed that, and of course could not put that in any of the ordinances. That was actually a nod to the council to let you know that there are flooding concerns out here and they are looking for help to them. So it wasn't directed necessarily to us, but they did put that condition in there this happened he no that you this

-- we were honest with them

--

>> Morrison: Right. That would require sort of complicated things to happen. But I guess that does bring up a question, and that is, what are the

-- and this would be a staff question, I imagine, and I bet jerry is not going to be able to answer it, and that is, what are the plans that the city has in place right now for working on the flooding issues that they're talking about?

>> Watershed staff is here tonight so you can get those questions answered.

>> Morrison: Oh great. So that would be my question for watershed. I didn't even see you hiding back there. So maybe if we could get a map back up there, too, and you could talk about what

-- where the flooding is occurring because I know it's happening in at least a couple of the neighborhoods nearby.

>> Yes. Jose guerrero, assistant director of the watershed protection department. Staff have been engaged with all the neighborhoods out here over the flooding issues, and we have done in-house a preliminary hydrologic and high drawlic study. We're going to be through or cip process hiring a consultant to prepare the preliminary engineering solutions for the flooding problems in this area. We've also engaged with all the landowners, frankly, to partner wherever we can to put additional regional ponds, starting with this one, but the tract across the street where the trib tr tributary traverses, we've met with the landowner as well. We have the subdivisions built before there was even criteria in the city of austin and we have to retrofit a lot of infrastructure. And we recognize that is in a very high remote area of barton creek, and this has been identified as one of our high priority areas.

[19:15:26]

>> Morrison: Like many high priority areas in the city, I imagine,.

>> That's right.

>> Morrison: What we've been talking about about another area, there's currently flooding and we want to make sure new development doesn't make it any worse. It can't

-- a new development can't necessarily solve all the flooding problems, but what have you done or what kind of standard or in place here to address whether or not the storm water management on this development is going to be adequate so it doesn't add to the problem?

>> Well, one of the slides presented a plan to overdetain, so to speak, beyond our minimum requirements for minimal level of risk, so that is a start to start taking back the flows that enter these neighborhoods.

>> Okay. So that would be your answer, that they're going to actually be capturing

-- they're building to actually capture more water than is expected

--

>> that is correct. Uh-huh.

>> Morrison: Okay. Thank you.

>> And we'll be getting into details into the site plan stage of this development.

>> Morrison: Right. And I see that people are

--

>> we can't hear him.

>> Morrison: Oh.

>> And there's no

--

>> there's no text. We can't hear.

>> Mayor Leffingwell: Okay. We got it. Stand closer to the mic, please.

>> Morrison: Could you just say again

-- you heard my question, though, I presume. Okay.

>> Yes. I said one of the slides presented a plan to overdetain for this one particular development, on the ridge of the barton creek, williamson creek areas, to overdetain and that starts taking the runoff back, or reducing the runoff significantly that enters the neighborhood.

>> Morrison: On theoretically, theoretically, they will not be adding to the problem

--

>> theoretically, yes.

>> Morrison: Okay.

>> Again, we're working with other property owners as well to potentially do the same thing.

>> Morrison: Okay. Thank you.

[19:17:39]

>> Mayor Leffingwell: We'll go to those who are signed up in opposition. It is carolyn parker. Carolyn, are you against?

>> What?

>> Mayor Leffingwell: Are you against?

>> Yes, sir.

>> Mayor Leffingwell: Okay. Because you're signed up neutral, so I just wanted to confirm that. And craig hattersly here, and anika

-- anika. You have up to nine minutes.

>> Thank you. Mr. Mayor, members of council, my name is carolyn parker. Once upon a time, a long time ago, I was president, founder and president of oak acres neighborhood association. Once upon a time a long time ago, I was founder and president of the oak hill association of neighborhoods. And at some point in that once upon a time long ago, became a member of the city of austin planning commission. I say this not to say that I am particularly anybody, except

-- but to let you know that this ain't my first rodeo. I've been here before and talked about this, this particular case, 29 years ago. And so we just need to talk about the past and history just a little bit to have a better sense of what we're trying to deal with today. In october of 1985, back october 16th, 1985, in the city council minutes for the annexation hearing in oak hill, you will find that I am mentioned there. That was my 15 minutes of fame, and so was my husband. Both of us at the time asked for a moratorium on developing oak hill. That didn't go down very well. We didn't get a lot of support for that idea. But we did also simultaneously call the council's attention to the issue of drainage. So from the very beginning of our contact in talking to the city of austin, we said, yes, please annex us. We welcomed our austin overlords, if you will, simply because we were looking for help to protect us from all the development that was beginning to happen in oak hill at that time. It was land use that was happening without land use controls. We were fighting to protect our neighborhood, only with the benefit of deed restrictions. So we needed and hoped for protection from zoning. We didn't expect that moratorium, but felt we would get some help with land use protection. We also felt we would get sewer service by

-- I believe it was promised by 1986. We expected to get meaningful watershed protection and flood control because even though the moratorium didn't count for a lot with city council even then, the

-- the flooding issue did seem to resonate and immediately staff began to jump on that idea to say that they would help us. Simultaneously, or roughly around that same time, the patent ranch was being redeveloped or reconsidered as the lantana project. I participated with some of those hats, not all of them, in the discussions of the preliminary plan and the discussions of the zoning ordinance through 1985. And I want to share with you very briefly, because I think it's important that you understand how basic and fundamental this issue is to our neighborhood. We had some lessons that we learned from that development, and there were two things. One, water flows downhill. And, two, poop floats. Now, the reason I bring that second one up is because right around that time we had a major rain event in our area. We were hoping for those sewer lines. We were hoping for land use controls. And what we got instead was raw sewage floating down our street because all the septic tanks just about in the neighborhood were failing. At that point I contacted one of the agents for one of the developers

-- in those days, the

-- they sent the young ones out to us to practice. Some of them hadn't even passed their bar exams. But I found one of them who was foolish enough to have his number listed on the phone directory and called him on sunday morning and said it's raining, it's flooding and we have poop

-- well, I didn't say it exactly that way, either, but it was floating in our street. And that's where we came upon the discussion of the fact that we really needed a regional solution, not just a one tract by one

tract solution to drainage issues in our area. Our houses were being flooded. My husband was out in the middle of the night digging a ditch in the yard to try to divert the runoff from our garage. Things were happening that we just really needed some help from. And the suggestion that was made, and we have been

-- used it every single time we've talked to developers about projects, is that we need to have some additional contribution each time a particular development goes to do a little bit more, one step further to help mitigate their runoff from our tract. In 1985, 1986, we worked with the Lantana developers. We thought that's a very good place to start on this idea. If you could oversize your detention ponds, if you could do some things for us there, at least we would get one step further along in helping us reduce the runoff and the potential flooding in our neighborhood. The Lantana project begins in an elevation of 944 feet above sea level. My house sits at 780 feet, a 160-foot drop, more or less, and that means that's the importance of that water running downhill, the fact that their water is what's going to hit my back porch. Their water, however they deal with it, however they channel it, is going to come sometime or other into my house. So we were very pleased and happy in 1985 to reach an agreement with the developers of Lantana that they would indeed go that extra step. They would oversize their detention pond, they would see that they did their part, not solving the whole problem, but their part to make sure that we got some help. It was a win-win. Now we're here 30 years later. We finally got sewer lines that was eleven years after they were promised, and that was after the threat of a lawsuit to get them, but we did get the sewer lines. And I'm pleased and proud to report that we no longer have poop floating in our neighborhood. But we still have flooding. In fact, the water is running downhill and even we've had small efforts by the city, we've got culverts going here and there, we've got the pumping thing they're doing with the road to make it shift the water flow. We had some little improvements, and now all of a sudden things are getting worse. They're worse because what we're having is runoff that is coming from new development on the Lantana, the original Lantana tract, and we've

-- where we had not had floods in years, or not had significant floods for a long period of time, we've had three within the past year. My neighbors are going to talk to you about those floods and how serious they are, how harmful they have been to our community, but what I want to say is that, you know, a deal's a deal. We, a long time ago, negotiated, we thought, in good faith, to try to see that we would begin to get some help from the property owners at Lantana. It sounds like maybe they're doing that again, but it's still not the whole solution. We have, in addition, a need for a regional solution. We asked the city council in 1985, we've

-- at every single opportunity that we've met with city staff or talked to council members, we're talking about our neighborhood floods, we have a drainage issue. And we get a little bit here, a little bit there. Now we're told, actually, that

-- I can't see a timer so it's making me nervous so I don't know how much longer I have. I'll just keep barreling on. We're told there's something called the gangs creek watershed study. This is for a drainage ditch in our neighborhood we were told never was a creek, wasn't real, didn't of to worry about it

-- there you go. Thank you. Now suddenly it's a tributary. We're glad it's a tributary because now we think that you might take it seriously and we might get some actual watershed protection because it's a source of some of the flooding in our neighborhood. The problem is, you're studying it and you've been studying it for a long time, and we're not seeing any results from the study. And here we have another development project coming up on that same very sensitive area above

-- upstream from our neighborhood and what are we going to get? We're going to get more flooding for the new development if we don't do some mitigation now, but we're going to have continued problems if we don't get this study completed. We hear that the study is partially completed, but it seems like it's going to take a lot longer. We thought it was going to be completed this year, and now I'm hearing we're going to start phase ii sometime next year. What do we want? Either vote no on this case or do some things that will help mitigate for us what the runoff will be. Put some requirements in the ordinance that talk about the need to reduce the flow of water from that development, from the lantana development, in a way that is not going to adversely affect us and get the study finished. Thank you.

[19:27:26]

[Applause]

>> Mayor Leffingwell: Next speaker is duane cobb.

> is robert wylie here? Okay. So you have up to six minutes.

>> Good morning. My name is duane cobb, and I have lived in oak acres and oak hill for 42 years. The fact that there's many of us here that have been here for eight to twelve hours shows how important this is to us. We've been dealing with it for more than 30 years. We are asking that this and other developments, including changing zoning to higher densities, and improving permits be halted in the area southeast, and southeast from real to boulevard to highways 290 west, 71 west, and the williamson creek watershed, and the gains creek watershed which barton springs owns, until the watershed protection study is completed and actions including corrective actions are taken, and completed, for stopping the well over 30 years of flooding, at least in the oak acres and the oak parke subdivisions, as well as the harper park tract, which is sandwiched between them. Meteorologists frequently refer to central texas as being the most flood-prone

-- flash flood prone area in the united states, largely because of williamson creek overflow. Oak hill is another onion creek disaster in the making. I repeat. Oak hill is another onion creek disaster in the making. The city of austin was made well aware of not only flash flooding but also widespread general flooding in the oak hill area, and especially in these two subdivisions before the city started annexing the oak hill area in the 1980s. Yet the city has done virtually nothing in over 30 years that even reduces the flooding problems. In fact, I believe it was 1982, city council called a special meeting at the last minute to talk about annexing oak hill, and a council member stated that it was to control growth and to get a

tax base. We were promised sewers, flood control, and a lot of other things, and as stated before, we would have to fight for it ever bit. In the oak acres subdivision, flooding has got significantly worse with recent construction upstream. Some homes were flooded three times in the last 12 months from gains creek and/or sheet, runoffs for the north-northwest developments. It is my understanding that oak acres was platted just after world war ii, making it the oldest residential subdivision in oak hill, and houses are still being built in oak acres. The land typically slopes downward from the west and northwest to the east and southeast, and about 85% of the subdivision. The remaining slopes downward from highways 290, 71 west on the south to the creek. Every lot has flooding issues from either being in the floodplain or from sheet runoff, flooding from the west, northwest, and the runoff originates right where this project is located. Some of it is via gains creek tributaries and some of it is sheet runoff. Sheet runoff. Both need to be channeled into at least 50% slow release tension ponds. The runoffs from oak park on the west and saint andrews school and northwest end up contributing to the flooding of houses in oak acres. Downtown oak hill. Downtown oak hill can be a major flood disaster, as evidenced by the destruction of the baseball fields on the southside of the highway. All it takes is williamson creek to overflow its bank on the north side of the highway bridge at patent ranch road to flood businesses on the north side of the highway and then overflow into the gains creek floodplain. The city's floodplain info map on the internet is incomplete in this area, as evidenced by a 45-degree straight line across the shopping center's flat parking lot on the north side of the highway. It's evident to me that the williamson creek floodplain will connect to the gains creek floodplain behind the buildings. When it does, it will raise the water level in the gains creek floodplain to greater than the hundred-year projections. Furthermore, the map does not indicate that there was ever a model footprint done for the gains creek floodplain as was done apparently for all other floodplains in the city. So that, what is shown, might be suspect. Again, ponds need to be at least 50% oversized, with slower release everywhere in the oak hill area. The southwest medical center project, which was recently completed, is

-- does have its own problems with

-- with the ponds. I looked at the

-- at the city's floodplain deal

--

[19:34:10]

[ beeping.]

>> Mayor Leffingwell: Thank you. Your time has expired.

>> I'm sorry, I got

--

>> Mayor Leffingwell: Your time has expired.

>> Okay. Thank you.

>> Mayor Leffingwell: Thank you. Tiffany woo.

>> Good morning, mr. Mayor, ms. Mayor pro tem, members of the council. I admire your endurance. My name is tiffany woo, and i, in addition to bill warren, who I think was registered as well to speak, but he had to leave, we represent lantana ridge apartments and they happen to share a common boundary line with the tract 28 proposed development. So my comments here today, I'll echo some that you've already heard and also apply to this item 150 and 151 and item 152 has been postponed. So on behalf of my client, we urge you to consider leaving open the public comment, simply that, for the second and third readings on these two items. This is just due to the nature of the proposal itself as it currently stands. Council for the applicant did mention some language such as this map is conceptual. You know, the ordinance is not finalized yet. And details would be in the site moon to follow. And my client has questions, and unfortunately those answers are just not finalized yet. And so above all, if not anything, we urge this council to leave that public comment available. You've heard issues of flood concerns and that is certainly one that we share. The shared boundary line happens to be one of the lowest points for the tract 28, and logically a detention pond would be featured there. However, how close to the important boundary line they can build remains to be speculative at this point. In addition, increased traffic flow is of course a consideration, and I understand council for the applicant also said development on either would be pending whatever traffic improvements would be implemented. That is still up for discussion as well, apparently. And the ordinance is not finalized yet. And I understand, as proposed currently, the height allowance would be 60 feet. However, sitting down with marina lee, and they really helped educate us on the average grading that is used to calculate the height, it seems to be that some point of a particular building to, in fact, succeed 60 feet so long as the average winds up to be 60. Above all, like I said, we urge you to leave that public comment open, just because everything is still up in the air and hasn't been finalized yet. We have been in talks with applicant's council in addition, and we firmly believe that all these concerns running back worked out, just so long as we have that opportunity, and to be able to avoid our concerns at a later date. Thank you.

[19:37:36]

>> Mayor Leffingwell: Thank you. William warren. Not here. Sheila vivian?

>> Good morning. Thank you for your time. My name is sheila vivian and I've owned my home in oak acres since 1999. And I can assure you there's not theoretical about the potential flooding from these developments, especially because I've lived there for 16 years now, and only in the last year has my home personally flooded. Our house flooded in october 12th, 2013, and we had about \$15,000 worth of

damages at that time. Of course, it is somewhat of an anomaly. It was the 13 inches of rain at that time, not normal for the year, and it wasn't until september 17th of this year when we got four inches of rain, which had, frankly, almost a similar impact. I had water encroached all the way up to the back of my door, and another inch off two without a doubt would have had water back into my home. This has ultimately prompted us hiring a drainage company to attempt to alleviate any further damage to our home at a cost of about \$6,000. November 4th of this year, we purchased \$00 of alternative base to divert water from interesting into our home in preparation for the anticipated rain on november 5th, which ultimately ended up, being the best possible rain in austin. I have lived in my home since 1999 and it has never flooded in will this past year. There is a clear correlation to developing properties on properties on baker road upstream from my home in my community that is contributing to the flooding in my neighborhood. I would also like to say that our property and community has endured flooding issues the entire time I've lived there, as you've heard from my neighbors. I used to joke that we lived on a mount with two rivers that flowed down the side of my house but I can assure you at this point in time, nothing is no longer a joke. Clearly, to address this issue, we purchased flood insurance starting? 2004, we were aware that this was going to eventually happen. And as we have developed, it's clear that it has. We have one entrance

-- this is not just a personal issue for one single homeowner. We have one entrance and exit point into our neighborhood which crosses over the gains ranch creek and it's consistently over run, especially in the last year, with water anytime we have significant rainfall, obviously impacting the potential of ems, fire, and everybody else coming in and out of our community. It is at my request that you deny building development permits in the southwest parkway, vega road, just from the simply medical parkway that was consented to, clearly it's not theoretical, it does affect our community. I attended the community meeting put on by the city's watershed team who's been studying the flooding in our neighborhood last september, and if I heard them correctly, they suggested it was going to cost upwards of ten million dollars to fix our flooding issues in our community. You may not know where the budget is going to come from to address this issue, but you can definitely vote against this development in making arranged worse. Thanks.

[19:41:07]

>> Mayor Leffingwell: Verni marine? Three minutes.

>> Hi. My life changed last year. I had a neighbor, I was locked in my house in november when it started raining, and I had about a foot and a half water outside my house. I had about eight inches of water all throughout my house. I had a neighbor who had come to help me when I saw my house was going to flood to help start are the putting stuff up, escape through my bedroom window with the fire truck, trying to get into the neighborhood yelling that I needed to evacuate because it was flash flooding. You have no idea, I promise you, you have no idea how much water we're talking about. I never understood the significance of flash flooding and the amount of water that hits your house in no time at all. My car

got totaled. I'm a teacher. I bought this house five years ago and thought I made a really good investment. And right now, I have sleepless nights, not just when it's going to rain, but when I think about the payments on my house and the responsibility to the neighborhood, it has devastated my life, and I beg of you to please think about

-- I know it's late in the morning, but I beg of you to please look at this very carefully before we get into more trouble. I hurt my leg walking in water. My neighbors caught us when we jumped out the window, and I landed in four feet of water. I don't think you really understand how bad it is, and I don't think that to people who are developing really understand what we're dealing with. They were very casual in the words they use do not ring through the panic that we live in our neighborhood when it starts raining. I've canceled trips. I

-- it's just

-- it's just too much. And so please consider this very, very carefully. I thank you.

[19:43:23]

[Applause]

>> Mayor Leffingwell: Paula cox? Paula cox? Is sage walker here?

>> Here.

>> Mayor Leffingwell: You have up to six minutes.

>> Thank you. I'm paula, could. Good morning, everyone. I was with faranique in her house, who just spoke. It was really traumatic. And there are many neighbors who cannot be here. It's most difficult for those people that are elderly or have a newborn baby. We had a two-week old newborn. Had my neighbor gone into labor the night of the flood, two weeks later, no one could have come in our out. She would have had the baby at home. I believe that couple owned the house for one month before it flooded, and there was water throughout their house, just rushing through the house. I've lived in my house close to 30 years at 5607 oak boulevard. You know, there used to be nothing where this development is going in, and I know the land very well. I rode horse there's for about 15 years on a regular basis. It's land that pourous rock and often on the face of the rocks you could see water seeping out, even on a hot summer day, it's very wet. It doesn't absorb a lot of water. We just get all that sheet flow coming down to us. And the watershed protection folks when we went to the meeting said, you know, it can't be measured. And you've received a letter from me asking the question, if it can't be measured, then how can we say, you know, that they're not making it worse? We know it's worse. My house has had water in it three times in the last year. It's scary, it's costly. We're a very self-reliant group of people that have lived there a long time. And, you know, I don't have any receipts or any repairs on

my house. I've had crews of neighbors coming and helping. Faranque probably had 15 people helping her. Some people did call in agencies, flood remedy companies after the flooding and have receipts, but others of us just had our lives turned upside down. So I'm just asking you not to give any building permits until the watershed study is complete. The date keeps getting pushed back. I'm going to jump back because I'm skipping around but I'm getting emotional about it. But the families in our neighborhood that were most impacted and had to move out of our neighborhood for months, with small children, family members with disabilities, elderly people, it has changed everything in our neighborhood, and there have been a few minor things done by the city, but never what was promised to us, and has been being promised to us for years and years. And we are active. We are up here. You have all seen us here. We are doing what we can, but we being only do so much. I have an engineer representing me, Brian Bearden, he's going to be speaking in just a moment, but he's come and looked at the situation. He did bring to light some things that we just didn't know because we're not professionals who understand, you know, how drainage containment system should look. But I'm just asking you, and Mayor Leffingwell, you mentioned your wife and how she loves her cat, you know.

[19:47:14]

>> Mayor Leffingwell: You have been here a long time.

>> Yes, I know. I know. But, you know, if you can, put yourselves in our shoes. It's really

-- this is our lives. And we're asking for your help. We're just asking you to just hold off, not to never develop an oak hill, you know, that's not what we want. We're just asking that you not issue any more

-- any more zoning changes or any more building permits until this water flow from uphill of oak acres that's flowing into the Gains Creek tributary gets studied. But the flash flooding occurs, yes, we get that, but flash flooding has been occurring for a long time. We had in the late '90s, I think it was, 13 inches of rain. I had no water in my house, at all. You know, and what's changed is the development upstream. The creek hasn't changed. It's the same creek it's always been, and it does every now and then flow over the road and we just deal with that. There's no going in or out. Just in terms of personally, what my hope would be, it would be that a survey would be done of the area, looking at different elevations, and determining what is the impact of all that water that's coming downhill, and how they've concentrated it where it all comes from one place and comes all at once in a surge. So please just deny the building permits, just put it on hold and give us more information and keep us in the loop. We're interested and we're involved and we will do what we can to help, but I just don't know what more any of us can do. And I know that a lot of my neighbors would have loved to have been here and were here earlier and just were not able to stay. And I wish they had been able to. But thank you.

[19:49:22]

[Applause]

>> Mayor Leffingwell: Brian beard? Sandy andrews is here.

>> Good morning.

>> Mayor Leffingwell: Hold on just a second. Michael swatson, is he here? I'm trying to figure out how much time you have. Nine minutes.

>> My name is brian beard. I'm a civil engineer. I'm a texas registered professional engineer and I do floodplain modeling. And I was asked to come out and meet the neighbors in the neighborhood and walk around, do an inspection, and we walked around for a few hours and walked up and down the creek, and I had a lot of anecdotal

-- anecdotal stories of flooding. I wasn't exactly sure what the problem was. They gave me information that came from the watershed protection office, and they obviously have been working on this for some time. And so I took all this, and I went home and I opened up the city of austin flood pro, and I was who got the floodplain, and it was just like duane cobb said here 10, 15 minutes ago, that the fema floodplain ends right there at parkwood drive and 290. So tomorrow, look on the fema panel for parkwood and 290, and you'll see

-- it will have written on the fema map, limits of detailed study. And that water is not accounted for. They've modeled the creek, gains creek, based on the basin, feeding that side of the creek, but they have unregulated flow, obviously coming from williamson creek. And it's not accounted for. And it's significant because if you look at the map, it's half of the creek basically forks off and half goes towards gains creek and half goes towards williamson creek. And it just doesn't seem to be accounted for in any of the models. When I spoke to people in the office today at flood protection office, they sort of said, yeah, well, we're sort of looking at that. But I think it's one of the teams where everything is going so fast that they can never stop, and something like this, you have to stop and you have to look at, what are the future land uses, what are the densities, and how are they conveying the water from these detention ponds to the floodplain? Because they're having other problems where the detention ponds are collecting all the water and it's come gushing out at some orifice, and there's not sufficient downstream drainage easements. So combined with the upstream problems they're having and the floodplain issue, I would recommend against making any changes until they finish analyzing that floodplain and they can tell you definitively, because there's three

-- there's three residential streets that cross that floodplain, and they all have two or three feet of water on them when it rains. And that's a health and safety issue. Thank you.

[19:52:29]

>> Mayor Leffingwell: So, you're an engineer. If you recommend not making any changes until they

--

>> I'm totally deaf, your honor, I'm sorry. I'm reading it.

>> Mayor Leffingwell: All right. You said you recommend not making any changes. Right? But by right, they have

-- they already have the right to build more impervious cover than they're proposing with this change. So if you don't make a change, they could bill with more impervious cover than they have

-- than they're proposing tonight.

>> That's true. And I saw that. They're going from 35 to 28%, and, you know, and they said that it's going to straddle the watersheds? I'm very in you to the big picture problem. I'm focused on just their little neighborhood, but I listened, and I did take note of that, it's depending where they're going to detain the water, where that's going to go.

>> Mayor Leffingwell: Okay. I just wanted to make sure you knew that. Rodney baker.

>> Thank you. I had a meeting with danny miller of the pe, for lga engineering who's the engineer for this project. He was also the engineer, his firm was, for the southwest medical complex there, and he's also the engineer for the 450-unit that you all approved about a year ago, and all three of those properties drain into our subdivision. Right now, only one of those projects is

-- that his company designed, which is southwest medical complex, and that complex is flooding our property. We had a flood on the tenth

-- october 13th, 2013. We had one on october 31st, 2013. And we had one on september the 17th, 2014. And all of these floods that happened is after that project was complete. So the water comes in to a holding tank for sos, then it goes over into a detention pond, then it shoots out in one place. So it used to come down the whole hill and slide down. If you look at this map, you have 750-unit apartments, the two projects together, all of those properties also flood into our neighborhood. So all we're asking is, let's get to the bottom of this, let's figure out before the flooding gets worse. In september of 2010, hurricane hermani, or however you say it, came through austin. I can't remember

-- we had 13 inches of rain. Well, I've lived there for 14 years, which means I was there in 2010, and the water did not come over our road with 13 inches of rain. What has changed since then, the southwest parkway medical complex is up there, and they're going to add 750 more apartments up there, and all this is going to drain in. I just don't see how it's going to get any better. The road has been closed three times since I've lived this and they've all been in the last eleven months. And the common denominator is that medical complex has been open. This engineering firm designed that project, and they're going to design the next two, and I just don't have a whole lot of faith in their design capabilities and what they

tell us. They say we can't make it worse, but it is worse. It's obvious that it's worse. And I just don't see how they can back their numbers up. I just don't have faith in what they're telling you. So that's all I have to say.

[19:56:22]

>> Mayor Leffingwell: Okay. Laurie willis?

>> Hi. I really don't have anything to add to what's been said because it would just be repetitive at this point and it's really, really late. But I do want to make an observation that hasn't been mentioned. All of these people that were flooded and moved out for four months, five months, didn't have flood insurance. Why? Because we're not in a floodplain. But we are now. Thank you.

>> Mayor Leffingwell: I believe that's everyone. Clerk, city clerk, could you verify that everyone who signed up on 150

-- I just worked off of 150, assuming they're the same. So

-- well, maybe it's easier to say if there's anyone who signed up to speak and I haven't called your name on 150 or 151, now would be the time to say so. All right. We'll take up first item 150, which is the flum item, and both of these are ready for first reading only.

>> Yes, rebuttal, again.

>> I'm sorry, I have to keep doing rebuttal.

>> Mayor Leffingwell: No, three minutes.

>> I'll be less than that. Yes. The flooding problems are very serious and we have never made light of those. As a matter of fact, when we heard more at the neighborhood meeting, we went and met with individuals of both neighborhoods, oak acres and okay park with our engineer who is here tonight who is very familiar with all the problems in this area. And we also talked with city staff. And I also begged city staff to come here today so they could educate you on this as well. So I don't want anyone that we've made light of the issue. I do believe there's a flooding problem. I do believe they've had some major rain events in the last year. But it's a regional solution. And it's not something that our particular project can solve on its own. We are doing what we can, which is what we promised to do to the neighborhood, which is to overdetermine the detention on our site. If anything, maybe this will help you to advance the study and get that done more quickly than probably what's on the books today with staff. I urge you to do that. Quite simplistically, this request is to make for a better project for the city and for the environment. It's going to reduce impervious cover. It's going to provide some water quality. It's going to provide protection, commercial landscape ordinance, and it's going to overdetermine on detention. If I am not allowed to have the zoning change for this property, the property owner, I represent the buyer,

will just simply go out and build what they're allowed to do under 1985 rules which some may argue may be better or worse but the reality is it's more impervious cover and it's more runoff so we don't think that's a better solution. We just heard this week from another apartment complex who has some concerns with us. They've asked to open

-- I'm sorry, they've asked to keep the public hearing open for the next hearing, december 11th. I've reminded them the restrictive covenant it postponed. There's an opportunity to do it then. I don't think these items need to remain open. We're happy to continue working with them since we just heard from them this week and I'm fairly confident we can resolve those concerns. And our engineer is here if you'd like to ask him some questions. Thank you for your time.

[20:00:02]

>> Mayor Leffingwell: I have one about the

-- it sounds to me like it's not a flooding problem at all, it's drainage problem. So you're not in the floodplain. Right? It's just a fact that you're getting the runoff from other areas.

>> The flood maps have changed but I'll defer to the experts on that.

>> Mayor Leffingwell: If you want to come up and answer that question, please do so.

>> I'm with the oak hill neighborhood planning contact team and brian reese was our president for a while and he works for sb engineering. They are the ones that did the design for the watershed protection people. And from what he told me, that this area is going to be in the floodplain, it just isn't yet with the federal government. So there's that one strip that goes through the gains creek tributary is going to be in the floodplain and it's pretty wide.

>> Mayor Leffingwell: Usually the way that, would is the city's watershed protection department will redefine a floodplain, and then they'll go apply it to fema later and oftentimes there's a substantial time lag between

-- but if the city puts it in the floodplain, it's effectively in the floodplain as far as we're concerned.

>> Okay.

>> Many of us are not in that big floodplain.

>> Yes. That is the right clarification that I wanted to make. We have completed our study of the floodplain, of the gains creek tributary. A lot of the properties we've identified I think to 40 I think that are on the flood risk in this area. But there always has been a floodplain there. We have studied and mapped that now. We have not submitted it to fema as the mayor just said but that study is complete and we're moving forward with the preliminary engineering solutions that can be done in this area.

[20:02:02]

>> Mayor Leffingwell: So you did anticipate it would be in the floodplain in the future?

>> I'm sorry, say it again?

>> Mayor Leffingwell: Do you anticipate it'll be in the floodplain in the future?

>> Yes. The hopes are currently in the floodplain. They've always been in the floodplain. We've mapped those limits to our current engineering standards, and they are at flood risk.

>> Mayor Leffingwell: Okay. Thank you. Council member riley.

>> Riley: Have to be clear, the site that we're talking about, is there

-- is there a risk that that would be in the floodplain? I mean or is it

--

>> Mayor Leffingwell: Come on back. Council member riley asked, the tract in question that's where the zoning change is being requested, is that in the floodplain also?

>> The tracts in question are at the very top of the water

-- of this subwatershed, of the gains creek tributary.

>> Riley: So there's no likelihood they would be in any floodplain in the future.

>> Usually it's after 64 acres so they're at the very top and there wouldn't be a floodplain map there but

--

>> Riley: Okay. Got it.

>> And the property tract breaks it to different watersheds as well. Portions go to barton, portions go to williamson, and this goes to barton.

>> Mayor Leffingwell: But before you go, as I speculated earlier, it could be not in the floodplain but you could still have a drainage problem, runoff problem.

>> That is correct. There's a high potential for runoff in the oak hill area just because it's rocky and hilly. There's a lot of flow that spreads in and about properties as sheet flow, so that, yes, that is right, you could be not in the floodplain but still flood.

>> Mayor Leffingwell: Okay. Council member morrison.

>> Morrison: So you know, earlier today we adopted on consent two items to deal with the neighborhood that's having a lot of flooding problems, the south lamar neighborhood. One of the items is a resolution to do the usual stuff that you're hearing about, which is, you've got to do a study to find out what the flooding problems and drainage problems are, and what you're crp should be. Then the other one was to set us up to consider interim drainage regulations for the area. And we're going to be working with staff in the next couple of weeks about that. And I'm just wondering if we could

-- because I sort of agree with the mayor here, that, you know, they've got

-- they've got entitlements right now, presumably, if we rezone it, there could be some benefit in terms of decreasing impervious cover and things like that. So I

-- I guess I want to ask staff if this would be possible if we could pass this on first reading and ask staff to go back and work with the engineers and the applicant and see if there aren't some higher standard drainage in other kinds of requirements that they could

-- that we could consider in the ordinance to ensure that the

-- that the flow studies for their property are done to a very high degree of sophistication, to ensure that the design of the detention pond has got a very high reliability, that the operations are very high. I don't really know what I'm talking about. I'm just trying to

--

[20:05:49]

>> Mayor Leffingwell: Sounds good, though.

>> Morrison: Does it really? Thank you.

>> Absolutely. I'm happy to work with mr. Beard here as well, as well as the applicant's engineer. I'll be happy to do that.

>> Morrison: So what I'd like to do is pass on first reading and actually

-- and it really alliance with the other work we're going to be doing.

>> Absolutely.

>> Morrison: To come up with ideas for interim regulations and this could just be sort of a pilot thing for this project to see what could be workable.

>> There are some very unique flooding stances in this neighborhood. I will admit that much.

>> Morrison: I want to mention to the neighbors, what you were suggesting that we just not allow any more building in the area until we get all of our appropriate infrastructure in place, that's not something we can necessarily do easily, but I have learned recently that in the local development

-- in the local government code, there is an allowance, it's a very well defined process, that one can go

-- that an entity can go through to actually put in a moratorium. And so, you know, that would be

-- it takes a long time to do that. It's very, very

-- I don't know if it's ever been actually exercised in the state of texas. But it's not something we can really do, you know, here tonight. And so I guess I'd like to just make that motion then that we pass it on first reading with direction to staff to go back and

-- and work with all the parties to help us with some additional constraints we could have that would be allowable in the zoning that would allow us to increase the reliability of what they're building.

>> Mayor Leffingwell: So motion to close the public hearing, approve on first reading?

>> Yes.

>> Mayor Leffingwell: Is there a second? Second by council member riley. Those in pfe favor say aye. Opposed, say no. Passes on a vote of 6 to 0 with council member spelman off the dais. That's on 150 the flum. Then we'll take up item 151, which is the zoning case associated. Entertain a motion to close the public hearing and approve on first reading only. Comalcouncil member morrison so moves. Mayor pro tem cole seconds. Favor, aye, opposed, no. Passes 6 to 1

-- 6 to 0 with council member spelman off the dais.

[20:08:28]

>> That concludes the zoning items.

>> Mayor Leffingwell: That concludes our agenda for tonight. Without objection we stand adjourned at 2:10 a.m.

(END)