

City Council Regular Meeting Transcript –12/11/2014

Title: ATXN2

Channel: 6 - ATXN

Recorded On: 12/11/2014 6:00:00 AM

Original Air Date: 12/11/2014

Transcript Generated by SnapStream

=====

>> Mayor Leffingwell: Good morning, I am austin mayor, lee leffingwell. We will begin with the invocation from father paul ybarra, saint mother church. Please rise.

>> Hi. Well, a savior once wrote, there is a sense in which we are all each other's consequence. In your service to this great city, you hope to affect change for the betterment of all of those and you. My prayer is that you will make better for it as well as this council ends and another begins in the coming year, we turn to god for strength and guidance. Let us pray. God of justice and mercy, thank you for the opportunity to serve the people of our great city. Guide us as we act with character and conviction, we may listen with understanding and goodwill and speak with charity and restraint. Give us the spirit of service. Help us to see the humanity and dignity of those who disagree with us and to treat all persons, no matter how weak or poor, with reverence your creation deserves. Please god help us with your presence and help us building a community worthy of a human person. We ask this as your daughters and sons, confident in your goodness and love. Amen.

>> Mayor Leffingwell: Amen. Thank you, pastor. Please be seated. Before we call to the meeting to order, I want to turn the mic over to city manager for a few brief words.

>> Ott: Thank you, mayor leffingwell.

[10:08:53 AM]

Good morning, members of council. Ladies and gentlemen, I do, mayor, appreciate the privilege, the opportunity to speak before you as we undertake today's business. But I think it's appropriate to do so because I want to take this opportunity to recognize someone and that person is my deputy city manager, our deputy city manager, mike mcdonald. As everyone knows, mike, a number of weeks ago,

announced his retirement from -- from the city of austin. And he is retiring after more than 30 years of great service to the city of austin, and I think that anyone who knows mike and knows his history would agree with that. Our chief, mike mcdonald, deputy city manager, mike mcdonald, started his career way back in 1983 as a police officer and became the city's first african-american appointed city assistant police chief in 1995. During his tenure with the austin police department, he managed every bureau in the organization until he was appointed apd's chief of staff in 1999. He then moved to the city manager's office in 2002 serving as assistant city manager for community service from 2002 until 2006 and then as assistant city manager for public safety services, which I suspect he is most known for, from 2006 to 2012, and so that's quite a legacy. His legacy goes beyond that and so I am privileged to be honored today with the opportunity to speak and acknowledge chief mcdonald, deputy city manager, mike mcdonald in public in front of you and in front of all of those watching today. There is arguably, in my opinion, no one in the city of austin with a more thorough and comprehensive understanding of the austin community, our history, challenges, and successes over the past 30 years.

[10:11:04 AM]

We have counted, and I have counted on his counsel and perspective when facing some of the city's most critical and pressing issues. I am particularly proud of mike's leadership that he's developed in executing the city's african-american quality of life initiative and his unwavering commitment to diversity and excellence in our public safety labor force. I can tell you this based on my 30 plus years of experience in this profession. I can't say, ladies and gentlemen, that I have ever worked with someone with such a unique combination of skills, ability, and wisdom. I can tell you that both professionally and personally, that I am going to sincerely miss his daily presence here in city hall on the third floor in my office. I have gotten quite accustomed to walking next door and having the opportunity to talk to mike, not just as a colleague, not just as the deputy city manager, but my friend. In many respects, he has been much like a brother to me, and I am proud to be able to say that about mike today. I think that, you know, mike's legacy in our community and his incredible accomplishments, achievements, his commitment to austin, the great anythings that he has been a part of happening here in austin over the 30 plus years, the city will benefit from that for many years, many decades to come. You know, when -- when we -- when we are in these positions, when we hold positions at that level in public service, it's not just about the energy and the commitment of the person that's serving. It is also about a certain kind of commitment that comes from one's family as well, and so I also, even though I know she is not in this room, I want to acknowledge mike's wife, sharon mcdonald, because, in many respects, she made mike's ability to do the great things that he's done over the past 30 plus years for our great city, she made much of that possible through her love and support of -- of mike mcdonald, and she, too, is a friend of mine.

[10:13:34 AM]

I guess the upside for me is -- and for all of us -- is that mike isn't really going anyplace. He still lives here and I suspect, knowing mike the way that I do, he will continue to be present in the community, continue to be a positive force in the community, and so I say all of that simply at the end to acknowledge him and to say thank you to him and to his wife, sharon mcdonald, and I would ask that all of you at this time join me in acknowledgege one of austin's -- in acknowledging one of austin's great leaders, deputy city manager, mike mcdonald.

[Applause].

[Applause]

>> mayor, council, city manager, thank you so much for those kind words and thank you for allowing me to be able to serve in this -- in this capacity. You know, I so often have -- when I have spoken in the community, I said, you know, to be blessed to have been in a position like this through law enforcement and serving in city hall, it's a blessing for anyone. But to have the opportunity to do that in your hometown and among your family and your lifetime friends, it's a rare opportunity that many don't get the opportunity to enjoy. And then when you add to the fact that, you know, we don't have to declare it ourselves. It's been declared by this country that austin is one of the top cities in this country, and it's because it starts at the core of the work that we do here in this building.

[10:15:37 AM]

You know, certainly there is a lot of efforts that take place in the private sector, but I do believe that government sets the pace to make all of that possible. And then, secondly, to the community, -- to the community and to the employees, I can't tell you how much I am going to miss you and, in fact, someone asked me I think if I am going to miss all of you and I said I think I am already missing you. Certainly -- as the city manager said, I am not going away. I will be active but the day to day interactions and the incredible things our employees accomplish on a day in, day out basis -- you know, we have heros that no one ever know about. They sit in a cubicle sometimes. They are on the back of a truck. They do so many other things. They don't get the acknowledgment, but we know first hand what they do and that's the portion of it I am going to miss as well. On top of all of that, on top of everything that I've said, I have had the opportunity to develop a great friendship and work with one of the stop city manager in this country and that's not our words. That's the words that have been recognized among his peers across the board. And that experience that he has has cascaded down to all of us and knows the principles that he's had us operate on, day in, day out. So thank you for allowing me to take this opportunity to acknowledge you, council, and, mayor, it has been great working with you, and certainly working with the community and all of the employees. Thank you so much.

[Applause].

[10:17:47 AM]

>> Mayor Leffingwell: Let me say, also, thank you chief mark donald to your excellent service over many years. I don't think my mic is on? Is it? Okay. So a quorum is present so I call this meeting to the austin city council to order on thursday, december 11, the time is 10:18 a.M. We are meeting in the council chambers, austin city hall, 301 west second street, austin, texas. I begin with the changes and corrections through today's agenda, and they are many. So bear with me as I read through these. On item number 11, had the phrase "december 10, 2014" recommended by the water and wastewater commission on a 5-0-0 vote with commissioner o. Hurry absent and commissioner lee off the dais. On items 15 and 22, add the phrase "december 10, 2014" approved by the water and wastewater commission on a 5-0-2 vote with commissioners lee and o. Hurry present. On 16 and 18, add december 9, 2014, by the airport advisory completion on a 5-0 vote with commissioner members ferris and mcdaniel present on item 17, add the phrase, december 10, 2014 approved by the animal advisory commission on a 6-0-1 with commissioner dauby absent. Note items 24 and 206 are related and will be held -- the discussion on that will be held at the assumption time. On item 31, add the phrase, december 8, 2014, approved by the austin arts commission on a vote of 7-0, with an amendment to require if austin arts commission to review short-term loans.

[10:19:50 AM]

On item 77, 79, and 81, add the phrase, december 9, 2014, recommended by the austin airport advisory commission on a 5-02-0 vote on and 89, change december 2014 by the airport transportation commission with 4-0-1 vote with maloney against and mckennan and gilbert absent, item 114 -- excuse me, item 104, add as a second cosponsor, mayor pro tem sheryl cole. On item 108, add as a second cosponsor, council member chris riley. Item 112, as a cosponsor, council member laura morrison. On item 113, as a second cosponsor, council member mike martinez. Item 126, as as a second cosponsor, council member kathie tovo. On item 133, as as a second cosponsor, council member kathie tovo. Item 134 is postponed until february 26, 2015. Items 157, 158, 160, as the phrase, december 9, 2014, forwarded to council by the planning commission without a recommendation. Items 184, 195, 198, add a 4:00 p.M. Time certain, the request to postpone those items until january 29, 2015 will be made. On item 187, at its 4:00 p.M. Time certain, the request to postpone this item until february 26, 2015 will be made. On item 192, add the phrase, december 9, 2014, approved by the parks and recreation board on a vote of 6-0 with board member roth off the dais.

[10:22:07 AM]

193 postponed indefinitely, 201, add 2014 on a 5 e 0 vote with norte, hernandez, york, oliver present, item 205 is postponed until january 29, 2015. On item 214, add as a second cosponsor, mayor pro tem.

>> Cole: On item 225, as as a second cosponsor council member william spelman. Item 227 is withdrawn. Item 228, as the tray, december 9, 2014, approved by the community development commission on 6-1-1 vote with commissioner nelson voting nay and commissioner norello abstaining. Time certain items for today, at 12 noon, we will have general citizens communication, at 2:00 p.M., take up air zoning matters. At 3 recess the meeting of the austin city council and call to order the meeting of the austin housing and finance corporation board of directors. At 3:00 p.M. We will call to order the meeting of the austin industrial corporation board of directors. At 4:00 p.M., We will have our public hearings and at 5:30, live music and proclamations. The music for today is john evans. There will be a pop quiz on this later.

[Laughter]. The consent agenda for items for today are items 1-133, plus items 202-227, with several items pulled off consent which I will go through in a minute. I will read into the record appointments to boards and commissions, which is item number 96. This item will remain on consent for now.

[10:24:18 AM]

>> To the animal advisory commission, megan well's is martinez's nominee and rom stead is the advisory on the airport advisory commission, stephanie trent is council member morrison's nominee. To the austin community technology and tell communications commission, david holmes is council member martinez nominee. To the austin mayor's committee with people with disabilities, katy navine is council member martinez's nominee. For commission on seniors, angela atwood is council member tovo's nominee. To the commission on veterans affairs, michael denton is mayor pro tem cole's nominee and david thomas is council member morrison's nominee. To the community development commission, premal amine is council member martinez nominee. To the construction advisory committee, carea vargas is council member martinez nomine and michael murphy is council member morrison's nominee. To the electrician utility commission, joseph meyer is council member riley's nominee. To the ethics commission, joe lean cava a is council member tovo's nominee, to the mbe/ wbe small business procurement program advisory committee, thomas walker is council member martinez's nominee. To the urban transportation commission, evan johnson is the nominee. To the add advisory committee commission candra bone is council member riley's martinez and jose valero is council member martinez's nominee. Governor governmental members of the central healthcare district, katrina daniel is the council's nominee.

[10:26:19 AM]

Waivers for today are to approve waiver of residency requirement in section 21-21 of the city code to the commission of michael denton on the commission of veterans affairs and to approve residency requirement in section 21-21 of the city code for the service of kathy navine on the austin mayor's committee for disability and for attendance requirements on section 21-26 of the city code of peter chen on immigration affairs. The waivers include waivers through today's date. Those are the items on the boards and commissions and our waivers. The following items pulled off the consent agenda, items 10, 50, 114, 121, 204, 221 pulled by council member spelman. Item 52 is pulled for a brief presentation by the law department. Item 61 is pulled by council member riley. Item 64 and 186 are pulled by council member martinez. Items 117, 127, 131 and 217 are pulled by council member morrison, and items 218 and 219 are pulled by mayor pro tem cole. The following item is pulled off consent for speakers. That is item number 9. And those are -- that is our consent agenda for today. We have several speakers.

>> Mayor.

>> Mayor Leffingwell: Council member martinez.

>> Martinez: Just checking, did you say 186?

[10:28:20 AM]

>> Mayor Leffingwell: Yes, I did.

>> Martinez: Thank you. And the clerk will show me, mayor lee leffingwell voting no on number 2-3. Agenda, elizabeth riteshageler.

>> She is out here. Can I get her? Elizabe elizabe th riteshageler. Is she here? She is not here? If she is here, she can come in and speak.

>> She can't get in the door.

>> She can't get in the door.

>> Mayor Leffingwell: Can someone let her in so she can speak, please? Do we have [indiscernible] shutting the doors now?

>> She is coming.

>> Mayor Leffingwell: Okay. You are signed up on item 88.

>> Iber y.

>> I beg your pardon. I signed up on item 10.

>> Mayor Leffingwell: You can speak on any item on the con seventh item and number 10 has been pulled off consent.

>> This is a voting session. I am sorry, I withdraw my request to speak on item 88.

>> Mayor Leffingwell: Okay.

>> I am not in shape to do anything right now.

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

>> Thank you.

>> Mayor Leffingwell: Stewart hersh. 105, 202, 203.

>> And so the end is near! And soon you face the final curtain.

[10:30:24 AM]

My name is stewart harry hersh.

[Laughter]. Like most in austin, I rent and I am here to ask you to take agenda items 1 and 2, also known as items 202 and 203 off the consent agenda, postpone them indefinitely. I am asking you to kill the rats. Those are the renter of austin taxes that the majority of us pay as renters, and the way that takes place in items 202 and 203 is we are now going to compel the truck drivers who pick up our private dumpsters and recycling bins to have stickers on their respective trucks, which, for those of you who aren't renters often arrive at 5, 6, 7:00 o'clock in the morning and they will have city employees audit whether when they pull up on our sites if they have the proper stickers on their trucks. The real issue is we have overflowing dumpsters in our community and this needs to be a chapter in chapter 25 to fix that. We talked about that at the stealth dorm task force, but it is not in your agenda as a chapter 25 amendment and since what's on your agenda won't solve the problem, please postpone that indefinitely. I am asking you to also approve 105 on submeters so the new city council can figure more afford usual codes to achieve sanitation and water conservation goals. I am hoping by the time you finish today's meeting, you can be able to say regrets I have a few but so few to mention. I want to thank you for your willingness to listen and know you will do it your way by the time this is all done. Thank you very much, mayor and council.

[Laughter]

>> Mayor Leffingwell: Thank you, stewart. I appreciate that. Council member spelman.

>> Spelman: Stewart.

>> Mayor Leffingwell: Stewart, can you come up now a minute.

>> Spelman: As we have said many times, like in austin -- you rent -- like in austin, you rent and like most in austin, you only think you can sing.

[10:32:27 AM]

[Laughter].

>> Mayor Leffingwell: All right, stewart. Melva marine. Is melvin here? I don't see melvin. David king.

>> Good morning, mayor, council members; mayor pro tem. I am david king and that's a hard one to follow up on. I know I can't sing so I won't even try. I am speaking on item 25 to provide \$350,000 for options -- for a total of \$1.75 million for opportunity austin campaign. I am concerned about this because I think it's going to exacerbate the pressure on housing prices by encouraging such rapid growth. I think should seriously consider that potential impact of that as we consider this item. Item number 113, I am glad we have this item to prevent devices that cause pain and injury to torment to circus animals. I ask you go another step further and ban those circuses inside the city limits. And I am glad that you are supporting president obama's executive order on immigration. It is about time and I hope that we -- that he's able to succeed in that order. Item number 28, I am glad that we are going to push for 95% recycling of 95% of the construction of demolition materials and commercial and residential projects by 2030. Austin should be a leader. It is good for our economy and for our environment. Item number 210, waivers for the trail of lights. I am not opposed to this but igist want to make sure -- I just want to make sure that as we go down this pathway with this new method for financing and funding the trail of lights, that we don't push out the low end moderate -- low and moderate income families with these fees and costs to get into the event and we don't overcommercialize it.

[10:34:33 AM]

We have a ferris wheel this year and I heard complaints and noise ferris wheel. I hope that doesn't take it too far. 211, neutral rest rooms, about time. Let's treat people with respect. 214, a fee and pay waiver for sxsw. Please don't approve this and please, let's make sure that these for profit commercial events pay their own way and that we don't reduce, put fire, police, emergency services to neighborhoods to provide services to these events. I hope that you will take a close look at that. And thank you very much and I want to close and thank you all who are now -- this is your last meeting, unless we go to tomorrow but thank all of you for working so hard for this city. I could never, ever dream of doing what you do up

here. And I really respect and appreciate all the good work and the hard decisions that you've had to make on behalf of the citizens of austin. Thank you very much.

[Applause]

>> Morrison: Mayor.

>> Mayor Leffingwell: Thank you. Just a technical point, if we have -- if we are meeting tomorrow, it will be the same meeting.

[Laughter]. Council member morrison.

>> Morrison: David, I want to make one comment on something you mentioned. You mentioned opportunity austin, I know that can be somewhat controversial about our contributions to that. But the last time we got an update from them, they had incorporated poverty and decreasing poverty as one of their goals, and I have asked staff if we could get the new -- well, it's going to be the new council, -- it's going to be the new council if we can get an update on how they are achieving that goal as part of the opportunity austin effort so I think it's really important to keep in mind and thank you for raising it and thanks for all of your involvement.

>> Thanks very much.

>> Mayor Leffingwell: Mike raulis.

[10:36:37 AM]

Mike raulis.

>> Good morning, mayor, and mayor pro tem, council members and my thanks to your service through these years for the citizens of austin. I had just signed up in case there were questions that the city council members would like to address on item 25.

>> Mayor Leffingwell: Thank you. That item is non-consent.

>> Morrison: Mayor.

>> Mayor Leffingwell: Council member morrison.

>> Morrison: I would like to follow up with you. Mr. Raulins I know you incorporated that and I -- incorporated that and I appreciate that that's your work as the trends in austin and I want to request that you make sure the new council knows about the work and how that's going for you.

>> We are glad to do it. We will provide an annual report back to city council as we have in the past.

>> Morrison: And including tracking those goals. Thank you very much.

>> That's correct.

>> Mayor Leffingwell: Thank you, mike.

>> Thank you, mayor.

>> Mayor Leffingwell: So those are all of the I have signed up to -- those are all of the speakers I have signed up to speak on the consent agenda.

>> Morrison: Mayor.

>> Mayor Leffingwell: Council member morrison.

>> Morrison: I want to make a note, item number 189, at 4:00 o'clock, that's the item on imagine austin amendments. 4:00 o'clock I am going to make a recommendation that we take amendment number 5 off the table for consideration. That's the one that was really generating a lot of conversation and so I just wanted folks to know that I was going to recommend taking that off for a later conversation. So --

>> Mayor Leffingwell: Okay. I believe this is the item at council member riley's request, it's posted for 4:00 o'clock but we will not get to that until after 7:00.

>> Morrison: Right. In I may, mayor.

>> Mayor Leffingwell: Go ahead.

>> Morrison: I think taking that off the table may ovite the need for extended conversation and I am going to be asking staff to host some kind of forum so that conversation can take place but at a later date .

[10:38:49 AM]

>> Mayor Leffingwell: Okay. Hopefully that will be the case.

>> Cole: Mayor.

>> Mayor Leffingwell: Mayor pro tem.

>> Cole: I want to clarify that 189 has to do with the compact and connected element of the imagine austin plans, so the public is clear about what item that was.

>> Mayor Leffingwell: Yes, sir.

>> Mayor, I am tim hart and I signed up for item 8. I didn't hear it was pulled.

>> Mayor Leffingwell: Go ahead and speak. Tim morton?

>> Tim hart. Was it pulled?

>> Mayor Leffingwell: Pardon?

>> Was it pulled?

>> Mayor Leffingwell: No, item number 8 is still on consent.

>> All right. Good. Thank you. Council members, my name is tim arnt. I am speaking on item number 8, which is an amendment to the budget for \$5.15 million that stem from a department of energy grant that I had the opportunity to help develop as well as review before submission. When it was presented to council in may of 2010, what carl robigo had committed to is these funds would be a long lost reserve that would be leveraged and bring in 5-10 times the deposited amount, which would mean 25-\$50 million for energy efficiency loans, specifically directed at pace financing. Those funds have been deposited in velocity credit union and loaned out on a one to one basis. I urge you to pull this item for discussion. The fund -- it's already goes f deposit ited and -- it's already deposited and funded so we have to accept that but austin energy is asking for two temporary full-time employees and as the fund is being replenished at \$250,000 per year, those two temporary employees who administer the grant will eat up any of those funds that come back in to replenish the loan that's on reserve.

[10:41:06 AM]

I am also serving on the low income consumer task force, and what I would like you to do is direct the city manager not to reloan those funds out this budget year so that we can have that \$250,000 to use as a leverage pool to attract another million, two, or three million dollars into the energy efficiency pace program. Thank you very much and I reiterate everyone else's comments about thank you for your service and I look forward to seeing you either on this side of the dais or on that side of the dais next year. Thank you.

>> Cole: Thank you.

>> Mayor Leffingwell: Council member tovo.

>> Tovo: Mayor -- I need to use these new fancy machines. I need to pull item 62, please.

>> Mayor Leffingwell: Item 62?

>> Tovo: Yes, for just a brief discussion of some amendments that staff made. I don't believe we have a copy of that on the dais so if we can just very quickly discuss the changes and make sure that we are voting on the amended version.

>> Mayor Leffingwell: City clerk will note that 62 is pulled off the consent agenda. Entertain a motion to approve the consent agenda.

>> Cole: So moved.

>> Mayor Leffingwell: Council member spelman so moves. Seconded by mayor pro tem. Council member tovo.

>> Tovo: And now, mayor, I would like to be shown as recused on item 101, a fee waiver for the floyd surveillance theater and show myself as being recused on a portion of 114, and that portion is the -- floyd vance theater -- and number 114 is related -- excuse me, it has been pulled to I will do that later. I want to make a quirk comment on 107. The resolution speaks to -- this is a resolution initiating process for sos amendment. I am prepared to support it today but I will looking at this with much more scrutiny when it comes back through the council and I would recommend that the developers on this site work with some professionals who can focus in on the b item that's identified in the resolution, which is to reduce the amount of impervious cover on this site.

[10:43:19 AM]

I think that's really critical and I hope that will be a primary goal as it -- as it moves through the process. On item 116, I wanted to point out that please note that the date on the item was changed from march. March was in the posting language. The resolution has changed it to a june date and I just wanted to point that out and make my colleagues aware that we provided staff with a bit more time to respond.

>> Mayor Leffingwell: All in favor of the motion to approve the consent --

>> Martinez: Mayor.

>> Mayor Leffingwell: Council members martinez.

>> Martinez: Show me voting no on item 25.

>> Mayor Leffingwell: Show council member martinez voting no on item 25. Those in favor say aye. Aye. Opposed say no. That passes on a vote of 7-0. And we are showing council member tovo recused on item 101. Okay. I would note on item number 10, which we are not going to right now, but shortly, there are 38 citizen signed up to speak and the council has agreed and without objection, we will say the testimony will be limited 30 minutes on each side of that question. So if you want to organize your speakers, now would be the time to do that. So we will go to item number 9, which is pulled off consent due to speakers and paul robbins.

[10:45:23 AM]

Is paul here? Yes, paul is here. Is claire de young here? She is. So paul, you have 6 minutes.

>> Council, austin has operated municipal utilities for electric and water service since 1895. Would it -- mayor? Mayor? Would it be okay if I started when people have left the room. It's a bit ...

>> [Indiscernible - no mic].

>> Okay. Council, austin has operated municipal utilities for electricity and water since 1895.

>> Mayor Leffingwell: Excuse me, set the timer for 6 minutes, please.

>> Since 1895. There were at least two motivations for this. The first was that austin leaders thought a municipal utility would bring lower rates and allow austin to better control its destiny. The second motivation was that profits from the utility could supplement the city's general fund. Austin has a huge amount of tax exempt property because it is the home of state government and the main branch of the university of texas. In 2012, the state owned at least three square miles of land, 28 million square feet of gross building space and 7 million square feet of parking garages in austin that were exempt from taxes. The services austin provides are real and tangible. In 1983, for example, austin firefighters prevented a fire in the capitol building from completely destroying structure.

[10:47:35 AM]

Four austin firefighters were injured in the event. But despite austin providing what is likely tens of millions of dollars in free city services each year to the state, we continue to reduce austin energy's profit, which is one of the only ways to recoup a small percentage of the money austinites pay every year as a hidden tax to state government. What you are doing here today will raise our electric rates. In the 2012 rate case, it was clearly stated that all special contracts would be terminated with their may 2015 expiration date. And the rate increase will be to all the other customers ... However, there is no fiscal evaluation in the backup material to show how much this continued -- this continued rate rate to the state will continue so serve as electric rates and this serves as precedent because rest assured, the other contract customers will see what you are doing here and ask you to continue their own favorable treatment as well. Now, I do realize that you are doing this to appease a hostile legislature. Austin does not want to look hostile to them just before a legislative session. But, I do question how much this is going to help, given the hostility the state has had towards austin for the last few decades. I am not sure if even giving away electricity freewill appease some of the city's critics. They will probably want us to pay them to take it.

[10:49:39 AM]

And if we did, they probably would want us to pay them more. So I am going to leave you with a heretical thought. Perhaps it is time to begin asking state government for an annual payment in lieu of taxes to cover a portion of the city services that Austin provides to them. I realize that this might take a decade to succeed. However, we will never accomplish it if we don't start asking. Thank you.

[Applause].

>> Mayor Leffingwell: That's the only speaker that we have signed up. Entertain a motion on item number 9.

>> Move approval.

>> Mayor Leffingwell: Council member Martinez moves approval. Second by council member Spelman. Discussion? All those in favor, say aye. Aye. Opposed say no. Passes on a vote of 7-0. Without objection, council, I am going to skip number 10 and give folks time to get their speakers organized. We will go to number 50 pulled by council member Spelman and we have several speakers.

>> Martinez: Mayor.

>> Mayor Leffingwell: Council member Martinez.

>> Martinez: Sorry, mayor, before we go to the next item, there are some speakers that are signed up -- so we are going to take for and against. I know some of you that are signed up against might be for it, depending on amendments that happen, so you really need to figure out which side you are going to speak on because you are only going to get 30 minutes per side. So just keep that in mind.

>> Mayor Leffingwell: So council member Spelman, do you want to go to the speakers first?

>> Spelman: [Indiscernible - no mic]

>> Mayor Leffingwell: Stewart Hersh.

>> [Indiscernible - no mic]

>> Mayor Leffingwell: Thank you.

[10:51:41 AM]

David Mitz.

>> Good morning. My name is David Mitz and I am here today on behalf of the Texas Apartment Association in opposition to the proposed ordinance expanding fair housing protections to include

source of income. In respect for the council's time, I don't want to repeat all of the arguments that you have heard about the fact that this ordinance mandates participation in what is supposed to be a voluntary federal program and that the program imposes burdensome requirements that differ significantly from a way conventional property owners deal with residents. However, I do want to reiterate that for the past two decades, our industry has worked to improve the section 8 program and encouraged voluntary participation. It is our firm belief that more owners would participate in the program if it were more transparent and did not have all of the bureaucratic regulations associated with it. Some grocery stores are accepting food stamps which is a simple process without a lot of regulatory associated with it. I never heard of a property owner who wouldn't accept a prospective resident because the resident received social security or alimony or other sources of income. It is a shame that section 8 program doesn't work better and that the housing authority hasn't been more aggressive on working with property owners to encourage voluntary participation. We wish the city had tried to focus on ways of encouraging participation instead of taking this approach. Should the ordinance pass today in addition to safe relief from the courts, the top issue on t.E.A.'S legislative program for 2015 will be seeking a state law that preempts ordinances of this type.

[10:53:43 AM]

Thank you.

>> Mayor Leffingwell: Thank you, david. Sandra eckhardt.

>> Good morning, council members. My name is sandy eckhardt and I am here representing the 1,060 members of the austin apartment association. Let me get right to the point. The issue here is a simple one. It is wrong and unconstitutional to require landlords to participate in a voluntarily federal-based program. The lease addendum landlords are forced to sign in participate in section 8 is a one sided document that's ever been written. It allows h.U.D. To break the lease without penalty and how have a say in what landlords rent and makes it more difficult to evict a tenant who is causing problems in the apartment community. City made no attempt to work with landlords on better alternatives. If section 8 voucher holders have problems renting apartments, it is because how h.U.D. Runs the program, not because landlords discriminate. This is an insulting and inaccurate claim aimed at clouding the issue. A vote for this ordinance today means simply that you are also voting to risk hundreds of thousands of dollars in taxpayer money to defend this unconstitutional ordinance at the courthouse. Those are fees you will pay to city attorneys, potentially fees you will be ordered to pay to our attorneys, should we prevail at the courthouse. Apartment owners have civil rights, too, and we are fully prepared to fight for those rights in a court of law. Not one penny of the city spends on attorneys or potentially to pay our legal fees will provide a single unit of new housing, help a poor family or provide other vital city services.

[10:55:47 AM]

The austin apartment association and its members respectfully ask you to carefully take a step back and fully consider the legal objections and look for a win win alternative to avoid a costly legal battle that you will -- may well lose. As fiduciaries of taxpayer dollars, that is your obligation. It is the right thing to do, and it's the only responsible course of action. Thank you.

>> Mayor Leffingwell: Thank you, ma'am. Suzanne almanza. John joseph.

>> Mayor, mayor pro tem, members of the council, my name is john joseph. I am an attorney representing the austin apartment association and speaking in opposition of item number 50 on your agenda, the source of income ordinance. First of all, I'd like to say that this is not about discrimination against individuals with disabilities. This ordinance adds nothing with respect to discrimination against individuals with disabilities. That is already against the law. I just want to point that out. This ordinance, I believe, is in contra venges of section 214.903 of the local government code and requires the acceptance of section 8 vouchers by owners seeking to rent their property. As you are aware as implemented by the federal government section 8 is voluntary. Participation in the program is purely and totally voluntary. Your ordinance to speak -- your ordinance seeks to make this program mandatory. Many sections -- many section 8 housing projects are subsidized. The owners of properties are given incentives to locate and develop section 8 housing.

[10:57:48 AM]

Our owners acquire properties with the specific purpose of soliciting and accepting section 8 vouchers. The most common incentive as you know is tax credits. This is important because it means those who enter into section 8 housing programs have planned for the unique cost and burden associated with that program. I am speaking of costs and burdens such as the requirement to use a special nongauche usual lease addendum, the requirement for special inspection and the risk of unwanted vacancies. These burden are not a deterrent for some but they are for others. What the source of income ordinance seeks to do is to instantly convert properties that were never developed, nor purchased for the purpose of section 8 housing. You are seeking to force a square peg into a round hole. It is possible but not without damage to both the peg and hole. An unintended consequence may even be to drive some affordable housing out of the market. Most of our market rent -- market rate affordable housing today consists of older apartment buildings that are relatively cheap simply because they have not been renovated in some time. Each of these owners must decide when to renovate its units, incurring a significant up front cost in exchange for higher rents after renovation. Although it's impossible to predict exactly what -- exactly -- exactly what consequence this ordinance will have, one consequence could be to incentivize

some owners to renovate their apartments sooner rather than later, to place the units back on the market at higher rates, possibly with rents that price them out of the section 8 market entirely. A better.

[Buzzer alarming] a better and more prudent -- a better and more prudent approach that the association has urged since the inception of work in this ordinance is a voluntary incentive based program that provides economic development and operational to the landlord --

[10:59:58 AM]

>> Mayor Leffingwell: Your time has expired. Thank you. I want to follow up on a question you raised. I think we have an attorney. You raised a question of the federal law requiring this to be a voluntary program. I could like legal staff to respond to that. It seems that if they can't ask the question, how has it been voluntary? Respond to that, please?

>> Patricia link, assistant city attorney.

>> Mayor Leffingwell: Is there a conflict in federal law?

>> I don't believe so.

>> Mayor Leffingwell: Would you care to elaborate on that?

>> The -- it doesn't require them to comply with section 8. All it says is that you cannot discriminate based on that basis. So we aren't taking what is a voluntary program and making it mandatory.

>> Mayor Leffingwell: But if they don't know they are going to be a section 8 tenant or not, how does that figure into it? I mean, if they can't ask the question? How do they know?

>> Okay. So when they go through the -- when someone applies for property, they usually have to indicate what their source of income is in the sense of how are you going to show how you can pay the rent. And I think usually during that process is when it becomes apparent if the question is not asked beforehand.

>> Mayor Leffingwell: So you are very satisfied there is no potential conflict?

>> I am satisfied.

>> Mayor Leffingwell: Okay. Thank you. The next speaker is crista noland.

[11:01:59 AM]

Is cristina noland here? If you are signed up to speak on item 50, it might be a good idea to come into the room.

>> [Indiscernible - no mic]. Problems and the clerk's office and it is very complicated [indiscernible - no mic].

>> Mayor Leffingwell: It is complicated in here, too.

[Laughter]. I will just go to the next speaker and I will come back to her. Is latory duncan here? All right.

>> Hi.

>> Mayor Leffingwell: You have 3 minutes.

>> My name is la toy I can't duncan and I lived at previous address 7 years and I had to move out february 2014 because the house I was renting in section was foreclosed on. It was devastating for my son to have to move from his familiar home. I tried to find a place, did the that accepted section 8 vouchers in our area. I was shocked to find out how many weren't accepting it. Right after I moved I noticed african-americans were moving out and caucasians were moving in within a period of time. The owners raised it from 850 to 1250. The bank gave me one month to move out of my premises and I started to look in 2014 and was turned down over and over and over again. When I wasn't turned down, a lot of people wouldn't accept section 8 vouchers. I asked why and some said a lot of tenants kept the places dirty and didn't want section 8. I felt they were discriminating to section 8 tenants. Sometimes I would state to the tenants -- how great I was, how many good years I had, 7 years I was at my place, I had good references from a landlord and they still just didn't accept me.

[11:04:07 AM]

I ended up getting realtor after realtor, about 6 months, six different realtors tried to help me but a lot of people weren't receiving section 8. My son and I had to move with my apartment with a one bedroom apartment for five months. I slept on a couch and my son slept on an air bed. It was devastating for me and heartbreaking to see my son had to go through this and not being stable and not being, you know, having a place for him to find friends and it was really, really upsetting. This was the first time he wasn't stable and he didn't have his own room. Kids he socialized with and it was hard. So finally I was -- my first extension was in may. The day I went to sign up for the very last extension, I sat in the parking lot and I cried because it was devastating to me to know that I had to -- that I was losing my voucher because of a technicality, because I wasn't able to find a place within the time frame. Finally, after five months of staying with my mother, I had a break through and when I met isabelle he it isrick. I told her story and she was the only person who gave me a chance. If it wasn't her kindness and understanding of the situation I was of how difficult it was to find a place, I wouldn't have the place today. I only had two weeks left before my voucher was terminated. I couldn't afford to play regular rent

and utilities on a social security check. I thank god I found an agency like aha that works with section 8 and doesn't discriminate for other tenants what they did do and didn't do and because of race and disabilities. We all need a place to live and shouldn't be discriminated against because we use vouchers.

[Buzzer alarming] thank you.

>> Mayor Leffingwell: Thank you. I just noted a whole bunch of over folks just signed up to speak on this.

[Applause] but we are only going to take 30 minutes a side.

[11:06:07 AM]

I will have to figure that out. If you signed up in favor and signed up a few minutes ago, you may want to organize your speakers and see what your priority is. Otherwise I will go in order until we get 30 minutes. Is crista noland in the chambers? You have 3 minutes.

>> Good morning mayor, couples, thank you for considering this, I am crista noland and the executive director of doors. We transform -- director of green doors and we save lives in central texas every day and every day we make sure that every person in this community has access to safe, quality, affordable housing. I want to directly speak to this matter on the issue of veterans. In the last five years, the va has come out with vash vouchers which are permanent vouchers for veterans locally. They have been amazing. At green doors we have transitional programs that five years ago, we had veterans that had such intense needs, there was nowhere for them to go. Now we have these vouchers and the va hands them to our veterans. What we are considering today is causing a barrier for veterans to being able to use these vouchers anywhere in our community. It is really important that the veterans have access to opportunity like everyone else. Section 8 is what we are primarily talking about. The veterans are drastically impacted by this. At green doors, for five years, we have have also given out veteran rental vouchers through tdchh funds and I have again and again had people come back to our office and people with disabilities who were so utterly frustrated because their choices locally were just so few if they could find any. Our occupancy rate is so high. It's hard enough to find affordable housing locally without showing up and being discriminated against because you have a subsidy and the landlord wants somebody who will pay 100% of their rent in cash.

[11:08:19 AM]

Okay. They are snapping. I thought they were saying hurry up.

[Laughter] okay. Please consider the impact this has. When we talk about these subsidies, somebody has the ability to get a house. They have the ability to get a home. But when the door slams in their facetime and time and time -- in their face time and time and time again. It is defeating. We are trying to end veteran homelessness and end all homelessness in this city. This is a crucial part. Please don't threat this be one more barrier. Criminal backgrounds are enough of a barrier. Finding accessible units in this community that are affordable and what people with mobility issues truly need, those are already barriers. We have so many barriers. Please don't let this be another one. Thank you for your consideration.

>> Thank you. Thank you.

>> Mayor Leffingwell: And I have done a little arithmetic here and all of the folks signed up in favor add up to 30 minutes, so everybody that's signed up now will get to speak. David king.

>> Thank you, mayor, mayor pro tem and I am david king and I am in the zilker neighborhood. To me this is about fairness and equity. You so often take the right path towards fairness and equity. That has been one of your hallmarks. And this is another one of those situations where you are taking the lead, and I hope you will pass this, and people on low income who need these vouchers, they should be able to rent and live in neighborhoods throughout our community and not be forced into just certain areas that accept them. This is fairness and equity for those people. This is the right thing to do and these threats that they are going to get the legislature to come back and preempt these decisions.

[11:10:25 AM]

Let them do that. Be on the right side of this issue, as I believe you are. Do the right thing. If we continue down this pathway of not allowing these folks -- these people, these families on low income who are using these vouchers to be able to live in our neighborhoods, then we are going to continue to segregate them and that's the wrong thing. That's the wrong thing to do for -- for our -- for our citizens of our community. So I hope you will stand firm against these threats of the legislature in it being unconstitutional and I applaud you for bringing this resolution forward and I usual you to be on the right side -- I urge you to be on the right side and do the right thing. Thank you very much.

[Applause].

>> Mayor Leffingwell: Okay. Jennifer macphail.

>> Can you hear me? There we go. I am jennifer macphail and I am with adaptive texas. We are very strongly in favor of the ordinance. It has the ability or the possibility of being very transformative to people who live in our community. One of the main issues that adapt works on is transitioning people from nursing homes back into the community. The biggest barrier is the lack of affordable, accessible, integrated housing. People have the ability or the access to vouchers when they transition out but many

times have the danger of having to give them back because there is no place that will take the vouchers, and this has the opportunity to really go a long way in making sure that people have a permanent place in the community and they don't have to risk the danger of going back into an institution or facing couch surfing as a possibility to live.

[11:12:46 AM]

So it's very important for everyone that is speaking in favor and so many more of us who have never been to city hall and wouldn't even know how to speak on it. There are thousands of people all over the city that suffer every day because they can't find a place to live that is safe and affordable and accessible to the community and please think of those people while you vote. I hope you vote yes. Thank you.

>> Mayor Leffingwell: Monica guzman. Monica guzman.

>> [Indiscernible - no mic]

>> Mayor Leffingwell: All right.

>> She is coming.

>> Thank you for this opportunity to speak. Basically I am in support of it. It needs to be passed. There are too many in need. We need to remember the different homeless, whether they are the ones who are mobility challenged, the veterans, the families, the single parents. Aisd on average deals with 2,000 homeless students every year and being subjected to student mobility, that's a potential negative impact on their education. If we want solidly, educated and trained students as we are going through there, we need to make sure they have stable housing. The same thing goes with anybody who is a wage earner. This is a long term problem to address homelessness but the one thing you can do now is pass this. One thing I have stated over and over in the past couple of years is industry leaders, politicians from the local level to dc and back again, they have a habit about complaining about situations that they helped create and not passing this only contributes to the existing situation. You need to remember you sit up there to represent everybody in this city, whether they live in west austin in a mansion or they are in their car, whatever the case may be.

[11:14:51 AM]

Do the right thing for the people. Thank you.

[Applause]. Salavitz. You are smiling, maybe I didn't pronounce it correctly?

>> You did. You pronounced it right. This is your last council.

>> Anyway, I am salavitz and I am with adapt texas. I am a voucher holder and luckily I found a place to live. That's the good part. The bad part is it won't be available until february so when jennifer said "couch surfing,," that's near and dear to my heart because that's currently what I am doing because I have good friends and I am able to do that. But -- but people with disabilities should have a choice of where they live, not just certain zip codes in this city. Everybody loves this city. It's a great city and it's important to me that the apartment is efficient. Wants to take this to the state and possibly federal level. They can do that if they wish, but we will be there to be on the other side, to speak on housing justice and fairness and equality for all of the people of austin and all of the people of texas. Thank you.

>> Mayor Leffingwell: Thank you.

[Applause]. Stephan stephan ie kummis. Ple

>> my name is stephanie thomas and with adaptive texas and on the board of affordable housing austin. I am very strong in support of this ordinance. Over 90% of the apartments that could be taking section 8 refuse to do so and that means people have to have their time to get -- find an apartment renewed over and over so that they can find somewhere to live.

[11:17:01 AM]

There are communities all across the country that have passed such ordinances and it is not illegal. It is something that you can do and you need to do in our town. We are one of the most expensive communities in the state of texas and it is very tight and people need help. They need a way to be able to use their vouchers to find housing. If people are so disgusted with having to serve people like ourselves, then maybe they can go and upgrade their apartments, but the fact of the matter is that people with vouchers need to find places and squeezing it all down into less than 10% of the possible apartments is not a way that that's going to work. I am sorry that the apartment association hasn't done more to educate its membership about the reality of section 8, and ah-ha, I know some of you as renter -- people that rent houses know that the section 8 contract is no horrible, terrible thing, like they make it out to be. I am sure they believe what they are saying. But I think with some education, we could go a long way. It is really too bad that hasn't happened in all of the many, many decades section 8 has been around. Apparently it hasn't. We are going to dig in our heels and not do it. That's not a way to make things happen. We need a change in this community. We need this community to be more open and more welcome to diversity and to people who are actually able to pay the rent and I will pay the rent, and then they don't have to chase people down to get the rent from them, because we hope you not to listen to the misinformation. And we ask you to vote for this ordinance. Thank you.

>> Mayor Leffingwell: Thank you.

[Applause]. Tom orlando. Tom orlando.

[11:19:11 AM]

You can use one of those.

>> You don't have to.

>> Mayor Leffingwell: It is your choice.

>> Tom orlando with hopes for vets. I am also cochairman of echo's task group and this is the first time for me to speak in front of this group so if you will excuse me for being a little nervous. I find it hard to understand why people would refuse to accept a check that is issued by a government agency. It has to be beyond that. It has to be an understanding on that person's part that these people are just not good. And that's wrong. These are people, like everybody else, who have fallen on hard times. And we have to help them. They need our help, whether they be civilian or veteran, I am personally an advocate for the veterans but homeless people need a hand up to get on their feet. They have to get out of that tent or out from under the bridge or out of their van and into a home where they can start working on getting themselves back into society. And they need that help. The help is available. The checks are there. The vouchers are there. But the landlords won't take them. We need your help. We need to get those landlords to understand that they have to do their part to help these people get back on their feet. Thank you very much.

>> Mayor Leffingwell: Thank you.

[Applause]

>> Mayor Leffingwell: Thank you.

[Calling name]. Rene lopez. Okay. Can someone help her with the mic?

>> Can you hear me. I I think I have it.

[11:21:12 AM]

My name is rene lopez and I am on the board of aha with jennifer macphail and stephanie thomas and honestly, I can't believe we are even arguing about this because I feel that housing is one of the most important things that, you know, people need in this city and we are getting pushed out by all of the high-rise apartments. They are too expensive. I think it's pure discrimination that they do not want

people who are on section 8 because they are seen as being lower level people or something, that they are going to come in and contaminate the apartment or bring it down or it's not going to be as ritzy as it should be or they want it to be. And I just cannot accept that. I have lived in austin my whole life and I can't believe that, as an austinite, I am getting pushed out of my own city because of the section 8 problem. So I want to ask you to please vote in favor of this ordinance. I think it's very, very important to our city. Thank you.

>> Mayor Leffingwell: Thank you.

[Applause].

>> Mayor Leffingwell: The last speaker is nancy crowther.

>> Thank you, I am nancy crowther and I am with adaptive texas and an austin resident for the last 30 years. 20 of those years were renting. Do I look like a danger?

[Laughter] I am sorry. I am not. I rented in one location for 20 years, and do you know why I am not renting anymore? One, you can't afford the rents anymore. I actually bought a house. It's cheaper to buy a house than it is to rent, and there is not that discrimination of, oh, you are in a wheelchair. Oh, you get this kind of income.

[11:23:14 AM]

I faced that before I even found a place to live. I faced that too many times. That's why I stayed where I was for 20 years and saved my money and bought a house because I was tired of that attitude. Say it's not discrimination. Well, it's something else. But it's not right. So no matter your source of income, you should have the right, no matter what your background, is to live where you want to, when you want to and close to the services that you should need. Please I implore you. Listen to your heart. Know what is right. Remember the flag in the united states that we were born under and live under. See to our rights and to be discriminated hurts like hell. Thank you.

[Applause].

>> Mayor Leffingwell: Per our agreed rules, that's 30 minutes in favor. We didn't have quite 30 minutes against. Council member martinez.

>> Martinez: I think council member spelman may be making an amendment but I will go ahead and move approval of this item and then I will make some comments.

>> Mayor Leffingwell: Council member martinez moves to approve this item. Is there a second?

>> Spelman: Second.

>> Mayor Leffingwell: Seconded by council member spelman.

>> Spelman: [Indiscernible] council member martinez predicted. Offered friendly to council member martinez. Made a motion --

>> Mayor Leffingwell: I don't think your mic is on.

>> Spelman: This is -- my mic is too damn short is the problem.

[Laughter].

>> Mayor Leffingwell: I don't think you can say that in here.

[11:25:15 AM]

[Laughter].

>> Spelman: I guess I just did. It's the last meeting. What are you going to do to me, huh?

[Laughter]. This is to remove part 3 from the current version of the ordinance that is section -- proposed circumstancetion 51 -- section 5119 applicability. We don't need section 51-19 because we currently have 51-14 on the code which already puts into place all of the anti-discriminatory sections.

>> Mayor Leffingwell: So that's a friendly amendment. Is that accepted, council member martinez?

>> Martinez: Yes.

>> Mayor Leffingwell: You want to say a few words?

>> Martinez: Yes. This has been a long conversation to get to this point and I don't want to belabor the points that have already been made but something struck me when I was hearing this testimony. I remember when president obama came up with the resource recovery act and wanted to inject federal dollars into our community because we were in the worse recession we had ever been in. We heard the same arguments we aren't going to take the money from the federal government because there is too many strings attached to it and it is one of the best things that could have been done to turn our economy around. This is your taxpayer dollars. This is not some boogie man that will come in and destroy your property or the process of renting your process. This is our tax dollars. I say it's an expansion of our economy, because it creates the opportunity for more of those federal tax dollars to be spent right here in austin. As you all know, my wife and I rent to a section 8 holder and I just, to the life of me, it has been two years now, and not one single experience or anecdote that has been said to us about this program has ever borne itself out, for me.

[11:27:23 AM]

We hear we want to end homelessness and create affordability. How many times have you heard the word "affordability" in the last 11 months? Yet here we are affecting things of affordability like homelessness and workforce housing abwe are still faced with -- and we are still faced with tremendous opposition and threats of lawsuits and it saddens me. I hope this council will move forward with this item and I hope that the landlords will work with us and embrace this policy because it is only going to expand st opportunities for property owners that rent. I want to thank you for being here. I hear the concerns about the process and the program. But it is not mandatory. It does not require you to accept section 8. It does not require you to get into a voluntary program. It simply asks you to not discriminate against someone regardless of what their source of income is. We shouldn't do it. We don't discriminate if parents pay for students' rents. Why would we continue discriminatory practice of federal tax dollars that is our tax dollars that we have to chance to bring back to austin. So I hope we will support and move forward on this item.

>> Mayor Leffingwell: Any other comments? All those in favor, say aye. Opposed say no. Passes on a vote of 7-0.

[Applause].

>> Mayor Leffingwell: So we will go to item number 52 which has no speakers signed up.

>> Thank you, council.

>> So we have a presentation from the

[11:29:33 AM]

>> mayor, mayor pro tem.

>> Mayor Leffingwell: Could I ask everyone to hold the conversation down in the back so we can hear the speaker? Go ahead.

>> Mayor, mayor pro tem, councilmembers, my name is andrea lloyd, assistant city attorney in the legal department. I'm here today to request that you approve an agreement to settle a personal injury lawsuit against the city in a case styled laurel riley versus the city of austin. As may recall from the NOVEMBER 20th, 2014, Executive session, this case arises out of a car accident that occurred between an austin water employee and the plaintiff. The general terms of this agreement are as follows: The city will pay the plaintiff \$105,000 and in return the plaintiff will dismiss the lawsuit against the city with prejudice

and release the city from any claims that have been or could be asserted against it. The law department recommends that you approve this settlement.

>> Mayor Leffingwell: Questions? Mayor pro tem moves approval, seconded by councilmember spelman. Those in favor say aye. Opposed say no. That passes on a vote of 7-0. Thank you.

>> Thank you. We'll go to item 61. No speakers signed up on this. Councilmember riley.

>> Riley: I've been working with the law department on language on that so if we could table that and come back to it.

>> Mayor Leffingwell: We'll put this item on the table for now and go to item 62. No speakers signed up on this item. 62 is pulled by councilmember tovo.

[11:31:41 AM]

>> Tovo: My staff had an opportunity to meet with them and so our park staff have made a couple very minor changes to this document and if someone from the parks department could come up and just very briefly walk us through those, then we could vote on the amended version. We may need a few minutes for that. Here's 61.

>> Mayor Leffingwell: Pardon?

>> Tovo: I believe 61 is -- changes are --

>> Mayor Leffingwell: Are we waiting for somebody from the parks department?

>> Tovo: While we're waiting, I think 61 is ready.

>> Mayor Leffingwell: Without objection we'll put 61 on the table and call -- 62 on the table and call up 61.

>> Riley: We are vacating the alley. But I have been working with the law department and the entities involved.

>> Mayor Leffingwell: Is your mic on?

>> Riley: The mic is too dang short.

[Laughter] the language I passed out we have worked out with the law department and the entities involved. The idea is simply that we will vacate the unconstructed alley, but in exchange we will ensure and adds language to part 3 to state lion llc shall enter into an agreement allowing the public access prior to release of a site plan. Then we add a few words in part 4. Referring to satisfaction of the conditions set forth in part 3. It's very simple in exchange for letting go of the unconstructed alley that

goes east-west to waller creek, we will be getting a public access easement along the east bank of the creek between third and fourth.

[11:33:47 AM]

So with that, mayor, I would move approval of the item.

>> Second.

>> Mayor Leffingwell: So councilmember riley moves approval with the changes that you passed out, seconded by councilmember morrison. Discussion? Those in favor say aye. Opposed say no. That passes on a vote of 7-0. Are we ready for 62 now?

>> Yes.

>> Tovo: Dr. Hensley, thanks for your work to address a couple of the issues about which we had questions. I wonder if you could just tell us very quickly what those are and assure us they've been incorporated into the document we're about to vote on.

>> I sure will. Sara hensley, director of parks and recreation. The three items is that we will, number one, make sure that this development goes back before the parks and recreation board. I've even committed a little further which I would have done any but will memorialize it that I will be giving updates on a regular basis to the parks and recommendation board when taking design to them so they can look at it and approve it. Also in exhibit d, number -- item number 3, the intent is to literally make this a park and sense of a neighborhood park and it is all of our efforts including the parks foundation and the downtown austin alliance that we do not have a lengthy list of full closures for that park. Therefore as part of the management plan which we will be developing, it will list that there will be a process beall we'll go through to keep it as a neighborhood park. And we'll have the actual number of closures each year listed in that management plan that we will also then share with the parks and recreation board. The final item is number 6, item b4, which was addressing the issue related to waiver of fees.

[11:35:56 AM]

That is being completely eliminated. And that is the item where it would -- as staff doesn't have the authority to waive fees, it was looking at requesting and recommending city council's consideration of waivers of any and all fees for permitting, approval of licenses, that is being struck from the document completely.

>> Tovo: Thank you for that explanation. As I understand it, the management agreement will come back before council.

>> We'll be happy to bring that before council.

>> Tovo: I think that's important. Again, events, making sure that the park is not closed. For inappropriate numbers of days I think is just an important consideration for all of our parks.

>> Thank you.

>> Tovo: And I'll mention it since it was on our agenda elsewhere, I hope that it will continue to be a consideration as a site for the carousel. I know that's not in the plan, but since it is on our agenda today and it is downtown within the geographic area, I hope it will factor into the consideration of sites. Thank you for your work on this. I think this addresses the concerns I have.

>> Thank you.

>> Morrison: Mayor, I have a question for staff.

>> Mayor Leffingwell: Councilmember morrison -- sara? Councilmember morrison.

>> Morrison: Sara, you just mentioned the management plan will come back to council. Is it in there the management plan will be approved by council or is it just going to be --

>> no, it wasn't. I had -- I had planned to make sure the management plan would go before the parks and recreation board and be approved by the board.

>> Morrison: And that's an annual --

>> yes, ma'am. Each year we'll have to do a management plan that will have to be approved by me and those kinds of partnerships I usually take before the parks and recreation board to keep them fully advised of what we're doing, but it was not in the agreement to be approved by council.

>> Morrison: I just -- I guess I just want to raise that as an issue because it could get to be -- could get to be a controversial item that has conflicting sort of pressures from different sides, and what would you think if we suggested that at least portions of it, like if that's the only thing, you don't need to bring the whole thing, but that you would ask for council's approval of the number of paid events?

[11:38:19 AM]

As I understand it, we're talking about paid events that are of concern? >>

>> Tovo: Yes, and it was actually my hope that it would be. Glad you are clarifying the language. It was my hope and intent that piece would come to council for approval. So thank you for asking that question.

>> Morrison: Did you make a motion?

>> Tovo: I would be glad to. I would like to move approval of this item.

>> Morrison: I'll second.

>> Mayor Leffingwell: Motion by councilmember tovo, seconded by councilmember morrison.
Discussion?

>> Morrison: Yes. I guess I would like to -- so we're considering what sara -- what director hensley has just offered and I would like to make a motion to amend to add a requirement that the number of paid events be approved by council.

>> Tovo: That's fine.

>> Mayor Leffingwell: That's considered friendly.

>> Morrison: Is that all right, sara?

>> We'll share the agreement. It will have everything from activities to other things that we'll be working with, maintenance factors, things that you hopefully would not be that interested in, but the paid events I do understand the significance of that and I will tell you on behalf of my -- my wonderful partners at the daa and apf their whole intent is to not lock this park down and have it open to the public.

>> Morrison: Great. My motion was just number of paid events.

>> I've got it right here. I wrote it down.

>> Morrison: All right.

>> Mayor Leffingwell: On the table, a motion as amended. All in favor say aye. Opposed say no. That passes on a vote of 7-0. So we have about 20 minutes before we go to citizen communication so without objection, council, I'm going to try to get a few of these that have one or fewer people signed up to speak. So we'll call up item 114. It has one speaker.

[11:40:22 AM]

And 114 was pulled by medical. -- Pulled by councilmember spelman. You have three minutes.

>> Item 114 for the record, ladies and gentlemen, I'm will McLeod and I'm speaking against 114, which is approval of resolution adopting and funding a metro policy to be used in preparing future proposed budgets for the health and human services department and social service contracts. Adopting three to five-year goal and implement plan for increasing the funding of hhds and social service contracts. Now, as you well know -- by the way, I would like to echo mike martinez's comment about president obama and the stimulus. That -- that was a failure. And if you go into cns news.Com it will talk about that failure. Anyway, we're talking about this hhds, this health and human services. Government has grown too big. When is enough enough? It may be a penny to some people, but that penny adds up. We can -- that's a lot of other things we can use, like affordable housing and other matters. But why increase this health and human services department? Back in the day, religious institutions such as the churches, catholic charities, would take care of ailments and stuff like that. Why do we have to fund this pork barrel project known as health and human services department? I think they have enough money from the state of texas already. We don't need to put a tax on top of a tax. I mean this is ridiculous. I mean how much is this going to cost us?

[11:42:22 AM]

Can anyone answer that question? How much is it going to cost the average taxpayer? Here in austin, texas. Anyone's got that answer to that question, that would be greatly appreciated. Also, isn't this the same agency that wants to cut obesity and use of tobacco and things of that matter? Isn't this the same health and human services department? I mean I pay enough as it is as a taxpayer. And it's just -- where does it end? And I would be glad if someone could answer me that question, how much money is this going to cost the average resident, austin resident and the texas resident and -- and how much money is this costing us from the federal government. Thank you.

>> Mayor Leffingwell: Those are all the speaks that we have. Councilman spelman.

>> Spelman: I think the answer is zero. Let me raise a secondary objection which follows from the first one. And that is that if we are going to be tying the amount of social service contracts to an index based on consumer price index, if we're going to be tying the amount of money spent on health and human services generally to another index based on this case on population, then something similar may happen to what happened to the police department. As I mentioned on tuesday, let me mention another thing that happened to the police department which I did not mention on tuesday and that is that when we tie the police department's budget to two officers per thousand population, not only do they automatically get that two officer per thousand population whenever the population went up, they got more officers, they got no more officers.

[11:44:25 AM]

So we were tied to that. If the intent of the resolution in 114 is to catch up so that we actually have more money or relatively larger proportion of the city's budget spent on health and human services services or social service contracts, we will never be able to catch up under those circumstances. The only way you catch up is if you spend more than the index. That's something any future city council will be able to do if they believe it's a good idea to catch up, they can catch up, spend more on social service contracts and health and human services already and they don't need the index to help them do it. I think the index will not have the desired effect. I wanted to register both of those objections. This is something which I think future councils can figure out for themselves. I'll be voting against it but I won't make the motion right now.

>> Move approval.

>> Mayor Leffingwell: Motion for approval by councilmember martinez. Seconded by councilmember morrison. And I'll just say I agree with all the comments made by councilman spelman. I know all of us have shared the goal that we've always tried to find as much money for good health and human services programs as we can. And so I don't know that it does a lot of harm because it's going to be something, as I said, decided on a year by year basis. But on the other hand, I don't think it does anything either. So I'll be voting in opposition. Councilmember tovo.

>> Tovo: I'm going to be recusing myself from the portion that relates to creative action.

>> Mayor Leffingwell: The clerk will note. Councilmember morrison.

>> Morrison: I'm glad to be a co-sponsor on this and I appreciate councilmember martinez putting it out there and asking the community to do some work with our staff to help us come up with a recommendation.

[11:46:30 AM]

I take note of the -- of the comments by my colleague, councilman spelman, but would like to just emphasize two things. Number 1, this is not going to be anything automatic about it. It's asking the city manager, directing the city manager to put this in his proposal and the council in the end, of course, will be the final vote. Now, I will say that I never saw the 2.0 per thousand for apd get changed or lowered or increased the whole time that it was operable. So from a practical standpoint, it is, and I think that we have seen over the past years, I've certainly seen over the past years that the -- the budgets for health and human services haven't kept up and they've been falling behind as the demands have increased. So I think that this is good to put something in place to help encourage future councils to try to keep up. So I'm pleased to be able to support this.

>> Mayor Leffingwell: Mayor pro tem.

>> Cole: I certainly can appreciate the comments my colleagues have made, especially councilman spelman about not wanting to restrict in any way future council's decisions about what we do with budget items. And I certainly have been concerned about the rigid nature that we have treated the 2.0 in the past. And I also know that during budget deliberations many years we have taken any budget surplus and designated it into the health and human services budget for proper allocation. But and so this was a very close call for -- for me on this, but I do feel like that health and human services deserves some special attention and we have done that as this council and so I will be supporting the item.

[11:48:32 AM]

If,

>> Mayor Leffingwell: Those in favor of the motion say aye. Opposed say no. Passes on a vote of 5-2 with myself and councilman spelman voting no. We'll get 117 in. It has no speakers. It's pulled by councilmember morrison.

>> Morrison: Thank you, mayor. 117 is an item from my colleagues suggesting that we name a park for janet long fish. Because as I understand it and maybe we have staff that could talk about what's going on. I understand that there is a development in the area that we will be requiring parkland dedication -- not parkland dedication fees, parkland dedication and this is an extraordinary circumstance because the developer is on or the owner is actually donating more than is required in terms of land. And sara, I wonder if you could come up and talk about, do you have those numbers off the top of your head in terms of the situation with naming the parkland after janet long fish? I know cora does.

>> Sara hensley, parks and recreation. Ricardo solis has those numbers and I'll have him come up.

>> Morrison: I think the numbers are 16 acres is what fits within the parkland dedication requirement and there's an additional 11 acres that's being donated.

>> And the number is in the resolution.

[11:50:33 AM]

>> Morrison: Great. Those are approximately the numbers.

>> Yes, councilmember. The total acres is 27. So but what's required in parkland dedication would be 4.43 acres. So the balance would be the donation piece.

>> Morrison: Okay. Great. And so I appreciate that and this is a resolution that asks that we waive the normal process -- excuse me, city manager. That we waive the normal process and just go ahead and name the park after miss fish, which I appreciate. A question that arose for me is as I understand there might be future developments in the area, and I -- and the question came up as to whether that future development could then go back and get credit for the extra 11 acres, and I just wanted to make it clear that this was a pure donation. It wasn't going to be putting land in the parkland bank for future donations, and I wanted to add -- well, I'm going to -- if one of the sponsors wants to make a motion to support, I'm going to ask that an additional whereas be added to make that clear.

>> Cole: Mayor?

>> Mayor Leffingwell: Mayor pro tem cole.

>> Cole: I'm lead sponsor on this item and I'm very proud to bring it because it's a very generous donation by the developer, and we do not have any complications or problems with this whereas clause.

>> Morrison: Great. Was that a motion?

>> Cole: That's a friendly --

>> Mayor Leffingwell: Mayor pro tem.

>> Cole: I would like to make a motion for approval of item 117.

>> Mayor Leffingwell: Motion by mayor pro tem. Seconded by councilman spelman. Councilmember morrison.

>> Morrison: I would like to make a motion which I understand will be friendly that says add a whereas clause it's ago nation and will not be deemed to be a land credit for future parkland dedication associated with development of the property.

[11:52:45 AM]

>> Spelman: Mayor, I have a question.

>> Mayor Leffingwell: Well, let's see if that's acceptable.

>> Cole: That's accepted as friendly.

>> Spelman: Since I have the floor, could anyone ever do this? Put in a larger -- donate a larger amount of money -- larger amount of parkland than necessary and bank it against future donation requirements?

>> Yes, councilmember, we've -- we've done that in the past, particularly when it's an adjacent development, and so they don't know exactly what they are going to do in their adjacent land, but they want to make sure that -- that we would consider that credit in the future. So we've done that in the past.

>> Spelman: Is there an advantage to the city of allowing people to do that?

>> It all depends. It depends on the quality of the land, what we're getting, if it's in the flood plain, there's other factors we would consider before we would entertain that.

>> Spelman: Let me offer one off the top of my head. If someone needs to donate four acres of land and has 20 acres of land, if they donate the entire 20 with the proviso that the additional 16 be banked against future donation requirements, that gives us 20 acres of land we can plan a park around. Sara will find it easier to plan than around four acres and another four acres downstream and after that. Seems to me there's a value in donating somebody donating a larger amount than absolutely required if they presume they are going to eventually donate the whole thing.

>> Councilmember, yes, I just want to say and depends on the scenario. I mean it could be that we're land rich right across the street or down south from that and therefore, you know, dollars would be more desired because of development. So it just depends on the case-by-case basis.

>> Spelman: I see your point.

[11:54:45 AM]

What case do we follow this situation?

>> This particular case?

>> Spelman: Are we land rich, poor in that direction?

>> Actually we do need this land. I think it would add to the new development that is coming so we're supportive of the donation.

>> Councilmember, in addition, I think the key here for us is we need this land, it's beautiful, pristine land, but in the future should there be further development on the adjacent land we would also want the parkland dedication on that as well. So this was an opportunity to ensure that we get even more land down the road. I was just being honest.

>> Spelman: I appreciate your honesty as always. I'll accept the amendment as friendly.

>> Mayor Leffingwell: Councilmember Riley.

>> Riley: To be clear, adding this language, in your view, would actually have an effect in terms of affecting the way in which parkland dedication is treated in the future. Is that right?

>> No, this -- this basically just ensures that should the developer, and it is a friendly relationship, they actually are very amenable to this as well, that when they do choose down the road to develop their other land, that they would -- that they would also pay the appropriate applicable parkland dedication fees or if at that time we felt like it was not a good decision, wanted the money in lieu of, that would be what would happen. They wouldn't come back and say you had extra so much acreage given to you in 2014, can we use that as a credit. The worst thing, this is a donation they are giving and if they come back and develop further land they own, which is adjacent to this property, they would also then be -- they would have to be accountable for a new park land -- parkland dedication fees or land.

>> Riley: So this language would have that effect.

>> Yes, exactly.

[11:56:47 AM]

>> Riley: I would just ask the city attorney to take a look at this. I notice the posting language says approve a resolution naming the parkland located at Dessau Road and Harris Branch Creek and establishing different criteria and procedures for the naming of this property. I don't see based on the posting of this item how we could be taking some action that would have an effect on the -- on how this -- this particular donation affects the treatment of parkland dedication in the future. If we're posted to act on the naming of the property, then why are we taking this very -- this substantive action related to how parkland dedication is treated. Could we get someone from the law department to comment on that? In other words, are we posted for this action which is not strictly related to the naming.

>> As I understand it, this provision clarifies that this is a donation, which is being considered in the naming process. So I think it would fall within the posting.

>> Riley: Okay. Seems like a stretch to me, but if that's the law department's determination, I'll respect that.

>> I mean, if the criteria when considering the donation of the parkland and that it is a true donation and not some credit for a future parkland dedication requirement that is correct is a criteria being considered by council in determining the process for naming this land.

>> Riley: So the criteria procedures for the naming, so in exchange for the name that we are taking -- we are placing this restriction on the -- on future parkland dedication.

>> Well, one of the criteria that council is considering is the fact that this parkland is being donated. And so this provision is clarifying that.

>> Mayor Leffingwell: Those in favor of the motion as amended say aye.

[11:58:50 AM]

Opposed say no. Passes on a vote of 6-0 with councilmember tovo off the dais. And we have reached the 12:00 hour so we'll go to citizens communication. Just to give everybody a heads up, we do not have executive session today so after citizens communication we, the council will take a 30-minute lunch break and go back to the agenda per agreement with the folks signed up to speak on item 10, will not take up that item until after 2:30. We'll go to citizens communication now and the first speaker is brian rodgers, the topic decker lake golf which is not now on the agenda until february. Brian rodgers. I don't sigh brian rodgers. I'll go to frank kruz, his topic is item 166.

>> Good afternoon, council. My name is frank cruz iv. As a child I lived in honolulu, learned to swim on waikiki beach and swam in the mediterranean sea, but I call austin home. I'm here today to help secure a future for our children who wish to enjoy the whole some at this time of fishing. Today access rights are taken away from children anglers at accelerated pace. Many places where I fished from the banks a few years ago are now restricted. Decisions by past councils have resulted in 6, 7, 8-year-old children witnessing their parents receive citations for trying to enjoy a whole some activity while fishing. I have handed the clerk a short story which I do not have time the recite but I wish you would take a look at that before making a final decision.

[12:00:57 PM]

The kid says, the kid fishes. My point is this. When decisions affect kids and their parents, the municipality has responsibility to ensure that a process must include public input from the affected parties from the beginning. As a fishing community, we would like a place at the table so everyone can have an impact on the future recreational use of our greatest natural resource, the colorado river. No single voice should make a decision that will negatively impact our greatest resource. The family. The modern day fisherman, in my estimation, is ahead of the curve. On the water they've shown to be the most respectful group and they have also shown to leave a limited footprint achieving nearly 100% catch and release on lake lady bird. As we move forward as a fishing community, the nighttime is going to be our future. Daytime activities fill up our waterways and so it is crucial that we continue to receive access in the evening hours and on the -- the proposed ban on the boardwalk honestly I believe there should be no activities which impede anything on the main boardwalk, fishing, go-carts, whatever the case may be. But the piers are a viable option for at least a minimum of children with their parents during the nighttime. I don't see how this would crowd any of the users of the daytime activities. I myself am a bike rider on the boardwalk. I wish you all would -- my recommendation is that the city hold a few meetings

to discuss the best options for all of our citizens. Thank you for allowing me to speak on this issue. I would also like you all if you all have time to take a look at the small story which I handed to the city clerk before you all make a decision. Thank you for allowing me to speak on this issue. If there's any questions, I would be more than glad to answer them.

>> Mayor Leffingwell: I guess the agenda has changed since you signed up.

[12:03:01 PM]

166 is a zoning. 187 now.

>> Mayor Leffingwell: 187. Okay. So -- yeah, that's been postponed. For the record, I agree with you totally.

>> Absolutely. I appreciate you all's time.

>> February 26.

>> Mayor Leffingwell: February 26. Okay. So the next speaker -- flipping my papers around -- is alan roddy. Topic is austin in the future.

>> Good afternoon. I'm alan roddy and I've been a proud austinite for 55 years. I've seen a lot of good and bad ideas come from our city leaders over the past six decades. I remember when one austin mayor wanted to build our airport in manor. That idea was shot down and crashed and burned. Another austin mayor wanted to give way the auditorium shores parkland. We were told this would make austin a world class city. Fortunately people like mary arnold and her friends stood up and said parkland belongs to all austin citizens. It's too valuable to give way. 30 years later, auditorium shores is one of you are favorite parks and centerpiece for public recreation in our downtown area. If anyone deserves to be honored with part of auditorium shores named for them it's mary arnold. June 7, 1990, hundred of austinites spoke about protecting barton springs and lakeway created the legends of golf tournament and after lakeway worked to make that tournament popular the p.G.A. Moved it to another city. I'm here today to ask this city council or the next city council to reject the plan to build two so-called world class golf courses at decker lake. All the city's information and the r.F.Q. S, the city fails to mention there is already a golf course at decker lake so that part of the so-called master plan has been met.

[12:05:10 PM]

I believe the city council should start over and allow public input for other recreation ideas and opportunities to be discussed for decker lake. I propose that we should create a destination nature park

at Decker Lake for local recreation, eco tourism and natural science education and research. A public-private project like the LCRA's Canyon of the Eagles Nature Park on Lake Buchanan is a good example how Austin can benefit from nature, recreation and tourism. Using a proven business model like the Rio Grande's Eco Tourism Center and the World Birding Center, we can produce more jobs and sales tax revenue than the current golf course plan. About 100,000 winter Texans visit the valley each year contributing \$710 million to the local economy. The council should have city staff contact the McAllen visitors and convention center and learn how to promote nature and tourism in our city. If Austin became a sister city to the Birding Center we could attract a lot of visitors that go to the valley. I would like to thank the current councilmembers for the long hours and hard work they have given the city of Austin. I would like to especially thank those councilmembers and their staff who actually responded to my phone calls and emails. Thank you. Are there any questions? You all take care.

>> Cole: Thank you.

[Applause]

>> Cole: Roy Waley. Roy is not here. Ron Hearst.

-- Ronnie Reefersseed.

>> Not here.

>> Cole: Ronnie is not here. Will McLeod.

>> All righty. Ronnie is not here today because he missed his ride. I don't know if this thing is on or anything.

>> Cole: Just make sure you get close.

>> Okay.

[12:07:11 PM]

He's not here because his carts couldn't pick him up. But for the record, Will McLeod. I'm speaking on seven items today. One was having to do with the Austin bag ban repeal. Councilmember Martinez made a comment earlier, quoted that something about affordability and on the lines that we don't discriminate. Well, we are discriminating. We're discriminating against the rights of the disabled here. Reusable bags don't come in this size. I don't know how to explain it. I'm going to keep explaining it to you all until you repeal the ordinance. I have a civil matter with this. I see you approved the settlement regarding a personal injury case for \$110,000. Well, let's settle this matter and let's move forward to bringing back the plastic bags and do something that San Antonio does, which is recycle plastic bags in the blue bin. It doesn't cost that much to do. As a matter of fact, we've been doing it since August and

it's been very successful. My second issue has to do with your trains. You all wanting to do this train, this austin to san antonio train. That costs too much and does too little. There's this thing called greyhound and greyhound works very good. Bus used to work very good, but they got some issues. But to spend money on trains is just -- by the way, if you are going on the approve money to austin and san antonio commuter rail district. I might as well announce my candidacy for mayor of san antonio, texas. I think one of my action items would be to put a stop to that boondoggle transtexas corridor.

[12:09:13 PM]

Let's see, what else I have covered here. Give me a second here. There was a lot of topics. That I have to discuss. Oh, stop chemtrails. People don't want these chemtrails. My friend carlos wants you to pass a resolution. You all pass all sorts of resolutions, do that for them since it's your last day, by the way. Fluoride. How much money are we going to spend on fluoride? The public doesn't want it. Let's remove the fluoride from the drinking water.

[Applause] this is your last day. Let's create that action now. And by the way, that's going to be my platform in san antonio when I run, to remove the fluoride from san antonio's drinking supply. And marijuana legalization. Did you know leticia van de putte pants to increase criminal penalties for marijuana possession? That's not right. By the way, ronnie say bye, mayor, and I'm going to do it on my -

[buzzer sounding] this is will McLeod.

>> Cole: Thank you, will for signing up and thank you for not being rude or making any threats. Ray olenick. There you are.

>> Good afternoon, city council. It's a pleasure to speak here. And not only the last council meeting of the year but the last meeting before a new era in austin municipal government kicks in. I'll take this important occasion to remind you once more that fluoridation is not the fringe issue it's so often portrayed. The screen capture is -- shows that roughly half of austinites consider water fluoridation a waste of money. And unless we assume that the 49% who call fluoride a waste want to continue it, and I don't think austin was ever that weird, this can be taken as opposition however low keyed.

[12:11:26 PM]

The survey was commissioned by keye t.v. In connection with a waste watch segment that ran on may 22, 2012. Since the question was framed strictly in terms of economics, it's not clear how those people arrived at their decision, but what is clear is a very sizable personal of our population knows about and

feels negatively about the fluoride that's added to our drinking water. That's more than enough to justify a good faith public airing on the subject and I stress the good faith part. Back in may 2011, former city councilmember randy shade, share of the public health and human services committee at the time, arranged the public debate which pitted two orlando class anti-fluoridation experts against two pro fluoride dental professionals who were recruited all the way from fort stockton since no austin area fluoridationists would agree to appear. The pro fluoride side came off poorly, but -- excuse me, shortly after shade was defeated for re-election so what might have come toward this first step towards honest discourse we'll never know. Her successor, councilmember martinez, has since worked hard and successfully to preclude any direct engagement between those who question water fluoridation and those who defend it in a public setting. Have your say and go away has been his message to us. So our hope for the coming year is that 91% new city council, not wedded to this council's past mistakes, will at last give austin's water fluoridation program the impartial public scrutiny it deserves. And will be here to help ensure that that happens.

[12:13:29 PM]

Thank you.

>> Cole: Thank you, ray.

[Applause] linda greene. Linda greene.

>> All fluoride is not the same. Some is worse. There is a common myth among some in the ivory towers of academia mainstream media as well as the cdc, epa, american dental association and health and human services that a fluoride ion is a fluoride ion is a fluoride ion. And when added to our public water at a recommended range, it is perfectly safe. Over 6,000 dentists, doctors and other health professionals working with the fluoride action network flatly refute these claims. Not all fluoride is the same. Natural calcium fluoride is already present in most of our texas water, but even natural calcium fluoride has been proven in china and india to cause extreme forms of both dental and skeletal fluorosis representing in crippling arthritis as well as black and pitted teeth. Perhaps this is why communities such as kyle and buda recommend using filtered water since the natural calcium is already high. Other fluoride added to austin's tap water is purchased from such companies in florida. This type of fluoride is derived from the gig -- big agri. Austin buys this product which is scrubbed in towers with sulfuric acid and trucked to us. Other forms of fluoride are byproducts of the aluminum industry and it was once used as rat poison.

[12:15:31 PM]

Then there's pharmaceutical medicines added to prozac. Added to all this we ingest pesticides from cook wear and fertilizer. All fluoride is not the same. It's hard to tell what the worse. Half of what we even gist stays in our bodies and it does no good. How can one size dose of fluoride added to our water be safe for everyone? Other damaging side effects of ingesting fluoride as concluded in the national research council report of 2006 include thyroid disease, a rare form of bone cancer in young boys, brittle bones and risk of bone fracture. And I would like to submit to kathy tovo since she's going to be on our next city council a list of toxic metals that may be detectable in austin fluoride. This is summary of 12 health and hazards of eight toxic metals in austin's hex floor rosa listic acid as presented by lucier's medical material safety data sheet. L you. Thank you and please take action.

[Buzzer sounding] maybe before you leave office.

>> Cole: Thank you, linda. Good to see you.

[Applause] jere locke. Carlos leon.

>> Thank you mayor pro tem cole. Soy core thank you for lifting the scales from my eyes.

[12:17:38 PM]

Criss-cross chemtrails were observed in austin airspace on december 9, 2014. Stop poisoning us you sick coast. On december 11, 2001, we americans are tacked in our constitutional repment according to page 38 and 326 of the 9-11 commission report, continuity of government cog measures were requested by the white house and implemented. Though the cog shadow government should have been disbanded when the immediate threat had subsided, key evidence points to continued existence and governance super positioned today. On september 14, 2001, a national emergency was declared due to the alleged terrorist threat. According to section 202 d of the national emergency act, 50 u.S. Code, 1622 part d, a national emergency automatically terminates one year later unless within 90 days prior to declaration anniversary date the president publishes a notice in the federal register and transmit to congress a notice stating the emergency is to continue in effect beyond the anniversary date. Apparently former president bush and kenyan obama have been annually extending the national emergency ever since. Slide on screen. As you can see on the screen, there's the latest one. That was dated september 8, 2014, which extended it again. Next slide. That's the actual text and council you have a copy in front of you now. If the cog shadow government suspended the constitution for the united states of america, that decision would explain unconstitutional actions the federal government has taken ever since. Like the c.I.A. Torture program, the domestic spying, amnesty, et cetera. It would explain why the national archives website claims the declaration of independence jpeg file is a photo of the actually parchments. It's really a forgery because almost all the long Ss ARE MISSING.

[12:19:42 PM]

It would explain why 2008 presidential candidates mccain/obama ran though near appear constitutional eligible because near appear to be a natural born citizen per federal law in effect at the time and place of their births. It would explain why domestic federal government agencies have allegedly ordered two billion bullets to defend themselves from us. To rescue our constitution and righteously revive our republic, we must declare independence from cog tyranny by legally nullifying for overturning the national emergency act that empowers it. We must return to our constitution and choose right over wrong, good versus evil, and god over the devil. In jesus' name I pray. Thank you mayor pro tem cole. Thank you mayor leffingwell and council for opportunities to speak before you.

>> Mayor Leffingwell: Thank you. I apologize for putting up all those con trails myself information about 30 years. That's all we have for citizens communication. And without objection, council will now go into recess for a short lunch break and we'll be back at 1:00.

>> Mayor Leffingwell: We are out of recess. 64 was pulled by councilmember martinez and we have several speakers.

>> [Inaudible]

>> Mayor Leffingwell: Yes. First speaker is pat johnson. Is pat johnson here? Apparently not. Acram naser dean. Harvey kin. Susana almanza. Tasha morris. Councilmember martinez.

>> Martinez: Thank you, mayor. This item is an item coming from staff I guess at the request of the towing industry. It is to raise our nonconsent tow fees from \$150 to \$185. Nonconsent tows are where tow trucks deem the car is illegally parked and they tow it. And a couple of things that stand out to me is that last year we had over 40,000 nonconsent tows. And this is -- at least as far as what I saw on the news last night, this is being requested by the industry because costs have gone up and it's becoming an increasing burden on the towing industry, but the logic doesn't flow, if costs are going up, why are we only increasing fees for nonconsent tows and not all others if the costs are going up. When you look at consent tows, it's \$70 for a tow. That if your car breaks down. My car got towed from here the other day and it was 70 bucks.

[1:13:15 PM]

I don't understand the logic and I can't see supporting going from 150 to 185 so I'm going to move that we reject item 64, to deny it.

>> Mayor Leffingwell: Motion by councilmember martinez to denight. Is there a second? Seconded by councilman spelman. Go ahead.

>> Spelman: Is there from staff who could speak to this item? There we go.

>> Mayor and council, commander [inaudible] austin police department. Highway enforcement.

>> Spelman: Commander, could you help councilmember martinez and I understand the logic behind this? Why is a nonconsent tow so much more expensive and why is such a large increase necessary at this time?

>> Yes, sir. The rate was established by council in 2006 at \$150. And the only request made by the towing industry was for the nonconsent tows. They did not request any of the other fees to be looked at or examined for the tow fee study.

>> Spelman: Did they offer an explanation for why consent tows needed to come up so much?

>> I believe by ordinance they can request a tow fee study be conducted and under specific criteria, which they did, and that's what we followed through with.

>> Spelman: So there was a study done.

>> Yes, sir.

>> Spelman: Tell me about the study.

>> Well, this was is first study done. 2006 was the last time council reviewed it. We looked at the service area providers in and around austin. We also looked at larger cities. In texas. And also the counties, williamson county, travis county and what increases -- excuse me, what increases they have looked at over the past year.

[1:15:15 PM]

>> Spelman: Okay.

>> There was no consistency really in the pricing for those so instead of saying from 150 we recommend this, we went back and looked at the consumer price index from 2006 to 2014 and made our recommendations based on that going forward.

>> Spelman: Okay. So 150 to 185 is consistent with the increase in the consumer price index.

>> Yes, sir. The actual just the consumer price index from 2006 to now was I believe \$177.36.

>> Spelman: Sure.

>> But we increased it an additional two years because the towing industry or towing company can only ask or request this information once every two years.

>> Spelman: That sounds reasonable. Did you -- sounds like you did a survey of how much nonconsents are in other jurisdictions in central texas and elsewhere around the state?

>> Yes, sir.

>> Spelman: How is 150 relative to other nonconsents and how is 185?

>> Well, let me give a couple of tidbits from it. A.P.D. Surveyed 10 large texas cities looking for the nonconsent tow rates, city of austin was highest at 177. The city of waco lowest at \$50, making the average in texas large cities to be \$125.33. The a.P.D. Surveyed citizens and counties in the metropolitan area looking at nonconsent tow rates of those cities and counties. The city of kyle, georgetown and williamson county were the highest at \$195. And the city of round rock was the lowest at 95 duels, making the average nonconsent tow rate for the austin metropolitan area to be \$156.30. In june of 2013 williamson county commissioners court accepted requests from williamson county towing association to increase nonconsent tow rate from the previous \$110 to \$195.

[1:17:16 PM]

Then the travis county commissioners court mutually agreed with the austin towing increase, \$130 to \$175 in august of 2012.

>> Spelman: Okay. And this survey was just of requirements or regulations of other cities. They did not look at the costs of towing companies, the cost of actually towing a car to a yard and taking care of it until somebody came to get it.

>> This was just the actual fee that will be charged for the nonconsent tow.

>> Spelman: And \$150 is higher than the average among large texas cities, increase to 185 would make it the highest among large texas cities. It is currently 177, I think is what you said san antonio was.

>> Yes, sir.

>> Spelman: 150 is higher than the average for the austin metropolitan -- it was about the average for the austin metropolitan area. And up to 185 would put it higher than the average for the austin metropolitan area, although not necessarily the highest.

>> Yes, sir, williamson county I believe was the highest at 195, if I'm reading my notes correctly.

>> Spelman: Nobody has asked you to take a look at the economics of towing, how much it actually costs a tow truck driver to take care of the tow, to take care of the car, to pay for people to do the towing. That's not something somebody has asked you to do.

>> No, sir.

>> Spelman: It's not something you are authorized to do under the texas statute.

>> That's correct.

>> Spelman: Thank you.

>> Yes, sir.

>> Mayor Leffingwell: Further comments? We do have one of the speakers that I previously called showed up. Tasha mora. Tasha mora.

>> Hello and good afternoon. In order to keep my comments within the time frame I will be looking down at my notes.

[1:19:20 PM]

I am for item 64. I'd like to use my time to offer about free services the towing companies offer. As part of the traffic incidents management program. This program requires for tow truck companies to stage two tow trucks in a zone or specific areas of austin's busiest thorough ways during peak travel times. And clear wrecked or disabled vehicles at no charge to the operator or city every day six hours per day. This is a service unique to the city of austin, however, should a driver or drivers of such vehicles have a debilitating collision which forces the operators to be transported from the scene, the vehicle must still be cleared from the roadway and this type of tow is now considered a nonconsent tow. The rate increase for such a nonconsent tow would help in the following four ways. First, tow truck drivers and owners work in partnership with the city of austin first responders to provide these services in potentially hazardous conditions. Drivers risk their lives and continue to do so as part of commitment to their profession and the citizens of austin. Without having received an increase in eight years, the \$35 will help compensate these individuals for valued time, expertise, risk and sacrifice. Secondly, in addition, the rate increase would help with the costs associated with operating illegal towing company. This is a highly regulated and expensive industry to operate with no cost adjustment for incurring such costs or fees. Many of such towing companies are small, under appreciated at times, family run and locally owned austin businesses. I own one of those businesses. 3, with the new and or upcoming regulations and potential costly upcoming requirements, these small businesses like myself may soon

close their doors, drivers and employees will lose jobs and fewer drivers and trucks will be available to the citizens of austin without the consideration for this rate adjustment.

[1:21:21 PM]

Finally, when you do consider the proposal, please consider the costs that towing companies like myself and drivers absorb while providing the free services to the citizens of austin and to in regards to the tems program. Thank you very much.

>> Mayor Leffingwell: Thank you. Jackie millhome.

>> Hello.

>> Mayor Leffingwell: That mic up there on the podium.

>> My name is jackie millhome, one of the owners of [inaudible], my husband and I own it. Just to address councilmember martinez's comments about when you call and request a tow to be taken to a garage and the nonconsent tow fees we're addressing today, one, you have to be open 24 hours a day to release cars back, if you don't, if you just call a wrecker to tow your company, and we do also have to provide the free service of the tems programs and that's one of the reason the rate increase would address those hours that you are not getting paid at all. We're highly regulated by the state. There's more fees there, more training that you don't have to have if you are just calling for a consent tow. I think these rates are -- are fair and even though, like I said, other cities may not charge as much, they are not required to do the tems program. So appreciate you voting in favor of it. Thank you.

>> Mayor Leffingwell: Those are all the speakers now. So I think in view of that the service that we require tow companies to perform, a free service of getting vehicles clear of the roads so that they won't obstruct traffic, that with the -- what we heard about the cpi index, taking it up to I believe it was \$177, I forget what the exact number was.

[1:23:28 PM]

Is that correct? You can just nod. I think at least raising -- raising the fee as requested to the cpi would be totally appropriate.

>> Just with the cpi index was \$177.08. And our recommendation for the two additional years was for \$185.

>> Mayor Leffingwell: That would cover the cpi through the next two years?

>> Yes, sir.

>> Mayor Leffingwell: Okay. So I'm not going to be able to support the motion to deny. Certainly if not 185 certainly some increase the justified in light of the services that we require these towing companies to do. Are there any other comments? Councilman spelman.

>> Spelman: Is -- we are charged to pass a maximum fee which represents fair market value of the service of the towing service performing a nonconsent tow. The concern I've got here is the technical one that we ought not to be able to charge the fair market value. We don't know what the fair market value is because all the police department is authorized to do is look at other highly other fees charged in other cities, but those are all regulate. Those may or may not represent the fair market value in those other cities. And we don't have the basis for understanding what the fair market value would be in this city because in order to do that we would have to get into the economics of the towing business itself. We would have to know what it costs to sit on i-35 waiting for a breakdown, how much the tower costs, how much is wear and tear on the tow truck, the timing to get the average car back to the yard and so on. We would have to be able to do that. This is not something we have a basis for knowing and seems to me \$150, which is considerably above the average for large texas cities, is a reasonable parking spot until we can identify what that fair market value really ought to be.

[1:25:34 PM]

I'm in favor of the motion to deny, mayor.

>> Mayor Leffingwell: Councilmember martinez.

>> Martinez: The other consideration I think to take into account is that there are other fees associated with the nonconsent tow once it reaches the tow yard or the impound yard because then you have to pay for a fee to the impound yard and a fee for the overnight fee if you can't get it until the next day. It can go up to \$300, \$400 for some folks who may be parked where maybe they shouldn't have. I've been through that experience and there are laws that specifically protect individuals that it has to have signage, two times perpendicular to entrance of any parking lot and sometimes those signs, you know, are either obscured or taken down but yet the law still applies and people are getting non consent towed and I didn't see the rationale. When I look at waco, texas, 50 bucks, the price of gas in waco is the same, the price of a tow truck costs the same in waco, texas. I just think it needs to be means tested in on more specific manner. I agree with councilman spelman. I stand to be convinced but I'm not convinced today.

>> Mayor Leffingwell: Councilmember morrison.

>> Morrison: Will you have the means to answer some of the deeper questions.

>> Trying to determine where we should go being the first time we've done this at council direction and see which direction we could do more.

>> Morrison: And do you think it will happen if it gets denied?

[1:27:37 PM]

>> I'm sorry.

>> Morrison: Will that happen that there will be more?

>> I will have to refer back to city legal for that answer.

>> Brian manly, assistant chief. If that were to be will of council we would probably bring in one of the other city departments as we're probably not the department best suited to look at someone else's industry, cost structures, modeling and all that.

>> Morrison: It seems very reasonable to evaluate and I guess I would like to perhaps make a friendly amendment to add direction to staff to go further and investigating the finances and the fiscal to come back with an additional report, additional information.

>> Mayor Leffingwell: I think that makes sense, but it would also make sense just to postpone it for a time and bring it back to council after more information is available.

>> Morrison: I can several see that, mayor.

-- Certainly see that, mayor. I think in terms of putting a beau around as many items as we can today would be my druthers, then it can come fresh to a new council.

>> Mayor Leffingwell: All in favor of motion to deny say aye. No. Passs on a vote of 6-1 with myself voting no. So let's go to item 121. Item 121 is pulled by -- let's see who -- councilman spelman. One speaker, will McLeod. Who is not here.

>> Spelman: Give me a second, mayor.

[1:29:38 PM]

I believe that mr. Rivera has some concerns about this and I want to give mr. Rivera an opportunity to discuss it and I see he's right there walking in our direction.

>>> Good afternoon.

>> Spelman: As I understand it, we changed the fee structure for two vendors.

>> Yes.

>> Spelman: During the budget cycle. And this changes it back to what it was before.

>> Yes.

>> Spelman: And you had a concern about changing back because we changed it during budget cycle for very specific reasons. Remind us what those reasons were.

>> We changed most of our fees in order -- because we needed more staffing to cover the needs of food safety. We were short-handed so that's why we did that. We did a cost of delivering services and it was passed and we added eight additional staff members in order to meet that need.

>> Spelman: Have you actually hired those people?

>> Those people are actually -- most of them are hired. A few of them haven't started, but they are slated to start next week.

>> Spelman: These are hard costs from your point of view. You have salaries to pay.

>> Yes, and that resulted to be a loss, I believe, of 370 something thousand for the rest of this fiscal year and over 400,000 for future fiscal years.

>> Spelman: Remind us again what is the improvement, quality or quantity of service delivered to the citizens because you've got more people on staff.

>> We will be able to provide more inspections per restaurants whether they be fixed, temporary or temporary events or mobile vendors.

[1:31:39 PM]

>> Spelman: About how many inspections do you do at the average restaurant now, can you tell me that?

>> I believe we are at 1.8.

>> Spelman: Okay.

>> But that, again, we're talking temporary events and mobile vendors are also affected. We want to make sure that when folks eat at our restaurants or mobile eateries that the food they are eating is safe

and we've always had a challenge, austin is doing very well economically and a lot of folks have been able to open new businesses, but we just haven't been able to keep up with the number of eateries.

>> Spelman: In your professional opinion back during budget session, we needed to do more inspections than we were doing. That's why you asked for a higher fee and more sanitarians. You got more sanitarians and you need the fees to pay for them.

>> Prior to this past budget cycle we haven't received additional staffing since 2004, I believe. I'm pretty certain it was 2004 last time we received staffing. And there's been incredible growth in the food business since then.

>> Spelman: Thank you, sir. Mayor, although I think mr. Rivera's information is sufficient to justify a motion to deny, this, of course, is an item from council and I would prefer to hear from the other councilmembers who sponsored the item to discuss.

>> Mayor Leffingwell: Councilmember martinez.

>> Martinez: Move approval of the item.

>> Mayor Leffingwell: Councilmember martinez moves approval. Is there a second? Seconded by councilmember morrison.

>> Martinez: So one of the reasons that, you know, we realize we did adopt the new fee in the budget process. I just didn't realize that it was -- that this was going to be the outcome, and that's my fault. No one else's.

[1:33:40 PM]

But when you look at 180% fee increase from one year to the next, a lot of our mobile food vendors, a lot of our, quote unquote, hot plate vendors at farmers markets, that's not something they automatically plan for and so it's a dramatic increase for many of those small micro businesses. I'm not opposed to us having a fee that helps do the job that we need to do. I just think that it needs to be either graduated in or there needs to be a more robust stakeholder process that comes through the health and human services subcommittee and then back to council ultimately and that's what this item does. It does remove the fee back to its original number before budget, but it directs it to come through health and human services with those stakeholders having that opportunity to have input and then bring it back to the next council. So it could be literally it could be a one month window, a two month window, but this item certainly contemplates the work to be done through health and human services and then back to council.

>> Mayor Leffingwell: Councilmember morrison.

>> Morrison: Also I just want to remind folks that when we were presented with the cost of service study for planning and development review fees that showed that we were way behind. We very carefully deliberated it and staff put together a time line for -- and recommendation of adopting them over different phases so that there wasn't such a huge hit all at once because as was mentioned this could be a big impact on a small company. So that's just something I throw out there for you all to think about is doing something to the tune of 25% or something like that in steps.

>> The fee went from \$35 to 98 and we did involve stakeholders.

[1:35:43 PM]

It's kind of difficult to get ahold of temporary vendors because we don't know who they necessarily are or a large number of them.

>> Morrison: I wonder -- I wonder if there might be some organizations that could help find some representatives.

>> Yeah, the austin restaurant association was the organization that we worked with mostly, and then we also held an open forum where we invited folks, stakeholders to come and speak to us about their opinions. And their opinions were that they would favor the raise in fees if it resulted in more efforts to make sure that the food was safe.

>> Mayor Leffingwell: More loose ends toker the next council. Councilman spelman.

>> Spelman: 337,000 loose ends. We're creating a hole of \$337,000 this the current budget.

>> Yeah, the actual number is 337. I misspoke when I said 370. 337,000 for this fiscal year.

>> Spelman: For this fiscal year. Given we can't be sure -- well, we don't know what's going to happen over the next fiscal year and we may be able to have sufficient revenues to cover it, on the other hand revenues can go higher or become lower than examined. I see ed nod nervously from the audience. We can't count on \$337,000 and that's a hell of a thing to leave the next council is requirement of finding \$337,000 lying under a rock. Is there a way, councilmember martinez, that we could postpone action on this item for a month or finding some other way of giving mr. Rivera and his staff a means of covering that relatively large amount which may not require quite so large an increase for the very short term one or two calendar day mobile food vendors.

>> Mayor Leffingwell: You can make a substitute motion to postpone.

[1:37:46 PM]

>> Spelman: I would like to make a substitute motion to postpone this -- further action on this item until FEBRUARY 26th.

>> Mayor Leffingwell: Motion by -- substitute motion by councilman spelman. Is there a second? I'll second. My assumption is that would require a budget amendment to cover that difference, wouldn't it?

>> We would -- we would have to come back to council with the budget amendment to potentially reduce expenditures to cover the shortfall if as we get into the fiscal year there's not additional revenues to cover the shortfall.

>> Mayor Leffingwell: I definitely don't think we need to be doing this now until we have considered everything so I'm going to support the -- obviously a second I'm going to support motion to postpone. Councilmember martinez.

>> Martinez: The item actually contemplates similar to what the substitute motion is, it does contemplate a postponement, it just doesn't say postponement. What it does is it holds the fees at the previous year's rates and then allows staff to come through the process of the health and human services subcommittee and back to council. So by postponing it with the substitute motion, all those fees are going to stay at 180% increase for now and that's -- the negative impact that we're having and that we're seeing right now in those small businesses that weren't anticipating this. But I didn't -- ed, I wanted to ask you how -- how are sales tax doing this fiscal year thus far compared to what you budgeted?

>> We only have one payment so far for the fiscal year. It was -- we just got it the other day, 10.2% compared to 5% growth we had projected.

>> Martinez: So with -- and with that data, I mean we're at 10.2%.

[1:39:50 PM]

I think we're going to be okay.

>> Spelman: So long as

[inaudible] as good as last month.

>> Mayor Leffingwell: There could be other uses for that excess money as well and I think they ought to be given equal consideration.

>> Martinez: Based on ed's response though that obviously sales taxes at least for the first report and the only report we have are doing very well, I'm comfortable with moving forward, allowing staff to go

through a more robust process with those stakeholders who didn't feel like they were contacted and had an opportunity to participate and then come back to the future council for midyear budget adjustment. So I'll be voting against the substitution.

>> Mayor Leffingwell: Councilmember morrison.

>> Morrison: I just want to note that the 337,000 figure contemplates having it lowered to this degree for the whole year, right? And we're talking about potentially adjusting it soon, so that will be a maximum. Not exactly but sort of because you don't know that's exactly what the fees are.

>> Yes.

>> Mayor Leffingwell: Those in favor of the substitute motion say aye. Show of hands for the ayes. And opposed? Okay, so that is one, two, three -- councilmember riley, did you vote no? Four. Okay so the substitute motion passes on a vote of 4-3 with councilmember martinez, tovo and morrison voting no. It's postponed until february. Item number 127 pulled by councilmember morrison. Will McLeod. Not here. Councilmember morrison.

>> Morrison: Thank you, mayor.

[1:41:51 PM]

This is the item on the quarter cent tax that we had a lively discussion about I think on -- on tuesday at work session, and I wonder -- I was concerned about taking the remains of the quarter cent tax and dedicating it all to airport boulevard as opposed to allowing the new council to weigh in and figure out how best to spend it. You know, I think that each and every item that we have on our agenda we need to take a look at and figure out if it's the right thing for us to be taking action on not, and this one I do believe really rises very high to the level of giving the other -- the new councilmembers an opportunity to decide how to split it up because we're talking about \$20 million going to one project. I realize it was noted the airport boulevard I guess does run through four different districts of but the short and medium phase projects are between 28th street and high land, so very compacted. If, I had an opportunity to talk to a couple of our councilmembers-elect. Interestingly, we passed on consent today an item that -- that was for myself, councilmember tovo and councilmember martinez about dove springs and wanting to continue to move forward on the possibility of doing a city or private public partnership on some austin water utility land down there. The dove springs where the wastewater treatment plant might good. We've made a lot of progress on that. We had a community meeting, staff did a report so we're sort of adopting some of the staff recommendations or what we did.

[1:43:52 PM]

And interestingly in that report one of the limitations that the staff note about the land that we're talking about is that the northeast corner of pleasant valley and william william cannon, one of the limitations on the use of that planted is it won't support retail because -- because of challenges with the intersection. And sight lines. And that we would need to find one two three million one dollars to adjust that intersection if in fact we wanted to use it for retail. Some of the ideas were yeah, we should look at vibrant mixed use with civic uses, retail, maybe some housing. And so we adopted by resolution today one of the elements of that resolution was please go explore the option of finding one to \$3 million nor that intersection. I talked to councilmember-elect garza about this issue and she expressed concern about this council moving forward and dedicating that big bulk of money all to one area instead of allowing the new council to decide how to share it. Because we've already identified one very explicit project in dove springs that could use it, which is in her district, district 2. I also had the opportunity to chat with councilmember-elect kitchen who is -- promote improvements on brodie lane. It's not clear what those should be, but clearly there's going to be money for that so she too was concerned about this council making the decision to dedicate all of that money to one place. So I wanted to pull this. I won't be able to support it. I suppose there will be a motion to approve it and we'll just go from there.

[1:45:59 PM]

>> Mayor Leffingwell: Okay, and I just want to reaffirm the staff is issued a member random opposing this and I assume that position has not changed. All right. Other discussions, a motion? Councilmember riley.

>> Riley: Well, I appreciate the comments. I would note that the improvements we're talking about do extend throughout the length of airport boulevard including areas down around, for instance, the airport at spring dale where the shorten

[inaudible] modifying the intersection to accommodate eastbound shared left and dual through with a right turn bay, westbound shared and -- dedicated ride. Significant improvements outside the particular area that was mentioned. These improvements are the result of extensive community meetings that take plays with any of our corridor studies. We asked our community to fund these studies to participate in the development of the studies and then we come up with recommendations. And then all too often this sort of study just sits on the shelf and does not get implement. We now have a rare opportunity to actually move forward and follow through on the commitment we make with one of our corridor studies by actually getting significant start on the recommendations of the study. And I think given the circumstances we're in with the failure of the rail election which these funds were previously expected to go, that there -- that we are now in a position to actually move forward with significant transportation improvements in a way that we typically have not in the past. Obviously any decision we make today can be revisited by the new council, including this one and if the new councilmembers really

feel like there are other priorities that should take precedence over implementation on -- the recommendations this corridor, that is certainly within council's prerogative.

[1:48:03 PM]

But given all the -- the issues we discussed in work session related to significance of airport boulevard, not only from a transportation standpoint, but from a planning standpoint, our ability to actually follow through with the -- the long -- the long awaited plans for improvements on the corridor related to the study between lamar and 35 and the -- and the significance of this corridor for cap metro given all the bus lines that run along the length of airport boulevard, I think it's important to go ahead and take this step today. So I will go ahead and move approval of the item.

>> Mayor Leffingwell: Councilmember riley moves approval. Is there second? Mayor pro tem seconds. If, further discussion? Councilmember tovo.

>> Tovo: I just wanted to say there's no doubt that the airport improvements are important ones. I think the plan is a good one and the changes will be transformative to that corridor and to that area and it will benefit not just the immediately adjacent neighborhoods but also the community at large.

>> But.

>> Tovo: But as the staff pointed out, the airport corridor plan is not the only one away iting -- awaiting implementation and the needs in the city are great and so I certainly supp support support allocating some of the improvements like the ones identified for the airport corridor but I agree with the staff and with my colleagues that said to allocate off of it to one particular project is not really an equitable strategy and really they should be deliberated on in a more comprehensive manner.

>> Cole: Mayor.

>> Spelman: Mayor.

>> Mayor Leffingwell: Council member spelman.

>> Spelman: I agree with council member tovo, that if we have \$20.4 million to be spent, it probably should not all be in one corridor.

[1:50:10 PM]

There are other corridors that have a need for some of that cash, too. The short term medium and long term recommendations for this particular corridor -- I notice \$2 million is set aside for short term recommendations on this corridor, about 10% of the total amount. There is plenty to be done on this corridor, we can easily spend \$24.4 million or considerably more for medium and long term plans for the airport, especially with drainage issues as they have proven to be for the airport as they have been for south lamar. It would be good to get ahead of the game if we can but for \$2 million that are before shovel ready and the recommendations for those, council member riley, I am wondering about your marking only the \$2 million for the short term recommendations and leaving for the next council the opportunity to spend \$18 million on medium and long term along airport boulevard and perhaps other corridors.

>> Mayor Leffingwell: Council member riley, is that considered friendly?

>> Riley: My preference would be to fund the full amount, but I am open to the change, given that I -- it - that's the pleasure of the minority of the council.

>> Spelman: Let me make that, mbe as a formal amendment instead of allocating \$20.4 million, entire amount available, we allocate \$2 million to pay for short term recommendations on the airport corridor plan.

>> Mayor Leffingwell: Okay. Mayor.

>> Mayor Leffingwell: Okay, motion for amendment by council member spelman to allocate \$2 million for the short term. Is there -- to allocate \$2 million for a short term. Do we have a second on that?

>> Morrison: Second.

>> Mayor Leffingwell: Seconded by council member. Can I ask the staff, the two million short term projects, what are those specifically for?

[1:52:11 PM]

While you come up, my concern is dealing with the traffic crisis we have and no real solution in sight, we ought to consider on pavement, things that approve on traffic flow and not amenities.

>> Spelman: That's what the recommendations are.

>> Robert spiller, austin transportation department director, we provided to council as backup, get ready to this new system here, a list of the short term that were published as part of that and they range in a variety of signal and striping improvements throughout the corridor, pedestrian hybrid beacon along the corridor, left turn lanes, right turn lanes, changing the geometry to make the corridor more

appropriate for pedestrians, bicyclists, as well as vehicles throughout the corridor. It is quite a long list but most of them are your typical traffic related activities.

>> Mayor Leffingwell: Okay. I guess we have to accept the hybrid beacons along with the right turn lane so I am going to be supportive of that. Council member tovo.

>> Tovo: Mr. Spiller, the staff identified some other projects including some that would fall within, you know, a relatively close proximity. Would you say that the projects that we've just talked about, the short-term improvements for airport corridor would rise to the top in terms of priorities -- transportation priorities for this part of town?

>> Council, I am not sure how to answer that. These were all part of a consolidated corridor look. This corridor did rise to the top in terms of issues in this part of town. Hence why we did the corridor analysis of this corridor. So the recommendations that were made were short, medium and long. Short term being things that could provide benefits quickly and so if we can make the assumption that this corridor was identified as important within this part of town, which I think it was, then, yes, I think they would rise to the top, the short term.

[1:54:18 PM]

>> Tovo: Thank you. The reason I am asking is because the staff have also pointed out ongoing studies on guadalupe west campus, I believe 38th was singled out as one, as another area, to again --

>> definitely.

>> Tovo: So there will need to be a council discussion on how to allocate the \$20 million equitably throughout various parts of the city. Some projects may not rise to the top if we allocate today 2 million from the corridor, so I want to make sure from the transportation department's perspective, you regard this as one of the highest priorities in this part of town since we aren't addressing it comprehensively today alongside some of the other transportation needs.

>> So council member, we did not rank, prioritize the different corridors and, therefore, the projects within the corridors against one or another. But in this part of town, depending on what your perspective of this part of town is, this corridor was, you know, identified as a high priority corridor for a number of reasons.

>> Tovo: It is your belief the short-term improvement would make a significant -- a significant, immediate -- relative immediate impact on transportation issues along airport?

>> I believe that's -- yes. Yes.

>> Tovo: Okay. Thank you.

>> Mayor Leffingwell: Council member morrison.

>> Morrison: I am starting to have second thoughts about my second on this motion, because I realized that --

[laughter] -- that it's a much, much improved suggestion. However, I was just thinking about the reservation that staff had -- the foundation of the reservation you had that didn't recommend this in the first place. Can you remind us of why you didn't recommend it in the first place?

>> Well, certainly with the response from the voters on the 2014 bond proposal, we are in the process of rethinking our transportation process and proposal.

[1:56:27 PM]

We understand that the new voters -- or the new council members will certainly have priorities and objectives, and so I believe we are deferring to hear their thoughts on it. We are gearing up for presentation as -- as assistant city manager, mr. Goode said, for presentation to council on mobility in the february/march time frame.

>> Morrison: And the bottom line is, this \$20 million was originally slated for rail, which is not necessarily a district issue. It was all put into one basket. So I think that upon further consideration that really, if we do this, we are going down to road of suggesting that we are going to divvy this money up between the districts, basically. And it removes the possibility of having it be an investment in a more city wide thing. And even that decision, I really think should be left to our new council, so I apologize for this, council member spelman. It might be the last time I do this.

>> Spelman: Time is running out.

>> Morrison: I know. I am going to withdraw my second.

>> Riley: Mayor.

>> Mayor Leffingwell: So now we have a motion for an amendment without a second. I will second, just to make sure that we still have it on the table. Council member riley.

>> Riley: Well, actually just based on the -- what I have heard from my colleagues, about ready to accept council member spelman's suggestion.

[Laughter] because otherwise I don't see us getting to four votes on this, so I would consider the -- the amendment friendly. To go with the short term.

>> Mayor Leffingwell: Well, I think whoa -- we have a motion on the table, unless council member spelman wants to withdraw it.

>> Spelman: If it is regarding as friendly by maker of the main motion, I will happily accept including it.

>> Mayor Leffingwell: The motion to amend is withdrawn and the friendly amendment by council member spelman is accepted by the maker.

[1:58:29 PM]

Who is the second? Mayor pro tem. Is that accepted by you?

>> Cole: Yes.

>> Mayor Leffingwell: Okay. So now we will vote on the main motion, which is amended to be \$2 million instead of \$20 million. All those in favor of that motion, say aye. Aye. Opposed say no.

>> Morrison: No.

>> Mayor Leffingwell: How did you vote, council member tovo?

>> Tovo: Aye.

>> Mayor Leffingwell: Passes on a vote of 6-1 with council member morrison voting no. And without objection, council, I think item 217, there has been a request to consider postponement of that. I believe all sides have agreed to it. Let me ask if there is anyone that objects.

>> Spelman: Mayor.

>> Mayor Leffingwell: Hearing none --

>> Spelman: Wait a minute.

>> Mayor Leffingwell: Council member spelman. Go ahead.

>> Spelman: I noticed that item 217 is an item from council. How can all sides agree --

[laughter] am I a side, mayor?

>> Mayor Leffingwell: I retract that, not all sides agree. Council member spelman does not. There has been a request for postponement -- when I said "all sides" my understanding is both the auditor and ethics commission folks -- and I think they are here to address that -- have agreed they would like to see a postponement for further discussion.

>> Spelman: Mayor, I understand your wanting to get this issue off of the table. If I could esage my own concerns that, in fact, that information is not completely reliable. If somebody -- I see somebody from

the auditor's office -- I see the auditor, in fact, who might be persuaded to walk forward. And what was the other side you were referring to?

>> Mayor Leffingwell: Ethics commission.

>> Spelman: Anybody from the ethics review commission here?

[2:00:30 PM]

Ah-ha.

>> Mayor Leffingwell: So it's my understanding, correct -- are you willing --

>> we have been discussing this --

>> >>reporter: Introduce yourself, please.

>> Yes, cory stokes, acting city auditor. We have been discussing this amongst the parties and our concern from our office's perspective means postponement means we are stuck in limbo essentially. We are declared in a process that that has been somewhat declared unclear and we want you to look at the process and try to come up with how our process would be more clear going forward. So my objection to postponement is that we still would be in somewhat of a limbo state and following a process that we know all parties were agreed to.

>> Mayor Leffingwell: So I was incorrectly informed. You do not support a postponement?

>> Correct.

>> Mayor Leffingwell: Okay. Go ahead, sir.

>> Good evening, austin chaplain, chair of the ethics group and I am also on the working group and have been working on behalf of them for a couple of months. I can't speak on behalf of working group but we support postponing the final amendments to the language in the proposed ordinance, preferably having that ordinance come up for discussion in front of the whole ethics review commission at our next regularly scheduled meeting january 27, and hopefully if all sides agree, putting it on the next consent agenda for council on the january 29th. Just a couple of -- there is some language in here that the working group thinks is important to continue to discuss with respect to the auditor's jurisdiction over code of ethics, findings and determinations. And there is also additional language in here that has to do with chapter 27 which affects the ethics commission which the whole ethics commission has never had a chance to take a look at, review and adopt.

[2:02:39 PM]

So we think it would be best to take a little bit more time, get all of the parties on board, get everyone to agree and then have something that we think is ready to go.

>> Spelman: Mayor, if I might ask for your indulgence?

>> Mayor Leffingwell: Council member Spelman.

>> Spelman: If I understand that there are a couple of things that need to be cooked and you want time to fix that. I also hear from the auditor's point of view, I hear that the attorney for the city would like to make a few changes to it. There is a whole bunch of parties who would like to get their hooks into this and make a few small changes to it. My primary concern, Mr. Caplan is that the law department has recently directed the city auditor to -- perhaps Cory, you can explain better what I am getting at -- but you recently have been directed, as I understand it, to take all of the cases in which you have a finding in which some employee has violated the ethics act -- the ethics ordinance, to convey all of those cases to the ethics review commission. Is that accurate?

>> Correct. If we conclude a violation has occurred, that should go to the ethics review commission. Both cases from us and from city management that are violations of the code of ethics, specifically.

>> Spelman: You have not had to do that in the past?

>> We have not done that and we weren't aware of that and I don't think the ethics review commission was aware of that and we ended up, this summer realizing that should have been happening and so that's kind of what got us here, is we realized that should have been the process but that process wouldn't necessarily work or be very challenging for kind of all parties, which is how we ended up here.

>> Spelman: The same advice, I don't want to put too fine a point on it but the same advice has been given to management as well. Management also does their own investigations of allegations of somebody violating the code of ethics and management would have to convey all of their conclusions to the ethics review commission as well.

[2:04:52 PM]

Is that accurate?

>> That's my understanding.

>> Spelman: It sounds like a whole bunch of cases, that you will be dealing with, and my understanding is that it's only quarterly that you meet, right, Mr. Caplan?

>> Yes, we are not constituted to deal with a ton of business like we are discussing. We meet quarterly. Our next meeting is January 27.

>> Spelman: It seems to me -- let me suggest the following and then I -- this is probably not the right venue for us to get acquiescence but I do want to put the bug in the air, if there are a few cases the auditor -- if there are a bunch of cases out there is working on, I suspect management is more complicated because there are a lot of people doing a lot of their own investigations, not as unitary as the auditor's case but they have a bunch of cases. If all of those are to be included in the January meeting of ethics review commission, you will probably get a bunch of cases and not passing this, with words and all with full recommendations there has to be revisions and the work of the working group ought to continue to work on this and improve it is to avoid dealing with the bunch of cases that you are not prepared for dealing with right now?

>> That's right, Council member Spelman. I am concerned about kind of managing a bigger workload for January and I am not trying to saddle my fellow commissioners for meeting until 3:00 a.m. Unnecessarily.

>> Spelman: I did sign up for the planning commission, after all.

[Laughter]

>> There is also a concern that, as we mentioned, you know, this is a situation where this was a jurisdiction that really, we were not fully aware of necessarily as commissioners and no one had been taking advantage of it so we don't have the experience necessarily dealing with this kind of pipeline of cases.

>> Spelman: Right.

>> Under the new revised ordinance, we wouldn't be dealing with the full pipeline of cases quite like this. That said, if there is a way to do both, that would be what we would ideally look for, so for, you know -- for there to be some way for these cases to hold on for 30 days until we get this thing resolved and then they go through the new process that we will have adopted by January 29th, not going through the ethics review commission in the current kind of imperfect process that exists now, I guess.

[2:07:18 PM]

And that may be just a question of when the referrals happen or if every case needs to be immediately referred to us or what.

>> Spelman: Mayor, my apologies, I have to ask for more indulgence.

>> Mayor Leffingwell: Sure.

>> Spelman: Ms. Thomas, help us work through -- could action on this ordinance be postponed until, say, february without the ethics review commission having a bunch of cases coming their way from the auditor and management?

>> Cinde tom, law department. You are correct there has been legal advice from the law department that the ethics review commission is the authority to make the final determination of whether a code of ethics violation has occurred and that would mean if the auditor or city management has done investigations of employees related to violations of the code of ethics to get the final determination, the ethics review complaint and hearing process would need to occur. The commission generally calls special meetings when it receives complaints. There is a special meeting scheduled for next week on a couple of campaign finance complaints. Depending on the timing when the complaints came through, the ethics review commission has to usually set a preliminary hearing within 20 working days. So I don't know what the timing is like. It's possible that if the auditor or if management were to submit a complaint to the ethics review commission, say, next week, that the ethics review commission's procedures would require a preliminary hearing be held and probably a special called meeting would happen for that. It's really up to the timing. Once the complaint is filed with the commission, they have timing deadlines that kick in under the code.

>> Spelman: The critical timing is once the auditor or management has a conclusion of fact, that they have concluded the code of ethics hash violated, then the ethics review commission, as you have been describing, has to hold a hearing within 20 days?

[2:09:31 PM]

>> Once the ethics review commission has received a complaint. Haven't received any complaints from the auditor's office or from management that I am yet aware of. Then the 20 day -- working day clock does kick in for scheduling the preliminary hearing. There is possible -- there is a little wiggle room in code for going past the 20 days but usually the commission tries to stick within the 20 working days for the first hearing.

>> Spelman: Just by itself -- 20 days or 20 working days? 20 working days.

>> Spelman: The monthly requirement will be difficult to schedule around, given your current schedule of working every quarter. You will have to stop meeting quarterly and have to start meeting, it sounds like at least monthly and maybe more often depending on timing of individual complaints and when they come in.

>> The commission has had many special called meetings in the last few months due to the receipt of campaign finance complaints against current candidates for city council.

>> Spelman: I forgotten.

>> Or prior candidates. Some of them aren't candidates anymore. So it is sometimes meeting twice a month in recent months.

>> If I may, council member Spelman, I agree, if we don't fix the problem, we are going to be overloaded and it's not the way the current ethics review commission is set up. It's not set up to handle that much volume. We don't have a budget. We don't have staff for it. We are just not constituted to do what we need to do. That said, nothing has been referred to us yet. If management and the auditor can hold off referring things for another 30 days. It has been however long since -- since the '80s that this ordinance has existed like this.

>> Spelman: Yes.

>> If they can hold off 30 days in referring things and we can fix the ordinance we can follow the revised ordinance and follow the revised process.

>> Cory or Cinde, does management -- management is not speaking on this.

[2:11:33 PM]

You are invited to if you'd like. Can they hold off on making a referral for 30 days if you have made a finding of fact? Can they sit on it for 30 days -- can they sit on it for 30 days and not leave it to the ethics review commission? Do they have that authority, Cinde?

>> There is nothing I am aware of in current code or policies which explicitly states when the auditor or management should send a complaint or send a finding to the ethics review commission. But it is the opinion of the law department that the ethics review commission under current code, as it is currently written, is the entity that is tasked with the authority to make the final determination. So if management or the auditor felt that there was a need to make a final determination of a violation of the code of ethics by an employee, then I would think they would need to go ahead and file the complaint with ethics review commission and start that 20 days. If there wasn't -- they could wait for final determination until after the January council meeting, then, then they could wait. It's not explicit in code of when that referral should be. But it is necessary under current code to get a final determination.

>> Spelman: I understand. Mayor, what I would like to see happen is that we put this item on the table to give Ms. Stokes, Ms. Tom and Mr. -- I am sorry -- Mr. Caplan, and so they can discuss this further with a course of action. If the three of them agree on course of action, I agree with them on it. But it seems like postponing this is either holding up cases or dumping a bunch of work on commission that is ill prepared to deal with it right now and may lead to further backlogs and difficulties in reaching disposition in some cases that we ought to be dealing with fairly quickly.

[2:13:35 PM]

>> Mayor Leffingwell: I have no objection to putting it on the table but council member martinez made a motion to postpone so what is your preference? Do you want to withdraw your motion or --

>> Martinez: I want to ask one of the other stakeholder groups to come up that are subject to the employees, because the employees are also subject to these investigations --

>> Mayor Leffingwell: Well, we don't want to get into the case. What I would prefer to do, if we are not in agreement or there is no desire to postpone this, we put it on the table and then we hear the case in order -- in regular order. Underse underse or.

>> Martinez: Understood. I still want to hear an answer.

>> Yes, sir.

>> Martinez: You have been involved in this process?

>> We just got in on the tail end of this process. We have some serious concerns of how this is going to affect city employees. We have not been able to work any of those things out. The main focus is that this has -- could potentially undo part of the work that we did through municipal civil service rules, but I allowing employees representation. And so we really are looking for a postponement on this so we can all have the opportunity to sit down with stakeholders at the table and come back with something that's solid and good and doesn't have any unintended consequences, especially for city employees. Thank you.

>> Mayor Leffingwell: Thank you, carol. The city manager wanted to say something and you are next.

>> Ott: Thank you, mayor. I share concerns that carol expressed and beyond that. I guess I am going to have some questions for the attorney in regard to the managers, administrative that are over the city personnel and as such my responsibility to deal with matters with regard to personnel, whether it may be rule violations, whether it's personal rules or violations or whether it's with the code of ethics.

[2:15:50 PM]

It concerns me that my ability and my colleagues could be constrained to deal with those efficiently and effectively given the things I have heard about in the course of this conversation. So I agree with some postponement here because right now I have some concerns about what I am seeing as something that's very conflicting with what I am required to do by the charter.

>> Mayor Leffingwell: Mayor pro tem cole.

>> Cole: I also have heard from [indiscernible] and appreciate that they stepped forward and have brought this forward. I am a cosponsor and have been part of this work continuing going forward. So I would agree to the motion to table at this point and is that it will be considered as part of the discussions are happening and then to get a report back from, I guess the city ethics commissioner about whether or not the parties have agreed that they can handle this within the appropriate amount of time.

>> Mayor Leffingwell: As I said before, we will table it unless there is a motion to -- there is a motion to postpone -- are you cleaving to that motion?

>> Martinez: Yes.

>> Mayor Leffingwell: Council member Martinez?

>> Martinez: Yes, January 29th.

>> Mayor Leffingwell: Is there a second for that?

>> Cole: I will second that.

>> Mayor Leffingwell: Seconded by Mayor Pro Tem Cole. And so we are ready to vote on the motion to postpone. All those in favor, say aye. Aye. All opposed say "no."

>> No.

>> Mayor Leffingwell: I believe it passes on a vote of 6-1 with Council member Spelman voting no. This item is postponed. Item 131. No speakers are signed up. This item was pulled by Council member Morrison.

[2:17:52 PM]

>> Morrison: Yes, Mayor, this is an item from some of my colleagues on Lone Star Rail -- about Lone Star Rail and amending the -- amending the interlocal that we agreed to last year to go ahead with the 50% tip and to change the timeline on some of those things and I believe that we got some additional information from staff since we last talked about this, and I wonder if -- if you all might come down and remind us what you put in the memos, what the folks should know about the memo. The belief was the fiscal impacts that you would foresee.

>> Yes, good afternoon, Mayor and Council members. Elaine Hart, Chief Financial Officer and this is my I my Lauren McCaul voice.

[Laughter] and Greg was representing us on Tuesday afternoon we did work with the Travis County Appraisal District to come up with estimate of the fiscal impact of the current year of moving the participation level to the 50%. The impact would be about 1 million to 1.3 million of property tax

revenues for the current fiscal year and if this proposal -- this proposed resolution were approved, we would have to come back for further council action to amend our budget for the current year to lower the property tax rate. Put that money aside in the rail increment fund and address any cost reductions that would be necessary to offset that general fund revenue shortfall.

>> Morrison: Okay. Of course another issue that was raised on tuesday is the fact we have competition for tifs, so toe speak and you've given us a recent memo on the potential for homestead reservation tifs.

[2:20:00 PM]

And if we were to do the tiffs, what is the timeline -- I apologize I didn't come out with this last week, although it is highly interesting topic of line and I wish we made more progress. Can you talk about a timeline to be followed if the council decide to improve the homestead preservation tifs?

>> Yes, we could not be able to do it by the end of this calendar year obviously but we would work over the next year to get those set up.

>> And those were particularly recommended around tod's, right, so we could actually combine the affordable housing and the transit concepts?

>> Yes, uh-huh.

>> Morrison: And then there is one other thing -- I wondered if I might ask the city manager to speak to - one of the issues that has been risen -- has been raised is that this is not necessarily I guess you can say a typical tif in that the revenue didn't being used as it usually is -- city manager, I had that conversation with you and I thought it was illuminating to make sure we had on the table that this is somewhat out of the ordinary.

>> Ott: We did have that conversation and my view is differently in term, of the tool that we are talking about, whether it's tiz, the acronym is different rather than tif, increment financing but with tifs they are associated with a gaap project, and the ability for it to provide the supporting infrastructure. So a tif is established to create a base year and the increase in value as a result of the development is captured. That's what is referred to as the increment and based on some pro forma, it tells you to expect to get over time, that revenue source, the increment is used as the basis for supporting or financing the cost of the -- of the infrastructure.

[2:22:05 PM]

And so in this particular case -- again, I want to know the difference in the nuances between the tif and the one that we seem to be talking about here. But typically -- well in my experience, quite frankly, you don't use the increment for operating purposes, as I've already said. You use it for the capital investment associated with the infrastructure. And my cfo can provide clarification or add to what I've said if she'd like.

>> That's correct. This was created under the transportation code, rather than chapter 3-11, which is the tax code relevant to the tax increment -- tax increment financing, the tifs. The transportation code was set up to allow for the raising of increment revenue to pay for the o & m -- operating and maintenance expenses for a rail district. So it says the city manager said this is not a tax increment, where the incremental revenue supports a fixed debt stream over the life of a fixed debt term. This is an over -- an increment to pay for the operating expenses of a rail line.

>> Morrison: Thank you. I want to summarize my own concerns about this. I know we have had lots and lots of discussion about it. First, number one, I guess that it's going to be a monthly 1 million impact to our budget this year that we are going to somehow have to adjust to. What we talked about last Tuesday was the issue that the analysis that have been done showed that it was really going to be 36%, not 50% that would be the expected increment or increase in the tax -- in the property value because of the rail, which really says that, not only are we taking advantage of that development that's becoming -- coming from the rail, but we are also capturing a chunk of change that would go to the whole city.

[2:24:16 PM]

So it's a much broader investment. That concerns me and related to that is that the analysis that we are basing that 36% on, which might already be high, is an old analysis, and it really needs to be updated. Then lastly, to refer back to staff's recommendation and memo that came out last Friday it was, that is they had suggested -- y'all had suggested and transportation staff, that since we are still trying to figure out what plan B is from the failure of the urban rail election, that it would be premature to decide to do this kind of investment right now. So that's a summary of my concerns. I know that there might be other opinions on the dais and so I would just leave it at that but I also want to really thank staff -- I want to particularly thank staff for their work in answering a lot of questions that came up about this issue.

>> Cole: Mayor.

>> Mayor Leffingwell: Mayor pro tem.

>> Cole: Yes, I would first like to make a motion to pass item 131.

>> Mayor Leffingwell: Motion by mayor pro tem to approve. Is there a second?

>> Yes, sir.

>> Mayor Leffingwell: Council member spelman seconds. Go ahead.

>> Cole: First I wanted to address the most recent issue that staff has brought up about the approximately million dollar hit to the general fund. There is currently an amendment in front of you related to item number 1316 and b2 is what was added and it basically provides that if the legislature does not approve in the tax code and transportation code a change so this is treated exactly as a tiz then this agreement does not go into effect.

[2:26:17 PM]

On tuesday's work session we talked about several prerequisites that had to be made before lone star rail would be able to participate in the tif -- in the tirs that we are establishing. This is an amendment to that that basically said the city's percent increment participation level is 50% of the tax increment effective on if date that an amendment, that an amendment of the texas tax code to treat -- capture appraised value under transportation code 173.256, the same as the capture and appraised value under tax code section 2603 and section 3-11 becomes effective and this is basically what our staff is testifying to. I am going to ask somebody from lone star rail -- I believe mr. Bill bingham is here. Mr. Bingham is the attorney for lone star rail and sits on the board of lone star rail with me. Can you -- I know this has been an issue for you guys in the past. Can you tell us a little bit about the history and what the amendment needs?

>> Thank you, council member. Bill bingham, counsel for the also. Council, this -- for the lone star district. And so council this will put the taxing district in the same posture as the 311 taxing increment district as was referred to and it would require an amendment through the legislature to allow you to calculate your effective tax rate, to put it on the same posture as a 311 tax district. So the funds would only become effective and be diverted into the tax incremented fund if the legislature were to pass such an amendment. Of course as you know, the agreement is that you keep the funds anyway.

[2:28:18 PM]

They are not dispersed until the rail district is able to assure you that it will become operational.

>> Cole: Thank you, mr. Bingham. You might hang around. I think we might have some more questions.

>> I will do it.

>> Cole: I do want to call mr. Joe lassard. I had some questions for him. I talked to my colleagues on tuesday a little bit about the prerequisites that are in implemented before it takes place. And when I say

takes place, before the city has to disperse any of those funds. Can you tell us one of these prerequisites.

>> Besides the prereq which sit I just mentioned, the next prerequisite would be that -- I think it's by may 2017 we would have to -- and that's in the amendment -- we would have to be able to show you that not only the city of austin but travis county, san marcos and hays county were all in funding agreements with the lone star rail district as well. That's one of the three major measures.

>> Cole: Okay. So we talked about the change that we don't have to adhere to general fund and we talked about the change of talking about having to have the other jurisdictions a part of the agreement. One of the big concerns over the years has been union pacific's participation and your capital costs. Can you say what would happen to union pacific before we can make distribution of funds?

>> Yes, a good question. There is a third performance measure that is by, I think 2020 -- january 1st, 2020, we have to have an implementable financial capital plan and we have to have an agreement with the union pacific railroad for the relocation. At that point we are ready to begin implementing -- the funds would not flow to lone star rail from the city unless we amend that requirement as well.

[2:30:26 PM]

>> Cole: Okay. Tell us why you need to be this funding now with respect to your potential capital costs or pharaoh funding?

>> Well, it takes a while to put a project like this together. We are talking about a substantial amount of funds. There is the rail bypass we have to build to move the freight off the union pacific right-of-way and we have to do improve provements to the existing union pacific right-of-way so it can accommodation the passenger rail. In addition, we have to raise \$1.8 billion. We are confident to find the capital sources from other places, not local counties or cities here in texas. We have to demonstrate that we have the operating funds. When we apply for federal grants or loans or if we deal with the union pacific, that we have the local commitment to cover the o & m costs. So we are meeting with all of the cities up and down the corridor, the 119-miles to ask them to participate in the very similar way, if not exactly the same way, as the city of austin, to help us provide that funding that is a prerequisite for the capital.

>> Cole: Okay. There has been a little bit of a mention of our past rail -- urban rail item that did not pass voter approval. And I want to make some clear distinctions between that item and this item. You had mentioned that this -- lone star rail covers 119-miles. And how many cities?

>> We will connect ten cities when we are completed with this system.

>> Cole: And how many stations are contemplated in austin?

>> Between 7 and 8. Another station has been popped up into conversation. Simply with the austin community college district but we anticipate at least 7 and perhaps 8 stations in austin.

>> Cole: Can you name those stations in austin? Because I know they go up and down mopac through several new council member's districts.

>> I was afraid you were going to ask me that so I listed it so I won't have to do it from memory.

[2:32:32 PM]

There is mcneil junction, the parmer lane station, braker lane station, 35th and mopac station, downtown station, and the slaughter lane station and then the one that has recently come up is one near the acc campus on stassney.

>> Cole: Now, when we -- tell me how much capacity will this likely add to the austin transportation system?

>> Well, if we use as a standard what a lane of i-35 would be, what its carrying capacity is, on an hourly basis, we would be able to provide the same type of carrying capacity by passengers between 2 and 10 lanes of traffic so that would be 5 lanes in each direction to highway lanes.

>> Cole: Okay. Thank you, mayor.

>> Mayor Leffingwell: Yes, and I would also just say from an unimpeachable source, namely the president of texas state university, told me that one-third of the students that attend texas state live in austin. So that's about 11,000 trips down and 11,000 trips back every day, city manager.

>> Ott: Thank you, mayor. I just guess I want to go back again to talk about the potential implications for the cities -- for the city's budget and particularly after corporate counsel for lone star comments just a moment ago. Let me ask our cfo, ms. Hart, to come up. I still think, notwithstanding, that we still will have some challenges with respect to the city's budget.

>> Yes, I think that even if this proposed legislation was passed in this legislature session, typically the bills are effective september 1st which would be within the current fiscal year so there would be budgetary action needed for fiscal year '15 and '16, we would have already posed our budget by december 1st and would not have included in the lone star rail in the proposed tax rate.

[2:34:49 PM]

We would not have made that as a vehicle for adjustment. Even if it is passed this year by legislature, it will be the fiscal '17 year before everything will sync up for the city and there will be no budget and in essence it will flow with the normal budget cycle.

>> Ott: Great. Great.

>> Mayor Leffingwell: Council member morrison.

>> And to add to that, cfo -- what I think this does with the language, it postpones budget action that would occur. And now as written, the only thing we can make up the lost revenue is absorbing the costs through expenditure reductions and, again, we are too early w. This -- what this legislative change would allow to do is increase the tax rate to make-up for lost revenue. It is either way expenditure, reduction or tax rate increase and we are just -- it would be when that

occurs: Whether it occurs right now or the next fiscal year but it will still be an impact to the budget -- the general fund budget.

>> Cole: Mayor, I don't think I made clear that my amendment is incorporated into my motion.

>> Mayor Leffingwell: Yes, I understood that.

>> Cole: Okay.

>> Mayor Leffingwell: Council member spelman, you were first, I believe.

>> Spelman: I just want to make a comment, mayor, that we have been talking about this for quite some time, that the budget office and manager have had lots of opportunity to see this coming and incorporate enough space in the budget where the likelihood that this council would pass such a thing as this tiz would be something that we could give with and find a way of working through. It seems to me they may have, in fact, done that, although they may not want to talk about that too much. I am not trying to cast dispersions on your budget or management here, but it seems to me you have heard us talk about this for a long time.

>> Yes, council member spelman, we have heard you talk about it.

[2:36:49 PM]

What is different is the proposed effective date of the 50%. We adopted our budget for the year already and did not set aside money for the lone star rail. So that is the difference, moving of the dates and setting of the percentage in the fiscal year that's been approved already causes us a problem.

>> Spelman: I see your point. So we did not have, at the time of the budgeter, say we -- at the time of the budget say we were going to put the 50% in. We only crowded up enough space for it. When did you anticipate we were going to ask for the 50%?

>> We were planning on waiting until the two-year mark when they had the support from hays county and travis county, when they had actually reached that first performance measure.

>> Spelman: Of course. That's policy's decision. It would be the council's decision, but that would be your expectation of when we were going to do that is a couple of years?

>> Uh-huh.

>> Ott: Because those were the terms of the original agreement.

>> Right. Yes, sir.

>> Spelman: I am sorry, did we --

>> Ott: The terms of the original agreement. We are talking about amending it today said certain things would happen as triggers for those funds being set aside for purposes of lone star rail. It is my understanding not all of those obligations have been met, although today we are now talking about amending it in the ways that are stipulated in the matter before you. So there was no reason at the time we were preparing the budget to include for revenue purposes. In fact, I believe we had zero in the first year.

>> Spelman: I see your point. Thank you, sir.

>> Mayor Leffingwell: Council member morrison.

>> Morrison: I just want to ask a question of our city attorney, if I could. I am trying to make sense out of this language. It is a little complicated, but I was going back to the posting, and it seems what different from the posting.

[2:38:53 PM]

I want to ask an opinion to make sure that this whole issue about changing to -- over to a different kind of structure is covered under our posting?

>> Mayor Leffingwell: City attorney.

>> The posting language that you have here is pretty specific about two things that you are doing, which is to set the city's increment participation level for the tif funding at 50% and extending the two year

timeline. So those two things -- those are the two things you specifically put in here, maybe adding more to that with the second part of your amendment.

>> Morrison: So you think that that -- the whole issue about the legislature changing the law, et cetera, is beyond the posting?

>> It may be beyond the two specific things you have posted -- listed here as to what you are going to do. So you could probably do the first, about the timing, and may [indiscernible] on the second.

>> Miller, law department, if I may.

>> Mayor Leffingwell: Go ahead.

>> When we spoke back and forth this morning about this, the -- back and forth this morning about this, the way it is -- the amendment -- I will refer you to posting language -- it is taking portion, setting funding at 50% and adding a they at the end of the sentence -- and adding a phrase at the end of the sentence, so it is tied to 50% but it is setting particular terms to that but as far as giving public fair notice that we are talking about, this sits within that.

>> Mayor Leffingwell: Okay. So it is legitimate.

>> As long as we are talking about this specific change, we are okay.

>> Mayor Leffingwell: Okay. Council member Tovo.

>> Tovo: I have a question that we -- the gentleman from -- Mr. Lasard from Lone Star Rail talked about the different districts that have been created and we had some discussion about the 35th and Mopac and I want to clarify whether or not -- it's my understanding that captures a piece of potentially the state owned tract.

[2:41:01 PM]

Is that accurate? And if so, how does the contemplated sale of that tract -- will some of that revenue become -- will some of the property tax revenue on that state site become part of this district?

>> Going from memory, from the parcels that were included in each of the stations, there were parcels within a half mile radius of the station. The stations could be -- locations could be changed once their NEPA planning process was finished but any parcel that touched within that half mile radius, they kind of included in -- in to that TIF area. My belief is that the Bull Creek area is within the TIF zone for the 35th station so the full incremental value of the 46 million price will come into the tax increment for the rail station there, because it's changed from tax credibility to fully tax -- tax exempt to fully taxable to the private developer.

>> Tovo: 50 percent of that property taxes realized on the 46 million will go directly to this fund?

>> To support rail operations.

[Multiple voices]

>> once the measure was set.

>> Mayor Leffingwell: 50 percent 50 percent of the price of the land doesn't go to the tif.

>> Cole: No, it's the increment.

>> The value -- it's tax exempt property so the value is 0. When it changes hands to private sector, the full value is recognized on the tax rolls and so the 50% of that increment will be funding the tax increment for the rail operations, for that station or the line system.

>> Tovo: And that would begin next year?

[2:43:01 PM]

Or in the upcoming year or two, depending on when the sale happens?

>> It will happen. They still have to meet the performance measures of the two year or the new date, may 2017 and the 6 year date of having a full capital debt and operating plan. Yes.

>> Tovo: And so, you know, given that tract will be in private hands and that the city has a strong interest in seeing how that tract develops, it gives me some pause, in addition to the other concerns that have been raised by my colleagues about committing this level of tax increment financing to this project. I am in support of lone star rail. I believe we need a rail system of this sort but I take the staff's reservations to heart and I believe that we need additional financial analysis to justify the projected -- the projected -- and I also appreciate council member martinez's discussion earlier this week about the homestead exemption -- them them -- homestead district rather and the way this may impact those.

>> Mayor Leffingwell: Any other comments?

>> Riley: Mayor.

>> Mayor Leffingwell: Council member riley.

>> Riley: I would like to ask one question to either our own cfo or former mayor pro tem may be in the audience, I would be interested in the rationale of this. As we go into the negotiation of this agreement,

[indiscernible], is it possible to negotiate over the setting -- setting the base year? Right now recently set the base year as 2013. If we were to set the base year at 2014, would that -- it seems like that would mitigate the impact on the budget.

[2:45:02 PM]

I realize that we are not posted to actually take action on resetting the base year today but just for purposes of future negotiation, would that be an option for -- for mitigating the potential impact?

>> Cole: You are correct. You are not.

>> You are correct. You are not posted for action on that type of amendment today. The current agreement in place you adopted a year ago set the base year for January 1 of 2013. All that would do is postpone this action, really. It just would postpone it one year. It would have the same effect on future years but it would postpone it one year.

>> Riley: Give us an opportunity to build it into the budget and to -- and to take more steps in preparation. I guess I'd ask mayor pro tem --

>> one thing that I would like to add is that this prompt was not only in project connect but it is in the campo plan. With the change that we've made about postponing the actual -- setting the tax -- doing the tax increment financing bit, postponing it until the election does allow you to recover part of your tax base through the effective tax rate calculation. We never wanted to have a large impact on the city budget. In fact, I think I called that summer and asked -- reminded or at least asked if it had been considered in this year's budget. So I think the effect will be very minimal for the first year or two. It's not a huge amount, especially as you recover that -- 2345 -- the component that deals with rising values and I guess I want to say I am really sorry I didn't get the difference -- we thought that the legislation had already been changed.

[2:47:23 PM]

So I am happy the staff found it at the last minute and could -- and I could help us get it straight but I do think this amendment will -- will mitigate that impact on the following year's budget.

>> Mayor Leffingwell: Okay. All right. The motion is on the table to approve with the changes on the yellow sheet. All those in favor, say aye. Aye. Aye. Opposed say no? Passes p vote of 4-3 with council member tovo martinez morrison voting no. Okay. That puts us into the addendum items on the consent agenda. I understand the applicant wants to hear item 2....

Note: (Technical difficulties occurred at this moment about 10 minutes of audio/video and transcript were lost)

BUT GETTING TO KIND OF THE SUBSTANCE OF THE FIRST TWO, SO I WOULD SUGGEST YOU ADD BACK AT LEAST ADD BACK INTO YOUR AMENDMENT THE ITEMS THAT THE STAFF SUGGESTED BE CODIFIED.

>> Mayor Leffingwell: SO LET'S TRY TO KEEP TRACK OF THIS ONE AT A TIME.

COUNCILMEMBER RILEY, YOU UNDERSTAND WHAT YOU JUST AGREED TO?

>> Tovo: I DON'T KNOW IF HE AGREED OR NOT.

>> Riley: I'D CERTAINLY BE HAPPY TO ADD THE FINAL LANGUAGE, THE PARAGRAPH SAYING THE REQUIREMENTS OF THE RESOLUTION ONLY APPLY TO AGREEMENTS ENTERED INTO AFTER THE DATE OF THE RESOLUTION ADOPTED. THAT WAS PART OF THE LANGUAGE ADDED IN THE LATEST VERSION BY COUNCILMEMBER TOVO.

>> Mayor Leffingwell: YOU SAID THE LAST PARAGRAPH.

WAS THAT FOUR?

>> Riley: IT'S ON THE LAST PAGE OF THE YELLOW COPY THAT COUNCILMEMBER TOVO PASSED OUT.

IT SAYS THE REQUIREMENTS OF THIS RESOLUTION ARE REQUIRED AS OF THE DATE THIS RESOLUTION IS ADOPTED AND YES, I INTENDED FOR THAT TO BE PART OF THE MOTION.

WITH REGARD TO THE OTHER PARAGRAPHS AS PART OF THE MOTION.

WITH REGARD TO THE OTHER PARAGRAPHS, I HAD NOT HEARD STAFF RECOMMENDING LANGUAGE THAT WOULD WAS APPLICABLE IN ANY SITUATION THAT WOULD PROHIBIT A COMPANY FROM PROTESTING ITS PROPERTY TAX VALUATION FOR THE PERIOD OF THE AGREEMENT.

AND IF

>> Tovo: NUMBER 3, THE CITY WILL NOT OFFER A PROPERTY TAX INCENTIVE OPTION.

>> Riley: THAT WOULD BE FINE, ADDING IN PARAGRAPH 3, SAYING THE CITY WILL NOT OFFER A PROPERTY TAX INCENTIVE OPTION FOR THE PROJECTS LOCATED IN A TIF DISTRICT LOCATED ON CITY OWNED PROPERTY.

THAT MAKES SENSE TO ME.

THE OTHER TWO PARAGRAPHS WE'RE TALKING ABOUT, EACH HAVE LANGUAGE SAYING THAT EACH PUBLIC PRIVATE AGREEMENT FOR DEVELOPMENT SO CITY OWNED PROPERTY SHALL INCLUDE A PROVISION STATING THAT THE COMPANY RECEIVING THE INCENTIVES SHALL NOT PROTEST ITS PROPERTY TAX VALUATION FOR THE PERIOD OF THE AGREEMENT.

RODNEY, WAS THAT LANGUAGE RECOMMENDED BY STAFF.

>> NO, THAT

>> Riley: IT'S HARD FOR ME TO IMAGINE STAFF EMBRACING A LANGUAGE LIKE THAT BECAUSE I CAN IMAGINE SITUATIONS IN WHICH WE WOULD BE HAVING DEVELOPMENT ON CITY OWNED PROPERTY WHERE WE REALLY WHERE THIS COULD PROVE TO BE PROBLEMATIC.

SUPPOSE WE WANTED TO DO A MIXED USE PROJECT ON CITY OWNED PROPERTY, WANTED TO HAVE A PUBLIC PRIVATE AGREEMENT FOR DEVELOPMENT ON CITY OWNED PROPERTY AND WE HAD INCENTIVES FOR, SAY, AFFORDABLE HOUSING OR SOMETHING ELSE.

DO WE WOULD WE REALLY WANT TO PROVIDE THAT THE COMPANY WORKING WITH US ON A PROJECT LIKE THAT WOULD BE PRECLUDED FROM PROTESTING ITS PROPERTY TAX VALUATION FOR THE PERIOD OF AGREEMENT?

AND AN AGREEMENT LIKE THAT, BEAR IN MIND, IN THE PAST WHEN WE'VE DONE AGREEMENTS LIKE THAT, FOR INSTANCE, I KNOW WITH THE AGREEMENT WE ENTERED INTO WITH POST PROPERTIES ON THE OLD RAILYARD CITY ON WEST THIRD THAT WAS A 99 YEAR LEASE AND I KNOW THERE HAVE BEEN OTHER 99 YEAR LEASES.

I THINK IT WOULD BE ASKING A LOT OF A COMPANY ENTERING A PUBLIC PRIVATE AGREEMENT WITH US ON A CITY OWNED SITE TO COMMIT TO NEVER PROTEST ITS TAXES FOR THE 99 YEAR PERIOD OF THE AGREEMENT.

SO I WOULD NOT SUPPORT THAT.

>> Mayor Leffingwell: OKAY.

SO YOU'VE ACCEPTED REINSTATING PARAGRAPH 3?

>> Riley: YES.

>> Mayor Leffingwell: IN THE LAST PARAGRAPH ON THE LAST PAGE?

>> Riley: THAT'S RIGHT.

>> Mayor Leffingwell: WHICH WAS BASICALLY ADMINISTRATIVE.

SO WE HAVE A MODIFIED IS THAT ACCEPTED BY THE SECOND?

>> Cole: THAT WAS YOU, BILL.

>> Spelman: WAS THAT ME?

>> Mayor Leffingwell: YES.

SO WE HAVE A PROPOSED MODIFIED AMENDMENT ON THE TABLE.

ALL THOSE IN FAVOR

>> Tovo: ACTUALLY, MAYOR, I'M SORRY, I WASN'T DONE TALKING ABOUT THE FIRST AND SECOND ITEMS.

YOU KNOW, NUMBER 1 AND NUMBER 2 AND YOUR LANGUAGE, I'M GLAD IT LOOKS AS IF WE'LL ADOPT SOME VERSION OF THE INTENT HERE.

THERE'S NOT THERE'S REALLY NOT MUCH OF A DIFFERENCE BETWEEN WHAT YOU'RE SAYING AND WHAT I'M SAYING.

YOU KNOW, WHAT I WAS WHAT THE RESOLUTION BEFORE YOU SPONSORED BY COUNCILMEMBER MARTINEZ AND MORRISON AND I STATES IS THAT IF THERE'S A SUCCESSFUL PROPERTY TAX RESOLUTION IT WILL COME BEFORE COUNCIL FOR RECONSIDERATION, REEVALUATION AND A RECALCULATION.

YOUR LANGUAGE IN ESSENCE TALKS ABOUT INCLUDING LANGUAGE ALLOWING FOR FURTHER ADJUSTMENT.

I THINK THE DIFFERENCE IS THAT THERE'S A VERY HIGH BAR TO MEET WITH THAT SECOND CLAUSE.

I MEAN, IT WILL HAVE TO BE, AS HAS BEEN SAID, THE REALLY IT WILL HAVE TO BE DEEMED BY THE CITY MANAGER TO NO LONGER BE CASH IT WILL HAVE TO BE DEEMED BY THE CITY MANAGER TO NO LONGER BE CASH POSITIVE, WHERE WE KNOW THOSE FINANCIAL WHEN I GET THOSE FINANCIAL PROJECTIONS AS THEY APPEAR TO US ON THE CHAPTER 380 MATRIX, THE STAFF ALWAYS PRESENT US WITH A MATRIX SHOWING THAT IT'S CASH POSITIVE, BUT THERE IS A SPECTRUM.

WE'RE MAKING AN INVESTMENT WE'RE MAKING AN INVESTMENT IN THAT PROJECT.

SO THE DEGREE OF CASH POSITIVENESS MATTERS AND THAT GAP COULD BE LOWERED AND IS IN SOME CASES LOWERED WHEN A COMPANY PROTESTS THEIR PROPERTY TAX VALUATION.

SO I'M NOT I'M NOT ABLE TO SUPPORT THOUGH I APPRECIATE THE EFFORT TO GET TO SOMETHING THAT WILL PASS HERE, I'M NOT GOING TO BE ABLE TO SUPPORT THE AMENDMENT.

>> Mayor Leffingwell: MARTINEZ.

>> Martinez: ALONG THOSE SAME LINES I'M CONCERNED ABOUT THAT SECOND PARAGRAPH AS WELL BECAUSE IT DOES COMPLETE THE ESCAPE HATCH FOR EVERY INCENTIVE AGREEMENT WHEN IT SAYS TO THE EXTENT THAT IT'S NO LONGER REVENUE POSITIVE.

WHEN YOU'RE BASING IT ON AN INCREMENT THAT DOESN'T EXIST TODAY, IT'S ALWAYS GOING TO BE CASH POSITIVE, BUT YOU HAVE TO FIGURE OUT WHAT THAT SCOPE IS AND HOW LESS OR MORE CASH POSITIVE IT TRULY IS.

AND I THINK THAT'S WHAT WE'RE TRYING TO DO IS WE'RE NOT DISALLOWING SOMEONE PROTESTING THEIR PROPERTY TAXES, WE'RE SIMPLY SAYING WE WANT TO SEE THE CAUSE AND EFFECT OF THAT IN THIS WHEN YOU'RE STAND IT UP AGAINST THE ORIGINAL AGREEMENT UNDER WEB LOCI THAT SAID IT WOULD BE THIS MUCH OF A POSITIVE RETURN ON OUR INVESTMENT, NOW THAT YOU'VE PROTESTED YOUR VALUATION AND DROPPED THAT AND SUCCESSFULLY PROTESTED, WHAT DOES THAT DO TO THE ENTIRE OUTCOME OF THE AGREEMENT?

THIS LANGUAGE TO ME APPEARS TO ALLOW ANY AGREEMENT TO CONTINUE TO EXIST AS LONG AS IT SHOWS ANY MEASURE OF POSITIVITY ON THE CASH SIDE AND THAT'S THE WHOLE CONCERN THAT WE'RE TRYING TO ADDRESS.

>> Mayor Leffingwell: COUNCILMEMBER MORRISON.

>> Morrison: I BELIEVE COUNCILMEMBER SPELMAN WAS

>> Mayor Leffingwell: COUNCILMEMBER SPELMAN.

>> Morrison: HE CAN GO FIRST.

>> Spelman: I'D LIKE TO ASK MR. GONZALEZ A QUESTION IF I COULD.

TO VALIDATE WHAT COUNCILMEMBER MARTINEZ WAS GETTING AT.

>> YES.

>> Spelman: SAY WE'VE GOT A WEB LOCI ANALYSIS THAT GIVES US NOBODY HAS PROTESTED ANYTHING.

WE HAVEN'T STARTED YET.

WE HAVE AN EXPECTATION FOR WHAT IS LIKELY TO HAPPEN TO THE ASSESSED VALUE OF PROPERTY, THE REAL PROPERTY AND ALSO THE PERSONAL PROPERTY OF THE BUSINESS SO THAT WE HAVE AN ESTIMATE FOR HOW MANY PEOPLE ARE GOING TO WORK THERE, WHERE THEY'RE GOING TO COME FROM, WHAT THE COST OF PROVIDING WHAT SERVICES, THE WHOLE NINE YARDS, AND WE'VE GOT A NET REVENUE WE HAVE A TOTAL REVENUE, WE HAVE A TOTAL COST AND WE HAVE A NET REVENUE.

AND WE ESTIMATE THE NET PRESENT VALUE OF THAT NET REVENUE AND THAT'S THE BASIS FOR WHETHER WE GIVE THEM A CHAPTER 380 AGREEMENT OR NOT AT LEAST IN PART.

IT HAS TO BE POSITIVE.

>> PART OF THE PROCESS.

>> Spelman: AND THERE'S A LOT OF OTHER TICKETS THAT HAVE TO GET PUNCHED TOO, BUT THAT'S WITHOUT WHICH NOTHING.

WE DON'T DO THAT, WE DON'T GO FORWARD.

>> YES.

>> Spelman: I SAID A FLURRY OF WORDS TO THE MAYOR A FEW MINUTES AGO AND I THINK COUNCILMEMBER RILEY UNDERSTOOD WHAT I WAS GETTING AT.

DID YOU UNDERSTAND WHAT I WAS GETTING AT BY ANY CHANCE?

>> I DID WITH REGARD TO THE TAX VALUATION.

>> Spelman: OKAY.

THAT'S TWO, THAT'S GOOD ENOUGH FOR ME.

I'LL CALL IT A GOOD DAY'S WORK.

[LAUGHTER]

THAT MEANS THEN THAT THERE MIGHT BE A VALUATION WHICH IS TOO HIGH.

THEY PROTEST IT, THEY COME BACK DOWN FROM THE STRATOSPHERE IT MIGHT BE RIGHT AT OUR EXPECTATIONS AS LONG AS IT DOESN'T DEVIATE FROM OUR EXPECTATIONS THAT NET REVENUE POSITIVE REVENUE POSITIVE NATURE ISN'T GOING TO CHANGE VERY MUCH.

>> WITH ONE EXCEPTION.

THE PROPERTY TAX RATE, WHICH CHANGES YEAR TO YEAR.

>> Spelman: OKAY.

>> SO YOU MAY HAVE A SITUATION WHERE THE PROPERTY TAX RATE HAS DECREASED AND THAT IS LOWER THAN OUR ASSUMPTION, WHICH WE USE THE PROPERTY TAX RATE AT THAT POINT IN TIME.

>> Spelman: OKAY.

SO WE HAVE EXPECTATIONS BOTH FOR THE ASSESSED VALUE AND ALSO FOR THE PROPERTY TAX RATE.

>> YES.

>> Spelman: AND THERE'S NOTHING IN HERE WHICH IS GOING TO TRIGGER A REASSESSMENT OF THE CHAPTER 380 AGREEMENT JUST BECAUSE OUR PROPERTY TAX RATE GOES DOWN.

>> NO.

>> Spelman: BUT IT COULD BE THAT THE WHOLE PROJECT DOES FLIP AND IS NO LONGER CASH POSITIVE FOR THE CITY JUST BECAUSE OF THAT REDUCTION IN THE PROPERTY TAX RATE, AT LEAST IT'S CONCEIVABLE.

>> AND ALSO WHAT WE'VE EXPERIENCED IS THAT THESE COMPANIES INVEST MORE.

SO YOU TAKE THE CASE OF SAMSUNG, WHICH HAS INVESTED BILLIONS OF DOLLARS MORE.

YOU TAKE THE CASE OF MANY COMPANIES THAT HAVE RAMPED UP THEIR JOB CREATION AS OPPOSED TO STICKING WITH THE SCHEDULE THAT THEY HAD TALKED ABOUT.

SO THE REVERSE IS ALSO TRUE, WHICH IS THAT WE CAN HAVE COMPANIES SPEED UP THEIR INVESTMENT AND SPEED UP THEIR JOB CREATION.

>> Spelman: AND IT ENDS UP BEING MUCH MORE REVENUE POSITIVE FOR THE CITY THAN IT WAS AT THE TIME THAT WE ENVISIONED IN THE FIRST PLACE.

YOU UNDERSTAND COUNCILMEMBER MARTINEZ'S CONCERN IS THAT WE HAVE TO TAKE A LOOK AT THE WEB LOCI ANALYSIS FOR PRETTY MUCH ANY IMPORTANT CHANGE IN THE ASSESSED VALUE THAT WAS TRIGGERED BY A PROTEST.

IS THAT A PROBLEM FROM YOUR POINT OF VIEW?

IS IT DIFFICULT TO DO, EASY TO DO?

>> I THINK THE EASY FOR US WITH THE RESOLUTION AS IT WAS WORDED AND EVEN WITH THE REVISIONS ARE THAT EVEN THOUGH IT NOW SEEMS LIKE THE COMPANIES ARE NOT PROHIBITED FROM PROTESTING THEIR TAXES, IN EFFECT THEY ARE BECAUSE THE LANGUAGE AS IT WAS WORDED BEFORE SAYING THAT THE AGREEMENT WOULD COME BACK TO COUNCIL AND THAT IT WOULD BE LOOKED AT AGAIN WITH THE PROBABLE INSTANCE OF BEING READJUSTED, THAT IN EFFECT IS CAUSING THE COMPANY TO THINK ABOUT WHETHER OR NOT THEY WERE GOING TO PROTEST THEIR TAX VALUATION.

>> Spelman: SAY I'M SAMSUNG AND

>> AND WE HAVE SAMSUNG HERE TOO.

>> Spelman: I KNOW.

SAM MORRIS GIVES YOU A CALL AND SAYS WE HAVE PROTESTS BECAUSE THEY'VE JACKED UP THE PRICE TOO HIGH FOR US AND IT DOESN'T MAKE SENSE FOR US.

IF WE SUCCEED IN HAVING OUR IF OUR PROTEST SUCCEEDS, WE BELIEVE THE ASSESSED VALUE OF THE ENTIRE OPERATION IS GOING TO BE THUS AND SUCH.

IS THAT GOING TO BE A PROBLEM WITH THE 380 AGREEMENT?

IS THAT THE SORT OF THING THAT YOU COULD DO?

>> YOU KNOW, I THINK THAT THE WAY THAT IT'S WORDED IS THAT IF WE ALL KNOW WHAT THOSE VALUATIONS ARE GOING IN

>> Spelman: YEAH.

>> AND IF WE WERE TO SET SOME KIND OF MINIMUM VALUATION

>> Spelman: OKAY.

>> FOR INSTANCE, LIKE THE IF THE COMPANY CAME TO US INITIALLY AND SAID WE THINK THAT OUR VALUATION IS GOING TO BE X AMOUNT.

>> Spelman: RIGHT.

>> AND HERE'S WHAT IT IS.

AND WE'RE WILLING TO SAY THAT YES, THIS IS GOING TO BE OUR VALUATION GOING FORWARD, THEN I THINK SOMETHING LIKE THAT WOULD BE OKAY.

BUT THESE ARE ESTIMATES THAT WE PROJECT AT THE BEGINNING AND THE STAFFING GOING FORWARD, THEN I THINK SOMETHING LIKE THAT WOULD BE OKAY, BUT THESE ARE ESTIMATES THAT WE PROJECT AT THE BEGINNING AND THE STAFF IS INVOLVED IN THOSE ESTIMATES.

AND ULTIMATELY AT THE END OF THE DAY IT'S TCAD'S DECISION WHAT THOSE VALUATIONS ARE.

SO THE COMPANY IS TAKEN OUT OF THAT EQUATION, WE'RE TAKEN OUT OF THAT EQUATION.

IT REALLY IS TCAD'S DISCRETION.

I THINK THAT'S WHAT MS. MORSE WAS EXPLAINING EARLIER IS THAT AT THE END OF THE DAY TCAD DOES WHAT THEY'RE GOING TO DO.

I THINK THAT WAS OUR SITUATION AND OUR UNEASINESS WITH ACCEPTING THIS TYPE OF RESOLUTION WAS THAT THE THAT TCAD HELD THE CARDS, IF YOU WILL.

AND THESE COMPANIES WERE THEN LEFT IN A POSITION OF HAVING TO WORK WITH TCAD TO GET THE CORRECT VALUE.

>> Spelman: ON THE OTHER HAND, THAT'S JUST ACKNOWLEDGING THE REALITY OF THE SITUATION.

ALL OF OUR ASSESSED VALUE DECISIONS FOR US.

IF I WERE IF I WERE SAMSUNG I WOULD WANT SOME ASSURANCE THAT I WOULD WANT SOME SENSE FOR HOW LOW COULD I GO OR WHAT NUMBERS WHAT KIND OF NUMBERS ARE GOING TO GET ME INTO TROUBLE?

AND I WOULDN'T ASK FOR ANY SPECIFIC RIGHT NOW, BUT IF I WERE SAMSUNG AND I WERE TO ASK YOU, RODNEY, HELP ME OUT HERE, WE'RE GOING TO HAVE TO PROTEST THIS, I WANT TO BE SURE WE DON'T GET INTO TROUBLE.

IS THERE CAN YOU GIVE ME A SENSE FOR WHAT KIND OF NUMBERS ARE LIKELY TO GET ME INTO TROUBLE WITH THE 380 AGREEMENT?

CONCEPTUALLY SPEAKING IS THAT THE SORT OF QUESTION THAT YOU COULD ANSWER, REGARDLESS OF WHETHER YOU HAD THE AUTHORITY TO ANSWER IT, WOULD YOU ANSWER IT.

>> WE COULD CERTAINLY GO BACK TO THE WEB LOCI ANALYSIS WITH THE COMPANY AT THAT TIME AND WE COULD LOOK AT THOSE NUMBERS AND REVISIT THEM AND GIVE THEM AN INDICATION OF WHAT THE IMPACT WOULD BE TO THE CITY.

>> Spelman: OKAY.

>> SO YES, WE COULD IN FACT GO BACK TO THAT WEB LOCI ANALYSIS.

>> Spelman: OKAY.

SO THAT SEEMS TO ME THAT IT SOLVES THE EQUITY PROBLEM.

IF I'M A COMPANY WITH A 380 AGREEMENT, I NOW AM ACCEPTING ONE RELATIVELY, RELATIVELY SMALL ADDITIONAL REQUIREMENT AND THAT IS THAT MY I RECOGNIZE MY ASSESSED VALUE CANNOT DEVIATE TOO MUCH FROM EVERYBODY'S EXPECTATIONS TO WHAT MY ASSESSED VALUE IS LIKELY TO BE.

AND IF I PROTEST MY ASSESSED VALUE TO THE POINT WHERE IT IS MUCH LOWER THAN EVERYBODY'S EXPECTATION THEN I HAVE TO RECOGNIZE THAT THIS IS A PROBLEM WITH MY CHAPTER 380 AGREEMENT, BUT SO LONG AS I'M WITHIN THAT REASONABLE RANGE THAT YOU AND I BOTH AGREE ON, THAT'S SOMETHING WHICH IS NOT GOING TO CAUSE US PROBLEMS DOWNSTREAM WITH THE 380 AGREEMENT S THAT A REASONABLE CHARACTERIZATION?

>> THAT SEEMS LIKE.

IT SEEMS LIKE FOR THE STAFF AND THE COMPANY TO ENGAGE IN THOSE CONVERSATIONS IT DOES SEEM REASONABLE THAT WE COULD BOTH COLLECTIVELY COME TOGETHER AND FIGURE OUT WHAT THAT VALUATION IMPACT WOULD BE.

>> Spelman: IT SEEMS TO ME GIVEN THE CUSHION THAT YOU HAVE BUILT INTO EVERY 380 AGREEMENT THAT I'VE LOOKED AT, EVERY WEB LOCI PORTION OF THAT, WE'RE TALKING ABOUT NOT A MULTIPLE, BUT SOMETHING LIKE 40, 50, 60 PERCENT MORE REVENUES THAN COSTS, THEN THE COMPANY WOULD HAVE TO GO A LONG WAYS BELOW THOSE EXPECTATIONS BEFORE WE WOULD ACTUALLY BE REVENUE NEGATIVE.

>> WELL, BECAUSE THERE ARE A LOT OF OTHER REVENUES THAT THE CITY TAKES IN OUTSIDE OF PROPERTY TAXES, LIKE SALES TAXES, ETCETERA.

SO EVEN WHEN WE ANALYZE SOME COMPANIES THAT CURRENTLY GET A PROPERTY TAX BASE INCENTIVE, WHEN WE ZERO OUT THE PROPERTY TAX RELATED TO THOSE INCENTIVES, THE CITY IS STILL CASH POSITIVE BECAUSE OF THE OTHER REVENUE SOURCES THAT THE CITY RECEIVES IN SALES TAX AND FRANCHISE FEES AND ALL THOSE OTHER REVENUE SOURCES.

>> Spelman: GOTCHA.

THANK YOU, SIR.

>> Mayor Leffingwell: IT SEEMS TO ME LIKE IN A PRACTICAL SENSE THIS WOULD BE A VERY STRANGE THING TO HAPPEN IF IN THE AT THE ONSET WHEN YOU NEGOTIATE THE AGREEMENT YOU HAVE A PROJECTION OF WHAT THOSE TAXES ARE GOING TO BE THROUGHOUT THE ENTIRE PERIOD SO YOU CAN HAVE SOME BASIS FOR FIGURING OUT THE RATE OF RETURN AND ALL THAT.

AND IF THEY WERE TO PROTEST SOMETHING THAT WAS IN LINE WITH THAT PROJECTION OR BELOW THAT PROJECTION, THAT WOULD BE A VERY STRANGE THING INDEED TO HAPPEN, I WOULD THINK.

>> IT WOULD BE.

>> Mayor Leffingwell: THERE WOULD HAVE TO BE SOMETHING WEIRD GOING ON, SOME KIND OF MASSIVE REDUCTION THAT WOULD TRIGGER OTHER PARTS OF THE AGREEMENT, YOU KNOW, LIKE THEY CLOSED DOWN HALF THE PLANT.

THEY WEREN'T CREATING THE JOBS FORECAST.

ANYWAY, I JUST THINK THAT'S SOMETHING THAT'S NOT GOING TO HAPPEN ANYWAY, BUT I GUESS YOU HAVE TO COVER ALL THE BASES.

>> Morrison: MAYOR?

>> Mayor Leffingwell: COUNCILMEMBER MORRISON.

>> Morrison: THANK YOU.

I APPRECIATE THIS CONVERSATION.

I THINK WHAT WE'RE WRESTLING WITH IS THE DIFFERENCE BETWEEN THE TWO RESOLUTIONS IN ESSENCE ARE ARE WE LOOKING AT JUST WHEN IT GOES CASH NEGATIVE OR ARE WE LOOKING AT ANY TIME SO THAT WE CAN ACTUALLY LOOK AT HOW MUCH OF A HOW MUCH OF A NET BENEFIT IT IS?

I THINK THAT ONE OF MY I'M A CO SPONSOR ON THIS AND ONE OF THE ONE OF THE MODIFICATIONS TO THIS THAT WE HAD DISCUSSED WAS I HAD RAISED THE QUESTION IN THE ORIGINAL RESOLUTION WHERE IT SAYS IN THE MODIFIED RESOLUTION WHERE IT SAYS UNDER NUMBER 1, IF YOU LOWER YOUR TAXES IT WILL RESULT IN, DOT, DOT, DOT, A PROBABLE ELIMINATION OF INCENTIVES.

AND ONE OF THE THINGS THAT I HAD TALKED ABOUT WAS THAT MAYBE WE DON'T REALLY WANT TO SAY PROBABLE BECAUSE IT REALLY NEEDS TO TRIGGER A REEVALUATION TO SEE IF IT'S GOOD ENOUGH AND IT MAY WELL BE GOOD ENOUGH SO THE ALTERNATIVE WAS REALLY TO MAKE IT A POSSIBLE MODIFICATION, JUST THAT IT'S NOT A HARD AND FAST CONTRACT THAT WE CAN'T CHANGE.

AND I KNOW WE HAVE A MOTION ON THE TABLE RIGHT NOW.

>> Mayor Leffingwell: WE HAVE A MOTION AND A MOTION FOR AN AMENDMENT ON THE TABLE.

>> Morrison: AND A MOTION FOR AN AMENDMENT, SO I'M NOT GOING TO TRY TO MAKE ANOTHER MOTION BECAUSE THAT WOULD GET WAY TOO COMPLICATED, BUT I DO FEEL SO I'M NOT GOING TO SUPPORT THE CURRENT MOTION, BUT IF IT DOESN'T PASS I AM GOING TO MAKE A SUGGESTION ABOUT HOW TO SOFTEN IT A LITTLE BIT BECAUSE MY INTEREST IS IN MAKING SURE THAT IF THERE'S A SIGNIFICANT CHANGE IN THE SCENARIO THAT WE LOOKED AT, WE GET A CHANCE TO REEVALUATE IT.

SO I THINK THAT THERE'S SOMETHING SOMEWHAT IN BETWEEN THAT I THINK I COULD GET QUITE COMFORTABLE WITH.

>> Mayor Leffingwell: COUNCILMEMBER TOVO.

>> Tovo: AND I WANT TO JUST RESPOND TO THAT AND SAY I WOULD BE VERY OPEN TO USING THE LANGUAGE THAT WE'VE GOT ON THIS YELLOW DRAFT AND ACCEPTING THE CHANGES THAT COUNCILMEMBER MORRISON HAS SUGGESTED SO THAT THE LANGUAGE WOULD READ AND AGAIN, IT'S VERY SIMILAR, COUNCILMEMBER RILEY, TO WHAT YOU'VE PROPOSED, BUT IT WOULD SAY SHALL TRIGGER A COUNCIL REEVALUATION OF THAT EXISTING AGREEMENT, INCLUDING A RECALCULATION OF INCENTIVES OR WHATEVER WHATEVER COUNCILMEMBER MORRISON MIGHT SUGGEST ON THAT.

WE HAVE A SITUATION WHERE 90% OF COMMERCIAL PROPERTIES PROTEST THEIR TAX VALUATIONS.

I DON'T BELIEVE OUR CHAPTER 380 COMPANIES SHOULD BE AMONG THOSE, UNLESS THERE'S AN EXTRAORDINARY CIRCUMSTANCE.

AND IF THERE IS ONE, WE'VE MADE PROVISIONS.

NO ONE IS PREVENTED FROM PROTESTING THEIR TAX VALUATIONS EVEN IF THEY HAVE A CHAPTER 380 THEY SIMPLY COME BEFORE COUNCIL FOR A RECALCULATION.

AND, YOU KNOW, I THINK THAT'S ALL I'LL SAY ABOUT THAT, BUT I WOULD BE VERY OPEN TO MAKING THAT CHANGE IF COUNCILMEMBER RILEY WOULD CONSIDER WITHDRAWING HIS AMENDMENT AND MOVING FORWARD WITH WHAT WE'VE GOT BEFORE US AND ADJUSTING THE LANGUAGE SO THAT IT IS SOFTER.

>> Mayor Leffingwell: SO I'VE GOT A FEELING THAT THAT IS NOT GOING TO BE YOUR MOTION IS STILL ON THE TABLE?

ALL RIGHT.

SO ALL THOSE IN FAVOR OF THE RILEY AMENDMENT, SAY AYE.

>> AYE.

>> Mayor Leffingwell: OPPOSED SAY NO.

IT PASSES ON A VOTE OF FOUR TO THREE WITH MARTINEZ, TOVO AND MORRISON VOTING NO.

WHICH BRINGS US TO THE MAIN MOTION, WHICH IS NOW AMENDED.

ALL THOSE IN FAVOR OF THE MAIN MOTION SAY AYE.

>> AYE.

>> Mayor Leffingwell: OPPOSED SAY NO.

IT PASSES ON A VOTE OF SEVEN TO ZERO.

SO THAT TOOK A LITTLE MORE TIME THAN I FIGURED.

[LAUGHTER].

... ARE GOING TO GO DOWN.

THAT'S PUNITIVE.

AND WHY?

IF YOUR VALUATION IS WRONG, WHY SHOULD WE SUFFER A POTENTIAL PUNITIVE ACTION BY THE CITY OF AUSTIN?

THANK YOU, MAYOR.

>> Mayor Leffingwell: AND I WOULD JUST MENTION THAT YOU MADE MENTION OF THE DOMAIN SUBSIDIES.

THOSE HAVE BEEN PROHIBITED GOING FORWARD FOR YEARS.

SO THAT DOESN'T HAPPEN AGAIN.

>> OKAY.

THANK YOU VERY MUCH.

I APPRECIATE IT.

>> Mayor Leffingwell: MIKE ROLLINS.

>> THANK YOU, MAYOR, MEMBERS OF THE CITY COUNCIL.

MIKE ROLLINS REPRESENTING THE GREATER AUSTIN CHAMBER OF COMMERCE.

I'M HERE TOO AS AN ORGANIZATION THAT WE ARE OPPOSING ITEM 221.

I THINK THE PREVIOUS SPEAKER MENTIONED A LOT OF THE REASONS THAT WE WOULD PUT FORTH FOR BEING BAD POLICY, BUT AS YOU KNOW IN YOUR ECONOMIC DEVELOPMENT AGREEMENTS, ON THE FRONT END IT'S PERFORMANCE BASED.

COMPANIES HAVE TO TELL YOU WHAT THEY WILL BE INVESTING, HOW MANY EMPLOYEES AND WHAT THE AVERAGE SALARY IS GOING TO BE OVER THAT PERIOD OF TIME.

IF THEY FAIL TO MEET THOSE BENCHMARKS THAT ARE NEGOTIATED AND SET OUT IN A CITY CONTRACT, THEN THE CLAW BACK INCENTIVES WOULD STOP GOING FORWARD.

SO THE CITY AND THE CITIZENS ARE ALREADY VERY WELL PROTECTED ON THE EXISTING ECONOMIC DEVELOPMENT AGREEMENTS.

AND YOUR STAFF'S REPORT IT DOES REFERENCE A SITE SELECTION THAT SAID THAT THE CITY OF AUSTIN IS ONE OF THE MORE ONEROUS ECONOMIC DEVELOPMENT AGREEMENTS AND IT WILL BE A PROBLEM IN ATTRACTING CAPITAL HUGE CAPITAL INVESTMENTS, PARTICULARLY IN MANUFACTURING, WHO ARE GOING TO BE PROVIDING THE MIDDLE CLASS JOBS THAT I THINK THIS COUNCIL HAS SET FORTH ON A PRIORITY ON THIS.

SO WE'LL BE DISCOURAGING THOSE TYPES OF COMPANIES THAT ARE LOOKING AT AUSTIN ON A GO FORWARD BASIS.

SO I WILL END WITH THE SAME COMMENTS THAT I THINK WE'RE INVITING COMPANIES TO COME AND PROVIDE MIDDLE CLASS JOBS, BUT AT THE GIVING UP OF STATE CONSTITUTIONAL RIGHTS BY BEING ABLE TO PROTEST A BAD TAX APPRAISAL. SO WE THINK IT IS BAD POLICY AND ASK THAT YOU VOTE TO OPPOSE THIS TODAY.

THANK YOU.

>> Mayor Leffingwell: I'VE GOT A QUESTION FOR YOU.

SO THE 380 AGREEMENTS ARE ALWAYS PREDICATED ON A PERCENTAGE OF TAX REBATE.

SO I'VE HEARD THIS THROWN AROUND A LOT LATELY THAT WE LOST X AMOUNT OF DOLLARS DUE TO I DON'T SEE HOW WE CAN EVER LOSE.

THERE MIGHT BE A SMALLER DELTA THERE, BUT IT NEVER GOES NEGATIVE, CORRECT?

THE CITY THE TAXPAYERS ARE STILL MAKING MONEY ON EVERY ONE OF THESE DEALS.

>> ABSOLUTELY.

THE WEB LOCI THAT IS USED AND APPROVED BY CITY COUNCIL, BY YOUR STAFF, I THINK HAS PROVED THAT OUT OVER A PERIOD OF TIME IN THIS.

WE LOOK AT IT AS A PIECE OF LAND AND PARTICULARLY ON A CAPITAL INVESTMENT PROJECT THAT HAS LAID EMPTY, COLLECTING VERY LITTLE TAX VALUE TO THE CITY.

AND SO WHEN A COMPANY COMES IN HERE, THEY'RE ADDING MONEY TO THE CITY'S COFFERS IS.

NO MATTER WHAT THE AGREEMENT IS ON THE ECONOMIC DEVELOPMENT POLICY.

AND THE OTHER PIECE I WOULD ADD TO IT IS IT'S A REBATE BASIS.

IT'S NOT MONEY GIVEN UPFRONT TO MY COMPANIES TO MOVE HERE.

THEY MUST PAY THEIR FULL BILLS TO THE CITY OF AUSTIN.

YOU GO IN AND AUDIT THAT THEY DO WHAT THEY SAID AND THEN YOU GET BACK A PORTION OF THE MONEY THAT THEY HAD ALREADY GIVEN TO THE CITY OF AUSTIN.

>>

>> Mayor Leffingwell: AND THERE'S ALWAYS A POSITIVE AMOUNT THAT THE CITY RETAINS AND THAT OF COURSE VARIES ACCORDING TO THE PARTICULAR DEAL.

BUT WITH REGARD TO SAMSUNG, WHICH IS A MAJOR EMPLOYER HERE, HAS MADE I THINK 15 BILLION DOLLARS' WORTH OF CAPITAL INVESTMENT SO FAR HERE IN AUSTIN, AUSTIN FOUGHT VERY HARD BACK IN 2003 BEFORE MY TIME TO BRING THIS HERE AND THEY HAVE BEEN I GUESS THE ELEPHANT IN THE ROOM IS THAT THERE'S A MAJOR EXPANSION WAITING IN THE WINGS, MAJOR.

AND I THINK WITH THE PASSAGE OF THIS RESOLUTION I THINK IT PUTS ALL OF THAT AT GREAT RISK AND AUSTIN COULD POTENTIALLY LOSE OUT ON A MAJOR CAPITAL INVESTMENT, A MAJOR EXPANSION OF A MAJOR EMPLOYER JUST BECAUSE WE WON'T BE COMPETITIVE IN THAT.

>> YES, MAYOR.

AND THAT'S THE EXACT TYPE OF JOBS THAT AMERICA HAS LOST.

AND WE'RE TRYING TO GAIN THOSE BACK FOR THE MIDDLE CLASS WORKING PEOPLE HERE.

AND I BELIEVE THAT WILL WORK AGAINST TRYING TO GAIN MIDDLE CLASS JOBS.

>> Mayor Leffingwell: IN FACT, WE'VE ALREADY LOST ONE EXPANSION OF SAMSUNG THAT WAS JUST IN THE RECENT PAST BECAUSE OF OUR ALREADY ONEROUS PLAN.

THE CHANGES HAVE BEEN MADE TO IT TO MAKE IT SOMEWHAT ONEROUS.

SO I THINK THE GAIN THAT WE WOULD GET FROM NOT DOING THIS, AND POTENTIALLY BEING INTERPRET ACTIVE FAR OUT WEIGHS ANY POTENTIAL GAIN WE GET FROM PASSING IT.

ALL RIGHT.

>> THANK YOU.

>> Mayor Leffingwell: THOSE ARE ALL THE SPEAKERS THAT WE HAVE SIGNED UP WISHING TO SPEAK.

WE DO HAVE 23 OTHER SPEAKERS SIGNED UP AGAINST, BUT NOT WISHING TO SPEAK.

I'LL ENTERTAIN A MOTION ON ITEM 221.

>> Tovo: MAYOR, I'D LIKE TO MOVE APPROVAL.

>> SECOND.

>> Mayor Leffingwell: COUNCILMEMBER TOVO MOVES APPROVAL AND COUNCILMEMBER MARTINEZ SECONDS.

I WILL JUST SAY THAT I APPRECIATE THE SENTIMENT BEHIND THIS AND I KNOW IT'S A VERY POPULAR POSITION TO TAKE, BUT FOR THE REASONS THAT WE JUST TALKED ABOUT, I'M NOT GOING TO BE ABLE TO SUPPORT IT.

>> Cole: MAYOR?

>> Mayor Leffingwell: MAYOR PRO TEM.

>> Cole: THE DISPARITY THAT EXISTS BETWEEN OUR RESIDENTIAL PROPERTY AND OUR COMMERCIAL PROPERTIES IS SOMETHING THAT WE HAVE BEEN DISCUSSING FOR QUITE AWHILE AND I KNOW EXISTS OUT IN THE PUBLIC REALM.

AND THE DESIRE TO DO SOMETHING ABOUT THIS HAS LED US AS A COUNCIL TO MAKE A NUMBER OF CHANGES.

FIRST WE MADE IT A PRIORITY IN OUR LEGISLATIVE AGENDA.

WE'VE HIRED A CONSULTANT TO ASSIST WITH THE FORMAL CHALLENGE OF OUR COMMERCIAL TAX APPRAISAL.

AND WE PASSED THE MAXIMUM ALLOWABLE FLAT HOMESTEAD EXEMPTION AND INCREASED THE EXEMPTION FOR SENIORS AND THE DISABLED.

WE DID ALL OF THAT JUST THIS YEAR, AND WHILE I UNDERSTAND THE DESIRE NOW TO DO SOMETHING MORE, WE SHOULDN'T FEEL COMPELLED TO JUST DO ANYTHING.

SO MANY TIMES I'VE HEARD THAT WE NEED TO MAKE OUR INCENTIVE PROGRAM WORK FOR SMALL BUSINESSES SEEKING TO EXPAND.

AND THE REASON THIS POLICY DOESN'T WORK FOR SMALLER BUSINESSES IS BECAUSE OF THE SIGNIFICANT PAPERWORK ASSOCIATED WITH COMPLIANCE.

SIGNIFICANT ENOUGH TO DISCOURAGE EVEN LARGER ORGANIZATIONS AS WE'VE HEARD FROM LIKE SAMSUNG FROM POTENTIALLY PARTICIPATING.

SO MANY TIMES WE HEAR THAT WE NEED TO WORK TOGETHER WITH THE PRIVATE SECTOR IN PARTNERSHIP OR BETTER USE CITY OWNED LAND.

THIS AMENDMENT OR RESOLUTION WOULD DENY PARTNERS IN PUBLIC PRIVATE PARTNERSHIPS FROM A BASIC RIGHT OF APPEAL THAT COULD REDUCE THE QUALITY OR QUANTITY OF PARTNERS FOR THE CITY.

WHILE I FULLY UNDERSTAND THE SENTIMENT BEHIND IT, THIS AMENDMENT TO OUR POLICY GOES TOO FAR AND I WILL NOT BE SUPPORTING IT.

>> Mayor Leffingwell: OTHER COMMENTS?

COUNCILMEMBER TOVO AND THEN RILEY.

>> Tovo: I WOULD LIKE TO SPEAK TO MY MOTION SINCE WE SKIPPED THAT PORTION.

WE HAVE HAD A TREMENDOUS AMOUNT OF DISCUSSION ABOUT PROPERTY TAX REFORM IN THE LAST YEAR AND WE HAVE TALKED ABOUT AND MOVED FORWARD IN SOME OF THOSE AS MAYOR PRO TEM COLE JUST DESCRIBED.

I THINK THE MOST MEANINGFUL CHANGES ARE THE ONES THAT WE DON'T HAVE DIRECT CONTROL OVER BECAUSE THEY NEED TO THEY NEED TO BE LEGISLATIVE CHANGES.

SO I BELIEVE WE NEED TO ADOPT THE POLICIES THAT WE CAN THAT MAY MAKE A DIFFERENCE.

YOU KNOW, IT IS IMPORTANT TO ME THAT IF WE'RE GOING TO CONTINUE AS A CITY TO HAVE A CHAPTER 380 PROCESS AND PROGRAM THAT WE MAKE SURE IT IS AS STRONG AS POSSIBLE AND THAT IT REFLECTS THE VALUES THAT WE HOLD.

TO ME WHEN WE AS COUNCILMEMBERS MAKE DECISIONS ABOUT EACH ONE OF THOSE PROPOSALS AS IT COMES FORWARD, ONE OF THE THINGS WE LOOK AT ARE THE ANTICIPATED PROPERTY TAX REVENUES.

AND SO WHEN A BUSINESS GOES FORWARD AFTER RECEIVING CHAPTER 380 INCENTIVES AND PROTESTS SUCCESSFULLY THEIR PROPERTY TAX VALUATION AND REDUCES THEIR PROPERTY TAXES, THEY'VE CHANGED SOME OF THE ASSUMPTIONS UNDERWHICH WE MADE OUR DECISION.

AND SO I BELIEVE IT'S ENTIRELY APPROPRIATE FOR THE DECISION MAKERS OF THIS CITY, THE CITY COUNCIL, TO RELOOK AT THAT AGREEMENT AND TO DETERMINE WHETHER IT STILL MAKES THE BEST FINANCIAL SENSE FOR THE CITY.

I THINK IT'S A VERY GOOD POLICY.

I THINK IT'S A SOUND POLICY.

I APPRECIATE MS. MORRIS, YOU CAME INTO MY OFFICE THIS WEEK AND SHARED WITH ME WHAT HAPPENED TO SAMSUNG IN 2011.

AS A RESULT WE DID MAKE SOME ADJUSTMENTS TO THE LANGUAGE TO REFLECT AT LEAST SOME OF THE CONCERNS I HEARD.

WE ARE NOT PROHIBITING COMPANIES FROM PROTESTING THEIR PROPERTY TAX VALUATIONS, WE'RE SIMPLY SAYING IF YOU'RE SUCCESSFUL IN DOING SO AND YOU REDUCE YOUR PROPERTY TAXES, YOU WILL COME BEFORE THE CITY COUNCIL AND HAVE THOSE REEVALUATED AND RECALCULATED.

AND YES, THE CITY OUR CITY STAFF DOES THAT ANYWAY.

AS OUR PROPERTY TAX AS YOU SEE, WHEN THERE IS A REDUCTION IN PROPERTY TAX VALUATIONS, IN MANY CASES THAT DID RESULT IN A LOWER INCENTIVE, BUT THERE IS STILL THAT 300,000 PLUS DOLLAR GAP.

AND I BELIEVE AGAIN, I BELIEVE IT IS VERY SOUND POLICY.

I BELIEVE IT'S THE RESPONSIBLE THING TO DO TO MAKE SURE THAT IF BUSINESSES ARE GOING WHO HAVE RECEIVED INCENTIVES FROM THIS CITY ARE PROTESTING AND LOWERING THEIR PROPERTY TAX VALUATIONS THAT THEY COME BEFORE COUNCIL, THEY HAVE AN OPPORTUNITY TO PROVIDE THE INFORMATION THAT THEY BELIEVE IS RELEVANT TO THE DECISION MAKERS TO CONSIDER, BUT THEY SHOULD EXPECT THAT THERE WILL LIKELY BE A REDUCTION IN THEIR INCENTIVES.

I DON'T THINK IT WILL CHILL ECONOMIC DEVELOPMENT.

IT'S NOT A POLICY DIRECTED AT SAMSUNG OR ANY OF THE OTHER CHAPTER 380 COMPANIES WHO HAVE PROTESTED THEIR PROPERTY TAX VALUATIONS, BUT IT IS, I BELIEVE, THE RIGHT THING TO DO IN TERMS OF HAVING A SOUND ECONOMIC DEVELOPMENT POLICY.

>> Mayor Leffingwell: AND I WOULD JUST SAY QUICKLY I DISAGREE WITH THAT.

I THINK IT WILL CHILL ECONOMIC DEVELOPMENT, SPECIFICALLY WITH THE CASES WE'VE TALKED ABOUT HERE TODAY.

COUNCILMEMBER RILEY.

>> Riley: I AGREE WITH THE SENTIMENTS VOICED BY THE MAYOR AND THE MAYOR PRO TEM.

AND AGAIN

AND AGAIN,

I DO UNDERSTAND THE CONCERN BEHIND THIS DISCUSSION.

AND CERTAINLY I THINK IF OUR DECISION TO AWARD INCENTIVES IS BASED ON SOME FORECAST AS TO PROPERTY TAX REVENUES AND A PROTEST OF PROPERTY TAXES RESULTS IN CHANGING THE PICTURE

WITH REGARD TO THE REVENUES, THEN I CAN SEE AN ARGUMENT FOR TAKING ANOTHER LOOK AND CONSIDERING WHETHER WE THERE SHOULD BE SOME ADJUSTMENT.

BUT TO BE CLEAR, EVEN WITH THE NEWRY REVISED LANGUAGE, THIS THE LANGUAGE WE'RE TALKING ABOUT GOES FURTHER THAN THAT.

IT DOESN'T JUST SAY WE'LL TALK ABOUT IT IN THAT CASE.

IT ACTUALLY SAYS THAT EVERY MULTI YEAR CHAPTER 380 AGREEMENT SHALL INCLUDE A PROVISION STATING THAT ANY COMPANY THAT LOWERS ITS PROPERTY TAX VALUATION, ANY COMPANY THAT LOWERS IT AT ALL, ANY BIT OF PERSONAL PROPERTY AT ALL, THAT SHALL TRIGGER A COUNCIL REEVALUATION OF THAT EXISTING AGREEMENT, INCLUDING A RECALCULATION AND PROBABLE ELIMINATION OF INCENTIVES.

SO WE ARE TELLING SAMSUNG THAT IF YOU GO IN AND PROTEST YOUR ANY ASPECT OF YOUR TAXES, NO MATTER HOW DE MINIMIS, WE WILL PROBABLY ELIMINATE YOUR ENTIRE INCENTIVE.

THAT WILL BE THE OFFICIAL CITY OF AUSTIN POLICY WITH REGARD TO ECONOMIC DEVELOPMENT INCENTIVES.

I JUST THINK THAT GOES TOO FAR.

AND SO I HAVE PASSED OUT IMPASSING OUT ON THE DAIS SOME ALTERNATIVE LANGUAGE THAT TRIES TO RESPECT THE PROBLEM THAT WE'RE TALKING ABOUT AND DEAL WITH A SOMEWHAT MORE CAREFUL WAY.

THE LANGUAGE I WOULD SUGGEST IS THAT EACH ECONOMIC DEVELOPMENT INCENTIVE AGREEMENT SHALL INCLUDE LANGUAGE ALLOWING FOR FUTURE ADJUSTMENT OF THE INCENTIVES IN THE EVENT OF ANY REDUCTION IN THE COMPANY'S PROPERTY TAX VALUATION RESULTING FROM A SUCCESSFUL PROTEST.

BE IT FURTHER RESOLVED THAT IN CONNECTION WITH THE ANNUAL REVIEW OF EACH ACTIVE ECONOMIC DEVELOPMENT INCENTIVE AGREEMENT, THE CITY MANAGER IS DIRECTED TO DETERMINE WHETHER THE COMPANY'S PROPERTY TAX VALUATION HAS BEEN LOWERED AS A RESULT OF A SUCCESSFUL PROTEST TO THE EXTENT THAT THE AGREEMENT IS NO LONGER REVENUE POSITIVE FOR THE CITY.

IN THAT EVENT THE CITY MANAGER SHALL PRESENT THE COUNCIL THEIR RECOMMENDATION FOR ADJUSTING THE AMOUNT OF THE INCENTIVE, COMMENSURATE WITH THE REDUCTION IN PROPERTY TAX VALUATION.

I THINK THAT ADDRESSES THE FAIRNESS CONCERNS WE'RE TALKING ABOUT.

IF THERE HAS BEEN SOME CHANGE IN CIRCUMSTANCE, IF WE WILL BE SEEING LESS PROPERTY TAX REVENUE AS A RESULT OF SUCCESSFUL PROTEST WE CAN TALK ABOUT THAT AND ADJUST THE INCENTIVE AND WE WOULD BE TELLING COMPANIES UPFRONT WE EXPECT TO DO THAT, BUT WE

WOULD NOT BE TELLING THEM WE ARE REALLY GOING TO HAMMER YOU IF YOU DO ANY PROTEST AT ALL.

AND I JUST THINK THAT DEALS WITH THE SITUATION IN A FAIRER WAY.

SO I WOULD OFFER THAT AS I SUSPECT IT WILL NOT BE CONSIDERED A FRIENDLY AMENDMENT, SO I WOULD OFFER THAT AS AN AMENDMENT TO THE MOTION ON THE TABLE.

>> Mayor Leffingwell: AMENDMENT BY COUNCILMEMBER RILEY.

IS THERE A SECOND TO THAT AMENDMENT?

>> Cole: I HAVE A QUESTION AND PERHAPS A SECOND.

>> Mayor Leffingwell: YOU WANT TO SECOND FOR PURPOSES OF DISCUSSION?

>> Cole: COUNCILMEMBER SPELMAN SECONDS.

COUNCILMEMBER RILEY, IN YOUR SECOND PARAGRAPH YOU TALK ABOUT TO THE EXTENT THAT THE AGREEMENT IS NO LONGER REVENUE POSITIVE FOR THE CITY, THAT YOU WANT THE CITY MANAGER TO MONITOR THAT, WHICH I THINK IS A VERY POSITIVE THING TO HAPPEN.

BUT IN THE FIRST PARAGRAPH I'M LOOKING AT THE TRIGGER FOR THE COMPANY'S PROPERTY TAX VALUATION AGAIN SO THAT IN THE EVENT OF ANY REDUCTION THAT SEEMS KIND OF SWEEPING.

SO I'M WONDERING IF WE COULD PUT SOME PARAMETERS IN THERE.

>> Riley: MAYOR?

I'D BE HAPPY TO WORK ON THE LANGUAGE.

WHAT IT SAYS IS THAT WE WOULD BE ALLOWING FOR FUTURE ADJUSTMENTS IN THE EVENT OF ANY REDUCTION.

THAT WOULD BE THE LANGUAGE THAT WOULD GO IN TO THE AGREEMENT, SAYING IF YOU IF YOU GET IF YOU LOWER YOUR TAXES THERE MAY BE AN ADJUSTMENT OF THE INCENTIVES AND THEN WE'LL HAVE AN OPPORTUNITY TO LOOK AT IT.

BUT I'D BE HAPPY TO ADJUST THE LANGUAGE OF THAT PARAGRAPH CONSISTENT WITH THE LANGUAGE OF THE SECOND PARAGRAPH TO BE CLEARER AS TO EXACTLY WHAT WE HAVE IN MIND.

>> Cole: SO THERE MAY BE A REDUCTION OR POSSIBLE REDUCTION.

>> Spelman: MAYOR?

>> Mayor Leffingwell: COUNCILMEMBER SPELMAN.

>> Spelman: I THINK I CAN SEE HOW WE MIGHT BE ABLE TO ACCOMPLISH WHAT MAYOR PRO TEM COLE IS SUGGESTING AND AT THE SAME TIME PUT A LIMIT FOR FOLKS IN THE ECONOMIC DEVELOPMENT WORLD WHO MAY STILL BE CONCERNED ABOUT THIS.

THE ONLY CIRCUMSTANCE IN WHICH A PROPERTY TAX VALUATION RESULTING FROM A SUCCESSFUL PROTEST WOULD EVER PUT US IN A POSITION WHERE WE WERE NO LONGER CASH POSITIVE FOR THE CITY IS WHEN THE VALUATION IS HAS GONE BELOW THE CITY'S EXPECTATIONS FOR THE VALUATION AT A PARTICULAR POINT IN THE PROCESS.

WE HAVE A 10 YEAR PERIOD WHEN WE'RE ESTIMATING WHAT THE PROPERTY TAX VALUATION IS GOING TO BE.

SO LONG AS THE PROPERTY TAX VALUATION IS AT OR ABOVE OUR EXPECTATIONS, WE KNOW IT'S GOING TO BE REVENUE POSITIVE BECAUSE THAT'S WITH YOU WE SET UP THE CHAPTER 380 AGREEMENT.

WE WON'T GIVE A CHAPTER 380 AGREEMENT UNLESS WE'RE REVENUE POSITIVE THAT THE A LEVEL.

THE ONLY CASH IN WHICH THIS WOULD BE TRIGGERED IS IF THE VALUATION WENT BELOW OUR EXPECTATIONS, WHICH IN FACT WOULD BE A SITUATION WHERE COUNCILMEMBER TOVO'S CONCERNS WOULD ACTUALLY MAKE SENSE.

IT'S NOT JUST A CASE WHERE THE TRAVIS CENTRAL APPRAISAL DISTRICT HAS JACKED UP THE PRICE JACKED UP THE ASSESSED VALUE BEYOND THE POINT WHICH MAKES SENSE AND THEY'RE SIMPLY TRYING TO RATCHET IS BACK DOWN TO A REASONABLE LEVEL.

THEY'RE ACTUALLY TRYING TO RATCHET DOWN BELOW WHAT WOULD BE A REASONABLE LEVEL BASED ON OUR EXPECTATIONS AT THE TIME WE SET UP A CHAPTER 380 AGREEMENT.

I THINK THAT'S CONSISTENT WITH COUNCILMEMBER TOVO'S CONCERNS, BUT IT ALSO PUTS A LIMIT ON THE CONCERNS OF THE ECONOMIC DEVELOPMENT WORLD AS LONG AS YOU GO ON WITH EXPECTATIONS, WHICH I THINK WE CAN HAVE A REASONABLE SENSE OF WHAT THOSE EXPECTATIONS ARE GOING TO BE, THEN THAT WE DON'T HAVE ANY REASON TO REVISIT THE AGREEMENT.

THE ONLY PLACE WHERE'S WE WILL ARE PLACES WHERE YOU REALLY ARE VIOLATING THE SPIRIT OF THE AGREEMENT BY TRYING TO KNOCK DOWN THE VALUE OF YOUR PROPERTY BELOW WHAT WOULD BE A REASONABLE EXPECTATION.

I DON'T KNOW IF ANYBODY MAKES ANY SENSE OF THAT OTHER THAN COUNCILMEMBER RILEY BUT HE WAS NODDING HIS HEAD WHILE HE WAS SAYING THAT, SO I FEEL A LITTLE VINDICATED HERE.

>> Mayor Leffingwell: I DO HAVE ONE POINT I WOULD LIKE TO RAISE AND I GUESS I WOULD LIKE TO VERIFY THAT WITH SOMEBODY ELSE, BUT WHERE IT SAYS TO THE EXTENT THAT THE AGREEMENT IS NO LONGER REVENUE POSITIVE FOR THE CITY, I WOULD ASSUME THAT THE WAY THESE 380 AGREEMENTS

ARE STRUCTURED, THAT WOULD NEVER HAPPEN BECAUSE IT'S ALWAYS GOING TO BE A PERCENTAGE. IT WOULD NEVER BE CASH NEGATIVE.

WE WOULD NEVER BE REBATING MORE THAN WE TOOK IN IF IT'S A PERCENTAGE.

>> Spelman: MAYOR, ACTUALLY, IT COULD.

>> Mayor Leffingwell: EXPLAIN THAT TO ME.

>> Spelman: SURE.

BECAUSE WE'RE TAKING IN MONEY, WE'RE ALSO SPENDING MONEY.

AND THE MONEY THAT WE'RE SPENDING IS PRIMARILY NOT TO PROVIDE GOODS AND SERVICES TO THE COMPANY ITSELF, BUT TO THE PEOPLE WHO WORK FOR THE COMPANY.

BECAUSE WE'LL KNOW THAT THE PROPERTY AND SALES TAXES PAID FOR BY OUR RESIDENTS ARE PAYING FOR SERVICES WHICH ARE REVEILLE SUBSIDIZED BY THE BUSINESSES THEY WORK FOR.

WHAT WE WOULD BE DOING EVERY CHAPTER 380 AGREEMENT GIVES BACK SOME VALUE OF THE PROPERTY TAX ASSESSMENT THAT WE WOULD OTHERWISE BE GETTING FROM THE BUSINESS, WHICH WOULD OTHERWISE BE USED TO SUBSIDIZE THE VALUE OF THE SERVICES WE PROVIDE TO THE BUSINESSES' EMPLOYEES.

WHAT HAPPENS IN THIS CASE IS THE EMPLOYEES ARE STILL GOING TO BE ARE STILL GOING TO HAVE TO BE DEMANDING THE SAME LEVEL OF SERVICES.

THEY'RE STILL CALLING 911, THEY'RE STILL GOING TO THE LIBRARY, THEY'RE STILL USING THE PARKS, BUT WE'RE NO LONGER GETTING AS MUCH MONEY BACK IN BALANCE FROM THE COMPANY AS WE WERE BEFORE TO PROVIDE THAT ADDITIONAL SUBSIDY.

>> Mayor Leffingwell: I SEE WHAT YOU'RE SAYING NOW.

YOU'RE COUNTING IN ALL THE WEB LOCI EXPENSE ITEMS.

>> Spelman: WE'RE STILL GETTING MONEY BACK FROM THE COMPANY.

WE WOULD BE GETTING LESS IF THE VALUATION WENT CONSIDERABLY LOWER.

>> Mayor Leffingwell: COULD I ASK MS. MORRIS TO COME UP AND I'D LIKE TO GET HER TAKE ON THIS REVISED LANGUAGE.

I DON'T KNOW IF YOU'VE SEEN IT OR NOT.

>> I'VE BEEN LISTENING AND IT SOUNDS VERY ACCEPTABLE TO SAMSUNG.

IT WOULD NEVER OCCUR THAT'S WHY THE THING WITH SAMSUNG IS UNIQUE.

WE'RE JUST TALKING ABOUT OF COURSE THIS IS ALL FUTURE STATE AND I DON'T KNOW THAT WE ARE GOING TO BUILD ANOTHER FAB, BUT I WANT TO BE PART OF THE CONVERSATION.

AND SO WHAT DRIVES OUR VALUATION ARE OUR CAPITAL TOOLS.

IT'S NOT OUR REAL ESTATE VALUE, OKAY?

IT'S THE CAPITAL TOOLS.

AND I CAN ASSURE YOU THAT WHEN WE ENTERED INTO OUR LAST CHAPTER 380 WE HAVE INVEST TENS OF MILLIONS MORE IN CAPITAL EQUIPMENT THAN WAS EVER CONTEMPLATED SO THIS WOULD NEVER HAPPEN TO US.

WE WOULD NEVER BE VULNERABLE AND THAT'S WHY WE WOULD BE VERY COMFORTABLE WITH IT.

THANK YOU.

>> Mayor Leffingwell: SO THE MOTION HAS BEEN SECONDED FOR THIS AMENDMENT.

I THINK THERE'S STILL SOME OUTSTANDING ISSUE WITH REGARD TO THE FIRST PARAGRAPH.

COUNCILMEMBER RILEY, ARE YOU WORKING ON LANGUAGE FOR THAT?

I THINK THE QUESTION WAS ABOUT IN THE EVENT OF ANY REDUCTION IN THE COMPANY'S

>> Riley: MAYOR, WHAT I WAS SUGGESTING TO ADDRESS THE MAYOR PRO TEM'S POINT WAS WE COULD JUST MODIFY THAT LANGUAGE TO BE PARALLEL WITH THE LANGUAGE OF THE SECOND PARAGRAPH TO READ SOMETHING LIKE IN THE EVENT OF A REDUCTION IN THE COMPANY'S PROPERTY TAX VALUATION RESULTING FROM SUCCESSFUL PROTEST THAT TO THE EXTENT THAT THE AGREEMENT IS NO LONGER REVENUE POSITIVE FOR THE CITY.

WE WOULD NEED TO FINE TUNE THE WORDING, BUT THAT WOULD BE THE GIST OF IT.

JUST HONE THAT MODIFYING LANGUAGE TO BE CONSISTENT WITH THE LANGUAGE IN THE SECOND PARAGRAPH.

>> Mayor Leffingwell: SO THE LANGUAGE IN THE FIRST PARAGRAPH WOULD BE BASED ON THE SECOND PARAGRAPH.

>> Riley: TO MAKE SURE CLEAR THAT THE ONLY TIME THAT THIS CAME UP IS THAT THE REDUCTION IN THE PROPERTY TAX VALUE ACTUALLY RESULTS IN SUCH A REDUCTION THAT THE AGREEMENT WOULD NO LONGER BE REVENUE POSITIVE FOR THE CITY.

>> Cole: MAYOR?

>> Tovo: MAYOR?

>> Mayor Leffingwell: MAYOR PRO TEM AND THEN COUNCILMEMBER TOVO.

>> Cole: I WANTED TO SAY THAT THAT DOES CAPTURE WHAT I WANTED TO ACCOMPLISH IN THAT THERE WOULD HAVE TO BE A REALLY SIGNIFICANT REDUCTION IN THE COMPANY'S PROPERTY TAX VALUATION.

>> Mayor Leffingwell: WHICH WE'VE JUST HEARD.

>> Cole: WHICH WE JUST TALKED ABOUT.

>> Mayor Leffingwell: IS BASICALLY UNREALISTIC, BUT COULD HAPPEN.

>> Cole: COULD HAPPEN.

>> Mayor Leffingwell: COUNCILMEMBER TOVO.

>> Tovo: WHILE I APPRECIATE MY COLLEAGUE'S ATTEMPT TO MAKE SOME CHANGES HERE THAT MIGHT MAKE EVERYONE HAPPY, I DO THINK I DO WANT TO TALK A LITTLE BIT MORE SPECIFICALLY ABOUT SOME OF THESE CHANGES.

LET ME POINT OUT TO YOU, COUNCILMEMBER RILEY, THAT THE STAFF MEMO ACTUALLY SUGGESTED THAT WE CODIFY SOME OF WHAT IS CURRENTLY PRACTICED AND YOU HAVE ELIMINATED THOSE IN YOUR PROPOSED AMENDMENT AS WELL.

AND THAT WOULD BE ITEM 3, THE CITY WILL NOT OFFER A PROPERTY TAX INCENTIVE TO PROJECTS LOCATED IN A TAX INCREMENT FINANCE DISTRICT ON CITY OWNED PROPERTY.

FOUR, I BELIEVE THIS WAS ALSO A STAFF RECOMMENDATION, EACH MULTI YEAR PUBLIC PRIVATE AGREEMENT FOR A PROJECT WHERE THE CITY ISSUES TIF FREE DEBT FOR A DEVELOPMENT ON CITY OWNED PROPERTY SHALL INCLUDE A PROVISION STATING THAT THE COMPANY RECEIVING THE INCENTIVE SHALL NOT PROTEST ITS PROPERTY TAX VALUATION FOR THE PERIOD OF THE AGREEMENT.

I MEAN, YOU'VE FLOCKED OUT SOME OTHER THINGS AS WELL THAT I WOULD SUGGEST YOU ADD BACK IN SUCH AS PUBLIC PRIVATE AGREEMENTS.

ALSO THE DRAFT THAT YOU HAVE BEFORE YOU HERE ON THE DAIS ALSO ADDS IN A PROVISION THAT STAFF HAVE SUGGESTED MAKING IT CLEAR THAT THIS IS PROSPECTIVE RATHER THAN RETROSPECTIVE AND THAT'S THE BE IT FURTHER RESOLVED THAT'S MARKED.

>> Mayor Leffingwell: CONSENT ZONING WE'LL JUST DO THE CONSENT ZONING AND THEN WE'LL GO BACK TO ITEM 10.

>> GOOD AFTERNOON, MAYOR AND COUNCIL, GREG GUERNSEY, PLANNING DEVELOPMENT AND REVIEW DEPARTMENT.

I'LL GO THROUGH OUR ITEMS I BELIEVE WE CAN OFFER FOR CONSENT APPROVAL ON YOUR 2:00 AGENDA.

FIRST ITEM I'D OFFER FOR CONSENT IS ITEM NUMBER 138, CASE MPA 2014 0022.02.

THIS IS FOR THE PROPERTY LOCATED IN THE SOUTH RIVER CITY COMBINED NEIGHBORHOOD PLANNING AREA LOCATED AT 110 ACADEMY DRIVE.

THIS IS TO DESIGNATE THE PROPERTY AS MIXED USE, LAND USE.

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

ITEM NUMBER 139, CASE C 14 2014 0117 FOR THE PROPERTY LOCATED AT 1101 MUSIC LANE AND 110 ACADEMY DRIVE.

THIS IS TO ZONE THE PROPERTY TO GENERAL COMMERCIAL SERVICES NEIGHBORHOOD CONSERVATION COMBINING DISTRICT ZONING FOR TRACTS 1 A AND TRACT 1 B.

AND THEN TO ALSO ZONE COMMERCIAL LIQUOR SALES NEIGHBORHOOD CONSERVATION COMBINING DISTRICT, NEIGHBORHOOD PLAN COMBINED DISTRICT ZONING FOR TRACT 2 TO CHANGE CONDITIONS OF THE NCCD DISTRICTS FOR TRACTS 1 A, 1 B AND 2.

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

ITEM NUMBER 140 IS CASE MPA 2014 0025.02.

THIS IS LOCATED IN THE OAK HILL COMBINED NEIGHBORHOOD PLANNING AREA FOR THE PROPERTY LOCATED AT 5436 VEGA AVENUE AND 6601 AND ONE HALF RIALTO BOULEVARD.

THIS IS TO CHANGE FUTURE LAND USE MAP AND DESIGNATE THE PROPERTY TO MULTI FAMILY LAND USE AND MIXED USE LAND USE.

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

ITEM NUMBER 141 IS CASE C 14 2014 0112 FOR THE PROPERTY LOCATED AT 5436 VEGA AVENUE AND 6601 AND ONE HALF RIALTO BOULEVARD.

THIS IS TO ZONE THE PROPERTY TO MULTI FAMILY RESIDENCE MODERATE HIGH DENSITY CONDITIONAL OVERLAY NEIGHBORHOOD PLAN COMBINING DISTRICT ZONING FOR TRACT 1.

AND GENERAL OFFICE MIXED USE CONDITIONAL OVERLAY NEIGHBORHOOD PLAN COMBINED DISTRICT ZONING FOR TRACT 2.

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

ITEM NUMBER 152 IS CASE MPA 2014 0027.02.

THIS IS A PROPERTY LOCATED IN THE CENTRAL WEST AUSTIN COMBINED NEIGHBORHOOD PLANNING AREA.

THE PROPERTY IS LOCATED AT 1018 WEST 31st STREET.

THIS IS TO DESIGNATE THE PROPERTY TO MIXED USE/OFFICE LAND USE.

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

THE RELATED ZONING CASE IS ITEM NUMBER 143, CASE C 14 2014 0148 FOR THE PROPERTY LOCATED AT 1018 WEST 31st STREET TO ZONE THE PROPERTY TO LIMITED OFFICE, MIXED USE, CONDITIONAL OVERLAY, NEIGHBORHOOD PLAN COMBINED DISTRICT ZONING.

STAFF WOULD OFFER THIS FOR CONSENT APPROVAL ON SECOND AND THIRD READINGS.

THERE'S TWO ADDITIONAL CONDITIONS THAT I WOULD LIKE TO READ IN THE RECORD.

FIRST THAT THERE'S A MAXIMUM OF THREE PARKING SPACES ARE PERMITTED IN THE FRONT YARD SET BACK AND VEHICULAR ACCESS TO 31st STREET IS PROHIBITED EXCEPT TO ACCESS THOSE THREE SPACES.

AND SECOND, TO PROHIBIT HOSPITAL LIMITED AND HOSPITAL GENERAL USES AS PERMITTED. SO THOSE ARE PROHIBITED USES.

ITEM 144 IS CASE C 14 20130113.

THIS IS FOR THE PROPERTY LOCATED AT 11421 AND 11423 NORTH LAMAR BOULEVARD.

THIS IS TO ZONE THE PROPERTY TO COMMUNITY COMMERCIAL CONDITIONAL OVERLAY COMBINED DISTRICT ZONING WITH CONDITIONS AND THIS IS READY FOR CONSENT APPROVAL ON SECOND AND THIRD READINGS.

ITEM NUMBER 145 IS CASE C 14 2013 0158 FOR THE PROPERTY LOCATED AT 619 AND 621 CONGRESS AVENUE.

STAFF WOULD LIKE TO REQUEST THE CONSIDERATION OF THIS CASE AFTER A PUBLIC HEARING ITEM NOTED ON YOUR AGENDA AT 201.

ITEM 201.

46 IS CASE C 14 2014 0127.

THIS IS TO REZONE THE PROPERTY LOCATED AT 6308 SPICEWOOD SPRINGS ROAD TO ZONE THE PROPERTY TO TOWNHOUSE CONDOMINIUM RESIDENCE, CONDITIONAL OVERLAY COMBINED DISTRICT ZONING AND THIS IS READY FOR CONSENT APPROVAL ON SECOND AND THIRD READINGS.

ITEM NUMBER 147 IS CASE C 14 2014 0123 FOR A PROPERTY LOCATED AT 755 SPRINGDALE ROAD, KNOWN AS SPRINGDALE FARM.

IT WILL AN DISCUSSION ITEM.

IT'S ALSO RELATED TO ITEM NUMBER 153 ON THE AGENDA.

ITEM NUMBER 148 IS CASE C 14 2014 0153 FOR THE PROPERTY LOCATED AT 103,001 AND 10,317 SALMON DRIVE.

THE APPLICANT HAS NOT SIGNED A RESTRICTIVE COVENANT AND STAFF WOULD LIKE TO DISCUSS THIS ITEM.

THAT'S 148.

ITEM NUMBER 149

>> Mayor Leffingwell: PROPOSED UNTIL 1 29?

>> NO.

STAFF WOULD LIKE TO DISCUSS ITEM 148.

>> Mayor Leffingwell: DISCUSS, OKAY.

>> ITEM NUMBER 149 IS CASE C 14 2014 0156.

THIS IS FOR THE PROPERTY LOCATED AT 8611 AND ONE HALF AND 8627 NORTH MOPAC EXPRESSWAY.

THIS IS TO ZONE THE PROPERTY TO COMMUNITY COMMERCIAL CONDITIONAL OVERLAY COMBINED DISTRICT ZONING.

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

ITEM NUMBER 150 IS CASE C 814 2014 0110. SH.

THIS IS FOR A PROPERTY LOCATED ON THE NORTHSIDE OF LOYOLA LANE BETWEEN JOHNNY MORRIS ROAD AND DECKER LANE KNOWN AS THE COLONY PARK SUSTAINABLE COMMUNITY INITIATIVE PUD.

THIS IS SO ZONE THE PROPERTY TO PLANNED UNIT DEVELOPMENT DISTRICT ZONING.

AND STAFF IS HAPPY TO PRESENT THIS FOR CONSENT APPROVAL ON THIRD READING.

ITEM NUMBER 151, CASE 2010 H 2014, 007 FOR A PROPERTY AT 3805 RED RIVER STREET.

THIS WILL BE A DISCUSSION ITEM.

MOVING ON TO THE 2:00 ZONING AND NEIGHBORHOOD PLAN AMENDMENTS, THIS IS WHERE THE PUBLIC HEARINGS ARE OPEN AND POSSIBLE ACTION.

ITEM NUMBER 152, CASE C 14 85 288.8, THIS IS A RESTRICTIVE COVENANT AMENDMENT NUMBER 2 FOR THE PROPERTY LOCATED AT 5436 VEGA AVENUE.

THE PLANNING COMMISSION RECOMMENDATION WAS TO GRANT THE RESTRICTIVE COVENANT AMENDMENT TO INCORPORATE THE CONDITIONS ASSOCIATED WITH THE ZONING REQUEST WITH CONDITIONS.

AND STAFF WOULD OFFER THIS FOR CONSENT APPROVAL.

ITEM NUMBER 153.

THIS IS CASE C 14 99 2061, RESTRICTIVE COVENANT TERMINATION.

FOR THE PROPERTY LOCATED AT 755 SPRINGDALE ROAD.

STAFF WOULD HAVE THIS AS A DISCUSSION ITEM.

SO WE CAN SKIP ON TO THE NEXT ONE.

ITEM NUMBER 154 IS CASE C 14 2009 0151, RCA 2, IT'S A RESTRICTIVE COVENANT AMENDMENT FOR THE PROPERTY LOCATED AT 835 WEST SIXTH.

THE PLANNING COMMISSION'S RECOMMENDATION WAS TO GRANT THE RESTRICTIVE COVENANT AMENDMENT AND STAFF WOULD OFFER THIS FOR CONSENT APPROVAL.

ITEM NUMBER 155, CASE NPA 2014 0005.02, THIS IS A FUTURE LAND USE AMENDMENT IN THE MONTOPOLIS AREA FOR 1007 TO 1011 MONTOPOLIS DRIVE.

THIS IS A DISCUSSION ITEM.

THE RELATED ZONING CASE IS ALSO A DISCUSSION ITEM.

THIS IS ITEM NUMBER 156, CASE C 14 2014 0127 FOR REZONING AT 1007 AND 1011 MONTOPOLIS DRIVE.

ITEM NUMBER 157 IS CASE C 14 2014 0011 A.

THIS IS THE GARDENER RANCH PROPERTY AT 2200 BEN GARZA LANE.

THIS WILL BE A DISCUSSION ITEM.

AS WELL AS A RELATED ITEM 158, CASE C 14 2014 0011 B FOR THE PROPERTY LOCATED AT 3510 AND 4003 BEN GARZA LANE.

ITEM 159 IS CASE C 14 2014 0096.

THIS IS FOR THE PROPERTY LOCATED AT 9701 EAST PARMER LANE KNOWN AS THE WILD HORSE COMMERCIAL PROPERTY.

IT'S A POSTPONEMENT REQUEST TO THIS ITEM TO YOUR FEBRUARY 12TH, 2015 AGENDA.

ITEM NUMBER 160, CASE C 14 2014 0111 FOR THE PROPERTY LOCATED AT 4500 SPEEDWAY.

THIS WILL BE A DISCUSSION ITEM.

ITEM NUMBER 161, CASE C 14 2014 0114 FOR THE PROPERTY LOCATED AT 11,712 NORTH LAMAR BOULEVARD.

WE'RE ASKING FOR A POSTPONEMENT OF THIS ITEM TO YOUR JANUARY 29TH, 2015 AGENDA.

ITEM NUMBER 162 IS CASE C 14 2014 0133 FOR THE PROPERTY LOCATED AT 905 TUSCANY WAY TO ZONE THE PROPERTY TO COMMERCIAL LIQUOR SALES OR CS 1 DISTRICT ZONING.

THE ZONING AND PLATTING COMMISSION'S RECOMMENDATION WAS TO GRANT CS 1 CO OR COMMERCIAL LIQUOR SALES CONDITIONAL OVERLAY COMBINED DISTRICT ZONING WITH CONDITIONS AND THIS IS READY FOR CONSENT APPROVAL ON ALL THREE READINGS.

ITEM NUMBER 163 IS CASE C 14 2014 0134.

FOR THE PROPERTY LOCATED AT 1301 WEST FIFTH STREET.

THIS IS TO ZONE THE PROPERTY TO LIMITED INDUSTRIAL SERVICES, PLANNED DEVELOPMENT AREA NEIGHBORHOOD PLAN OR LI PDA, MP COMBINED DISTRICT ZONING.

THE PLANNING COMMISSION'S RECOMMENDATION WAS TO GRANT THE LI PDA COMBINED DISTRICT ZONING WITH CONDITIONS.

AND STAFF COULD KEEP THIS ON YOUR CONSENT AGENDA WITH FOUR ADDITIONAL CONDITIONS.

ONE, THAT THE ABSOLUTE HEIGHT ON THE PROPERTY FOR BUILDINGS ON THIS PROPERTY WOULD BE 75 FEET T AND THAT WOULD NOT INCLUDE THE HEIGHT EXCEPTION.

SO THEY COULD NOT BE HEIGHTED HEIGHT EXCEPTION, AN ABSOLUTE HEIGHT OF 75 FEET.

ALL THE SETBACKS OUTLINED ON THE ORDINANCE WOULD APPLY TO THOSE GROUND STRUCTURES ONLY.

TWO, THAT THE MINIMUM BUILDING SET BACK FROM THE NORTH PROPERTY LINE IS 17 FEET.

THE ORDINANCE HAD READ 30 FEET FROM THE NORTH PROPERTY LINE.

AND THE MINIMUM SET BACK FROM THE EAST PROPERTY LINE IS EIGHT FEET AND THE ORDINANCE INCORRECTLY READS 15 FEET FROM THE PROPERTY LINE.

SO WITH THOSE ADDITIONAL CONDITIONS, I COULD OFFER THAT FOR CONSENT APPROVAL ON ALL THREE READINGS.

ITEM

ITEM

NUMBER 164 IS CASE C 14 2014 0158 FOR THE PROPERTY LOCATED AT 5601 DURANGO PASS.

THIS IS TO ZONE THE PROPERTY TO FAMILY RESIDENCE OR SF 3 DISTRICT ZONING.

THE ZONING AND PLATTING COMMISSION'S PLANNING RECOMMENDATION WAS TO GRANT STANDARD LOT CONDITIONAL OVERLAY OR SF 2 COMBINED DISTRICT ZONING.

THIS IS READY FOR CONSENT APPROVAL ON FIRST READING ONLY.

THE NEXT COUPLE OF CASES ARE RELATED AND THEY'RE RESTRICTIVE COVENANT AMENDMENTS OR TERMINATIONS AND I'LL PRESENT THOSE FOR POSTPONEMENT AND WE'LL BRING THAT BACK WHEN THE SECOND AND THIRD READING OCCURS ON 164.

ITEM NUMBER 165

>> Mayor Leffingwell: SAY THAT AGAIN, 164 IS READY FOR FIRST READING ONLY?

>> FIRST READING ONLY, THAT'S CORRECT.

ITEM NUMBER 165 IS CASE C 14 75 042, RCA 1 FOR THE PROPERTY AT 5601 DURANGO PASS.

STAFF IS REQUESTING A POSTPONEMENT OF THIS ITEM TO JANUARY 29TH AGENDA.

ITEM NUMBER 166, CASE C 14 75 0042 FOR THE PROPERTY LOCATED AT 5601 DURANGO PASS.

STAFF IS REQUESTING A POSTPONEMENT OF THIS ITEM TO JANUARY 29TH AGENDA.

ITEM NUMBER 167, CASE C 14 84 346.

AGAIN RELATED TO RESTRICTIVE COVENANT AT 5601 DURANGO PASS.

STAFF IS REQUESTING A POSTPONEMENT OF THIS ITEM TO YOUR JANUARY 29TH AGENDA.

ITEM NUMBER 168, CASE C 14 84 346, AGAIN RELATED TO THE PROPERTY AT 5601 DURANGO PASS.

STAFF IS REQUESTING A POSTPONEMENT OF THIS ITEM TO YOUR JANUARY 29TH AGENDA.

ITEM NUMBER 169 IS CASE C 14 2014 0161.

THIS IS FOR THE PROPERTY LOCATED AT 4323 SPICEWOOD SPRINGS ROAD.

THIS IS TO ZONE THE PROPERTY TO NEIGHBORHOOD COMMERCIAL MIXED USE OR LR MU COMBINED DISTRICT ZONING.

THE ZONING AND PLATTING COMMISSION'S WAS TO GRANT THE LR MU COMBINED DISTRICT ZONING AND THIS IS READY FOR CONSENT APPROVAL ON ALL READINGS.

ITEM NUMBER 170 FOR THE PROPERTY LOCATED AT 701 AND 703 EAST NINTH STREET IS TO ZONE THE PROPERTY TO CENTRAL BUSINESS DISTRICT ZONING.

THE PLANNING COMMISSION'S RECOMMENDATION WAS TO GRANT THE CBD ZONING.

THIS IS READY FOR CONSENT APPROVAL ON ALL THREE READINGS.

ITEM NUMBER 171 IS THE PROPERTY LOCATED AT 707 EAST NINTH STREET TO ZONE THE PROPERTY TO CENTRAL BUSINESS DISTRICT OR CBD DISTRICT ZONING.

THE PLANNING COMMISSION'S HE DISTRICT WAS TO GRANT THE CBD DISTRICT ZONING AND THIS IS READY FOR CONSENT APPROVAL ON ALL THREE READINGS.

AND ITEM NUMBER 172, CASE C 14 2014 0164 FOR THE PROPERTY LOCATED AT 1208 WEST SLAUGHTER LANE.

STAFF IS REQUESTING A POSTPONEMENT OF THIS ITEM TO YOUR FEBRUARY 12TH, 2015 AGENDA.

ITEM NUMBER 173 IS CASE C 14 2014 0168 FOR THE PROPERTY LOCATED AT 9507 MANCHACA ROAD.

THIS IS TO ZONE THE PROPERTY TO GENERAL COMMERCIAL SERVICES CONDITIONAL OVERLAY COMBINED DISTRICT ZONING, CHANGE CONDITIONS OF ZONING.

THE ZONING AND PLATTING COMMISSION'S RECOMMENDATION WAS TO GRANT THE CS CO COMBINED DISTRICT ZONING AND CHANGE CONDITIONS OF ZONING.

THIS IS READY FOR CONSENT APPROVAL ON ALL THREE READINGS.

ITEM NUMBER 174 IS CASE C 14 2014 0173 FOR THE PROPERTY LOCATED AT 3100 MANCHACA ROAD.

THIS IS TO ZONE THE PROPERTY GENERAL OFFICE MIXED USE CONDITIONAL OVERLAY COMBINED DISTRICT ZONING.

THE PLANNING COMMISSION'S RECOMMENDATION WAS TO GRANT THE GO MU CO COMBINED DISTRICT ZONING AND THIS IS READY FOR CONSENT APPROVAL ON ALL THREE READINGS.

ITEM NUMBER 175 IS CASE C 14 2014 0174 FOR THE PROPERTY LOCATED AT 502 THOMPSON LANE.

STAFF IS REQUESTING A POSTPONEMENT OF THIS ITEM TO YOUR FEBRUARY 12TH, 2015 AGENDA.

ITEM NUMBER 176 IS CASE C 14 2014 0184, THIS IS FOR THE PROPERTY LOCATED AT TENNESSEE 8 FM 812 ROAD TO ZONE THE PROPERTY TO LIMITED INDUSTRIAL SERVICES OR LI DISTRICT ZONING.

THE ZONING AND PLATTING COMMISSION RECOMMENDATION'S WAS TO GRANT THE LI DISTRICT ZONING AND THIS IS READY FOR CONSENT APPROVAL ON ALL THREE READINGS.

ITEM NUMBER 177 IS CASE C 8 14 2014, 0085.01.

THIS IS FOR THE PROPERTY LOCATED AT 12014 INTERSTATE HIGHWAY INTERSTATE SOUTH AND FM 1327 OR PURE CAT ROAD AT SOUTH I 35 SERVICE ROAD SOUTHBOUND.

THIS IS TO ZONE THE PROPERTY TO PLANNED UNIT DEVELOPMENT DISTRICT ZONING TO CHANGE THE CONDITION OF ZONING.

ZONING AND PLATTING COMMISSION'S RECOMMENDATION WAS TO GRANT THE PUD CHANGE OF CONDITION OF ZONING AND STAFF COULD OFFER THIS FOR CONSENT APPROVAL ON ALL THREE READINGS.

IF ON THE ORDINANCE THE FIRST PAGE, PART FOUR, LINE 34, THERE'S A NOTATION AFTER THE WORD ORDINANCE THAT BASICALLY STATES THAT OR BY SECTION OF CHAPTER 275 OVER LOCAL GOVERNMENT CODE.

AND THIS JUST PRESERVES A GRANDFATHERING RIGHT THAT ANY CASE CAN HAVE.

AND THIS CAN STILL BE OFFERED AS A CONSENT ITEM.

ITEM NUMBER 178 IS CASE C 14 2011 000 TWO FOR THE PROPERTY LOCATED AT 809 EAST NINTH STREET.

THIS IS TO ZONE THE PROPERTY TO FAMILY RESIDENCE HISTORIC LANDMARK, NEIGHBORHOOD CONSERVATION COMBINING DISTRICT NEIGHBORHOOD PLAN DEFINED DISTRICT ZONING.

THE PLANNING COMMISSION'S RECOMMENDATION WAS TO GRANT THE DISTRICT ZONING AND THIS IS ALSO READY FOR CONSENT APPROVAL ON ALL THREE READLINGS.

ITEM NUMBER 179 IS CASE C 14 H 0011 FOR THE PROPERTY AT 1705 TRAVIS HEIGHTS BOULEVARD TO ZONE THE PROPERTY TO FAMILY RESIDENCE HISTORIC LANDMARK NEIGHBORHOOD PLAN COMBINED DISTRICT ZONING.

THE CASE WAS RECOMMENDED TO YOU BY THE PLANNING COMMISSION FOR SH 3 H COMBINED DISTRICT ZONING AND THIS IS READY FOR CONSENT APPROVAL ON ALL THREE READINGS.

ITEM NUMBER 180 IS C 14 0 2014 0012 FOR THE PROPERTY ON EAST NINTH STREET.

IT IS TO ZONE THE PROPERTY TO MULTI FAMILY RESIDENCE MODERATE HIGH DENSITY HISTORIC NEIGHBORHOOD PLAN COMBINED DISTRICT ZONING.

THE PLANNING COMMISSION'S RECOMMENDATION WAS TO GRANT THE MF 4 H COMBINED DISTRICT ZONING AND THIS IS READY FOR CONSENT APPROVAL ON ALL THREE READINGS.

ITEM NUMBER 181, C 14 4 2014 0013 FOR THE PROPERTY AT 402 EAST 34TH STREET TO ZONE THE PROPERTY TO FAMILY RESIDENCE TSF 3 NNP COMBINED DISTRICT ZONING.

THE PLANNING COMMISSION'S RECOMMENDATION WAS TO GRANT THE ZONING.

AND THIS IS READY FOR CONSENT APPROVAL ON ALL THREE READINGS.

>> Mayor Leffingwell: LONGEST CONSENT AGENDA I'VE SEEN, I BELIEVE.

SO IT IS TO APPROVE ITEMS 138, 139 AND 140 ON SECOND AND THIRD READINGS.

APPROVE ITEM 141, 142 AND 143 ON SECOND AND THIRD READINGS AND NOTING THAT ON 143 THERE ARE ADDITIONAL CONDITIONS THAT WERE READ INTO THE RECORD.

TO APPROVE ITEMS 144 AND 146 ON SECOND AND THIRD READINGS.

TO APPROVE ITEM 149 ON SECOND AND THIRD READINGS.

TO APPROVE ITEM 150 ON THIRD READING.

TO CLOSE THE PUBLIC HEARING AND APPROVE ITEM 152, CLOSE THE PUBLIC HEARING AND APPROVE ITEM 154.

TO POSTPONE WHAT?

EXCUSE ME.

THAT'S A RESTRICTIVE COVENANT.

ANSWERING A QUESTION FROM THE LAWYER HERE.

TO POSTPONE ITEM 161 UNTIL JANUARY 29TH.

TO CLOSE THE PUBLIC HEARING AND APPROVE ITEM 162 AND 163 ON ALL THREE READINGS WITH CONDITIONS ON 163 ADDITIONAL THAT WERE READ INTO THE RECORD.

TO CLOSE THE PUBLIC HEARING AND APPROVE ITEM 164 ON FIRST READING ONLY.

TO POSTPONE ITEMS 165, 166, 167 AND 168 UNTIL JANUARY 29TH.

TO CLOSE THE PUBLIC HEARING AND APPROVE ITEMS 169, 170 AND 171 ON ALL THREE READINGS.

TO POSTPONE ITEM 172 UNTIL FEBRUARY 12TH.

TO CLOSE THE PUBLIC HEARING AND APPROVE ITEM 173, 174 ON ALL THREE READINGS.

TO POSTPONE ITEM 175 UNTIL FEBRUARY 12TH.

TO CLOSE THE PUBLIC HEARING AND APPROVE ITEM 166, 167, 178, 179, 180 ON ALL THREE READINGS
WITH ADDITIONAL EDITS ON ITEM 177.

TO CLOSE THE PUBLIC HEARING AND APPROVE ITEM 181 ON ALL THREE READINGS.

>> [INAUDIBLE].

>> MAYOR?

>> Mayor Leffingwell: COUNCILMEMBER MORRISON MOVES TO APPROVE THE CONSENT AGENDA.

>> MAYOR, ON 159, THAT WAS A POSTPONEMENT TO FEBRUARY 12TH.

>> Mayor Leffingwell: THAT'S WHAT I HAVE ON MY PAGE.

IF I SAID SOMETHING ELSE, I HERE BY CORRECT IT TO FEBRUARY 12TH ON 159.

COUNCILMEMBER MORRISON

>> Morrison: A COUPLE OF QUESTIONS.

>> Mayor Leffingwell: LET'S SEE IF WE CAN GET A SECOND ON THE MOTION.

SECONDED BY COUNCILMEMBER SPELMAN.

COUNCILMEMBER MORRISON?

>> Morrison: I WAS CONCERNED THAT YOU MAY HAVE MISSPOKE WHEN YOU SAID 176 AND 177.

I JUST WANT TO CLARIFY THAT 176 AND 177 ARE ON CONSENT.

>> Mayor Leffingwell: CORRECT, ALL THREE READINGS.

>> Morrison: AND THEN A QUESTION FOR MR. GUERNSEY.

>> Mayor Leffingwell: GO AHEAD.

>> Morrison: YOU SAID THAT 157 AND 158 ARE DISCUSSION.

I HAD TWO REQUESTS FOR POSTPONEMENTS.

MAYBE IT'S HAVE THOSE BEEN WITHDRAWN?

IT'S THE GARZA TRACT.

>> I'M AWARE THAT THERE WOULD BE DISCUSSION POSTPONEMENTS THEN?

I AM AWARE THAT THE APPLICANT WOULD LIKE TO GO FORWARD AND DISCUSS THOSE ITEMS.

SO PERHAPS IT WILL BE A DISCUSSION POSTPONEMENT FOR 157 AND 158.

>> Morrison: RIGHT.

AND THEN YOU READ CONDITIONS IN FOR 163.

AND I JUST WANT TO GET CLEAR ON YOUR LANGUAGE.

YOU SAID THE ABSOLUTE HEIGHT OF THE BUILDING WAS 75 AND ACTUALLY IT'S THE ABSOLUTE HEIGHT OF ANYTHING THAT IS 75.

AND I THINK WHAT YOU REALLY MEAN IS THAT 25 2 531 DOESN'T APPLY?

>> THAT'S CORRECT.

AND THOSE ARE THE EXCEPTIONS TO HEIGHT.

SO I STAND CORRECTED IF I DID NOT SAY THE ABSOLUTE HEIGHT IS 75 FEET ON THE PROPERTY.

>> Morrison: THAT'S GOING TO BE WRITTEN INTO THE ACTUAL ORDINANCE?

>> THAT'S CORRECT.

>> Morrison: DO YOU REALLY WANT TO WRITE IN 531 C 2, THE AMOUNT NECESSARY TO COMPLY WITH FEDERAL OR STATE REGULATION?

IS THAT SOMETHING THAT WE COMMONLY DO?

>> IT'S SOMETHING THAT WE CAN DO WITH THE LAW DEPARTMENT.

WE HAVE DONE IT ACTUALLY IN THE PAST.

>> Morrison: ALL RIGHT, THANK YOU.

>> Mayor Leffingwell: OKAY.

MOTION AND A SECOND TO APPROVE THE CONSENT AGENDA.

THOSE IN FAVOR

>> MAYOR.

>> Mayor Leffingwell: COUNCILMEMBER RILEY.

>> Riley: I WOULD LIKE TO OFFER A MINOR CHANGE FOR ITEM 163, ONE ADDITIONAL CONDITION WE DISCUSSED WITH THE APPLICANT.

THAT WOULD BE ADDING TO THE RESTRICTIVE COVENANT TO PROVIDE FOR ANY MULTI FAMILY RESIDENTIAL USE, PARKING SPACES MUST BE CONVEYED SEPARATELY FROM DWELLING UNITS.

ESSENTIALLY TO DECOUPLE THE PARKING.

>> Mayor Leffingwell: IS THAT NEWS TO YOU?

>> YES.

THAT IS NOT AN ISSUE.

I MEAN, IT'S NOT A PROBLEM.

WE CAN CERTAINLY DO THAT IF IT'S COUNCIL'S INTENT TO DECOUPLE THE PARKING.

WE HAVE DONE THAT IN OTHER PROJECTS AS WELL.

>> Mayor Leffingwell: ALL RIGHT.

HEARING NO OBJECTION, THAT ADDITIONAL CONDITION IS ADDED TO 163, WHICH IS APPROVAL ON ALL THREE READINGS.

ALL RIGHT.

THOSE IN FAVOR SAY AYE?

OPPOSED SAY NO?

IT PASSES ON A VOTE OF SEVEN TO ZERO.

NOW WE GO TO ITEM 10.

ITEM 10 WAS PULLED BY COUNCILMEMBER SPELMAN.

WE HAVE NUMEROUS SPEAKERS AND I HAVE A LINEUP HERE.

DO YOU WANT TO GO AHEAD AND GO TO THE SPEAKERS?

>> Spelman: OH, YEAH.

>> Mayor Leffingwell: ALL RIGHT.

SO HERE WE GO.

FIRST WE'LL GO FOR THOSE IN FAVOR OF ITEM 10.

AND THAT FIRST IS DAVE CORTEZ.

DAVE CORTEZ.

AND SET THE CLOCK FOR FIVE MINUTES.

EACH SIDE WILL HAVE 30 MINUTES.

>> QUICK PROCESS QUESTION.

IF WE COME IN UNDER TIME CAN WE STILL UTILIZE THE FULL MINUTES, 30 MINUTES?

>> Mayor Leffingwell: YOU GET WHAT YOU SIGNED UP FOR.

>> ALL RIGHT.

I'LL PASS IT OFF TO MY FRIEND.

>> THANK YOU VERY MUCH, MAYOR AND COUNCIL.

I'M DAVE CORTEZ, THE CENTRAL TEXAS ORGANIZING REPRESENTATIVE FOR THE SIERRA CLUB BEYOND COAL CAMPAIGN.

MY COMMENTS ARE LARGELY THEMATIC AND TONE SETTING FOR THE UPCOMING QUESTIONS AND DEBATE.

PERSONALLY FOR ME TODAY REPRESENTS A STRANGE POSITION TO BE IN.

SOME FOLKS I'VE WORKED WITH AND I, WE'VE BEEN CONFRONTED BY PASSIONATE DISAGREEMENT, VIOLATIONS OF TRUST, FATIGUE.

OTHER FOLKS, I AND OTHERS HAVE RIDICULED ALL YEAR LONG AND NOW I'M PART OF A TEAM BARGAINING WITH THOSE SAME PEOPLE.

IN GOOD FAITH, I MIGHT ADD.

TALKING TO ONE OF YOUR COUNCIL STAFF TO SAY THIS SOUNDS A LOT LIKE MY JOB.

SO THERE'S A WHOLE OTHER CADRE OF FOLKS, SOMETHING THAT YOU MIGHT HAVE HEARD OF AS NIXON'S FAMOUS SILENT MAJORITY.

THESE FOLKS WERE LEFT OUT OF THE EQUATION, BUT LEAVING US WITH CLEAR SIGNALS OF WHAT THEY WANTED TO HEAR FROM POLICYMAKERS, WHAT THEY WANT YOU ALL TO DO.

THE FIRST IS AFFORDABILITY.

TO STAY IN THEIR HOMES, TO PAY THEIR BILLS, TO GET BY.

A SECOND IS REVITALIZATION AND NOT DISPLACEMENT.

INVESTMENT IN OUR COMMUNITIES.

EQUITABLE ACCESS TO THE BENEFITS OF GREEN ECONOMY, FAMILIES SUPPORTING JOBS.

AND THE THIRD PIECE, INVESTING GOOD, CLEAN STUFF AND LESS OF THE DIRTY POLLUTING STUFF.

I ASK YOU TO BRING THOSE THREE FRAMES INTO THIS DEBATE AND QUESTION AND ANALYSIS THAT YOU'RE ABOUT TO ENTER INTO.

AND PLEASE KEEP IN MIND THAT IT'S IMPORTANT TO BALANCE DEMAND WITH COMPROMISE.

I ASK YOU TO HONOR THE GOOD INTENTIONS AND WILLINGNESS TO COMPROMISE FROM FOLKS LIKE SOLAR AUSTIN, HARD WORKING SMALL BUSINESS MEN AND WOMEN WHO WANT TO CREATE GOOD JOBS AND REDUCE OUR RELIANCE ON FOSSIL FUEL.

FOLKS WHO WANT TO WORK WITH STAFF AT AUSTIN ENERGY, WHO HAVE ATTEMPTED TO WORK WITH STAFF AT AUSTIN ENERGY.

TO MAKE LOCAL SOLAR GOALS FIRST AND FOREMOST AFFORDABLE.

IN THE STRONGEST SENSE POSSIBLE I CALL ON YOU TO HEAR THESE FOLKS OUT AND FIND A WORKABLE SOLUTION TO WHAT HAS BEEN PROPOSED TO OUR LOCAL SOLAR GOALS CURRENTLY.

SOLAR AUSTIN AND MANY LEADERS SPENT YEARS WORKING ON THE LSAC AND ARE JUMPING OVER BACKWARDS TO COME UP WITH IDEAS TO ADDRESS AFFORDABILITY CONCERNS FROM AUSTIN ENERGY STAFF.

AND VERY MUCH WOULD LIKE TO SEE Y'ALL AS ARBITORS BRING THESE SIDES TOGETHER TODAY.

FURTHERMORE I CALL ON YOU TO HONOR THE CONCERNS OF OUR MEMBERS WHO WANT A FAIR, INDEPENDENT STUDY ON THE 500 MEGAWATT GAP.

TODAY IT'S CRITICAL THAT OUR FOLKS SEE YOU WORKING HARD ON THAT PIECE.

AND TODAY REALLY IS A BIG DAY FOR AUSTIN.

IT'S A SHOW OF ORGANIZED PEOPLE, OF ORGANIZED POWER, A SHOW OF THE POWER OF BARGAINING, DIALOGUE AND COMPROMISE.

IT SHOWS EVERY LEGISLATOR AND NAYSAYER THAT THE COMMENTS OF PUBLIC POWER CAN IN FACT BE DAMAGED AND DAMN WELL BY THE PEOPLE AND OUR ELECTED DELEGATES, Y'ALL.

I'M HONORED TO BE HERE TODAY SURROUNDED BY SO MANY OF YOU BEHIND ME AND UP HERE ON THE DAIS AND FOR ALL THE GOOD AND FOR ALL THE BAD I SINCERELY APPRECIATE THE HECK OUT OF EACH OF YOU WHO HAVE SPENT SO MUCH TIME MAKING TODAY POSSIBLE.

SO I'LL CUT MY TIME IN THERE AND OFFER IT UP TO DR. CYRUS REID FROM THE SIERRA CLUB.

>> CYRUS REID, SIX MINUTES.

SET THE TIMER.

>> THANK YOU, MAYOR.

I'LL BE QUICK IN PART BECAUSE I HAVE A DAUGHTER WHO TURNS EIGHT AND SHE WANTS NEW SOCCER SHOES SO I HAVE TO GET TO THE STORE BEFORE THEN.

LET ME START WITH SOME THANK YOUS BEFORE I GET INTO THE PARTICULARS OF PLAN.

MAYOR, I WANT TO START BY THANKING YOU.

WHEN YOU RAN FOR REELECTION MANY YEARS AGO YOU SAID WE NEED TO GET TO A PLACE WHERE WE'RE NOT GOING TO RELY ON COAL ANYMORE.

WE HAVE A PLAN BEFORE US THAT GOES THROUGH A PROCESS TO GET OUT OF COAL OVER THE NEXT YEAR.

COUNCILMEMBER COLE, SHE'S NOT HERE, I WAS GOING TO THANK HER.

SHE PASSED A RESOLUTION TO GET AUSTIN ENERGY TO START TO TALK TO LCRA AND COME BACK WITH SOME INFORMATION.

WE HAVE THAT INFORMATION.

THAT INFORMATION THAT SHOWED THAT WE'VE GOT BONDS DUE ON THE COAL PLANT THROUGH 2022 IS THE ESSENCE OF THE PLAN BEFORE YOU.

THAT WE CAN START TO DEAL WITH GETTING OUT OF THE COAL PLANT IN THE 20 TO 22 RANGE BECAUSE THAT'S WHEN WE CAN PAY OFF THE BONDS.

THAT'S IMPORTANT INFORMATION.

COUNCIL, A COUPLE OF MONTHS AGO AFTER YOU HEARD THAT AUSTIN ENERGY WASN'T BEING TOO SERIOUS IN THIS GENERATION PLAN ABOUT RELOOKING AT THE GOALS, YOU NAMED A TASKFORCE.

I WAS ON THAT TASKFORCE.

TASKFORCE MEMBERS, OSBOURNE, SMITTY, CLAY, MICHELLE, CAROL B, SLOAN, WE SUGGESTED SOME BIG GOALS ON EFFICIENCY, EQUITY, STORAGE, DEMAND RESPONSE SOLAR, RENEWABLES, A COMMITMENT TO BEGIN LOOKING AT COAL.

THAT INFLUENCED THE COUNCIL.

COUNCIL, YOU PASSED 157, ONE 58.

THAT WOKE AUSTIN ENERGY TO THE NEED TO LOOK SERIOUSLY AT MUCH MORE AGGRESSIVE GOALS.

MS. TOVO, OUR TASKFORCE HAS ALREADY BEGUN OUR WORK.

THAT PIECE OF THE PIE, THE EQUITY ISSUE, IS NOT IN THIS PLAN BEFORE YOU, BUT WE'VE ROLLED UP OUR SLEEVES, WE'RE WORKING ON IT.

I'M SURE THAT YOU'RE GOING TO BE HERE AND WE WILL WORK WITH YOU TO MAKE SURE WE ADDRESS THAT EQUITY ISSUE IN AMENDMENTS TO THE PLAN.

MIKE, YOU CALLED THAT MEETING BETWEEN SIERRA CLUB, AUSTIN ENERGY AND SAID I'M NOT GOING TO INTERFERE, BUT START TALKING, START TO DIALOGUE.

WE STARTED THAT DIALOGUE.

AUSTIN ENERGY, YOU WERE WILLING TO ADDRESS OUR CONCERNS AND LOOK AT ADDITIONAL SCENARIOS.

YOU COMPUTER GEEK NERD TYPES RAN A WHOLE BUNCH OF DIFFERENT SCENARIOS AND YOU CAME UP WITH ONE THAT WAS ACHIEVABLE AND AFFORDABLE.

NOW LET'S LOOK AT WHAT THIS PLAN DOES AND DOESN'T DO.

AND WHETHER IT MEETS 157 AND 158 OR NOT.

IT DOES IT'S TRUTH TESTING 157.

IT'S MAINTAINING THE 200 MEGAWATT LOCAL SOLAR GOAL, BUT GIVING MORE FLEXIBILITY ON THE TIMELINE TO GET THERE.

IT'S GIVING UNTIL 2025 TO GET THERE.

IT'S MAINTAINING THE RFP ON 600 MEGAWATTS OF SOLAR THIS YEAR, BUT SAYS IF WE FIND OUT IT'S NOT AVAILABLE AND AFFORDABLE, WE'VE GOT A LITTLE MORE TIME TO GET THERE.

IT'S MAINTAINING THAT OVERALL SOLAR GOAL.

IT'S NOT SAYING WE'RE GOING TO DO 65% RENEWABLE ENERGY, BUT IT IS SAYING WE'RE GOING TO DO 55% AND WE'RE GOING TO TAKE A SERIOUS LOOK AT 65%.

IT'S IN THE PLAN.

IT STATES OUR PLAN IS TO DECOMMISSION DIRTY DECKER AND OUR PLAN IS TO PHASE OUT OUR USE OF THE FAYETTE POWER PLANT AFFORDBLY.

IT SAYS FOR THE FIRST TIME IN AUSTIN ENERGY'S HISTORY WE'RE ACTUALLY GOING TO SET A STORAGE GOAL.

THAT'S A NEW TECHNOLOGY.

AUSTIN ENERGY IS EXCITED ABOUT IT.

THEY'RE GOING COMMIT TO DOING SOME LOCAL STORAGE AND THEY'RE GOING TO COMMIT TO LOOKING AT BIG STORAGE.

FOR THE FIRST TIME IN OUR HISTORY WE'LL HAVE A SPECIFIC DEMAND RESPONSE GOAL WITHIN THIS PLAN.

NOW, THE PLAN DOES AUTHORIZE THE POSSIBILITY OF A NEW COMBINED CYCLE GAS PLANT.

LET ME BE CLEAR ON THAT.

BUT IT SAYS THAT DECISION IS NOT BEING MADE TODAY.

IT'S GOING TO BE MADE AFTER AN INDEPENDENT REVIEW OF NOT ONLY THE GAS PLANT ITSELF, BUT OTHER OPTIONS THAT MIGHT BE OUT THERE.

AFTER WE HAVE THAT INDEPENDENT REVIEW, THE NEXT COUNCIL CAN MAKE THAT DECISION ON WHETHER WE MOVE FORWARD OR NOT.

AND THIS PLAN, MY FRIEND, CONCERNED ABOUT METHANE EMISSIONS IN THE GAS FIELD AS I AM, WOULD FOR THE FIRST TIME HAVE AUSTIN ENERGY STUDY METHANE EMISSIONS, STUDY BEST PRACTICES AND ALSO SUPPORT REGULATIONS TO CONTROL METHANE EMISSIONS OUT IN THE OIL AND GAS FIELDS.

THE PLAN DOES NOT CHANGE.

MR. RILEY, THE OVERALL GOAL TO GET TO ZERO NET CARBON BY 2050 OR EVEN THE UTILITY GOAL.

THEY STILL HAVE TO STUDY THAT OPTION, LOOK AT THEIR OPTION AND SEE IF WE CAN DO IT AFFORDABILITY.

AND FRANKLY IF THIS PLAN WERE ADOPTED, EVEN IF THE GANTT PLANT GOES FORWARD BY 2025, 75% OF OUR ENERGY WILL BE EMISSIONS FREE OF CARBON AND APPROXIMATELY 25% WILL BE GAS.

IT'S A ROAD MAP.

IT'S NOT A STRAIGHT JACKET, BUT IT SETS US IN THE RIGHT DIRECTION AND WE SUPPORT IT.

AND I'LL JUST INDEPENDENT ABOUT A CONVERSATION THAT I HAD WITH MY 17 AND I WAS EXPLAINING WHAT HAPPENED, AND HE SAID WAIT, DON'T YOU WORK WITH SMITTY ALL THE TIME?

AREN'T YOU GUYS ON THE SAME PAGE?

I SAID WELL, IN THIS CASE I'M THE COMPROMISER AND HE'S TAKING A MORE HARD LINE.

AND HE SAID, JUST CAN BE CAREFUL YOU DON'T BOTH GET SHOT.

I'LL END IT THERE.

THANK YOU.

>> Mayor Leffingwell: I HAVE ONE QUESTION FOR YOU.

DO YOU AGREE THAT THE AFFORDABILITY REQUIREMENTS OF A MAXIMUM OF TWO PERCENT A YEAR AND REMAINING IN THE BOTTOM 50, AND THAT STUDY HASN'T BEEN DONE YET, WOULD TRUMP ALL OF THESE STEPS?

>> THAT AFFORDABILITY MATRIX IS IN THIS PLAN AND WILL REMAIN IN THIS PLAN.

THIS PLAN DOES NOT CHANGE THOSE AFFORDABILITY ISSUES.

>> Mayor Leffingwell: THANK YOU.

COUNCILMEMBER MARTINEZ.

>> Martinez: YEAH.

I WOULD CERTAINLY NOT USE THE WORD TRUMP.

I WOULD SAY THAT THE AFFORDABILITY MATRIX ABSOLUTELY APPLIES AND IT COULD CAUSE FOR SOME ADJUSTMENTS TO WHAT'S IN THIS PLAN.

BUT TO SAY IT TRUMPS EVERYTHING IN THE PLAN

>> CORRECT.

>> Martinez: THE GOALS ARE STILL THERE.

WE JUST MAY HAVE TO ADJUST THEM IF THE AFFORDABILITY

>> IN OTHER WORDS, MAYOR, THIS PLAN WOULD CONTINUE EFFICIENCY GOALS, SOLAR GOALS, ETCETERA, BUT EVERY YEAR IT'S GOING TO BE CITY COUNCIL'S JOB TO LOOK AT THE BUDGET AND SAY, WELL, IF WE'RE GOING MEET THOSE SOLAR AND EFFICIENCY GOALS THIS YEAR AND IT'S ABOVE THE TWO PERCENT, WE REALLY WE SHOULDN'T DO IT BECAUSE IT WOULD COUNTERACT THE AFFORDABILITY MATRIX.

SAME WITH MAKING THE ADJUSTMENTS

>> Mayor Leffingwell: AND TRUMP I'LL DEFER TO ANOTHER USE AND JUST SAY THAT THE INTENT IS TO MAINTAIN THE AFFORDABILITY GOALS.

>> THAT IS THE INTENT.

>> Mayor Leffingwell: WHICH I'M NOT SURE WE'RE EVEN DOING RIGHT NOW.

>> IT'S A ROAD MAP THAT CAN BE ADJUSTED AS WE GO FORWARD AND WE ALWAYS HAVE TO KEEP AFFORDABILITY IN MIND.

>> Mayor Leffingwell: OKAY.

AL ARMENDARIZ, TWO MINUTES, BY THE WAY.

>> CONGRATULATIONS ON YOUR FINAL CITY COUNCIL MEETING.

THERE IS LIFE AFTER CAN GOVERNMENT, SO I KNOW YOU FOLKS LEAVING COUNCIL YOU WILL ENJOY YOU ARE YOUR TIME ONCE YOU LEAVE.

I WON'T SPEAK TOO MUCH LONGER.

I'M WITH THE SIERRA CLUB.

I ENDORSE EVERYTHING THAT CYRUS JUST SAID.

I WANTED TO TOUCH ON A COUPLE OF POINTS.

ON THE POINT ABOUT AFFORDABILITY, MAYOR, WHEN WE WERE TALKING TO AUSTIN ENERGY AND WE TALKED ABOUT THIS MUCH ABOUT THE COAL PLANT, THIS MUCH ABOUT THE OLD DECKER GAS PLANT, A LITTLE BIT ABOUT RENEWABLES, WE TALKED A LOT ABOUT AFFORDABILITY.

IT WAS CERTAINLY SOMETHING THAT WAS A CONSTANT ANALYSIS AND A LOT OF THE WORK THAT THE FOLKS AT AUSTIN ENERGY DID.

IT WAS REALLY A CORE PART OF WHAT WE WERE DOING.

WE KNEW IF WE PUSHED THIS TO AUSTIN PEOPLE WOULD KEEP AN EYE OF WHAT WAS HAPPENING HERE F WE DID IT THE RIGHT WAY WE COULD PUT OURSELVES BACK.

WE WANTED TO PUSH AND PUSH QUICKLY AND BUILD UP RENEWABLES, BUT WE KNEW WE HAD TO TO DO WITH A ROAD MAP THAT COULD MEET AFFORDABILITY.

I WANTED TO TALK AND TOUCH ON A COUPLE OF POINTS.

THE FIRST IS ABOUT LEADERSHIP.

I THINK AUSTIN IS IN A GREAT PLACE ON LEADERSHIP IN RENEWABLES.

THIS PLAN YOU HAVE IN FRONT OF YOU TODAY PUTS A PLAN TOGETHER TO GET THE CITY TO 950 MEGAWATTS OF SOLAR, THAT'S MORE THAN ALMOST ANY OTHER STATE IN THE COUNTRY TODAY.

IT REALLY DOES INCREASE THE USE OF SOLAR IN TEXAS AS WELL AS IN AUSTIN, SOMETHING THAT CITY SHOULD BE VERY, VERY PROUD OF.

IT ALSO ESTABLISHES THAT AUSTIN ENERGY IS GOING TO MOVE FORWARD WITH CONTRACTS FOR THE CITY AND THAT MEANS ENERGY HERE IN TEXAS HAS SOME OF THE LOWEST COST ELECTRICITY IN THE COUNTRY TO HELP KEEP US IN OUR AFFORDABILITY MATRIX, KEEPS EVERYBODY'S RATES DOWN, PROVIDES JOBS HERE IN TEXAS RATHER THAN IMPORTING COAL [INDISCERNIBLE].

AND FINALLY, I DO WANT TO SAY THAT I AM MOST PROUD OF THE WORK THAT WE DID IN TERMS OF ESTABLISHING AN END DATE FOR THE CITY'S USE OF COAL.

FOLKS OUT IN FAYETTE COUNTY WHO HAVE BEEN LIVING WITH THAT COLE PLANT HAVE BEEN BREATHING A LOT OF EMISSIONS FOR MANY, MANY DECADES FOR THIS CITY USING COAL AND THEY NOW SEE AN END DATE FOR THAT.

>> Mayor Leffingwell: THANK YOU.

RICHARD HALLPIN.

AND SET THE CLOCK AT THREE MINUTES.

>> GOOD AFTERNOON, MAYOR, MEMBERS OF THE CITY COUNCIL.

COMMUNITY MEMBERS, MY NAME IS RICHARD HALL PERSON, I AM PRESIDENT OF THE [INDISCERNIBLE].

I SPEAK TODAY ON BEHALF OF OUR 42 MEMBER INSTITUTIONS AND THE LEADERSHIP TEAM.

WE OFFICIALLY SUPPORT THE INDEPENDENT THIRD PARTY STUDY ON AFFORDABILITY RENEWABLE, GAS, WEATHERIZATION, OTHER EFFICIENCIES AND CONSERVATIONS YOU HAVE BEEN DISCUSSING IN THE CONTEXT OF THE GENERATION PLAN.

WE BELIEVE IT IS CRITICALLY IMPORTANT TO FIND AN AFFORDABLE HEALTHY ENERGY PATH FORWARD FOR AUSTIN.

WE APPRECIATE THE EXTRAORDINARY AMOUNT OF HOURS AND ADDS UP TO PROBABLY MONTHS OF TIME THAT YOU HAVE SPENT ON AFFORDABLE ENERGY ISSUES FOR OUR AUSTIN.

THANK YOU.

>> Mayor Leffingwell: THANK YOU.

>> THE GENERATION PLAN INCLUDES MANY WINS FOR OUR CITY.

YOUR DISCUSSION TO HAVE THE STUDY CONTROL FOR CRITERIA, CONTACT AND CHOICE OF CONSULTANT BY THE EEOC AND THE CITY COUNCIL IS A WISE POSITION AND WE SUPPORT IT.

THE LANGUAGE FOR THE STUDY THE MONEY FAVOR ONE ENERGY SOURCE OVER ANOTHER.

AS YOU HAVE REPEATEDLY MENTIONED, IT MUST BE THE STUDY OF [INDISCERNIBLE] GAP SO THAT WE HAVE A PLAN IN PLACE FOR OUR MUNICIPAL UTILITY WITHDRAWS FROM TOXIC FUEL PLANTS.

PLEASE DO NOT ALLOW THIS IMPORTANT STUDY TO HAVE LANGUAGE THAT BIASES THIS CONSULTANT CHOICE, DIRECTION AND OUTCOME BEFORE THE INDEPENDENT STUDY EVEN BEGINS.

IT MUST BE INCLUSIVE OF THE COMPREHENSIVE ELEMENTS THAT YOU HAVE REPEATED.

AUSTIN INTERFAITH AND MOST OF YOU HAVE RECOMMENDED BOLD RENEWABLE ENERGY GOALS.

THESE GOALS CAN AND WILL LEAD TO MANY MINIMUM WAGE JOBS.

PLEASE MAKE SURE THAT IT IS REFLECTED IN WHAT YOU SAY MUST BE STUDIED.

THIS IS THE CONTENT HAVE YOU VOTED ON IN THE PAST AND DESERVES TO BE CARRIED FORWARD IN THIS HISTORIC STUDY DECISION YOU MAKE TODAY.

CREATING A BREATHABLE, LIVEABLE, AFFORDABLE AUSTIN WILL BE EMBEDDED IN THE CHOICES YOU MAKE TODAY.

IF YOU LIMIT YOUR CHOICES ONLY TO WHAT SEEMS POSSIBLE OR REASONABLE YOU DISCONNECT YOURSELF FROM WHAT YOU TRULY WANT AND ALL THAT IS LEFT A COMPROMISE.

AND JK ROWLINGS REMINDS THAT IT SHOWS US THAT WE TRULY ARE MORE THAN OUR ABILITIES.

BY THE CHOICES YOU MAKE, YOU SEE A BRIGHTER, BETTER WORLD YOU MAKE HAPPEN.

FEW PEOPLE REACH THE LEVEL OF COMMUNITY LEADERSHIP THAT YOU HAVE WITH THESE LIFE CHANGING JOBS YOU CAN WON AND SERVED IN OUR COMMUNITY.

NOW THE HOUR HAS ARRIVED FOR YOU TO MAKE CHOICES THAT WILL INFORM OUR FUTURE AND THAT OF YOU AND OUR CHILDREN.

ACT ON A STUDY THAT CREATES A LEGACY FOR A HEALTHY, AFFORDABLE, BRIGHT, BREATHABLE, ENERGY FUTURE FOR ALL OF COMMUNITY RESIDENTS.

AND AS FAR AS SINGING GOES, BROTHER SPELMAN, THANKS FOR THE CHORUS AND ALL THE INDIVIDUAL SONGS THAT YOU HAVE SUNG FOR US.

>> Mayor Leffingwell: THANK YOU.

DID YOU DO THAT?

JEFF BRUNT.

SET CLOCK FOR FIVE MINUTES.

>> THANK YOU, MR. MAYOR, MAYOR PRO TEM COLE.

COUNCIL.

IT'S GOOD TO BE WITH YOU ALL.

WHAT DO THE WORDS CLIMATE LEADERSHIP MEAN HERE AT AUSTIN?

I SUBMIT TO YOU THAT THE POPPING NUMBERS ON RENEWABLE ENERGY TARGETS DO NOT BY THEMSELVES MEAN CLIMATE LEADERSHIP IF THEY ARE NOT ALSO ACCOMPANIED BY OUR REAL PLAN THAT ACCEPTS THE NOTION THAT SERIOUS ENERGY POLICY AND REFORM DOES NOT DODGE HARD POLITICAL QUESTIONS.

RATHER, SERIOUS ENERGY POLICY PIVOTS ON POLITICS, IT PIVOTS ON THE FULL RANGE OF VALUES AT PLAY AND THE COMMUNITIES IMPACTED BY OUR CHOICES.

AND THAT IS EVERYTHING BECAUSE ENERGY TOUCHES ALL FACETS OF OUR LIVES.

THIS PLAN, ITEM NUMBER 10, IS ACHIEVABLE, IT'S REALIZABLE, IT'S AFFORDABLE.

IT CHARTS A COURSE OVER THE NEXT 10 YEARS THAT LOCKS IN AMBITIOUS, PACE SETTING COMMITMENTS TO SOLAR POWER, WIND POWER, ENERGY EFFICIENCY AND ENERGY INNOVATION.

IN 10 YEARS TIME AT THE MOST, AUSTIN ENERGY WILL BE AT LEAST 55% RENEWABLES.

IT WILL RETIRE OVER HALF OF OUR CURRENT FOSSIL FUEL GENERATION, THERE BY MAKING DEEP AND RAPID CUTS IN OUR GREENHOUSE GAS EMISSIONS.

IT WILL INNOVATE IN ENERGY STORAGE AND ENERGY EFFICIENCY.

IT WILL DOUBLE DOWN ON NEW WIND AND TRIPLE DOWN ON NEW SOLAR, SO MUCH SOLAR THAT IF IT WAS ALL BUILT NOW THE CITY OF AUSTIN WOULD BE THE WOULD BE SECOND ONLY TO THE STATE OF CALIFORNIA IN INSTALLED SOLAR CAPACITY.

THESE FIGURES PUT AUSTIN AMONG, IF NOT IN FRONT, OF THE WORLD'S LEADERS IN CLIMATE LEADERSHIP FOR A CITY OF OUR CALIBER.

BUT ANY OF US CAN WRITE NUMBERS IN A POWERPOINT SLIDE THAT ARE BETTER THAN THOSE PROPOSED TODAY.

VERY FEW OF US HERE TODAY CAN PUT OUT A REQUEST FOR A PROPOSAL.

OR CAN BEGIN TO TRANSLATE CLIMATE GOALS INTO FINANCIAL RISK FOR THE UTILITY.

WITHOUT THAT CAPABILITY THE NUMBERS THEMSELVES DON'T MEAN VERY MUCH AND CLIMATE LEADERSHIP ISN'T SOMETHING THAT IS MORE THAN ASPIRATIONAL.

THIS PLAN HAS BUY IN FROM AUSTIN ENERGY.

FOR THE FIRST TIME IN A LONG TIME, AUSTIN ENERGY COMMITS TO UPDATE CLIMATE AND PUBLIC HEALTH GOALS.

AUSTIN ENERGY COMMITS TO CUT THROUGH ALL THE LEGAL, TECHNICAL AND FINANCIAL OBSTACLES THAT EXIST TO REALIZING OUTCOMES THAT ARE HARD TO DO BECAUSE THEY HAVE NEVER BEEN DONE BEFORE, BUT WHICH NOW WITH YOUR APPROVAL OF THE PLAN WILL BECOME REAL.

EVER SINCE AUSTIN EMBARKED ON THE STRATEGIC GOAL TO MAKE OUR CITY THE LEADING CITY IN THE NATION ON CLIMATE, WE HAVE BEEN WATCHED.

WE'VE BEEN HAILED FOR OUR SUCCESSES SUCH AS THE RECENT ACQUISITION OF 150 MEGAWATTS OF UTILITY SOLAR AT HISTORICALLY LOW PRICES.

WE'VE BEEN ASSAILED FOR OUR SIS MISSTEPS SUCH AS THE EAST TEXAS BIO MASS PLANT.

BY GOOD, BAD AND IN BETWEEN WE CAN BE SURE THAT WE'RE UNDER A MICROSCOPE AND THAT IS WHERE WE WANT TO BE.

UTILITY MANAGERS AND POLICY LEADERS SUCH AS YOURSELVES ARE LOOKING FOR THE TEMPLATE.

HOW DO YOU DECARBONIZE A CAPITOL CITY THAT IS GROWING LIKE WE ARE GROWING?

AND HOW DO YOU DO IT SO THAT IT IS ACHIEVABLE?

THAT IS REALLY AFFORDABLE?

THAT IS GENUINELY EQUITABLE SO THAT THESE ARE MORE THAN JUST ABSTRACT NUMBERS.

THE VARIABLES IN THIS GENERATION PLAN ARE SO MUCH MORE THAN EXPRESSED IN MEGAWATTS OF ENERGY, THE PLAN IS THE PRODUCT OF THE POLITICAL REALITY THAT THIS CITY COUNCIL, WITH ALL YOUR FANTASTIC CAPACITY FOR LEADERSHIP ON THIS ISSUE, WILL NOT BE HERE NEXT YEAR.

THIS PLAN REFLECTS THE COMMITMENT TO A REAL PROCESS TO TRY AND ACHIEVE BUY IN FROM ALL STAKEHOLDERS, BE IT AUSTIN ENERGY, UTILITY CUSTOMER CLASSES OR THE COMMUNITIES IN AUSTIN AND IN TEXAS OUR CHOICES TOUCH, THIS PLAN ACKNOWLEDGES THAT THE FINANCIAL STANDING OF AUSTIN'S PUBLIC UTILITY CANNOT BE JEOPARDIZED OR CARELESSLY RISKED.

THIS PLAN IS EQUITABLE FOR AUSTIN ENERGY CUSTOMERS WHO DESERVE ENERGY THAT IS BOTH CLEANER AND MORE AFFORDABLE.

THIS PLAN ACKNOWLEDGES CONSTRAINTS, LEGAL AND FINANCIAL, WHICH THE UTILITY MUST NEGOTIATE AS IT BALANCES SOMETIMES COMPETING OBJECTIVES.

AND THIS PLAN CAME ABOUT BECAUSE THE SIERRA CLUB'S BEYOND COAL TEAM WITH THE ENABLING LEADERSHIP OF COUNCILMEMBER MARTINEZ, PUSHED AUSTIN ENERGY TO DO BETTER THAN THE PLAN PROPOSED TO YOU NOT MANY WEEKS AGO, AND AS YOU ALL CAN SEE, THAT EFFORT WAS A SUCCESS.

IS THIS PLAN PERFECT?

HARDLY.

IN THE WORLD OF ENERGY AND ENERGY POLITICS, THERE IS STILL NO FREE LUNCH.

WHAT THERE ARE ARE HARD CHOICES, DIFFICULT TRADE OFFS, IMPERFECT SOLUTIONS.

I PROMISE TO YOU THAT SIERRA CLUB WILL JOIN WITH YOU AND THE NEXT COUNCIL AND THE COUNCIL AFTER THAT TO CONTINUE TO DO BETTER ON ALL FRONTS, YET IN THE CONTEXT OF THE CONSTRAINTS AND OPPORTUNITIES AS THEY PRESENT THEMSELVES TODAY, THIS PLAN IS GOOD, THIS PLAN IS BETTER THAN GOOD AND AS A REPRESENTATIVE OF THE SIERRA CLUB'S BEYOND COAL CAMPAIGN, I COMMEND IT TO YOUR APPROVAL.

THANK YOU.

>> Mayor Leffingwell: DANNY SLABAL.

TWO MINUTES ON THE TIMER.

>> I'M DANNY SLABON AND I'M HERE SPEAKING TO YOU TODAY ON BEHALF OF AUSTIN CLIMATE ACTION NETWORK OR AUSTIN CAN.

I WANT TO CONGRATULATE COUNCIL AND AUSTIN ENERGY AND SIERRA CLUB AND AUSTIN INTERFAITH AND ALL OF THOSE WHO WERE INVOLVED.

THIS IS REALLY A PRETTY PROGRESSIVE STEP FOR AUSTIN ENERGY.

BUT I'M NOT HERE TO TALK ABOUT ALL THAT'S GOOD AND GREAT, I'M HERE TO TALK ABOUT WHAT'S CONCERNING, AND THAT IS THE 500 MEGAWATT PROPOSED GAS PLANT.

I'M REALLY CONCERNED THAT AS WE LOOK FORWARD TO THE FUTURE WE'RE KIND OF FALLING INTO THE SAME TRAPS THAT GOT US HERE.

FIRST OF ALL, PEAK GAS IS NOT FAR OFF, JUST LIKE PEAK OIL.

WHAT BOOMS MUST BUST, AND GAS IS NOT A LONG TERM, OTHER THAN A MIDDLE TERM FINANCIALLY SOLVENT SOLUTION FOR US.

AND THAT'S, YOU KNOW, THAT'S JUST THE BASICS.

MORE IMPORTANTLY AS A PUBLIC UTILITY WE REALLY NEED TO CONSIDER THE IMPACT ON THE PUBLIC.

SO MY QUESTION TO YOU IS WHAT'S THE COST OF CONTINUING TO INVEST IN FOSSIL FUEL TO HUMAN KIND.

WHAT'S THE COST FOR THOSE ON THE FRONT LINES OF CLIMATE CHANGE BOTH LOCALLY AND WITHIN OUR CITY.

LOW INCOME PEOPLE OF COLOR AND THOSE LIVING IN THE GLOBAL ECONOMIC SOUTH.

I REALLY, REALLY WANT TO URGE YOU TO CONSIDER THE LONG RANGE EFFECTS, NOT THE QUARTERLY ECONOMIC PROFIT AND LOSS EFFECT FOR AUSTIN ENERGY.

NOT 10 YEAR EFFECTS.

I WANT YOU TO CONSIDER THE 100, 200 YEAR EFFECTS, CONTINUING TO INVEST IN FOSSIL FUEL.

I WANT AUSTIN ENERGY TO PASS THIS TODAY BECAUSE IT'S BIG AND THERE'S BEEN A LOT OF GRAPPLING BACK AND FORTH THAT LED US TO BE ABLE TO HAVE THIS OPPORTUNITY, BUT I ALSO WOULD REALLY URGE COUNCIL TO MANDATE THAT WE LOOK AND REALLY, REALLY LOOK AT WHAT THIS MEANS.

>> Mayor Leffingwell: THANK YOU.

RAVEN PENA.

AND SET THE CLOCK FOR ONE MINUTE.

>> HI, Y'ALL.

I'M RAVEN PENA.

I'M HERE REPRESENTING MYSELF.

I'M A CITIZEN OF AUSTIN, NATIVE AUSTINITE.

AND I JUST WANT TO SAY THANK YOU AND EVERYONE WHO HAS WORKED TO GET THIS TOGETHER.

IT IS REALLY AWESOME, BUT I WANT TO ECHO AUSTIN INTERFAITH AND ALSO DANNY AND THE FACT THAT WE SHOULD HAVE AN UNBIASED AS MUCH AS POSSIBLE STUDY INTO THE PUTTING MONEY INTO A NEW FACILITY THAT FUNCTIONS OFF OF NATURAL GAS.

LIVING IN DENTON, I SAW A FACILITY THAT FUNCTIONS OFF OF NATURAL GAS.

LIVING IN DENTON I SAW A LOT OF FRACKING.

I DEVELOPED ASTHMA AND AS A BLACK WOMAN AND IN THE INTEREST OF ENVIRONMENTAL JUSTICE, I THINK IT IS A HINDRANCE TO THOSE COMMUNITIES THAT HAVE TO LIVE AROUND FRACKING.

PEOPLE WHO HAVE TO BREATHE IN TOXIC AIR IN GENERAL.

AND OUR WORLD, HONESTLY.

IT IS A BIG ISSUE, CLIMATE CHANGE.

AND AS AUSTIN WANTS TO BE INNOVATIVE AND PROGRESSIVE, I URGE YOU TO MAKE IT AS UNBIASED AS POSSIBLE.

>> Mayor Leffingwell: THANK YOU.

SISTER ELIZABETH.

AND SET THE CLOCK FOR THREE MINUTES.

>> GOOD AFTERNOON.

I'M A LITTLE MORE COMPOSED AT THIS POINT THIS AFTERNOON.

THANK YOU FOR ALLOWING ME TO BE HERE.

I AM ACTUALLY DO NOT LIVE IN AUSTIN, BUT I'M HERE TO REMIND YOU THAT THE DECISIONS THAT YOU WILL MAKE WILL IMPACT EVERYONE WHO ARE ENDURING THE IMPACT OF THE ACTIVITIES PRODUCING THIS GAS.

I LIVE AND TRAVEL IN THE EAGLE FORD SHALE AREA BECAUSE OF THINGS THAT I DO.

AND WE ALL KNOW THAT COAL IS VERY DIRTY.

I DON'T THINK THERE'S A NECESSITY TO GO THROUGH WHY, ALTHOUGH WE KNOW THE IMPACTS ON WORKERS, THE IMPACTS ON COMMUNITIES, THE LOSS OF MOUNTAIN TOPS, THE SLUDGE THAT HAS FOULED OUR RIVERS, ALL HAVE PARALLELS IN THE EAGLE FORD SHALE.

THERE'S TOXIC EMISSIONS, THERE'S DANGEROUS ROADS, THERE'S TRUCK TRAFFIC.

THERE'S DECREASED AIR QUALITY.

ALL OF THIS IS IMPACTING THE HEALTH, EVEN THOUGH THERE'S AN ECONOMIC BOOM, IT'S PROBABLY GOING TO BE TEMPORARY.

AND IF WE'RE WATCHING THE NEWSCAST ABOUT THE PRICE OF OIL AND WE'RE WATCHING THE SHAKINESS IN WALL STREET AND THESE INVESTMENTS, IT MAY NOT BE AS LONG TERM AS WE THINK.

IF THE EXTERNAL IMPORTS FROM THIS COUNTRY ARE ALLOWED, THE SALES WILL INCREASE PRICES ON GAS AND SO YOU MAY BE SUBJECT TO THAT.

BUT I WOULD SAY THAT I'M IN FAVOR OF THIS BECAUSE OF THE FACT THAT IT WILL DO AWAY WITH COAL.

I WOULD ONLY URGE YOU TO CONSIDER THE FACT THAT YOU HAVE A RESPONSIBILITY, MORAL RESPONSIBILITY TO WORK AS QUICKLY AS YOU CAN TO COME TO BETTER CHOICES, AND I WOULD BE IN SUPPORT OF SOLAR AND WIND AS AN OPTION TO GAS, AND TO BE AS SHORT TERM A CUSTOMER OF GAS AS POSSIBLE.

THANK YOU.

>> Mayor Leffingwell: THANK YOU.

LAST SPEAKER IS BECKY HALPERN.

THE CLOCK IS SET FOR THREE MINUTES.

AND IT LOOKS LIKE WE WILL GET THROUGH YOU'RE THE LAST SPEAKER ON THE FOR SIDE.

WE'LL GET TO THE AGAINST AND WE'LL FINISH WITH THE SPEAKERS BEFORE WE BREAK.

>> YES.

I'M FOR, BUT THANK YOU, MAYOR AND COUNCILMEMBERS.

BOB DYLAN SAYS THE SOMETIMES ARE A CHANGING AND THAT'S WHAT'S HAPPENING NOW.

THE WHOLE WORLD IS BEGINNING A CONCERTED SHIFT AWAY FROM FOSSIL FUELS AND WE STAND RIGHT ON THE TIPPING POINT RENEWABLES ARE BEGINNING TO BE JUST AS AFFORDABLE AS FOSSIL FUELS.

SO WHY WOULD AUSTIN ENERGY TAKE DOWN TWO FOSSIL FUEL PLANTS JUST TO PUT UP ANOTHER FOSSIL FUEL PLANT?

BECAUSE THEY THINK MORE IN TERMS OF WHAT HAS BEEN RATHER THAN WHAT WILL BE.

WE WILL BE A WORLD THAT RUNS ON RENEWABLES.

AND THAT'S BEGINNING RIGHT NOW.

FINANCIAL AND PENSION FUND ADVISORS ARE RECOMMENDING CAUTION REGARDING INVESTING IN FOSSIL FUELS.

BRITISH ENERGY SECRETARY EDWARD DAVEY SAID FOSSIL FUEL COMPANIES MAY BE THE SUBPRIME ASSETS OF THE FUTURE.

THE WRITING IS ON THE WALL.

AND PEOPLE DON'T WANT THESE PLANTS IN THEIR NEIGHBORHOODS.

THE PEOPLE OF THE DECKER NEIGHBORHOODS DON'T WANT US TO TAKE DOWN ONE GAS PLANT AND BRING THEM ANOTHER ONE.

STUDIES ARE SHOWING THAT FRACK GAS PRODUCTION MAY NOT BE AS ABUNDANT, DEPENDABLE OR CHEAP AS WE PREVIOUSLY THOUGHT.

ONE RECENT STUDY CAME OUT OF U.T.

A BASTION OF FOSSIL FUEL PROMOTERS, INCLUDING THE GASSY MR. BEVO.

SO HOW CAN WE KNOW IF WE'RE AT A POINT WHERE WE CAN TELL OUR ELECTRIC UTILITY TO ASSUME THAT THE CLEANEST GENERATION FOR WIND AND SUN COMBINED WITH STORAGE IS ALSO THE MOST AFFORDABLE GENERATION?

THE ONLY WAY WE CAN DO THAT IS WITH A FAIR, TRULY INDEPENDENT STUDY THAT LOOKS NOT JUST BACKWARDS, BUT ALSO FORWARD INTO A FUTURE WHERE WE HAVE NEVER BEEN.

THE STUDY SHOULD NOT BE UNDER THE DIRECT CONTROL OF AUSTIN ENERGY.

THEY REALLY FEEL THEY NEED A GAS PLANT.

THEY WROTE THE WHOLE GENERATION PLAN IN SUPPORT OF THAT.

IT WOULD BE HUMAN NATURE TO THEM TO ATTEMPT TO WRITE THE RFP AND ITS ASSUMPTIONS TO SUPPORT A GAS PLANT.

I CAN'T FAULT THEM.

THEY'RE PEOPLE.

THE STUDY SHOULD NOT BE SELECTED, DIRECTED AND CONTROLLED BY THE EUC AND/OR THE AUDITOR AND THE COUNCIL.

TIME OF THE STUDY SHOULD BE SUFFICIENT TO ACTUALLY STUDY THE ISSUE.

12 MONTHS IS FAR MORE SUFFICIENT THAN FIVE.

THE U.S. MILITARY BUILT COUNTRIES LARGE AND SMALL IN THAT THINGS HAVE TO CHANGE QUICKLY OR WE WILL BAKE OURSELVES ON THIS EARTH, AND THAT WILL BE TRULY UNAFFORDABLE.

AND I WOULD LIKE TO THANK EVERY ONE OF YOU FOR YOUR LONG AND VERY CONSCIENTIOUS SERVICE TO OUR CITY.

THANK YOU.

>> Mayor Leffingwell: THANK YOU.

NOW WE'RE GOING TO GO TO THOSE WHO SIGNED UP AGAINST.

AND FIRST IS TOM SMITH.

ALL THESE SPEAKERS WILL HAVE THREE MINUTES.

>> MAYOR, MEMBERS OF COUNCIL, MY NAME IS TOM SMITH OR SMITTY. I'M DIRECTOR OF PUBLIC CENTRAL TEXAS WHO SIGNED OFF ON THIS PLAN AND I WANT TO THANK YOU SO MUCH FOR ALL YOUR SERVICES AND I'M GOING TO MISS YOU ALL.

TO BEGIN WITH, WE THINK THIS GEN PLAN HAS A LOT OF GOOD THINGS IN IT.

IT HAS A LOT OF WORLD CLASS RENEWABLES, ENERGY EFFICIENCY, DEMAND SIDE MANAGEMENT AND SOLAR AND WE'RE GETTING SIGNIFICANT REDUCTIONS IN THE EMISSIONS THAT HAVE HAUNTED US

FROM A GENERATION FROM OUR GAS PLANTS AND COAL PLANTS AND HOPEFULLY THEIR TIME WILL COME.

BUT EACH OF US IN OUR GENERATION COMES BIG CHALLENGES AND THE CHALLENGE THAT YOU HAVE FACED AND DONE A LOT TO REDUCE IS THE QUESTION OF HOW WE'RE GOING TO DEAL WITH GLOBAL WARMING.

AND YOU HAVE SET A SIGNIFICANT NUMBER OF BIG GOALS TO REDUCE GLOBAL WARMING AND THE TOLL IT'S GOING TO TAKE ON US.

AND ONE OF THE BIGGEST YOU DID WAS IN 157 YOU SAID WE HAVE A GOAL OF MAKING SURE THAT WE GET OUR UTILITY OFF OF FOSSIL FUEL INTO ZERO NET CARBON BY 2030 AND YOU HAVE AN OPPORTUNITY IN THIS MOTION TO BEGIN TO UNPLUG OUR FOSSIL FUEL FUTURE AND GET AWAY FROM THE LEGACY OF THE CARBON IT'S GOING TO CREATE.

I HAVE BIG CONCERNS ABOUT THIS PLAN AND THE WAY IT IS WRITTEN, BUT I THINK YOU CAN MODIFY THEM WITH A COUPLE OF AMENDMENTS.

THE GEN PLAN TODAY AS WE SEE IT THREATENS AFFORDABILITY IN A NUMBER OF KEY WAYS.

NATURAL GAS PLANTS FLUCTUATE WILDLY.

TODAY SOLAR AND WIND ARE NOW CHEAPER THAN BUILDING A NEW NATURAL GAS PLANT.

THE BIG BANKS ARE SAYING THAT SOLAR AND WIND ARE NOW SO CHEAP AND STORAGE IS COMING ON THAT WE DON'T THINK WE SHOULD BE BUILDING NEW CENTRAL STATION PLANTS BECAUSE WE MAY NO LONGER BE PRODUCTIVE.

AND ERCOT IS SAYING WE'RE AWASH IN POWER RIGHT NOW AND IT ISN'T PROFITABLE TO BUILD A NEW GAS PLANT.

SO WHY WOULD WE DO THAT?

A NEW GAS PLANT IS NOT GOING TO LET THE CITY GET TO NET ZERO CARBON BY 2030.

WE THINK THERE ARE A COUPLE OF BIG AMENDMENTS THAT WE WOULD LIKE TO PROPOSE TO YOU.

YOU'VE HEARD ABOUT THEM FROM A NUMBER OF PEOPLE.

THE KEY THING IS TO CHANGE THE FOCUS FROM OF THIS STUDY OVER THE NEXT SIX MONTHS TO NOT LOOKING AT WHETHER WE SHOULD BUILD A GAS PLANT, BUT HOW DO FILL THE GAP THAT RESULTS FROM THE RETIREMENT OF THOSE OLD PLANTS?

AND TO DO THAT YOU NEED A TRULY INDEPENDENT STUDY THAT LOOKS AT ALL OF THE ALTERNATIVES AND SAYS INSTEAD OF LOOKING AT STORAGE AND SOLAR AND VSM, IT'S OR.

SO WE'RE NOT MAKING SURE WE'RE NOT ALL HOOKED TOGETHER AND PUTTING TOGETHER A MASSIVE PROGRAM THAT MAY OR MAY NOT WORK.

WE WOULD LIKE TO SEE THAT THE P.U.C. APPROVE AND BRING IT TO THE COUNCIL THE ASSUMPTIONS AND THE DATA GOING IN BECAUSE THAT'S CRITICAL TO MAKE SURE THAT ALL OF THE ALTERNATIVES ARE LOOKED AT FAIRLY.

AND WE WANT TO MAKE SURE THAT THE CONSULTANT HAS THE EXPERIENCE TO LOOK AT HOW A UTILITY LIKE AUSTIN REALLY RUNS.

AN INTEGRATED UTILITY.

[BUZZER SOUNDS]

AND WE'D ALSO LIKE TO SUGGEST THAT YOU MODIFY THE LOCAL SOLAR.

AGAIN, THANKS FOR YOUR WORK.

THIS WILL BE A GREAT PLAN IF ADOPTED.

>> Mayor Leffingwell: MAY I ASK IF EVERYBODY STICK TO THE THREE MINUTES OTHERWISE WE WON'T GET THROUGH BEFORE BREAK TIME.

JERRY LOCKE?

>> I WANT TO START BY THANKING ALL OF YOU FOR THE WORK YOU'VE DONE OVER THE PAST COUPLE OF YEARS ON THIS VERY IMPORTANT ISSUE.

YOU'VE REALLY DONE THINGS THAT WARM MY HEART.

I DO HAVE WHAT'S HAPPENING INTERNATIONALLY, IN NEGOTIATIONS, GO A LONG WAY QUICKLY.

NATIONALLY WE'RE NOT DOING ANYTHING.

THE REASON I PUT ENERGY INTO THIS IS WE CAN SERVE AS AN INSPIRATION FOR OTHER CITIES AND WHAT THEY MIGHT BE ABLE TO DO WITH THEIR UTILITIES.

I THINK THAT'S REAL IMPORTANT.

WE'VE LOST AT THE NATIONAL LEVEL, WE'RE LOSING AT THE INTERNATIONAL LEVEL.

WE NEED TO REVERSE THINGS HERE.

A NEW GAS PLANT WILL ELIMINATE THE POSSIBILITY OF US DOING THAT, ABSOLUTELY ELIMINATE THE POSSIBILITY OF US DOING THAT.

ALL ACROSS THE COUNTRY COAL IS BEING REPLACED BY GAS.

THE EMISSIONS ARE VERY, VERY SIMILAR.

WE NEED NOT MAKE THAT MISTAKE HERE.

SCIENTISTS ARE TRYING TO WARN US ABOUT WHAT'S LAYING AHEAD AND IT ISN'T FAR AHEAD, FOR MY GRANDCHILDREN, MY SONS AND THOSE OF ALL OF YOU.

WE NEED TO DO SOMETHING MOMENTOUS HERE.

AND IF WE GO FOR A 500 MEGAWATT GAS PLANT THEN WE'RE NOT GOING TO BE ABLE TO CUT EMISSIONS IN ANY REAL WAY.

A COUPLE OF LITTLE THINGS THAT ARE IMPORTANT, WE NEED TO TAKE INTO ACCOUNT THE HEALTH AND [INDISCERNIBLE] IMPACTS AND THE SHALE.

WHAT'S HAPPENING TO PEOPLE AT THE FAYETTE PLANT SHOULDN'T HAPPEN, BUT IT ALSO SHOULDN'T HAPPEN IN THE SHALE.

WOMEN HAVE SIX TIMES THE INCIDENCE OF BREAST CANCER BECAUSE OF THE DRILLING.

AND YOU KNOW WE'RE USING BILLIONS AND BILLIONS OF GALLONS OF WATER IN A DROUGHT, AND THAT WATER ISN'T COMING BACK.

IT'S DESTROYED FOREVER FOR HUMAN CONSUMPTION AND HUMAN USE.

SO WE REALLY NEED TO TAKE HEALTH EFFECTS IN THE SHALE INTO ACCOUNT OF WHAT WE DO.

IN CALIFORNIA THEY FOUND THAT THE INJECTION WELLS ARE ENDING UP IN THEIR AQUIFERS.

THEY DID RESEARCH.

I KNOW WE WON'T DO RESEARCH IN THIS STATE, BUT THE TOXINS ARE ALREADY IN THE AQUIFER THERE.

I ASSUME THAT IS HAPPENING HERE.

THAT NEEDS TO BE SOMETHING THAT WE AVOID.

AND I GUESS ONE SMALL THING, BUT VERY, VERY IMPORTANT THING, WE NEED TO CONSIDER THE EMISSIONS OF GAS OVER 20 YEARS BECAUSE IT'S 86 TIMES THOSE OF CO₂.

IT'S MUCH, MUCH MORE POTENT.

IF WE DO IT OVER 100 YEARS, WHICH IS WHAT THE CITY IS DOING NOW, IT'S LESSENERED TO ONLY ABOUT 32 TIMES THE POTENCY OF CO₂.

SO I HOPE THAT SOMEHOW THAT'S TAKEN INTO EFFECT.

I DON'T UNDERSTAND WHY WE WOULD DO 100 YEARS AND WE'RE REALLY TALKING OVER THE NEXT 20 YEARS.

[BUZZER SOUNDS]

SO THAT NEEDS TO BE CORRECTED.

AGAIN, THANK YOU FOR ALL THE WORK THAT YOU'VE DONE.

>> Mayor Leffingwell: DAVID DIXON.

>> THANK YOU, MAYOR, MAYOR PRO TEM, COUNCILMEMBERS.

MY NAME IS DAVID DIXON, I'M WITH A SOLAR CONSTRUCTION COMPANY HERE IN AUSTIN REPRESENTING 48 JOBS.

I KNOW THAT CITY COUNCIL AND AUSTIN ENERGY APPRECIATE THE ECONOMIC REALITY OF WHERE SOLAR IS TODAY.

AUSTIN ENERGY SECURED 150 MEGAWATTS OF THE MOST COST EFFECTIVE SOLAR IN THE NATION.

THIS RECENT EVENT HAS LEFT US TO THE CURRENT PLAN TO SECURE 750 MEGAWATTS OF SOLAR.

I COMMEND YOU ALL FOR HELPING US GET TO THIS POINT, BUT WHERE I AM CONCERNED TO THE POINT OF CLOSING THIS PLANT IS THAT THE REDUCTION IN CUSTOMER OWNED SOLAR GOAL, WHICH CONTRADICTS THE GOAL PREVIOUSLY ESTABLISHED IN 157 T HAS BEEN DISMISSED OUT OF HAND WITH UNAFFORDABLE WITH NO PUBLIC COSTS OF ASSUMPTION OR DEPLOYMENT STRATEGY.

WE CAN CERTAINLY DO BETTER THAN THIS.

THIS IS A VERY CREATIVE COMMUNITY AND I AM CONFIDENT THAT WE CAN WORK TOGETHER TO FIND MULTIPLE SOLUTIONS TO MAKE THESE TARGETS ACHIEVABLE.

CUSTOMER OWNED SOLAR OFFERS A SET OF ADDITIONAL BENEFIT AS OPPOSED TO WEST TEXAS SOLAR.

YOU GET GENERATION TO THE POINT OF LOAD.

THIS ELIMINATES TRANSMISSION CONGESTION AND LINE LOSS COSTS ASSOCIATED WITH CONVENTIONAL GENERATORS AND IF SKILLED TO ITS POTENTIAL IT WILL DRIVE DOWN PEAK LOCAL ELECTRIC PRICES FOR ALL AUSTIN ENERGY CONSUMERS.

ANOTHER THING THAT WE GET IS JOB CREATION.

2012 STUDY BY SOLAR AUSTIN FOUND THAT THE SOLAR INDUSTRY EMPLOYS OVER 615 PEOPLE.

SINCE THEN AN UPDATED 2014 STUDY SHOWN THE NUMBER TO HAVE GROWN TO OVER A THOUSAND.

THE INDUSTRY IS HERE AND PRIME FOR GROWTH.

WE HAVE A UNIQUE BUYING OPPORTUNITY.

NOW WE CAN LEVERAGE FEDERAL TAX INCENTIVES, AID IN EMPLOYMENT OF SIGNIFICANT SOLAR CAPACITY ON LOCAL RESIDENTS AND BUSINESSES.

KEEP IN MIND AS OPPOSED TO A GAS PLANT, WHICH IS HUNDREDS OF BILLIONS OF DOLLARS, YOU ARE BUILDING STABLE GENERATION AT AN INVESTMENT COST BORN MOSTLY BY THE INDIVIDUAL CUSTOMERS THAT ARE INSTALLING THE SYSTEM.

RESOLUTION 157 CALLS FOR 100 MEGAWATTS OF CUSTOMER OWNED SOLAR BY 2020.

IF THIS PLAN UPDATES ROLLS THAT BACK TO 50 MEGAWATTS.

CONSIDER THAT THERE WILL ALREADY BE OVER 25 MEGAWATTS OF INSTALLED CAPACITY BY THE END OF THIS FISCAL YEAR.

ADDING JUST ANOTHER 25 MEGAWATTS OVER THE NEXT FIVE YEARS REPRESENTS A RECESSION OF THE CURRENT BUILDOUT OF CUSTOMER OWNED SOLAR.

THIS WILL RESULT IN A LOSS OF JOBS AND ECONOMIC DEVELOPMENT TO THIS CITY.

IN JUST THE LAST SEVEN YEARS THE UTILITY INCENTIVES OF SOLAR HAVE DROPPED BY 80%.

WE CAN DO THIS AFFORDABLY.

LET'S GET A FRAMEWORK TO INSTALL 100 MEGAWATTS ON SOLAR AND GET THE LAST 20%.

WE WILL WORK WITH THE UTILITY TO INNOVATE ACROSS THE COUNTRY FOR SOLAR.

WE WILL GET THERE, WE JUST NEED TO DO THIS IS A SUBSTANTIAL PART OF YOUR LEGACY.

PLEASE AMEND THIS UPDATE TO MAINTAIN THE 100 MEGAWATTS OF CUSTOMER OWNED SOLAR AS ALREADY ESTABLISHED BY RESOLUTION 157 TO ALLOW US TO MAXIMIZE THE NUMBER OF OPPORTUNITIES SO WE CAN CONTINUE TO DRIVE THIS ECONOMIC ENGINE, KEEP COSTS DOWN, SUPPLY CLEAN AIR AND ENERGY.

THANK YOU ALL.

>> Mayor Leffingwell: TAVI WHITE.

FOLLOWING HER IS KAREN HEADON.

IF YOU WOULD BE READY AT THE OTHER PODIUM.

>> MAYOR AND COUNCILMEMBERS, THANK YOU FOR THE OPPORTUNITY TO SPEAK.

MY NAME IS TAVIA WHITE AND I AM WITH SOLAR AUSTIN.

I'M HERE TO ASK YOU TO MAKE CHANGES TO THE GENERATION PLAN BEFORE YOU.

THIS COUNCIL HAS SHOWN AN INCREDIBLE AMOUNT OF LEADERSHIP ON AUSTIN ENERGY ISSUES OVER THE PAST FEW YEARS.

YOU'VE BEEN AN ENGAGED BOARD OF DIRECTORS IN POLICIES AND INVESTMENT.

I HOPE TO SEE THAT DYNAMIC REVIVED AS THE AMENDMENT IS FIXED TO THIS FLAWED PROPOSAL.

IN JUST A FEW SHORT MONTHS AGO YOU SET NEW RENEWABLE ENERGY AND CLIMATE PROTECTION GOALS THAT WOULD PUT OUR UTILITY ON A PATH TO NOT ONLY REDUCE OUR IMPACT ON THE ENVIRONMENT, BUT ALSO IMPROVE THE LONG TERM AFFORDABILITY.

I FIND IT DISTURBING THAT THIS PROPOSAL ROLLS BACK THE RENEWABLE ENERGY GOALS AND COMPLETELY IGNORES THE GOAL THAT WAS ESTABLISHED FOR AUSTIN ENERGY CONTROLLED RESOURCES TO BE CARBON FREE BY 2030 THAT WAS ESTABLISHED.

AUSTIN ENERGY SAYS THAT WE NEED MORE LOCAL GENERATION.

BUT AT THE SAME TIME IT IS PROPOSED TO CUT THE GOAL FOR LOCAL SOLAR IN HALF.

IF CREATING LOCAL GREEN JOBS IS SOMETHING WE VALUE AS A CITY, THIS IS THE WRONG MOVE.

AUSTIN ENERGY WANTS TO POSTPONE THE INEVITABLE DAY WHEN OF EMBRACING MECHANISMS BY MONETIZING DISTRIBUTED ENERGY SERVICES, INCLUDING CUSTOMER CONTROLLED SOLAR AS OTHER FORWARD THINKING UTILITIES ARE DOING, OR IT WILL CEASE TO BE A VIABLE RETAILER.

THAT'S WHY WE NEED YOU, OUR ELECTED LEADERS, TO MAKE CLEAR THAT THE CITY OF AUSTIN IS GOING TO EMBRACE THE NEW ENERGY PARADIGM INSTEAD OF STICKING OUR HEADS IN THE SAND.

KEEPING OUR CURRENT GOAL OF 200 MEGAWATTS OF LOCAL SOLAR WITH 100 MEGAWATTS BY 2020 WILL SEND THAT MESSAGE.

ADOPTING THIS PLAN AND CUTTING THOSE GOALS IN HALF SENDS THE MESSAGE THAT IT'S UP TO AUSTIN ENERGY TO DECIDE WHAT OUR PRIORITIES SHOULD BE.

ONE OF THE PRIMARY BENEFITS OF HAVING A PUBLICLY OWNED UTILITY IS THAT THE CUSTOMERS VIA THEY'RE ELECTED OFFICIALS HAVE A SAY IN UTILITY POLICIES.

IF YOU EXAMINE THE COMMENTS SUBMITTED OVER THE COURSE OF THIS GENERATION PLANNING PROCESS, YOU WILL SEE AN OVERWHELMING SUPPORT FOR RENEWABLE ENERGY, ENERGY EFFICIENCY AND ENERGY STORAGE AND WIDESPREAD OPPOSITION TO FOSSIL FUELS, INCLUDING NATURAL GAS.

JUST BECAUSE SOME HAVE SIGNED OFF ON THIS PLAN DOESN'T MEAN THAT THOSE PEOPLE HAVE CHANGED THEIR MINDS.

I URGE YOU TO AMEND THIS PLAN TO REFLECT THE RENEWABLE ENERGY GOALS YOU PASSED IN AUGUST AND REMOVE THE BIASES TOWARDS NATURAL GAS THAT ARE REFLECTED IN THE TEXT OF THE PLAN AND IN THE LANGUAGE THAT WOULD GOVERN THE STUDY.

AND TO PLACE THE STUDY UNDER CONTROL OUTSIDE OF AUSTIN ENERGY.

THAT IS IMPORTANT.

OTHERWISE IT WOULD BE PREFERABLE FOR THIS COUNCIL TO VOTE AGAINST THIS PLAN AND ALLOW THE NEW COUNCIL TO TAKE UP THE ISSUE WHEN THERE'S MORE TIME TO GIVE TO THIS IMPORTANT DECISION.

I WILL SAY THAT THE FACT THAT THE TEXT OF THIS PLAN WASN'T RELEASED UNTIL THREE DAYS BEFORE THE LAST MEETING WITH THIS COUNCIL CAUSED SIGNIFICANT DIFFICULTY IN FIGURING OUT HOW TO INCLUDE IT.

THE PROPER AMENDMENTS CAN FIX THIS PLAN AND I HOPE THAT YOU FIND A WAY TO DO THAT TODAY.

BUT IT IS SERIOUSLY FLAWED AS IT IS.

THANK YOU.

>> Mayor Leffingwell: THANK YOU.

KAREN.

AND AFTER KAREN WILL BE RACHEL STONE.

RACHEL, IF YOU WOULD BE READY AT THIS OTHER PODIUM.

>> THANK YOU.

GOOD AFTERNOON.

MY NAME IS KAREN HADDON.

I AM THE EXECUTIVE DIRECTOR OF SUSTAINABLE ENERGY AND ECONOMIC DEVELOPMENT COALITION AND I'M HERE TODAY ON BEHALF OF THAT ORGANIZATION.

I ALSO SERVE AS VICE CHAIR OF THE ELECTRIC UTILITY COMMISSION, BUT I AM NOT SPEAKING ON BEHALF OF THAT ORGANIZATION.

FIRST I WANT TO THANK YOU FOR YOUR SERVICE BECAUSE I HAVE SEEN YOU AS A COUNCIL COME INTO OFFICE AND LEARN MORE THAN YOU EVER DREAMED YOU WOULD KNOW ABOUT RUNNING AN ELECTRIC UTILITY.

AND I KNOW THAT YOU SPEND NIGHTS AND WEEKENDS AND ENDLESS HOURS DOING THAT.

AND I'VE BEEN IMPRESSED BY YOUR EXPERTISE AND YOUR WILLINGNESS TO CONSULT EXPERTS AND TO CALL IN.

DID YOU A GREAT JOB IN GETTING THE RATE HIKE REDUCED AND MADE MORE FAIR.

THANK YOU.

I'M GLAD FOR MOVEMENT FORWARD.

I'M GLAD WHEN WE CAN SEE PROGRESS TOWARDS SHUTTING DOWN A COAL PLANT EARLIER.

I'VE SPENT MANY YEARS FIGHTING COAL PLANTS AROUND THIS STATE, 19 OF THEM TO BE PRECISE.

VERY FEW OF THEM GOT BUILT.

MOST OF THEM WE MANAGED TO PUT [INDISCERNIBLE] INTO, WHILE SOMETIMES SLOW.

BUT I KNOW THAT THE POLLUTION FROM COAL PLANTS IS INTENSE AND SERIOUS, INCLUDING CARBON AND OTHER POLLUTION.

HOWEVER, MY CONCERN IS THAT AUSTIN ENERGY IS SORT OF HOLDING US HOSTAGE HERE.

THEY'RE LINKING TWO YEARS OF EARLIER CLOSURE FOR WHICH THEY HAVE NOT FULLY NEGOTIATED WITH THE LCRA YET, FOR A GAS PLANT.

THAT IS WHAT THEY WANT.

WE KNOW IT.

THE WRITING IS THERE.

WHEN YOU READ THE LANGUAGE THAT'S BEFORE YOU, YOU WILL FIND THAT IT READS AMAZINGLY LIKE A REQUEST FOR PROPOSAL MIGHT FOR A GAS PLANT.

AND I HAVE TO WONDER HAVE THEY ALREADY SENT THIS OUT?

I DON'T EVEN KNOW.

THEY'VE BEEN WANTING THIS FOR A LONG TIME.

BOTH SMITTY AND I TESTIFIED IN FALL OF 2012 THAT INSTEAD OF BUILDING A GAS PLANT, WHICH THEY WANTED EVEN THEN, AUSTIN ENERGY SHOULD BE LOOKING AT COMBINED WIND, SOLAR AND ENERGY STORAGE, WHICH WAS ALREADY CHEAPER THAN COMBINED CYCLE AND STILL IS TODAY.

IF WE'RE TALKING AFFORDABILITY, THAT'S THE PATH WE SHOULD BE ON.

AND I AM VERY CONCERNED THAT THE LANGUAGE OF THE STUDY IS NOT TOUGH ENOUGH TO GET TO US WHERE WE NEED TO GO.

THEY WERE PRESCRIBING IN THAT LANGUAGE THE METHODOLOGY, THE TYPES OF MODELS TO BE USED.

COME ON, THREE DAYS?

WE HAVEN'T HAD TIME TO DO THE RESEARCH.

I'D LIKE TO FIND OUT WHAT MODELS DO WHAT.

WE NEED TO BE LOOKING AT A VERTICALLY INTEGRATED UTILITY, NOT A WHOLESALE MARKET STUDY AND WE NEED TO BE LOOKING AT MULTIPLE SCENARIOS THAT EXIST TODAY AND THAT AUSTIN ENERGY HAS ALREADY RECEIVED PROPOSALS THAT ARE SIMILAR IN NATURE.

SO THE STUDY NEEDS TO BE NEUTRAL.

IT NEEDS TO BE THROUGH A CITY AUDITOR AND IT DOESN'T NEED TO BE IN THE HANDS OF AUSTIN ENERGY.

I'VE SEEN MANY STUDIES THAT AUSTIN ENERGY HAS PRODUCE AND THEY COME OUT EXACTLY WHAT THEY'RE SAYING ON THE FRONT END AND IT'S VERY PREDICTABLE.

[BUZZER SOUNDS]

I HOPE YOU WILL DO THE BEST YOU CAN TO WRAP IT UP AND PUT THE BEST AMENDMENTS IN TO INCLUDE THIS.

THANK YOU.

>> Mayor Leffingwell: THANK YOU.

RACHEL STONE AND BOB MURRAY WILL BE NEXT.

THIS OTHER PODIUM.

THREE MINUTES.

>> HI.

I'M RACHEL STONE ON THE BOARD OF SOLAR AUSTIN AND I WANT TO ECHO ALL THE THANKS AND HARD WORK THAT Y'ALL HAVE PUT BOTH INTO THIS PLAN AND EVERYTHING ELSE YOU'VE DONE.

YOUR A TRULY INSPIRING COUNCIL.

I'M ON THE BOARD OF SOLAR AUSTIN, NOT BECAUSE I HAVE ANY PERSONAL INTEREST IN SOLAR EXCEPT THAT IT IS EMISSION FREE AND IT USES VERY LITTLE WATER.

AND I'M CONCERNED THAT THE CURRENT PLAN DOES NOT INCLUDE THE GOALS OF THE AFFORDABLE ENERGY RESOLUTION THAT WERE PASSED IN AUGUST THAT INCLUDED 100 MEGAWATTS OF ROOFTOP SOLAR BY 2020 AND 65% RENEWABLE ENERGY GOAL.

I WANT TO ECHO THE THOUGHT THAT WHAT BOOMS WILL BUST AND NATURAL GAS IS BEING REPORTED TO BE OVER IN AS SOON AS A DECADE AND WE ALL KNOW THAT THE GREATEST ISSUE TO TEXANS RIGHT NOW IS WATER.

AND I DON'T WANT TO SEE US MOVING FORWARD WITH THE GENERATION PLAN THAT TIES OUR HANDS WITH THE NATURAL GAS PLANT THAT IS GOING TO REQUIRE WATER FOR COOLING.

I THINK THAT IN THE STUDY THAT IS DONE WE NEED TO CONSIDER THAT AS ONE OF THE COSTS.

WE'RE NOT GOING TO BE ABLE TO USE A GAS PLANT IF WE DON'T HAVE THE WATER TO MAKE IT RUN.

AND WE ARE CURRENTLY LOSING A THIRD OF OUR WATER TO EVAPORATION DUE TO RISING TEMPERATURES FROM CLIMATE CHANGE AND WE HAVE ONLY A THIRD OF THE RUNOFF THAT WE USED TO HAVE.

SO AS IT GETS HOTTER AND DRIER BECAUSE OF CLIMATE CHANGE WE REALLY NEED TO BE CONSIDERING WATER USAGE AND I THINK THAT NEEDS TO BE INCLUDED IN THE STUDY AND WE NEED TO RETURN TO THE SOLARRABLES THAT ARE REALLY GOING TO MAKE SURE THAT WE'RE NOT INVESTING IN ENERGY GENERATION THAT IS ALSO CONSUMING SIGNIFICANT RESOURCES.

THANK YOU SO MUCH.

>> Mayor Leffingwell: OKAY.

BOB MURRAY.

ROGER WOOD WILL BE NEXT ON THE OTHER PODIUM.

>> CONGRATULATIONS.

YOU MADE IT.

AND GLAD TO SEE YOU I'M GLAD TO SEE YOU.

I'LL SO SEE YOU OTHER TIMES AFTER THIS, BUT IT WON'T BE ON BOTH SIDES OF THE DAIS.

THE AMENDMENTS HAVE BEEN PROPOSED I UNDERSTAND BY NOW AND WILL BE INTRODUCED AND IT SHOULD INCLUDE FAT, FAITH AND ENERGY ACTION TEAM.

THIS IS A TEAM I HELPED FOUND WHERE YOU STARTED WITH THE CHURCHES, THE FAITH BASED COMMUNITY.

AND OUR FOCUS IS ACTION AT THE CONGREGATIONAL LEVEL.

WE'RE NOT SO MUCH INTO ADD ADVOCACY, WE'RE INTO EDUCATION BOTH THERE AND THE COUNCIL.

AND OF COURSE YOU KNOW OUR COLLEAGUES AND THE TEAM HAS BEEN DOING A PRETTY GOOD JOB OF EDUCATING.

NOW, I'M GOING TO SPEAK TO YOU FROM THE EXPERIENCE OF SOMEBODY THAT'S RUN THE UTILITY.

SEATTLE CITY LIGHT, 1979 AND 1980.

I KNOW WHAT HAPPENS WHEN YOU TRY TO CHARTER AN INDEPENDENT STUDY.

IT'S ALMOST IMPOSSIBLE TO GET AN INDEPENDENT STUDY.

BUT I HAD THE OPPORTUNITY TO DRAFT THE RFP FOR A MAJOR STUDY JUST BEFORE I WENT INTO THE JOB OF THE HEAD OF SEATTLE CITY LIGHT AND IT WAS TO BUILD A YARD STACK STICK FOR THE FUTURE, NOT LOOKING BACK, BUT LOOKING AHEAD.

WE WANTED TO GO FROM A PRETTY GOOD UTILITY ALREADY TO A GREAT ONE.

YOU MAY SEE SOME SIMILARITY TO AUSTIN.

BUT IN THE PROCESS OF DOING THAT WE FOUND OUT THERE WERE ONLY TWO CONSULTANTS IN THE WORLD THAT WOULD EVEN RESPOND BECAUSE WE'RE ASKING THEM TO LOOK INTO THE FUTURE.

NO OTHER CONSULTANTS THAT WE COULD TALK TO COULD LOOK INTO THE FUTURE.

AND FRANKLY, THE UTILITY IS NOT LOOKING INTO THE FUTURE.

AND THAT'S EXACTLY WHY WE NEEDED THIS STUDY.

SO TWO MAJOR INTERNATIONAL CONSULTING FIRMS ASKED IT IF THEY COULD BID TOGETHER AND SINCE THEY WERE THE ONLY ONES WILLING TO DO IT WE SAID YES.

THEY DID A GREAT JOB.

SO I WILL BE HAPPY TO BE YOUR HELPER IN ANY CAPACITY YOU CHOOSE TO HELP DRAFT THE RFP FOR THE STUDY, BUT IF THE MONEY BE DONE BY THE UTILITY, IT MUST BE DONE BY THE BOARD OF DIRECTORS.

THAT'S YOU.

NUMBER ONE.

NUMBER TWO, WHEN YOU TAKE THIS UP, PURGE IT OF ANY BIAS TOWARDS GENERATION VERSUS ALL OF THE BEYOND BEATER OPTIONS, WHICH ARE FRANKLY CHEAPER.

IF IF YOU'RE WORRIED ABOUT AFFORDABILITY, YOU'RE WORRIED ABOUT ENERGY EFFICIENCY BIG TIME.

WHAT'S BEEN DONE SO FAR IS NOT VERY SERIOUS.

I THINK IT WAS ESTIMATED WE COULD PROBABLY DO 30% AND BELOW JUST WITH THAT.

I'M NOT CONCERNED BY IT.

THE SECOND THING IS IF YOU GO FOR THE UNAMENDED VERSION, THEN WHAT YOU WILL BE DOING IS GOING WITH GAS PLANTS WHICH WILL BE THE END OF THE CLIMATE PROTECTION PLAN GOAL OF ZERO CARBON BY 2050.

YOU CAN'T HAVE IT BOTH WAYS BECAUSE THEY WILL NOT BE SHUT DOWN IN 2030.

[BUZZER SOUNDS]

>> Mayor Leffingwell: THANK YOU.

ROGER WOOD.

AND AFTER ROGER, PAUL ROBBINS WILL BE ON THE OTHER PODIUM.

>> THANK YOU, MAYOR, MAYOR PRO TEM AND COUNCIL FOR THE OPPORTUNITY TO SPEAK TO YOU AT THIS HISTORIC MEETING.

MY NAME IS ROGER WOOD.

I'M HERE REPRESENTING THE COALITION FOR CLEAN, AFFORDABLE AND RELIABLE ENERGY, WHICH REPRESENTS SMALL, COMMERCIAL INDUSTRIAL BUSINESSES AS WELL AS NONPROFITS, SCHOOL DISTRICTS, STATE FACILITIES.

AND WHICH EMPLOY MORE THAN 50,000 CENTRAL TEXANS.

COLLECTIVELY OUR MEMBERS PURCHASE MORE THAN 200 MILLION KILOWATT HOURS OF GREEN CHOICE ENERGY ANNUALLY.

AS COUNCIL IS AWARE AT HEARING OF THE GENERATION PLANTS AFFORDABILITY GOAL WHEN CONSIDERING ANY CHANGES TO THE PLAN IS IMPORTANT FOR MANY REASONS.

THE GOAL, WHICH WAS PASSED IN 2011, CALLS FOR NO MORE THAN TWO PERCENT INCREASE IN ALL END RATES AS WELL AS MAINTAINING ALL END RATES IN THE LOWER 50% OF BENCHMARK TEXAS CITIES.

LAST WEEK, HOWEVER, MANY SECARE MEMBERS WERE NOTIFIED BY AUSTIN ENERGY THAT THEY WILL SEE INCREASES BETWEEN FOUR AND A HALF AND FIVE PERCENT STARTING IN 2015.

DUE TO UNPRECEDENTED INCREASE IN THE POWER SUPPLY AGREEMENT ACTUALLY, THE FACILITIES ADJUSTMENT CHARGE FOR US.

THE OVERALL INCREASES IN OUR BILLS IS GOING TO BE MORE THAN TWICE THE AFFORDABILITY GOAL.

SO WE ALREADY KNOW NOW THAT AT LEAST ONE CUSTOMER CLASS IS NOT GOING TO MEET THE AFFORDABILITY GOAL.

AND REGARDING THE SECOND COMPONENT OF THE GOAL AND THAT'S THE PART THAT WE SAID THAT AUSTIN WOULD BE IN THE LOWER 50% OF THE RATES FOR TEXAS SUPPLIERS, WE THINK THAT THAT'S IN JEOPARDY AS WELL.

SO WE'RE BEING TOLD BY AUSTIN ENERGY THEY REALLY WON'T HAVE INFORMATION TO TELL US WHERE WE STAND ON THAT UNTIL JANUARY.

SO THE DATA WE HAVE NOW THAT WE'RE BASING THAT ON IS TWO YEAR OLD DATA.

FOR THIS REASON WE BELIEVE THAT PASSING ANY ADDITIONAL CHANGES TO THE GENERATION PLAN AT THIS TIME SHOWS A LACK OF COMMITMENT TO THE AFFORDABILITY GOAL.

WE BELIEVE COUNCIL SHOULD REFRAIN FROM MAKING A RUSH DECISION THAT COULD DIRECT AUSTIN ENERGY STAFF TO PURSUE MORE THAN RATEPAYERS CAN AFFORD.

RUSHING TO JUDGMENT ON A QUESTIONABLE SET OF RECOMMENDATIONS COULD BE AS DISASTROUS AS A RUSH TO JUDGMENT ON THE 85 MILLION DOLLAR A YEAR BIO MASS DEBACLE.

ULTIMATELY PASSING THIS PROPOSAL AT THIS TIME COULD PREVENT OUR ABILITY TO FORESEE ALL IMPLICATIONS OF THE CHANGES, INCLUDING IMPACTS TO AFFORDABILITY.

SECARE STRONGLY BELIEVES THAT ANY ACTION REGARDING THE GENERATION PLAN

[BUZZER SOUNDS]

SHOULD WAIT UNTIL IT IS PROVEN WE'RE MEETING BOTH COMPONENTS OF THE AFFORDABILITY GOAL.

>> Mayor Leffingwell: THANK YOU.

AND NEXT SPEAKER IS PAUL ROBBINS.

AND AFTER PAUL IS LYNETTE COOPER, BUT I WANT TO RAISE THE RHETORICAL QUESTION RIGHT NOW AND I'LL PURSUE IS LATER.

HOW IS IT THAT THE COUNCIL HAS PASSED A POLICY OF NO MORE THAN TWO PERCENT ALL IN AND THAT HAS BEEN EXCEEDED WITHOUT COMING BACK TO COUNCIL FOR APPROVAL?

I WANT TO DISCUSS THAT AS WE GET INTO DISCUSSION AFTER THE BREAK.

PAUL ROBBINS.

>> COUNCIL, I HAVE VERY LITTLE TIME, SO I'LL TRY TO MAKE TWO POINTS.

THE FIRST ONE, I GUESS IF THERE'S A THEME TO THIS, IS THAT DESPITE THE TIME YOU PUT INTO IT, I THINK IT WAS PREMATURE FOR YOU TO PASS SOMETHING.

FIRST, YOU ARE TRADING THE DANGERS OF GLOBAL WARMING FROM COAL FOR THE RISK OF NUCLEAR POWER.

THE CLEAN ENERGY PLAN YOU ARE VOTING ON TODAY HAS NUCLEAR POWER EMBEDDED IN IT.

THERE IS A DEADLY SERIOUS EFFORT TO EXTEND THE LICENSE LIFETIME OF THE PLANT FROM 40 TO 60 YEARS AND THE EFFORT HAS NEVER TO MY KNOWLEDGE HAD ANY MEANINGFUL PUBLIC DISCUSSION.

IF YOU'RE WONDERING FOR ANYONE THAT NEEDS A REMINDER OF WHY NUCLEAR POWER MIGHT BE A PROBLEM, THIS IS BACK WHEN I FIRST STARTED MY CAREER.

THREE MILE ISLAND MELTED DOWN ABOUT TWO YEARS AFTER I GOT INVOLVED IN NUCLEAR POWER ISSUES.

THEN WE HAD CHERNOBYL IN 1986.

TO YOUR LEFT IS THE WRECKED PLANT.

AND TO YOUR RIGHT IS PART OF A DESERTED CITY.

THERE ARE ABOUT 1700 SQUARE MILES OF EXCLUSION ZONES SURROUNDING THE PLANT THAT ARE NO LONGER INHABITED, AND THEY HAVE EITHER BECOME GHOST CITIES LIKE THIS OR BECOME HABITATS FOR WILDLIFE.

OH DEAR.

OKAY.

HERE'S THE FUKUSHIMA FIRE.

I'M SURE ALL OF YOU REMEMBER THAT WHERE THREE OF THE SIX REACTORS HAD EXPLOSIONS.

AND WHILE THE FIRES AND EXPLOSIONS ARE NOT LIKELY TO OCCUR AGAIN, THE ACCIDENT CONTINUES TO CONTAMINATE WATER ON A DAILY BASIS AND THE MESS MAY TAKE YEARS TO COMPLETELY REMEDIATE.

TIME PREVENTS ME FROM GOING FURTHER, BUT MY POINT IS THAT NO CLEAN ENERGY PLAN INCLUDES NUCLEAR POWER.

YOU CAN PERHAPS JUSTIFY DEALING WITH THE NUCLEAR PLANT AFTER CLOSING FAYETTE, BUT THAT IS NOT THE WAY THIS DISCUSSION IS FRAMED.

MY SECOND POINT OH.

THIS IS A RUN OF BAD LUCK AND I COULD EXPLAIN THE TECHNICAL PROBLEMS ANOTHER TIME, BUT I WAS GOING TO SHOW YOU A CHART FROM AUSTIN ENERGY'S OCTOBER GENERATION.

AND IT BASICALLY SHOWS THAT WITH RESERVED MARGINS

[BUZZER SOUNDS]

YOU WILL BE 32% SHORT OF CAPACITY BY THE YEAR 2025 AND YOU WILL HAVE TO GO TO THE ERCOT MARKET.

DO YOU WANT TO GAMBLE ON THAT?

THANK YOU.

>> Mayor Leffingwell: LYNETTE COOPER?

I SAID NO, I DON'T WANT TO GAMBLE ON THAT.

>> [INDISCERNIBLE] AND THE NEGOTIATING THAT CAME IN WITH THE PLAN THAT YOU HAVE BEFORE YOU TODAY.

AND WE WANT TO START BACK AND GO BACK TO SOME GENERAL PRECEPTS OF THE PLAN.

THE GENERAL PRECEPTS, YOU'RE SUPPOSED TO SET GOALS AND ALTHOUGH WE'VE SET A DEMAND GOAL, WE'VE NOT SET AN ENERGY SAVINGS GOAL.

THE PUBLIC UTILITY COMMISSION SETS AN ENERGY SAVINGS GOAL AND THERE'S AN IMPORTANT REASON FOR THAT.

THAT'S WHAT REDUCING CARBON, NOT THE DEMAND SIDE.

THE DEMAND RESPONSE PROGRAMS DO NOT NECESSARILY REDUCE OUR CARBON OFFSET.

THE SECOND CONCERN WE HAVE ABOUT THE PROPOSAL IS THAT WE THINK YOU SHOULD DEFER THE FUNDING CRITERIA BEFORE YOU RETIRE FAYETTE POWER PLANT.

THEY WANT TO GO AHEAD AND HAVE YOU AUTHORIZE A CONTINGENCY RESERVE TO FUND RETIREMENT.

WE THINK IT SHOULD BE DONE IN THE NEXT RATE CASE.

THAT'S WHAT PROMISED IN THE LAST RATE CASE.

I THINK IT SHOULD BE SUBJECT TO INDEPENDENT REVIEW BY A CONSUMER ADVOCATE AND INDUSTRIALISTS SO WE CAN GET A FULL RECORD AND MAKE A GOOD DECISION ON THAT ISSUE.

THIRD, I THINK THE AFFORDABILITY MATRIX SHOULD REALLY REFLECT HOUSEHOLD IMPACT.

RIGHT NOW ITS IMPACT ON THE UTILITY AS A WHOLE, FOR US, WHEN WE THINK OF AFFORDABILITY, WE THINK OF WHAT DOES IT DO TO OUR HOUSEHOLD BILLS.

SO WE WOULD LIKE THE TWO PERCENT MATRIX GOAL BE LIMITED IN THE HOUSEHOLD BILL.

AND THEN THE MOST IMPORTANT ONE, THE ONE THAT WAS IN THE ORIGINAL DRAFT OF THE GENERATION PLAN THAT GETS LEFT OUT IN THIS CURRENT PROPOSAL BEFORE YOU IS A REQUIREMENT THAT WE SET SOME GOALS FOR LOW AND MODERATE INCOME ENERGY EFFICIENCY PROGRAMS.

YOU ALL SET UP A TASKFORCE AND DIRECTED US TO DO THAT AND WE THINK THAT THAT SHOULD BE INTEGRATED.

NOW, I HAVE PROVIDED THE CLERK MY COMMENTS IN WRITING, TO GIVE YOU A LITTLE BIT MORE INFORMATION.

I'M TRYING TO GET OFF QUICK FOR YOU.

BUT I HAVE GIVEN YOU A RECOMMENDED AMENDMENT TO THE PLAN.

AND ANY STUDY THAT WE DO WITH THE CLASS PLANT I THINK WE SHOULD BE VERY CAREFUL.

WE NEED TO ALSO THINK ABOUT THE COST LIKE WITH GAS HEDGING.

APPARENTLY AUSTIN ENERGY AS WE'VE SEEN THIS PAST APRIL SAID WE'VE LOST \$287 MILLION TO GAS HEDGING EXPENSES.

I ALSO WANT TO THANK YOU FOR ALL YOUR SERVICE.

I PARTICULARLY APPRECIATE THE PATIENCE AND KINDNESS YOU SHOW US, LISTENING TO US DAY IN AND DAY OUT, HOUR AFTER HOUR.

AND I VERY MUCH THANK YOU AND APPRECIATE IT.

[APPLAUSE].

>> Mayor Leffingwell: THANK YOU, LYNETTE.

SO THAT'S ALL THE SPEAKERS THAT WE HAVE.

WE TOOK 30 MINUTES ON EACH SIDE AND THAT HAS COMPLETED, SO THE COUNCIL WILL NOW GO INTO RESOURCE AND THE PUBLIC COMMENT PERIOD IS CLOSED.

WE WILL RECONVENE AT ABOUT 7:00 P.M.

Special presentation:by Senator Kirk Watson

Mayor: you are not speaking on this topic?

Senator: No I'm not. I appreciate it Mayor and Council members you give me three minutes to come down and thank you to all of you. this is a historic day and I am probably your most empathetic constituent. (laughter) I could not let today pass without coming down and saying thank you for your service. (applause) and I'm not going to filibuster but what I have done I have brought with me tonight a proclamation from the Texas Senate. Honoring you each individually one for each of you for your services and the other thing.

Today in honor of this day and in honor of your service. Today I have had the Texas flag flown over the Capital in honor of each one of you individually and have one to make a presenetation to one of all of you. (applause) This is a big day in our City's history.

Each one of you have played a very fundamental role in that history and I want you to know that the citizens of this community are deeply indebted to you. They deeply thank you and all wish to honor you. God bless you Mayor and thank you Council members (applause).

Live Music and proclamation: by Council member Laura Morrison

Could I have your attention! Good evening everyone. If you want to keep talking go outside.

Tonight is a pretty special night. Tonight is our last. Our musician for the evening is John Evens and then we are going right over immediatately and do a proclamation about John's daughter Abigail. and so it's really beautiful that we are going to do the film and the music together. First let me just stop and introduce John as a musician with music born on the Bayous of Houston injected with influences from the Mississippi Delta, the burroughs of NYC. John Evens took over his home town with the Houston press awards with including six time best Male Vocalist, four time best song writer, two time musician of the year, and best roots rock band. His career has broaden to credit as a seasonal producer, since he made the move to Austin in 2010. His songs have been featured on TV and film and you are going to see

that in a minute and earn him an appearance on the Tonight Show. So, please join me in welcoming the multi-talented John Evans. (applause)

Thank you guys. I'm going to do a song about my daughter. This is called Butterly Girl.

(Music plays)

That was beautiful before I read this proclamation tell us alittle on where we can find you downtown. Sure, I actually got a show tomorrow night at Bayou's Tavern. I got one on Saturday night at Dance and Foosball and the Armadillo Christmas Bazaar is coming up. That's right and thank you and also can you introduce your partner. Please give around of applause to...he plays bass.

(Council member)

Let it be known, where as the City of Austin, Texas is blessed with 93 musicians who's talent extends to virtual genre and where as our music scene thrives because Austin supports the music produced by legends by local favorites and new comers alike. And we are pleased to support local artists and therefore I on behalf of Mayor Lee Leffingwell the Mayor of the Live Music Capital of the World. I hereby proclaim as December 11th, 2014 as John Evans Day.

And now we are actually going to come over here. Where do we, oh let's get a picture.

[PROCLAMATIONS]

>> Morrison: SO LAST SOUTH BY SOUTHWEST FILM FESTIVAL I HAPPENED UPON, YOU KNOW WHEN YOU GO TO THE FILM FESTIVAL YOU GO TO JUST WHATEVER SOUNDS GOOD OR GO TO THE ALAMO BECAUSE YOU'RE HUNGRY AND YOU SEE WHATEVER'S THERE.

AND I WAS SO FORTUNATE TO HAPPEN UPON A BEAUTIFUL FILM CALLED BUTTERFLY GIRL. AND IT WAS SO INSPIRATIONAL AND BEAUTIFUL AND I CAN TELL YOU THAT THAT AUDIENCE, WHICH WAS A SELLOUT AUDIENCE, LEFT THAT THEATER WITH THEIR EVERY SINGLE ONE OF OUR HEARTS WERE WARMER BECAUSE WE GOT TO BE INTRODUCED TO ABBY, ABIGAIL EVANS, THE BUTTERFLY GIRL. AND SO THAT IS JOHN'S DAUGHTER AND STACY'S ALSO DAUGHTER.

>> AND THIS IS KAYLA HER SISTER.

>> Morrison: AND KAYLA HER SISTER. AND SO SHE WANTED TO DO THIS SORT OF DOUBLE HEADER TO DO A PROCLAMATION RECOGNIZING THE WORK OF THE FILM AND THE BEAUTY OF THE FAMILY. AND SO I'M GOING TO DO THAT AND THEN I THINK WE HAVE A TRAILER.

>> YES.

>> Morrison: YES. I'M GOING TO READ THE PROCLAMATION. AND LET ME SAY THAT WE ARE ALSO VERY FORTUNATE AND THANKS TO TIM LEAGUE AND HIS FOLKS BECAUSE WE'RE GOING TO BE HAVING A SPECIAL SHOWING OF BUTTERFLY GIRL ON SUNDAY AT THE ALAMO VILLAGE AND I'M REALLY LOOKING FORWARD TO THAT.

SO LET ME READ THIS PROCLAMATION TO YOU ALL, AND I'LL GIVE IT TO YOU, STACY, IF THAT'S ALL RIGHT, SINCE JOHN ALREADY GOT ONE.

IT SAYS THAT BE IT KNOWN IN A WHEREAS ABIGAIL EVANS WAS BORN IN 1993 TO JOHN AND STACY EVANS AND MOVED TO AUSTIN AT AGE 15. SHE FELL IN LOVE WITH HER NEW HOMETOWN AND ENJOYED TOURING WITH HER MUSICIAN FATHER AND SELLING BAND MERCHANDISE. AND WHEREAS ABBY WASN'T A TYPICAL TEENAGER. SHE SUFFERED FROM A VERY RARE GENETIC SKIN DISEASE,.

>> [INDISCERNIBLE].

>> Morrison: AND HER NEVER GIVE UP ATTITUDE KEPT HER LIVING LIFE TO THE FULLEST. AND WHEREAS ABBY CAPTIVATED THE INTEREST OF LOCAL DOCUMENTARY FILM MAKER CAREY BELL, WHO CAN'T BE HERE TODAY, WHO BEGAN FILMING ABBY'S JOURNEY INTO ADULthood, HER MOVIE, BUTTERFLY GIRL PREMIERED AT SOUTH BY SOUTHWEST 2014 AND WHEREAS THE FILM DOCUMENTS

ABBY'S RELATIONSHIPS WITH HER PARENTS ALONG WITH HER JOURNEY TOWARD AN UNDERSTANDING OF HOW SHE MUST BALANCE HER PAST WITH HER FUTURE, HER PARENTS WITH HER INDEPENDENCE AND HER DISEASE WITH HER DESIRES. NOW THEREFORE I, ON BEHALF OF LEE LEFFINGWELL, MAYOR OF THE CITY OF AUSTIN, TEXAS, DO HERE BY PROCLAIM NEXT SUNDAY, BECAUSE JOHN ALREADY HAS HIS DAY, NEXT SUNDAY, DECEMBER 14, AS BUTTERFLY GIRL DAY IN AUSTIN, TEXAS. [APPLAUSE].

MORE AND WE DO HAVE A TRAILER HERE IF YOU WANT TO SAY A FEW WORDS. WE'D LOVE IT IF YOU WOULD.

>> I'D LIKE TO LET KAYLA SAY A FEW WORDS.

>> WELL, A YEAR AGO TODAY IF YOU TOLD ME I WOULD BE UP HERE ACCEPTING A DAY DEDICATED TO MY SISTER, I WOULD SAY THAT YOU'RE CRAZY. [LAUGHTER].

THAT BEING SAID, I'M VERY THANKFUL TO HAVE A DAY TO REMEMBER MY SISTER BY. AND FOR EVERYONE ELSE TO SEE WHO SHE IS AS A PERSON. I APPRECIATE YOU.

>> Morrison: DO YOU WANT TO SAY ANYTHING? [APPLAUSE].

>> CAN I SAY SOMETHING IN CAREY BELL I'LL TURN THIS UP. I'M JUST JUMPING ON THE MIC LIKE I KNOW WHAT I'M DOING.

CAREY BELL THE DIRECTOR OF BUTTERFLY GIRL, WAS NOT ABLE TO MAKE IT TODAY, ALONG WITH A LOT OF THE OTHER MEMBERS OF THE BUTTERFLY GIRL TEAM. SO SHE ASKED ME IF I WOULD READ THIS.

WE'RE ALL SO GRATEFUL TO THE CITY OF AUSTIN FOR RECOGNIZING OUR FILM AND THE LIFE OF ABIGAIL EVANS, A TRULY INSPIRING YOUNG WOMEN. IT WAS AN HONOR TO BE THE ONES TO HELP SHARE HER STORY WITH THE WORLD AND WE THANK LAURA MORRISON SO MUCH AND HER TEAM AND EVERY MEMBER OF THE AUSTIN CITY COUNCIL FOR MAKING THIS DAY HAPPEN. AND FOR TAKING PART IN HELPING TO KEEP THE MEMORY OF ABIGAIL'S LIFE ALIVE. SO THANK YOU. [APPLAUSE].

>> Morrison: DO WE HAVE ALL RIGHT. WE'VE GOT A TRAILER THAT WE CAN SEE. AND I JUST HAVE TO SAY THANK YOU ALL FOR SHARING HER WITH US. IT'S BEAUTIFUL.

[VIDEO PLAYING]

[MUSIC PLAYING]

>> I SPENT THE BEST YEARS OF MY LIFE ON THE OPEN ROAD.

>> YOU'VE GOT THAT ONE RIGHT, DAD.

>> IN THE HONKY TONKS.

>> WHAT'S UP?

>> HONEY, I PAID MY TOLLS.

>> I CUT MY TEETH ON THE DEMON ROCK N ROLL. AND IF I'M GOING DOWN, I'M GOING DOWN LOUD.

>> 20.

>> I'VE GOT A RARE SKIN DISEASE CALLED EPIDERMOLYSIS, BUT I'VE BUILT UP A BIG TOLERANCE FOR IT.

SINCE I WAS LITTLE I REALLY WONDERED WHAT IT WAS LIKE TO BE OUT IN THE WORLD.

[MUSIC PLAYING].

>> I'VE GOT LIKE REALLY, REALLY DELICATE SKIN.

>> THIS HAND IS NOT YET DONE.

>> WHATEVER.

>> THE LONGER MY HAND IS LIKE THIS IT KEEPS CLOSING AND IT'S GOING TO BE MORE PAINFUL.

>> SHE'S PROBABLY THE STRONGEST PERSON I THINK I'VE EVER MET IN MY LIFE.

>> OW!

>> I WANT TO TAKE A BREAK FROM ALL OF THIS MEDICAL STUFF.

>> SHE HAS THE SAME WANTS AND NEEDS AS ANY OTHER 18 YEAR OLD THAT'S STARTING TO HAVE SOME INDEPENDENCE.

>> CAN'T HANDLE ANYTHING HOLDING ME BACK.

>> I WANT TO GO TO SCHOOL.

>> AND THEN GO TRAVEL.

>> IT'S A LOT TO THINK ABOUT.

>> SHE'S A VERY COURAGEOUS LITTLE GIRL.

>> I'D LIKE TO HAVE ANOTHER HAND.

>> ARE YOU READY TO ENDURE THAT PAIN, I GUESS IS WHAT I'M SAYING.

>> BRING IT.

[END OF VIDEO].

[APPLAUSE].

>> Mayor Leffingwell: ALL THE LOVE YOUR BLOCK PEOPLE COME ON DOWN, STAND RIGHT OVER HERE.

SO ABOUT A COUPLE OF YEARS AGO MY OFFICE BEGAN THE PURSUIT OF SOMETHING CALLED LOVE YOUR BLOCK. IT'S A GRANT OPPORTUNITY FOR PEOPLE AND FUNDED THROUGH THE NATIONAL CITIES OF SERVICE COALITION. FOR THOSE OF YOU WHO DON'T KNOW, ABOUT FOUR YEARS AGO THE CITY OF AUSTIN WON A TWO YEAR FUNDING GRANT FROM THE BLOOMBURG FOUNDATION TO ESTABLISH A CITIES OF SERVICE OFFICER. AND THAT HAS BEEN SO SUCCESSFUL IN BUILDING SUPPORT FOR NONPROFITS AND CREATING NEW OPPORTUNITIES FOR VOLUNTEERISM THAT AFTER THE TWO YEAR GRANT HAS EXPIRED WE'VE KEPT THE POSITION IN PLACE AND IN MY OFFICE. AND IT'S MADE A BIG DIFFERENCE.

WHEN WE STARTED, JUST FOR EXAMPLE, OUR IN TERMS OF VOLUNTEERISM WE STOOD 49TH AMONG MAJOR CITIES IN THE COUNTRY. AND AFTER TWO YEARS OF THE PROGRAM, WE WERE NINTH. SO WE MADE GREAT PROGRESS IN THOSE YEARS.

THIS IS ANOTHER ONE OF THOSE PROGRAMS. WILL LIVESLY, INTERN IN MY OFFICE, HAS BEEN DOING ALL THE WORK, BUT THE INTERNS NEVER GET A CREDIT, NEVER GET THE CREDIT, BUT I WANT TO MAKE SURE HE GETS RECOGNIZED. HE'S DONE A GREAT JOB ON THIS PROGRAM. [APPLAUSE].

SO THE FIRST YEAR WE GOT APPLICATIONS FROM 37 COMMUNITY GROUPS ACROSS THE CITY AND THAT INCLUDES NEIGHBORHOODS, SOME SCHOOLS, CHURCHES, AND NONPROFIT ORGANIZATIONS.

SO MOST OF THESE ORGANIZATIONS HAVE GOTTEN A GENEROUS SUPPLEMENTAL DONATION FROM ISDALE CONSTRUCTION, LLC AND WE WERE ABLE TO FUND 16 LOVE YOUR BLOCK PROJECTS. THEY INCLUDED COMMUNITY GARDENS, TREE PLANTINGS, BEAUTIFICATION OF PUBLIC PARKS AROUND A LOT MORE.

AND AS YOU SEE, WE HAVE SOME OF THESE VOLUNTEERS BEHIND ME, QUITE A FEW. THEY ARE BEHIND THESE PROJECTS AND WE WANT TO THANK YOU FOR ALL OF YOUR HARD WORK AND CONTRIBUTING YOUR TIME TO MAKE THIS COMMUNITY A BETTER PLACE. LET'S GIVE YOU A BIG HAND. [APPLAUSE].

SO NEXT YEAR THE LOVE YOUR BLOCK PROGRAM WILL BECOME PART OF THE NEIGHBORHOOD PARTNERING PROGRAM AND IT WILL BE BASED IN THE PUBLIC WORKS DEPARTMENT. AND I ENCOURAGE MORE COMMUNITY GROUPS TO APPLY. SO TOMORROW MARKS THE END OF THE PROGRAM'S FIRST YEAR AND I HAVE A PROCLAMATION IN HONOR OF THAT MOMENTOUS EVENT.

BE IT KNOWN THAT WHEREAS THE LOVE YOUR BLOCK AUSTIN PROGRAM BEGAN THIS YEAR AS A WAY TO PROMOTE VOLUNTEERISM IN OUR CITY BY PROVIDING MANY GRANTS TO SUPPORT NEIGHBORHOOD GROUPS, GIVING BACK TO THEIR COMMUNITIES, AND WHEREAS THANKS TO GRANT FUNDING FROM THE CITIES OF SERVICE COALITION, LOVE YOUR BLOCK AUSTIN WAS ABLE TO FUND 16 COMMUNITY PROJECTS AND NEIGHBORHOODS AROUND THE CITY, RANGING FROM COMMUNITY GARDENS TO TREE PLANTINGS TO CLEANUP EFFORTS. AND WHEREAS MORE THAN 400 VOLUNTEERS FROM PARTICIPATING NEIGHBORHOODS CONTRIBUTED 1300 HOURS OF LABOR AND POSITIVELY IMPACTED MORE THAN 60 BLOCKS. AND WHEREAS THIS PROGRAM ENABLES THE CITY OF AUSTIN TO SUPPORT HUNDREDS OF VOLUNTEERS DEDICATED TO IMPROVING OUR COMMUNITY WITH HANDS ON PROJECTS WHERE THEY LIVE, WORK AND GO TO SCHOOL.

NOW THEREFORE I, LEE LEFFINGWELL, MAYOR OF THE CITY OF AUSTIN, TEXAS, DO HERE BY PROCLAIM DECEMBER 12TH, 2014 AS LOVE YOUR BLOCK DAY IN AUSTIN. SO CONGRATULATIONS. [APPLAUSE].

DOES ANYBODY WANT TO SAY A COUPLE OF WORDS? YOU DON'T HAVE TO.

ALL RIGHT. THERE'S ALWAYS ONE. [LAUGHTER].

>> ACTUALLY, I'M THE SHORTEST SPEAKER.

FIRST OF ALL, LET US THANK YOU VERY MUCH FOR INCLUDING US, COLONY PARK NEIGHBORHOOD ASSOCIATION, IN THE LOVE YOUR BLOCK GRANT. IT WAS A COLD DAY IN NOVEMBER WHEN I FOUND MYSELF ON THE WORKING END OF A SHOVEL THAT I HADN'T DONE IN A NUMBER OF YEARS, BUT WE THOROUGHLY ENJOYED IT. IT GAVE US AN OPPORTUNITY TO WORK WITH OUR NEIGHBORS, TO WORK WITH THE KIDS AT OVERTON ELEMENTARY SCHOOL AND TO START A COMMUNITY GARDEN. AND WE WILL HAVE A COMMUNITY GARDEN ON THE MAIN PARK WHEN IT IS DEVELOPED, WHICH I'M VERY SURE WILL BE SOON BECAUSE I KNOW THE OUTGOING MAYOR AND COUNCIL HAVE TOLD THE INCOMING COUNCIL THAT WE WILL BE BACK TO SEE THEM FOR FUNDS FOR

>> Mayor Leffingwell: THEY KNOW THAT.

>> FOR THE SWIMMING POOL AND FOR THE PARK.

BUT THANK YOU AGAIN VERY MUCH. IT'S GIVEN US AN OPPORTUNITY TO GIVE BACK TO OUR COMMUNITY AND WE THANK YOU VERY MUCH. [APPLAUSE].

>> Mayor Leffingwell: NOW WE'RE GOING TO TAKE A GROUP PHOTO. SOMEBODY HAS TO ACCEPT THIS PROCLAMATION.

>> Mayor Leffingwell: NOW WE COME TO ONE OF THOSE BITTERSWEET MOMENTS HERE AT AUSTIN CITY HALL, KIND OF THE MIXED EMOTIONS THING WHERE WE HONOR ONE OF OUR EMPLOYEES WHO IS RETIRING FROM MANY YEARS OF SERVICE TO OUR CITY.

AND OF COURSE I KNOW MOST OF THE FOLKS. YOU WILL HEAR FROM HER IN JUST A MOMENT, BUT MOST OF THE FOLKS HAVE KIND OF MIXED EMOTIONS ABOUT IT TOO.

ON THE ONE HAND YOU WANT TO RETIRE SO YOU CAN SLEEP LATE AND TAKE LONG WALKS ON THE BEACH AND ALL THAT STUFF, BUT ON THE OTHER HAND IT'S A BIG CHANGE IN YOUR LIFE THAT'S GOING TO REQUIRE ADJUSTMENT AND YOU'RE GOING TO MISS YOUR FRIENDS. YOU'RE GOING TO MISS ALL THE PEOPLE YOU WORK WITH, I'M SURE.

AND WE'RE CERTAINLY GOING TO MISS YOU.

SO I HAVE A DISTINGUISHED SERVICE AWARD FOR YOU, AND I'M GOING TO PUT ON MY GLASSES. I REALLY DON'T NEED THEM, BUT JUST TO MAKE SURE THAT I READ ALL THE WORDS JUST RIGHT.

FOR HER SERVICE AND COMMITMENT TO OUR CITIZENS DURING HER 29 YEAR TENURE AS A DEDICATED EMPLOYEE OF THE CITY OF AUSTIN, THERESA LOGAN IS DESERVING OF PUBLIC ACCLAIM AND

RECOGNITION. THERESA WORKED AT THE CITY RADIO SHOP WHERE SHE GREETED CUSTOMERS, LISTENED TO THEIR PROBLEMS AND MADE EACH AND EVERY ONE FEEL LIKE THE MOST IMPORTANT PERSON IN THE BUILDING.

SHE HAS BEEN RECOGNIZED SEVERAL TIMES FOR HER EXCELLENCE IN CUSTOMER SERVICE. SHE HAS TRAINED DOZENS OF RADIO SHOP PERSONNEL, INCLUDING OTHER SERVICE WRITERS, RADIO AND TV TECHNICIANS, VARIOUS SUPERVISORS AND AT LEAST SEVEN SHOP MANAGERS.

THERESA HAS BEEN THE FACE OF THIS OPERATION FOR SO LONG, MANAGEMENT IS AFRAID PEOPLE WON'T RECOGNIZE THE SHOP NOW THAT SHE'S LEAVING.

STAFF ARE GRATEFUL FOR THERESA'S WARM PERSONALITY, HER DEDICATION AND HER VALUED SERVICE. THIS CERTIFICATE IS PRESENTED IN ACKNOWLEDGMENT AND APPRECIATION THEREOF, THIS 11TH DAY OF DECEMBER IN THE YEAR 2014 BY THE CITY COUNCIL OF AUSTIN, TEXAS.

SO CONGRATULATIONS, THERESA. WE'RE HONORED TO GIVE YOU THIS RECOGNITION.

>> WELL, THANK YOU. WOOHOO!.

>> Mayor Leffingwell: COME ON UP.

>> THANK YOU, MAYOR LEE LEFFINGWELL. AND I'D LIKE TO INTRODUCE THE CO WORKERS. RICHARD, THAT IS ALSO RETIRED FROM THE CITY. AND HE'S BEEN WORKING THERE FOR 10 YEARS. HE'S BEEN PARTNER IN CRIME. WE WORKED SIDE BY SIDE AND WE'RE BEST BUDS. AND THEN I'D LIKE TO INTRODUCE ERIC BREWER. AND HE WORKS THERE NOW, TAKING HE'S PRETTY MUCH TAKING THE PLACE OF ME AND RICHARD BOTH, LEARNING ALL THE INS AND OUTS OF THE JOB. AND IT'S PRETTY BUSY.

BUT WHEN I STARTED AT THE CITY BACK IN 1985, I WAS VERY LUCKY TO HAVE ONE OF THE BEST MANAGERS THAT I'VE HAD, DANNY HOBBY. AND I THINK HE'S OVER HERE. RIGHT HERE. [LAUGHTER] DANNY HOBBY. AND HE'S REALLY TRAINED ME WELL ON HOW TO BECOME A SUPERB PERSON, ADULT.

AND SINCE THEN I STARTED WITH THE CITY, I DIDN'T KNOW A WHOLE LOT, AND NOW THAT I'VE BEEN THERE FOR 29 AND A HALF YEARS, I KNOW A LOT OF STUFF. I KNOW A LOT OF STUFF THAT GOES ON. AND I LOVED EVERY EMPLOYEE, EVERY CUSTOMER THAT HAS COME TO THAT SHOP. TREATED EVERYONE AS EQUAL. AND I WILL MISS THEM SO DEARLY. THEY'RE ALL LIKE FAMILY.

AND THANK YOU FOR EVERYTHING. THANK YOU, RICHARD. [APPLAUSE].

OH, AND ONE MORE THING. I'D LIKE TO INTRODUCE MY MOTHER, ALICE. SHE WE WERE LAST WEEKEND OR THE WEEKEND BEFORE, WE WERE AT THE RACE FOR THE CURE, AND SHE IS THE 40 YEARS SURVIVOR. SHE WON THE MOST YEARS SURVIVED FOR THE RACE FOR THE CURE.

AND THIS IS MY FATHER, IRA LAMBERT. AND HE'S A LITTLE OFF, BUT THAT'S OKAY. [LAUGHTER]

THANK YOU. [LAUGHTER]

>> Mayor Leffingwell: LET'S ALL TAKE A PICTURE.

>> Morrison: SO I'M VERY EXCITED TO BE JOINED HERE WITH ALLISON ORR OF FORKLIFT PRODUCTIONS AND ANDREA ARIEL, IS THAT HOW YOU SAY YOUR NAME, WITH THE THE NAMESAKE OF THE ANDREA ARIEL DANCE THEATER.

AND YOU KNOW A COUPLE OF YEARS AGO, ABOUT THREE YEARS AGO, THEY CREATED A NEW PROGRAM CALLED CREATIVE AMBASSADOR, THE CREATIVE AMBASSADOR PROGRAM, THAT'S OUT OF OUR ECONOMIC DEVELOPMENT DEPARTMENT. AND IT WAS THE IDEA WAS TO PUT TOGETHER A PARTNERSHIP BETWEEN THE CITY AND VARIOUS ARTISTS AND CREATIVE TYPES THAT ARE GOING OUT AROUND THE WORLD AND BEING ABLE TO PERFORM. AND SO WE WANTED TO BE ABLE TO CREATE THIS PARTNERSHIP TO PROMOTE AS THEY TRAVEL, ESPECIALLY INTERNATIONALLY, TO PROMOTE TOURISM, TO PROMOTE AND INCREASE OUR PROFILE WORLDWIDE, AND TO SUPPORT THE LOCAL CREATIVE COMMUNITY.

AND WE ALSO THOUGHT THAT IT'S A GOOD THING TO BE ABLE TO REALLY PULL TOGETHER ARTISTS FROM DIFFERENT COUNTRIES TO PROMOTE DIALOGUE.

SO WE HAVE HAD A DIVERSE SET OF ARTISTS THAT HAVE BEEN CREATIVE AMBASSADORS AND WE'RE VERY EXCITED THAT THEY I THINK ARE REALLY HELPING TO PROMOTE NEW MARKETS FOR ALL OF THE ARTISTS AND CREATIVES THAT LIVE IN AUSTIN.

AND SO WE HAVE WITH US THE AMBASSADORS THAT HAVE BEEN NAMED IN THE SECOND QUARTER OF 2014. SO LET ME FIRST TALK A LITTLE BIT ABOUT ANDREA. SHE IS THE DANCER CHOREOGRAPHER BEHIND THE ANDREA ARIEL DANCE THEATER. AND SHE PARTICIPATED IN THE INTERNATIONAL SOUND PAINTING THINK TANK IN JULY IN SPAIN, AND I CAN'T WAIT TO HEAR WHAT THAT'S ALL ABOUT BECAUSE I HAVE NO IDEA WHAT THAT MEANS.

THE EVENT CONNECTED AUSTIN WITH THE GROWING COMMUNITY OF EUROPEAN ARTISTS WORKING IN THE FIELD OF SOUND PAINTING, A MULTIDISCIPLINARY, LIVE COMPOSING LANGUAGE. I ALMOST READ THAT AS COMPOSTING. I KNOW THAT'S NOT RIGHT. [LAUGHTER]. WE DO A LOT OF DIFFERENT THINGS AT THE CITY. [LAUGHTER].

>> COMPOSING.

>> YES, COMPOSING.

>> Morrison: BEFORE I GO ON TO ALLISON I WILL START BY READING THE PROCLAMATION FOR YOU, ANDREA. IT SAYS THAT BE IT KNOWN THAT WHEREAS THE THE LOCAL CREATIVE COMMUNITY MAKES MANY CONTRIBUTIONS TOWARD THE DEVELOPMENT OF AUSTIN'S SOCIAL, ECONOMIC AND CULTURAL DIVERSITY AND WHEREAS ANDREA ARIEL HAS DEMONSTRATED A HIGH LEVEL OF EXPERTISE AND INNOVATION IN HER CREATIVE DISCIPLINE AND HAS MADE DEDICATED EFFORTS TO CREATE ARTISTIC COLLABORATIONS INTERNATIONALLY TO FURTHER AUSTIN'S STATUS AS THE CREATIVE CAPITAL. AND WHEREAS THE ECONOMIC DEVELOPMENT DEPARTMENT STRIVES TO OPEN NEW AVENUES OF DIALOGUE TO ENHANCE THE COLLABORATIONS AND EXCHANGES BETWEEN AUSTIN'S CREATIVE

COMMUNITY AND OTHER MARKETS WORLDWIDE, NOW THEREFORE I, ON BEHALF OF LEE LEFFINGWELL, MAYOR OF THE CITY OF AUSTIN, TEXAS, DO HERE BY PROCLAIM ANDREA ARIEL AS A CREATIVE AMBASSADOR FOR THE CITY OF AUSTIN IN AUSTIN, TEXAS.

[APPLAUSE].

DO YOU WANT TO MAKE A FEW COMMENTS?

>> WELL, FIRST, JUST A VERY BIG THANK YOU TO THE CITY OF AUSTIN. I AM REALLY HONORED TO SERVE AS A CREATIVE AMBASSADOR.

WHILE I WAS IN SPAIN I CONNECTED WITH 55 ARTISTS FROM ALL OVER THE WORLD WHO WERE THERE TO ALSO WORK WITH SOUND PAINTING. AND IT IS A LIVE COMPOSING SIGN LANGUAGE USED TO CONDUCT MULTIDISCIPLINARY IMPROVISED PERFORMANCE. AND I GOT TO TELL THEM ALL ABOUT AUSTIN.

SO WE'RE JUST STARTING WITH ALL THESE PEOPLE THAT I MET THERE, AND LOTS OF CONVERSATION ABOUT BRINGING ME BACK THERE AND BRINGING THEM HERE. SO I'M VERY EXCITED ABOUT THIS OPPORTUNITY. THANK YOU SO MUCH.

[APPLAUSE].

>> Morrison: THANK YOU, ANDREA.

AND ALSO ALLISON ORR, SHE'S WELL KNOWN AROUND CITY HALL AND AROUND AUSTIN ENERGY AND AROUND AUSTIN RESOURCE RECOVERY BECAUSE SHE'S DONE SOME FABULOUS PERFORMANCE WORK AND DANCE WITH OUR EMPLOYEES THAT IT'S JUST BEAUTIFUL WORK BECAUSE IT REALLY HELPS THE AUDIENCE TO SEE THE BEAUTY IN EVERYDAY WORK THAT OUR EMPLOYEES DO.

BUT MORE THAN THAT, ALLISON, ARTISTIC DIRECTOR OF FORKLIFT PRODUCTIONS, TRAVELED TO KYOTO, JAPAN RECENTLY, AND WORKED WITH THE JAPANESE WOMEN'S PROFESSIONAL BASEBALL LEAGUE TO CREATE A NEW WORK FEATURING THE DANCE AND THE GAMES AND THE PLAY. AND THE WORK WAS PRESENTED IN PARTNERSHIP WITH THE KYOTO ART CENTER AS PART OF THE NATIONAL PERFORMANCE NETWORK'S U.S. JAPAN EXCHANGE PROGRAM.

AND YOU ALSO OFTEN WORK I WANT TO MENTION GRAM REYNOLDS BECAUSE HE COULDN'T ATTEND THE CEREMONY, BUT HE OFTEN WORKS WITH ALLISON AND LOTS OF OTHER PEOPLE.

>> AND ANDREA.

>> AND ME.

>> Morrison: HE'S ALL OVER THE PLACE, I GUESS. A COMPOSER AND A MUSICIAN AND HE I KNOW FOR TRASH DANCE WHAT WAS IT CALLED?

>> TRASH PROJECT.

>> Morrison: FOR TRASH PROJECT HE PERFORMED LIVE THE MUSIC THAT HE COMPOSED. AND THE SAME THING HERE WITH THIS. AND I DO HAVE TO MENTION I JUST SAW THAT TRASH DANCE THE MOVIE IS COMING TO PBS IN JANUARY. [APPLAUSE].

SO ALLISON, CONGRATULATIONS TO YOU ALSO. AND I'M GOING TO READ THIS BECAUSE I DON'T KNOW IF IT SAYS THE SAME THING OR NOT. I SHOULD READ IT ANYWAY.

IT SAID BE IT KNOWN THAT WHEREAS THE LOCAL CREATIVE COMMUNITY MAKES MANY CONTRIBUTIONS TOWARDS THE DEVELOPMENT OF AUSTIN'S SOCIAL, ECONOMIC AND CULTURAL DIVERSITY AND WHEREAS ALLISON ORR HAS CONSISTENTLY CREATED WORK WHICH GIVES VOICE TO DIVERSE POPULATIONS AND OVERLOOKED SECTORS OF THE COMMUNITY AND HAS ENHANCED AUSTIN'S PROFILE ABROAD THROUGH CROSS CULTURAL COLLABORATIONS. AND WHEREAS THE ECONOMIC DEVELOPMENT DEPARTMENT STRIVES TO OPEN NEW AVENUES OF DIALOGUE AND TO ENHANCE THE COLLABORATIONS AND EXCHANGES BETWEEN AUSTIN'S CREATIVE COMMUNITY AND OTHER MARKETS WORLDWIDE. NOW THEREFORE I, I ON BEHALF OF LEE LEFFINGWELL, MAYOR OF THE CITY OF AUSTIN, TEXAS, DO HERE BY PROCLAIM ALLISON ORR AS A CREATIVE AMBASSADOR FOR THE CITY OF AUSTIN. CONGRATULATIONS.

[APPLAUSE].

>> I'LL SAY A FEW WORDS.

I JUST WANT TO THANK COUNCILMEMBER MORRISON AND BARBARA AND GALE FOR WRITING A VERY COMPLIMENTARY PROCLAMATION. THANK YOU VERY MUCH.

SO I WAS PART OF AN INTERNATIONAL EXCHANGE WITH JAPAN, AND HAD MADE A PIECE ON HISTORIC DOWNS FIELD UPON INVITATION OF THE AFRICAN AMERICAN CULTURAL HERITAGE DISTRICT. AND THE KYOTO ARTS CENTER ASKED ME WHAT YOU WANT TO DO IN KYOTO, AND I SAID I HAVE NO IDEA. SO I LOOKED ON WIKIPEDIA AND LO AND BEHOLD KYOTO IS HOME TO THE ONLY PROFESSIONAL WOMEN'S BASEBALL TEAM IN THE WORLD. SO WE APPROACHED THEM AND THEY AGREED AND THESE WOMEN ARE AMAZING ATHLETES AND IT WAS A REAL HONOR TO WORK WITH THEM IN AN AMERICAN SPORT AND WITH THIS GROUP OF WOMEN WHO ARE REALLY TRAIL BLAZERS INTERNATIONALLY.

AND I JUST WANT TO TAKE THIS OPPORTUNITY TO ACKNOWLEDGE LAURA MORRISON AND HOW SHE HAS BEEN SUCH AN ADVOCATE FOR ME AND SO MANY ARTISTS AND THIS IS A VERY BITTERSWEET MOMENT. AND JUST SO GRATEFUL FOR YOU ALL TO UNDERSTAND THAT WHEN SOMEBODY AT HER LEVEL OF LEADERSHIP IS ABLE TO BACK AND SEE THE VALUE OF THE WORK, IT JUST CHANGES EVERYTHING.

SO I'M SO GRATEFUL TO YOU AND TO BARBARA FOR ANSWERING ALL MY PHONE CALLS. [LAUGHTER].

AND REALLY, JUST ALL THAT YOU ALL DO AND OTHER COUNCILMEMBERS TO IT SUPPORT FOLKS LIKE ANDREA AND MYSELF AND OUR WORK, IT MEANS THE WORLD TO ME AND IT MAKES AUSTIN A PLACE WHERE WE CAN THRIVE. SO THANK YOU VERY MUCH. [APPLAUSE].

IT'S A REAL HONOR.

AND THEN I JUST HAVE TO ACKNOWLEDGE ANDREA BECAUSE SHE ACTUALLY I USED TO TAKE CLASS WITH ANDREA AND SHE REALLY ENCOURAGED ME. AND YOU HAD A MOMENT WHERE YOU WERE LIKE THAT, THAT IS GREAT, ALLISON. YOU SHOULD CHOREOGRAPH.

>> Morrison: AND NOW LOOK AT YOU.

>> SO THANK YOU, ANDREA. IT'S AN HONOR TO BE HERE WITH YOU.

ALL RIGHT. THANK YOU. [APPLAUSE].

>> Tovo: GOOD EVENING. I'M COUNCILMEMBER KATHIE TOVO, AND I WILL BE PRESENTING THE NEXT PROCLAMATION TO PATTY SHAMPTON AND THE SUBJECT IS THE CHERRYWOOD ART FAIR. AND THIS IS ONE OF MY FAMILY'S FAVORITE EVENT OF THE YEAR, SO IT'S NICE TO BE ABLE TO STEP IN FOR MAYOR PRO TEM COLE AND PRESENT THIS NEXT PROCLAMATION. AS THOSE OF YOU KNOW WHO HAVE ATTENDED, IT'S REALLY JUST A FUN NEIGHBORHOOD COMMUNITY EVENT WITH LOTS OF LOCAL ARTISTS, LOCAL MUSICIANS AND JUST A LOT OF GOOD JOYOUS GATHERING.

SO IT'S MY PLEASURE TO PRESENT THIS PROCLAMATION.

BE IT KNOWN THAT WHEREAS SINCE ITS INCEPTION IN 2002, CHERRYWOOD ART FAIR HAS SERVED AS A DESTINATION FOR DISCERNING HOLIDAY SHOPPERS SEEKING UNIQUE AND ARTFUL ITEMS FROM TEXAS ARTISTS AND MAKERS. AND WHEREAS THE FAIR FEATURES HANDMADE ART AND CRAFTS FROM LOCAL ARTISTS, FAMILY FRIENDLY ACTIVITIES, CUISINE BY SOME OF AUSTIN'S MOST LOVED FOOD TRUCK ARTISANS AND AN OUTDOOR MUSIC STAGE FEATURING DAY LONG PERFORMANCES.

AND WHEREAS TRULA LEAGUE IS COMMITTED TO KEEPING THE LONGEST RUNNING ART FAIR IN EAST AUSTIN FREE, OPEN TO ALL AGES AND BASED AT AN ELEMENTARY SCHOOL, SPECIFICALLY AT MAPLEWOOD ELEMENTARY SCHOOL ON EAST 38TH STREET. AND WHEREAS CHERRYWOOD ART FAIR ALSO SHOWCASES THE LEAGUE'S GOAL TO NURTURE AND MENTOR ARTISTIC TALENT THROUGH THEIR LITTLE ARTIST, BIG ARTIST PROGRAM.

NOW THEREFORE I, KATHIE TOVO, ON BEHALF OF LEE LEFFINGWELL, MAYOR OF THE CITY OF AUSTIN, TEXAS, DO HERE BY PROCLAIM DECEMBER 13TH THROUGH THE 14TH, 2014 AS CHERRYWOOD ART FAIR. [APPLAUSE].

AND NOW I'D LIKE TO INVITE PATTY SHAMPTON UP TO SAY A FEW WORDS.

>> THANK YOU. SO THIS PROCLAMATION IS A WONDERFUL, WONDERFUL THING FOR US, AND IT ABSOLUTELY SAID EVERYTHING THAT I HAD PREPARED IN MY SPEECH. [LAUGHTER].

SO THAT'S A WONDERFUL THING. THANK YOU VERY VERY MUCH TO THE CITY AND TO KATHIE AND TO THE NEIGHBORHOOD FOR ALLOWING US TO PARTICIPATE. THE CHERRYWOOD ART FAIR IS THE LONGEST RUNNING ART FAIR IN EAST AUSTIN AND I WILL JUST SAY THAT IT IS IT'S GROWN JUST LIKE EAST AUSTIN. WE STARTED OUT WITH ABOUT THREE OR FOUR ARTISTS SELLING IN THE PARKING LOT OF

MAPLEWOOD ELEMENTARY. AND THEY JUST GOT TOGETHER AND THEY WERE NEIGHBORHOOD FRIENDS.

SINCE THEN WE HAVE OVER 90 ARTISTS THIS YEAR. WE HAVE TWO DAYS OF MUSIC FROM PEOPLE LIKE CLANDESTINO ALL STARS, HARD PROOF, ELIZABETH McQUEEN. SO WE HAVE STEADILY GROWN AND WE'RE JUST THRILLED TO BE A PART OF JUST RECOGNIZING US AS PART OF THIS CITY. IT'S JUST REALLY A SWEET, SWEET THING AND WE REALLY APPRECIATE IT AND WE'RE HONORED.

SO I ALSO INVITE YOU ALL TO COME OUT THIS WEEKEND. IT IS CHERRYWOOD ART DAY. COME SEE US. WE HAVE LOTS AND LOTS OF THINGS. AND THOSE ARTISTS ARE VERY, VERY THANKFUL FOR ALL THE PEOPLE THAT REALLY SUPPORT THEM. SO THANK YOU VERY MUCH.

[APPLAUSE].

>> Mayor Leffingwell: OKAY.

WE ARE OUT OF RECESS.

BEFORE WE TAKE ITEM 10 OFF THE TABLE, WE'VE GOT SOME REAL QUICK POSTPONEMENTS AND CONSENT ITEMS TO GO THROUGH.

GET THEM OUT OF THE WAY.

>> MAYOR AND COUNCIL, GREG GUERNSEY, PLANNING DEVELOPMENT AND REVIEW DEPARTMENT.

I HAVE SEVERAL ITEMS THAT I THINK WE CAN TAKE AS CONSENT, MEANING THAT THERE ARE NO SPEAKERS OR THEY'VE SIGNED UP IN FAVOR.

AND WE CAN GO THROUGH THOSE AND ALSO SOME POSTPONEMENTS.

LET ME GIVE THIS A SHOT AND WE CAN GET SOME FOLKS OUT OF THE ROOM.

THESE ARE UNDER THE 4:00 PUBLIC HEARINGS, POSSIBLE ACTION.

ITEM NUMBER 84 IS REGARDING A PUBLIC HEARING AND ORDINANCE

>> Mayor Leffingwell: YOU SAID 84.

>> 184.

THIS IS REGARDING THE REGULATING OF SECONDARY DWELLINGS.

STAFF IS REQUESTING FOR A POSTPONEMENT OF THIS ITEM TO YOUR MEETING OF JANUARY 29TH, 2015.

ITEM NUMBER 185 IS ABOUT CONDUCTING A PUBLIC HEARING PURSUANT TO SECTION 2306.67071 OF THE TEXAS LOCAL GOVERNMENT CODE IN SECTION 10 POINT 2 4 4 OF THE TEXAS ADMINISTRATIVE CODE FOR THE APPLICATION TO BE SUBMITTED TO TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS FOR THE TIMBERS CLAYTON 104 APARTMENTS LP, AN AFFILIATE OF THE CESAR CHAVEZ FOUNDATION TO FINANCE THE ACQUISITION AND REHABILITATION OF THE TIMBERS APARTMENTS AT 1004 CLAYTON AVENUE.

LOW INCOME HOUSING TAX CREDITS.

WE WOULD OFFER THAT FOR YOUR APPROVAL AND CLOSE THE PUBLIC HEARING AND OFFER THAT FOR APPROVAL.

ITEM NUMBER 187 NO.

185 WOULD BE FOR APPROVAL.

THERE ARE NO SPEAKERS I'M AWARE THAT HAVE SIGNED UP FOR THAT ITEM.

I'M AWARE THAT ITEM 187, THIS IS CONDUCTING A PUBLIC HEARING AND ORDINANCE AMENDING THE CITY CODE SECTION 8 5.82 REGARDING FISHING AT LADY BIRD LAKE AND CREATING A FENCE.

STAFF WOULD ASK FOR A POSTPONEMENT OF THIS ITEM TO FEBRUARY 26TH.

ITEM NUMBER 193 IS REGARDING A PUBLIC HEARING REGARDING THE TORCHY'S TACOS AT 1822 SOUTH CONGRESS AVENUE REGARDING THE ALCOHOLIC BEVERAGE WAIVER.

THE APPLICANT IS REQUESTING AN INDEFINITE POSTPONEMENT.

NO ACTION IS REQUIRED.

ITEM NUMBER 195, THIS IS REGARDING A PUBLIC HEARING RELATED TO TITLE 25 FOR RESIDENTIAL USES IN THE DOWNTOWN MIXED USE AND CENTRAL BUSINESS DISTRICT ZONES.

STAFF IS REQUESTING A POSTPONEMENT OF THAT ITEM TO JANUARY 29TH.

MAYOR, ON 197 THAT'S COLONY PARK, BUT I UNDERSTAND WE HAVE NO ONE SIGNED UP TO SPEAK SO I COULD ALSO PUT THAT INTO THE MIX IF YOU WOULD LIKE.

>> Mayor Leffingwell: WHAT IS THE IT'S A PUBLIC HEARING AND ACTION?

>> THERE'S PUBLIC HEARING AND ACTION, READ INTO THE RECORD, BUT NO ONE WISHES TO SPEAK.

>> Mayor Leffingwell: CORRECT.

NO ONE WISHES TO SPEAK.

>> ITEM NUMBER 197 IS TO CONDUCT A PUBLIC HEARING TO CONSIDER ORDINANCE AMENDING IMAGINE AUSTIN COMPREHENSIVE PLAN BY ADOPTING COLONY PARK SUSTAINABLE COMMUNITY INITIATIVE MASTER PLAN AND DESIGN GUIDELINES.

THE GENERAL BOUNDARIES COVERED BY COLONY PARK SUSTAINABLE COMMUNITIES INITIATIVE MASTER PLAN AND DESIGN GUIDELINES OF COLONY PARK NEIGHBORHOOD ON THE WEST, LOYOLA LANE ON THE SOUTH, MEADOWS LAKE SIDE NEIGHBORHOOD TO THE EAST AND UNDEVELOPED LAND TO THE NORTH.

SO YOU COULD CLOSE THE PUBLIC HEARING AND TAKE ACTION ON 197.

198 IS REGARDING A PUBLIC HEARING BROUGHT BY DEWAYNE LOFTON REGARDING CONDITIONAL USE PERMIT AT 5605 SPRINGDALE ROAD.

STAFF IS REQUESTING A POSTPONEMENT OF THAT ITEM TO YOUR JANUARY 29TH, 2015 MEETING.

I BELIEVE ITEM NUMBER 199 IS ABOUT CONDUCTING A PUBLIC HEARING TO CONSIDER AN ORDINANCE REPEALING AND REPLACING ARTICLE 4 OF ELECTRICAL CODE, CHAPTER 25 12 OF THE CITY CODE TO ADOPT THE 2014 NATIONAL ELECTRICAL CODE ADOPTING CERTAIN LOCAL AMENDMENTS TO THE ELECTRICAL CODE.

MAYOR, I THINK WE HAVE ONLY ONE SPEAKER THAT THEY'RE SIGNED UP IN FAVOR.

>> Mayor Leffingwell: IS WILMER CLOUD IN THE CHAMBER.

NOT IN THE CHAMBER.

>> SO WE CAN OFFER THAT, CLOSE THE PUBLIC HEARING AND OFFER THAT FOR POSSIBLE APPROVAL.

ON ITEM NUMBER 200, I THINK YOU HAVE PEOPLE THAT ARE ONLY SIGNED UP FOR THAT ITEM, SO I THINK THAT'S AN ITEM REGARDING CONDUCTING A PUBLIC HEARING CONCERNING ORDINANCE AMENDING THE CITY CODE CHAPTER 25 # TO ESTABLISH INTERIM DEVELOPMENT REGULATIONS TO MITIGATE ADDITIONAL IMPACTS WITHIN AN HOUR OF SOUTH LAMAR NEIGHBORHOOD BOUNDED BY

OLTORF, THE UNION PACIFIC RAILROAD, HIGHWAY 290 AND SOUTH LAMAR MANCHACA AND WAIVING SECTION 25 1 502 C AND DECLARING AN EMERGENCY.

SO WE COULD OFFER TO CLOSE THE PUBLIC HEARING AND APPROVE THAT.

ALSO.

>> Mayor Leffingwell: LET ME ASK, IS BRYAN KEEN, DAVID KEEN, JENNIFER MCPHAIL, [INDISCERNIBLE], JUSTIN RATGAIN, ALL IN FAVOR OF THIS?

WE'RE GOOD B TO TAKE IT ON CONSENT.

HOW WAIVE YOUR RIGHT TO SPEAK.

>> [INAUDIBLE].

>> Mayor Leffingwell: ARE SIDEWALKS INCLUDED IN THAT?

IT JUST DRAINAGE INFORMATION, NOT ABOUT SIDEWALKS.

YES.

IT'S A STUDY ON DRAINAGE.

OKAY.

ALL RIGHT.

SO ALL THOSE SPEAKERS HAVE WAIVED THEIR RIGHT TO SPEAK.

>> AND I WAS JUST HANDED ONE BY YOUR EXECUTIVE ASSISTANT AND SHE INDICATED TO ME THAT ALSO ON 188 THAT YOU HAD ONE PERSON SIGNED UP THAT WILL MCCLEOD, WHO WAS NOT PRESENT.

IF YOU WOULD LIKE TO CONSIDER 188, WHICH IS TO CONDUCT A PUBLIC HEARING AND CONSIDER AN ORDINANCE AMENDING THE CITY CODE CHAPTER 8 1 RELATED TO PARK OPERATING HOURS.

THAT WE COULD ALSO CLOSE THE PUBLIC HEARING AND ALSO OFFER THAT FOR APPROVAL.

>> Mayor Leffingwell: OKAY.

SO WE HAVE A CONSENT AGENDA HERE OF SORTS.

WHICH IS TO POSTPONE ITEM 184 UNTIL JANUARY 29TH.

185 TO CLOSE THE PUBLIC HEARING AND APPROVE.

187, POSTPONE UNTIL FEBRUARY 26TH.

193, POSTPONE INDEFINITELY.

195 POSTPONE UNTIL JANUARY 29TH.

197, CLOSE THE PUBLIC HEARING AND ADOPT A MASTER PLAN.

198, POSTPONE UNTIL JANUARY 29TH.

199, CLOSE THE PUBLIC HEARING AND APPROVE.

AND 200, CLOSE THE PUBLIC HEARING AND APPROVE THE ORDINANCE ON EMERGENCY BASIS.

AND 188, CLOSE THE PUBLIC HEARING AND AMEND THE CODE.

I'LL ENTERTAIN A MOTION TO APPROVE THOSE ITEMS.

>> AND MAYOR, YOU JUST SAID 188?

>> Mayor Leffingwell: 188, YES.

>> AND THEN WE HAVE POSSIBLY THREE MORE THAT ARE ON THE

>> Mayor Leffingwell: 229, 230 AND 231?

>> YES, SIR.

MAYOR AND COUNCIL, WE HAVE THREE PUBLIC HEARINGS ON PIT ASSESSMENTS, 229, THAT WE BELIEVE THERE ARE NO SPEAKERS ON.

>> Mayor Leffingwell: CORRECT.

>> 229, CONDUCT A PUBLIC HEARING AND CONSIDER AN ORDINANCE CONSIDERING THE ESTANCIA PUBLIC IMPROVEMENT DISTRICT 2015 ASSESSMENT ROLL AND AUTHORIZING THE 2015 ASSESSMENTS.

230, CONDUCT A PUBLIC HEARING AND CONSIDER AN ORDINANCE CONSIDERING THE WHISPER VALLEY IMPROVEMENT DISTRICT 2015 ASSESSMENT ROLL AND AUTHORIZING THE LEVYING OF THE 2015 ASSESSMENTS.

AND 231, CONDUCT A PUBLIC HEARING AND CONSIDER AN ORDINANCE REGARDING THE INDIAN HILLS PUBLIC IMPROVEMENT DISTRICT 2015 ASSESSMENT ROLL AND AUTHORIZING THE LEVYING OF THE 2015 ASSESSMENTS.

>> Mayor Leffingwell: SO WE'LL ADD TO THAT LIST I ALREADY READ.

229 IS TO CLOSE THE PUBLIC HEARING.

AND WHAT WAS THE ACTION ON THAT?

>> IT WAS TO CONDUCT THE PUBLIC HEARING TO AUTHORIZE THE ASSESSMENT ROLL AND AUTHORIZING THE LEVYING OF THE ASSESSMENTS FOR THE PUBLIC IMPROVEMENTIC DISTRICT.

>> Mayor Leffingwell: CLOSE THE PUBLIC HEARING AND APPROVE.

230 IS TO CLOSE THE PUBLIC HEARING AND ORDINANCE.

231, CLOSE THE PUBLIC HEARING AND APPROVE THE ORDINANCE.

I'LL ENTERTAIN A MOTION TO APPROVE THAT LIST OF ITEMS.

COUNCILMEMBER MORRISON SO MOVES.

AND COUNCILMEMBER SPELMAN SECONDS.

COUNCILMEMBER RILEY.

>> Riley: ITEM 188 [INAUDIBLE].

>> Mayor Leffingwell: WE'LL PULL THAT OFF OF THE LIST.

188 IS NOW OFF THE LIST.

THOSE IN FAVOR SAY AYE.

OPPOSED SAY NO.

IT PASSES ON A VOTE OF SEVEN TO ZERO.

ALL RIGHT, I THINK THAT IS ABOUT AS MUCH AS WE CAN DO BEFORE WE GO BACK TO THE DISCUSSION ON ITEM 10.

SO THE PUBLIC COMMENT PERIOD IS CLOSED AND I'LL ENTERTAIN A MOTION ON THAT.

OR DISCUSSION.

COUNCILMEMBER SPELMAN.

>> Spelman: MAYOR, I PRESUME THAT WE'LL HAVE MORE COMMENTARY AND MORE AMENDMENTS, BUT JUST TO START AND GET THE FRAMEWORK ON THE TABLE I MOVE APPROVAL OF THE MOTION.

>> Mayor Leffingwell: COUNCILMEMBER SPELMAN MOVES TO APPROVE ITEM 10.

SECONDED BY COUNCILMEMBER MORRISON.

IS THERE ANY DISCUSSION ON ITEM 10?

MOTION IS TO APPROVE WITH A SECOND.

COUNCILMEMBER MARTINEZ.

>> Martinez: SO YEAH, I PRESUME THERE WAS GOING TO BE QUITE A BIT OF DISCUSSION.

SO I'LL START WITH OFF.

SO IN THE GEN PLAN I HAVE ONE AMENDMENT IN THE GEN PLAN.

IT'S A PARAGRAPH SUBSTITUTION.

KY READ IT FOR THE RECORD AND I'LL PASS IT OUT TO EVERYONE AND THERE SHOULD BE ONE FOR THE CITY CLERK AS WELL.

SO I'M REFERRING TO PAGE SIX OF NINE IN THE GEN PLAN.

SIX OF NINE IN THE GEN PLAN.

UNDER THE SUBHEADING SOLAR.

AND IT WOULD READ, UNDER THE PLAN INSTALL SOLAR CAPACITY WITH AN INCREASE TO AT LEAST 950 MEGAWATTS BY 2025, INCLUDING 200 MEGAWATTS OF LOCAL SOLAR.

TO ENSURE AFFORDABILITY THE PLAN RECOMMENDS IMPLEMENTING A PHASED DOWN OF RESIDENTIAL AND COMMERCIAL INCENTIVE PROGRAMS TO ACHIEVE THE FIRST 110 MEGAWATTS OF LOCAL SOLAR GOAL BY 2020, INCLUDING AT LEAST 70 MEGAWATTS OF CUSTOMER SIGHTED SOLAR.

CURRENT PROJECTED COST DECLINES OF SOLAR ENERGY, TECHNOLOGY IMPROVEMENTS, THE IMPLEMENTATION OF SOLAR POLICIES WILL BE UTILIZED TO ENABLE THE CITY TO REACH THE 200 MEGAWATT GOAL, INCLUDING AT LEAST 100 MEGAWATTS OF CUSTOMER SIDED LOCAL SOLAR BY 2025, ABSENT FURTHER [INDISCERNIBLE].

THAT WOULD REPLACE THE FIRST PARAGRAPH.

>> Mayor Leffingwell: THAT IS THE MOTION FOR AN AMENDMENT.

IS THERE A SECOND?

COUNCILMEMBER SPELMAN.

>> Spelman: MAYOR, I WOULD CONSIDER THAT FRIENDLY.

>> Mayor Leffingwell: YOU CONSIDER IT TO BE FRIENDLY?

>>

>> Spelman: YEAH.

>> Martinez: THANK YOU.

THEN GOING ON TO THE SECOND PART OF THE BACKUP, WHICH IS 500 MEGAWATT PLANT DECKER REPLACEMENT INDEPENDENT REVIEW PROCESS FOR PROCUREMENT AND SCOPE OF WORK.

AND I WILL PASS THAT OUT AS WELL.

OH, AND ON THE PREVIOUS AMENDMENT SO WE NEED TO GO THROUGH AND CHANGE THE CHART UNDER THE GEN PLAN.

KHALEEL, YOU UNDERSTAND WE NEED TO CHANGE THAT GRAPH THAT SHOWS THE PROJECTED SOLAR FOR EACH YEAR OF THAT FIRST AMENDMENT?

>> Spelman: COUNCILMEMBER MARTINEZ, COULD I HAVE ANOTHER COPY OF THIS?

>> Martinez: THANKS, KHALEEL.

SO I'VE NOW PASSED OUT IT'S RED LINED AND IT'S HIGHLIGHTED.

YES.

>> [INAUDIBLE].

>> Martinez: I FIGURED THEY WERE ALL GOING TO BE FRIENDLY ANYWAY.

YOU DIDN'T NEED TO LOOK AT IT.

SO OBVIOUSLY THE HIGHLIGHTED PORTIONS ARE THE AMENDMENT AND THEN YOU SEE THE RED LINE WITH THE REDACTIONS.

I'LL JUST BRIEFLY GO THROUGH THOSE.

UNDER THE UNDER THE FIRST ONE WOULD BE UNDER THE PROCUREMENT SUBHEADING, THE REVIEW PROCESS UNDER NUMBER 1, WE WOULD ADD THE LANGUAGE HIGHLIGHTED IN YELLOW THAT READS THE ELECTRIC UTILITY COMMISSION SHALL REVIEW AND MAKE RECOMMENDATIONS REGARDING THE SCOPE OF WORK AND DATA ASSUMPTIONS AS PROPOSED BY AUSTIN ENERGY TO CITY COUNCIL USING THE NORMALLY ADHERED TO PROCESS.

MEANING RECOMMENDATIONS COMING TO THE COUNCIL.

THEN UNDER NUMBER TWO, AE STAFF WILL REFORM THE FINAL APPROVAL MATRIX EVALUATION AND RECOMMEND THREE CONSULTANTS, ONE OF WHICH SHALL BE APPROVED BY THE CITY COUNCIL.

UNDER THE GEN PLAN IMPLEMENTATION, THE NEW LANGUAGE IS UPON COMPLETION OF THE INDEPENDENT STUDY, IF NECESSARY AE MAY IMPLEMENT THE FOLLOWING, AND THEN IT JUST REDACTS THOSE NEXT FOUR LINES AND CONTINUES WITH THE LANGUAGE.

AND THEN STRIKING THE LINE, LARGE BUILDING DOLLAR INVESTMENTS WILL NOT BE MADE PENDING THE RESULTS OF THIS REPORT, INCLUDING.

AND THEN MOVING DOWN UNDER QUALIFICATIONS OF THE PROPOSER, WE ADD A BULLET, EXPERIENCE AND UNDERSTANDING OF UNIQUE CHARACTERISTICS OF A VERTICALLY INTEGRATED UTILITY IN THE MARKET.

UNDER THE EXPERIENCE THAT NEEDS TO BE DEMONSTRATED FOR THE PROPOSER.

THEN MOVING ON UNDER SCOPE OF WORK, UNDER THE IT STARTS WITH COMPARISON, THE BULLET COMPARISON.

WOULD REMOVE THE WORD ONE AND JUST CHANGE THE SENTENCE TO READ, COMPARISON WITH OTHER SCENARIOS THAT USE A PORTFOLIO OF STORAGE, DEMAND RESPONSE OR RENEWABLE ENERGY IN LIEU OF INVESTING IN A NEW PLANT.

AND THE REASON WE USE THE WORD OR IS SO THAT THEY CAN BE DECOUPLED BECAUSE STORAGE IS OBVIOUSLY GOING TO BE THE MOST EXPENSIVE PART.

AND WE CERTAINLY WANT TO TAKE A LOOK AT STORAGE, BUT IT DOESN'T HAVE TO BE A PART OF EVERY SCENARIO THAT COMES OUT.

THEN MOVING DOWN A FEW MORE LINES, WE ADD THE LANGUAGE, THE ASSESSMENT SHALL RESULT IN RECOMMENDATIONS TO COUNCIL OF THE LEAST COSTLY WAY OR WAYS OF MEETING THE GENERATION PLAN WHEN THE FULL ENVIRONMENTAL COSTS ARE CONSIDERED.

AND THEN THE VERY LAST SECTION OF THE TIMELINE WE JUST ADD TO THE FOURTH BULLET POINT, THE PRELIMINARY DRAFT REPORT TO BE REVIEWED BY STAFF AND P.U.C. WILL BE DELIVERED NO LATER THAN MAY 29TH, 2015.

AND THOSE ARE THE CHANGES TO THAT PORTION OF THE DOCUMENT.

>> Mayor Leffingwell: I GUESS ALL OF THOSE ARE PROPOSED EN MASSE AS FRIENDLY AMENDMENTS?

>> Spelman: MAYOR, I'M NOT GOING TO BE ABLE TO ACCEPT THIS FOR TWO REASONS.

THE FIRST REASON IS BECAUSE I DID SOMETHING GREAT MINDS THINK ALIKE.

I DID SOMETHING ALMOST IDENTICAL.

I LOOKED OVER THE DOCUMENT AND IT HAD VERY PARALLEL SET OF SUGGESTED CHANGES.

THAT'S NOT THE REASON I CAN'T ACCEPT IT.

THE REASON I CAN'T I DON'T BELIEVE I CAN ACCEPT IT IS BECAUSE I WAS TOLD ABOUT NOT LONG AGO ABOUT OUR LEGAL STAFF THAT THE INDEPENDENT REVIEW PROCESS AS A PROCUREMENT DOCUMENT IS NOT ACTUALLY PART OF THE GEN PLAN AND NOT SOMETHING THAT WE'RE POSTED TO TALK ABOUT OR AT LEAST CAN VOTE ABOUT HERE.

AND I WOULD LOOK TO FURTHER GUIDANCE FROM THE LAW DEPARTMENT TO SEE EXACTLY HOW WE CAN TALK ABOUT THIS.

I BELIEVE WE CAN TALK ABOUT THE DOCUMENT, AND WE SURE AS HELL SHOULD BE ABLE TO, BUT WHETHER OR NOT WE GOING OVER WHAT I GAVE [INDISCERNIBLE].

>> YES, COUNCILMEMBER.

YOU CAN TALK ABOUT THE RFP BECAUSE IT'S RELATED TO THE GEN PLAN, BUT WE'RE NOT POSTED TO VOTE ON AN RFP.

AND WAIT YOU WOULD TALK ABOUT IT IS LIKE YOU ALWAYS DO.

THESE ARE THINGS THAT WE WOULD LIKE FOR THE CITY MANAGER TO CONSIDER AS HE PUTS THIS RFP OUT ON THE STREET.

THESE ARE THE KINDS OF CRITERIA OR ELEMENTS OF IT THAT WE WANT HIM TO CONSIDER FOR THAT RFP THAT WILL BE SUPPORTING THE GEN PLAN.

>> Spelman: OKAY.

>> Martinez: SO MAYOR

>> Mayor Leffingwell: COUNCILMEMBER MARTINEZ.

>> Martinez: SO CITY ATTORNEYS, ARE YOU SAYING WE CANNOT DIRECT THE CITY MANAGER TO ADD COMPONENTS OF AN RFP PROCESS?

>> UM, I THINK I THINK WHAT I WAS SAYING IS THAT YES, OF COURSE YOU CAN SAY THESE ARE THE KINDS OF THINGS WE WOULD LIKE FOR YOU TO CONSIDER AS YOU GO OUT TO DRAFT THE RFP.

THE DRAFTING OF THE RFP IS MORE OF AN ADMINISTRATIVE FUNCTION THAT THE CITY MANAGER CARRIES OUT, BUT OF COURSE THE COUNCIL CAN GIVE POLICY DIRECTION ON THE TYPES OF THINGS AND TYPES OF POLICIES THAT THEY WOULD LIKE TO SEE INCORPORATED INTO THAT RFP.

BUT WE'RE NOT TODAY VOTING ON THE RFP.

>> Martinez: LET MY MAKE A SUGGESTION.

I'M STIPULATING THAT WHEN THE RFP IS DRAFTED THESE ELEMENTS BE IN THE RFP.

THIS IS NOT SUBJECTIVE OR PERMISSIVE LANGUAGE.

I'M SIMPLY STATING WHEN THE CITY MANAGER DEVELOPS THE RFP THAT IT CONTAINED THESE ELEMENTS.

AND I FEEL CONFIDENT THAT WE'VE DONE THAT IN THE PAST

>> YEAH.

AND I THOUGHT THAT THE QUESTION WAS WERE YOU VOTING ON THE RFP.

AND I THINK WE'RE SAYING THE SAME THING, MAYBE JUST IN DIFFERENT LANGUAGES.

WHAT YOU'RE DOING IS YOU'RE GIVING THEM POLICY DIRECTION ON ITEMS YOU WOULD LIKE TO SEE IN THE RFP.

SO WE'RE NOT POSTED TO VOTE ON IT, BUT YOU CAN GIVE THAT DIRECTION ON THOSE THAT ARE POSTED.

>> Spelman: SO IF I UNDERSTAND YOU MAYOR, IF I MAY.

>> Mayor Leffingwell: COUNCILMEMBER SPELMAN, GO AHEAD.

>> Spelman: WHAT YOU'RE SAYING BASICALLY IS IF WE WANTED TO CONVEY THE SENSE THAT THIS IS THE SORT OF THING THAT NEEDS TO BE IN THE RFP, THAT THAT'S THE SORT OF SENSE WE CAN CONVEY RIGHT NOW.

>> CORRECT.

>> Spelman: WE'RE NOT VOTING ON THIS RIGHT NOW AND WE'RE IN FACT PROBABLY NEVER GOING TO BE IN A POSITION TO VOTE ON THE ROADS OF THE RFP BECAUSE THAT'S AN ADMINISTRATIVE FUNCTION, BUT WHY DON'T WE THINK IT WOULD BE A GOOD THING IF THE RFP HAD STUFF LIKE THIS IN IT?

AND WE CAN TALK ABOUT WHY IT WOULD BE A REALLY GOOD FOR THE RFP TO HAVE STUFF LIKE THIS IN IT.

>> CORRECT.

THE RFP IS RELATED TO WHAT YOU'RE POSTED THE GEN PLAN TO VOTE ON TONIGHT.

>> Spelman: OKAY.

>> Tovo: MAYOR, CAN I JUMP IN HERE AND ASK A QUESTION?

I'M SORRY, I'M NOT UNDERSTANDING.

ARE YOU SUGGESTING THAT WE NOT AMEND THE LANGUAGE OF THIS DOCUMENT?

NO, YOU'RE NOT SUGGESTING THAT OR YES, YOU'RE SUGGESTING THAT?

>> NO, I'M NOT SAYING THAT YOU CHANGE THE DIRECTION OF WHAT YOU WANT IN THE DOCUMENT.

>> Tovo: SO WE CAN DO WHAT COUNCILMEMBER MARTINEZ WAS SUGGESTING, WHICH IS TO AMEND THE LANGUAGE IN THE DOCUMENT THAT'S CALLED 5000 MEGAWATT AND DECKER REPLACEMENT, ETCETERA, ETCETERA, WHICH I'M GOING TO SUGGEST WE CALL [INDISCERNIBLE].

WE CAN AMEND THIS LANGUAGE.

WHICH IS A GOOD THING AND I HOPE WE WILL.

>> Mayor Leffingwell: COUNCILMEMBER RILEY.

>> Riley: I APPRECIATE THE AMENDMENT [INAUDIBLE].

ONE SUGGESTION IN THE FIRST PART, UNDER THE I GUESS IT'S THE SECOND PART.

THE SECOND SECTION IS ENTITLED GENERATION PLAN IMPLEMENTATION.

AND THAT HAD AN INTRODUCTORY PARAGRAPH SAYING A, YOU CAN GO AHEAD AND DO THESE THINGS AND THEN THERE WAS A SERIES OF BULLETS.

I COMPLETELY UNDERSTAND WHAT THE CHANGE WAS.

WE'RE DELETING THAT AND SAYING NO, UPON COMPLETION OF IT THAT'S THE WAY YOU CAN PROCEED.

I UNDERSTAND WHY WE WOULD WANT TO DO THAT BECAUSE WHEN YOU LOOK AT THE FIRST THREE BULLETS THEY'RE ALL ABOUT THE CONTRACTING FOR THE FIRM, THE CONSULTING COMPANY RELATED TO THE GAS PLANT.

THE PROBLEM IS THAT THE NEXT THREE BULLETS ON THE NEXT PAGE, I THINK WE DO WANT TO GO AHEAD WITH BECAUSE THEY ARE NOT STRICTLY RELATED TO THE GAS.

THEY'RE ISSUING AN RFP FOR UTILITY SCALE SOLAR OR WIND, LARGE SCALE STORAGE TECHNOLOGY, DEVELOPMENT OF A PLAN FOR HOW THE PROJECT IS CONNECTED WITH STORAGE.

I THINK THAT THE INTENT WAS I THINK THE COUNCIL WOULD LIKE FOR THE UTILITY TO GO AHEAD AND RECEIVE AN RFP WITH THAT?

SO WHAT I WOULD SUGGEST IS TO GO AHEAD AND KEEP THAT, THE UTILITIES LANGUAGE, BUT THE FIRST PARAGRAPH ABOUT WHAT YOU CAN GO AHEAD WITH NOW, BUT ONLY HAVE THAT RENEWABLE STUFF, THE LAST THREE BULLET POINTS THAT RELATE TO RENEWABLES AND STORAGE.

AND THEN AFTER THAT PUT IN A LINE, THE NEW LINE, UPON COMPLETION OF AN INDEPENDENT STUDY, AE MAY IMPLEMENT THE FOLLOWING AND THEN HAVE THE FIRST THREE BULLETS.

SO THE IDEA IS TO GO AHEAD AND DO THE RFP AND SO ON NOW, DO THE INDEPENDENT STUDY AND THEN TAKE THOSE STEPS THAT ARE RELATED TO THE CONSTRUCTION OF THE GAS PLANT, DEPENDING ON THE OUTCOME OF THE STUDY.

I THINK THAT WAS IS THAT CONSISTENT WITH THE INTENT?

SO IF WE ARE AMENDING THIS DOCUMENT, THAT WOULD BE MY FRIENDLY AMENDMENT.

>> Mayor Leffingwell: I THINK WE'RE STILL ON MARTINEZ'S MOVEMENT.

>> Martinez: WHICH WAS NOT FRIENDLY.

>> Spelman: WELL

>> Mayor Leffingwell: THERE WAS DISCUSSION ON THAT.

I DON'T THINK IT WAS FINALLY RESOLVED.

>> Spelman: MAYBE WE SHOULD RESOLVE THAT FIRST AND THEN FIGURE OUT WHAT WE CAN DO.

MS. CANARD, IF WE WERE TO, THROUGH WHATEVER PROCESS, AMEND THE DOCUMENT, THIS SECOND BACKUP DOCUMENT BEFORE US, WHICH IS TITLED 500 MEGAWATT PLANT DECKER REPLACEMENT INDEPENDENT REVIEW PROCESS.

>> I THINK THIS IS THE ISSUE.

YOU'RE NOT POSTED TO ACTUALLY AMEND A DOCUMENT.

SO THE WAY THAT YOU WOULD GET WHAT COUNCILMEMBER MARTINEZ WANTS TO GET INCLUDED WOULD BE IN DIRECTION IN A MOTION.

WE'RE NOT ACTUALLY POSTED TO WORK ON ACTUALLY DRAFTING LANGUAGE AND AMENDING.

SO WHAT I SAID EARLIER IS THAT YOU WOULD GIVE DIRECTION, THESE ARE THE THINGS WE WOULD LIKE TO SEE IN THAT RFP.

WHATEVER THE MOTION IS.

YOUR MOTION IS TO APPROVE THE GEN PLAN WITH THIS DIRECTION THAT WHEN THE RFP GOES OUT FOR BIDS, THESE ARE THE TYPES OF THINGS WE WOULD LIKE TO SEE IN THE RFP.

>> Spelman: OKAY.

LET ME OFFER THE SAME LANGUAGE BACK IN A SLIGHTLY DIFFERENT FORM.

WE ARE, I THINK, POSTED TO AMEND THE DOCUMENT, BUT IT'S NOT THIS DOCUMENT.

>> CORRECT.

>> Spelman: THE DOCUMENT WE ARE POSTED TO AMEND IS THE GENERATION PLAN, WHICH IS THE FIRST BACKUP DOCUMENT, WHICH IS WHAT, FOR EXAMPLE, COUNCILMEMBER MARTINEZ BEGAN OUR DISCUSSION BY AMENDING.

BUT THIS RFP FIRST DRAFT MORE OR LESS IS NOT ITSELF IN YOUR OPINION PART OF THE GENERATION PLAN.

>> CORRECT.

>> Spelman: IT IS BACKUP TO THE GENERATION PLAN.

WE SHOULD FEEL FREE TO TALK ABOUT WHAT OUGHT TO BE IN IT, BUT AMENDING THIS DOCUMENT ALL BY ITSELF IS OUTSIDE THE SCOPE OF THIS CONVERSATION.

>> CORRECT.

BUT ALL OF YOUR COMMENTS RELATED TO THAT DOCUMENT WOULD BE IN DIRECTION THAT YOU WOULD BE GIVING FOR WHAT YOU WOULD LIKE TO SEE.

>> Spelman: OKAY.

SO WHAT WE COULD BE DOING THEN IS HAVING A CONVERSATION AS COUNCILMEMBER RILEY WAS SUGGESTING THAT WE COULD WE BELIEVE THAT AE SHOULD FEEL PERFECTLY COMFORTABLE ISSUING AN RFP FOR UTILITY SCALE SOLAR, ISSUING AN RFI FOR LARGE SCALE SOLAR TECHNOLOGY, STORAGE TECHNOLOGY AND SO ON, WHILE WE'RE IN THE MIDDLE OF THAT STUDY.

WE SHOULD NOT FEEL COMFORTABLE IN AMENDING THIS PARTICULAR DOCUMENT ON THOSE THINGS.

>> PARTICULARLY.

YOU SHOULD NOT BE VOTING ON THAT DOCUMENT.

>> Spelman: NOT VOTING ON THAT DOCUMENT.

EVERYTHING YOU SAID IS ACTUALLY ACCURATE INFORMATION, IS SOMETHING THAT IS WITHIN THE SCOPE OF OUR CONVERSATION.

>> CORRECT.

>> Mayor Leffingwell: AS LONG AS IT'S DIRECTION.

>> Spelman: A GENERALIZED DIRECTION MORE THAN AMENDING A SPECIFIC DOCUMENT.

>> Mayor Leffingwell: DIRECTION.

>> Tovo: MAYOR?

I'D LIKE TO ASK THE QUESTION A DIFFERENT WAY.

I DID DISTRIBUTE MY AMENDMENTS AS WELL AND ONE OF MY FIRST AMENDMENTS WAS GOING TO BE THE TITLE OF THE DOCUMENT WE'RE TALKING ABOUT, APPENDIX A, AND THEN THE SECOND AMENDMENT I'VE GOT THESE BACKWARDS ON MY SHEET.

AMENDMENT 1 WAS INSERTING THE PHRASE APPENDIX A.

AND AMENDMENT 2 WAS TITLING THIS APPENDIX A.

BUT I THINK THAT IN EFFECT WILL ALLOW US TO ACHIEVE WHAT WE WANT TO DO, WHICH IS TO AMEND WHAT I'M GOING TO CALL APPENDIX A.

SO I DON'T KNOW THE ORDER OF THINGS, IF IT WOULD BE HELPFUL.

I'D BE HAPPY TO MAKE AN AMENDMENT TITLING THIS APPENDIX A AND THEN ANOTHER AMENDMENT ADDING TO PAGE FOUR OF NINE OF THE GENERATION PLAN SUMMARY, THE INSERT APPENDIX A, AND THEN WE CAN AMEND APPENDIX A IN THE WAY THAT COUNCILMEMBER MARTINEZ HAS SUGGESTED AND THEN I HAVE SOME AMENDMENTS TO HIS AMENDMENTS.

>> Mayor Leffingwell: FIRST OF ALL, WE NEED TO GET SOME

>> Tovo: I THINK IT MIGHT GET US

>> Mayor Leffingwell: WE NEED SOME RESOLUTION ON COUNCILMEMBER MARTINEZ'S PROPOSAL, EITHER HE HAS TO WITHDRAW IT OR WE HAVE TO

>> Martinez: I'LL WITHDRAW IT AND LET COUNCILMEMBER TOVO MAKE HER MOTION.

>> Mayor Leffingwell: ALL RIGHT.

GO AHEAD.

>> Tovo: THANK YOU.

SO I PASSED OUT A SHEET AND I WOULD LIKE TO GO DIRECTLY TO AMENDMENT TWO, WHICH IS TO INSERT A HEADING TITLED APPENDIX A AND TO THE RELATED STUDY TITLED 500 MEGAWATT PLANT, DECKER REPLACEMENT, INDEPENDENT REVIEW PROCESS FOR PROCUREMENT AND SCOPE OF WORK.

SO THAT'S MY FRIENDLY AMENDMENT THAT WE TITLE THIS APPENDIX A.

>> Mayor Leffingwell: COUNCILMEMBER SPELMAN.

>> Spelman: SO AFTER PAGE NINE OF NINE OF THE GEN PLAN, EVERYBODY AGREES WE CAN AMEND, YOU WOULD AMEND THAT BY INSERTING A HEADING TITLED APPENDIX A AT THE END OF PAGE NINE.

>> Tovo: YES.

I WAS GOING DIRECTLY TO AMENDMENT YES.

IF YOU WANT TO TAKE ONE AND TWO AS TOGETHER, I WOULD LIKE TO AMEND I WOULD LIKE TO TITLE THIS APPENDIX A.

>> Spelman: OKAY.

AND AMENDMENT 1 IS

>> Tovo: THEN I WOULD LIKE TO INSERT IT ON PAGE FOUR OF NINE.

I WOULD LIKE TO INSERT AFTER COMMENCING A THIRD PARTY ECONOMIC AND ENVIRONMENTAL REVIEW, APPENDIX A.

>> Spelman: GOTCHA.

>> Tovo: THOSE ARE MY TWO AMENDMENTS, BUT WE CAN TAKE THEM TOGETHER IF THEY'RE BOTH FRIENDLY.

>> Spelman: I REGARD THEM AS FRIENDLY, YES.

>> Mayor Leffingwell: WHO IS THE SECOND?

>> Morrison: I WAS THE SECOND.

>> Mayor Leffingwell: DO YOU ACCEPT IT?

>> Morrison: I'M NOT SURE I UNDERSTAND AMENDMENT ONE.

I GO TO PAGE FOUR OF NINE AND MAYBE I JUST NEED TO TAKE A MINUTE.

THE PLAN ADOPTS

>> Tovo: ON PAGE FOUR OF NINE IT SAYS THE PLAN ADOPTS AND ACTS IMMEDIATELY ON NUMBER ONE, COMMENCING A PROJECT TO REPLACE I HOPE THERE MAY BE AN EFFORT TO AMEND SOME OF THIS.

I'M SORRY, THERE WERE TWO THINGS IN THIS AMENDMENT.

THANK YOU FOR ASKING ME.

THERE WERE TWO THINGS THIS AMENDMENT WAS DOING.

ONE, IT WAS INSERTING APPENDIX A, BUT TWO, IT WAS CHANGING THE LANGUAGE.

>> Morrison: HOLD ON.

I'M ASKING YOU ABOUT SOMETHING THAT SAYS AMENDMENT ONE.

IT DOESN'T SAY ANYTHING ABOUT APPENDIX ONE.

>> Tovo: APPENDIX A.

I APOLOGIZE.

THERE WERE TWO THINGS BEING HERE.

ONE IS IT WAS AMENDING APPENDIX A AND THEN THE CHANGING THE NAME OF THE GAS PLANT.

>> Morrison: MAYBE WE CAN TAKE THEM SEPARATELY.

>> Tovo: WHY DON'T WE START BY DOING AMENDMENT TWO, TITLING THAT DOCUMENT APPENDIX A.

>> Mayor Leffingwell: THAT'S FRIENDLY.

>> Spelman: THAT IS ABSOLUTELY FRIENDLY.

DID YOU GET THAT ONE?

>> Morrison: I'M GOOD WITH THAT.

IF WE CAN GO BACK TO ONE.

>> Tovo: AMENDMENT ONE DOES TWO THING, IT INSERTS THE PHRASE APPENDIX A INTO THIS DOCUMENT, WHICH IS A FORMAL PART OF IT, BUT IT DOES REPLACE THE LANGUAGE.

SO IT CHANGES THE LANGUAGE THAT CARRIES THE ASSUMPTION THAT THERE WILL BE A GAS PLANT.

AND CHANGES IT TO THIS TO THE FOLLOWING LANGUAGE, COMMENCING A THIRD PARTY THAT THE PLAN ADOPTS AND IMMEDIATELY ACTS ON, AND HERE'S THE REPLACEMENT LANGUAGE, COMMENCING A THIRD PARTY ECONOMIC AND ENVIRONMENTAL REVIEW, APPENDIX A, OF UP TO 500 MEGAWATTS OF THE MOST EFFICIENT GAS GENERATION.

>> Morrison: AND I'M CONFUSED BECAUSE APPENDIX A IS GOING TO BE OUR SCOPE OF WORK FOR THE INDEPENDENT

>> Tovo: ECONOMIC AND ENVIRONMENTAL REVIEW.

>> Morrison: SO YOU'RE OKAY.

SO THE PLAN STARTS AS SOON AS WE START THAT REVIEW?

AND IT'S NOT ACTUALLY A REVIEW OF UP TO 500 MEGAWATTS.

IT'S REALLY A REVIEW OF ALTERNATIVES.

>> Tovo: SO I AGREE.

SO WHY DON'T WE SAY THAT THE PLAN ADOPTS AND ACTS IMMEDIATELY ON

>> Morrison: IT'S REALLY ABOUT THE PROJECT, RIGHT?

CHOOSING THE OPTION MAYBE?

>> Tovo: COMMENCING A THIRD PARTY ECONOMIC AND ENVIRONMENTAL REVIEW AS DESCRIBED IN APPENDIX A AND LEAVE IT AT THAT?

>> Mayor Leffingwell: THAT IS THE SUGGESTION.

>> Morrison: I GUESS I THINK THAT SOUNDS ALL RIGHT.

I'M A LITTLE CONFUSED.

I'M NOT SURE I KNOW EXACTLY WHEN THE PLAN WAS SUPPOSED TO ADOPT.

I DON'T KNOW WHAT IT MEANS FOR A PLAN TO ADOPT AND ACT.

>> Mayor Leffingwell: SO YOU DON'T ACCEPT IT?

>> Morrison: IF I COULD ASK STAFF TO COME BECAUSE THAT'S THEIR LANGUAGE.

THE PLAN ADOPTS AND ACTS IMMEDIATELY ON, AND THAT'S ON PAGE FOUR.

MAYBE THAT'S LEGAL LANGUAGE I'M NOT USED TO.

>> BEFORE I RESPOND TO THAT QUESTION

>> Morrison: OKAY.

I'M ON PAGE FOUR.

>> SO THE INTENT OF THE FIRST ONE IS

>> Morrison: ACTUALLY, I'M ASKING WHAT THE LINE MEANS, THE PLAN ADOPTS AND WANTED IMMEDIATELY ON.

SO WHAT DOES IT MEAN FOR THE PLAN TO ADOPT?

>> IT MEANS TO ADOPT THESE FIVE ACTIONS.

>> Morrison: OKAY.

ALL RIGHT.

SO THAT'S HELPFUL.

>> Martinez: MAYOR, I'M SORRY.

>> IT MEANS TO ADOPT THE FIVE ACTIONS THAT COME RIGHT AFTER THAT SENTENCE.

>> Martinez: MAYOR?

>> Mayor Leffingwell: ARE YOU FINISHED, COUNCILMEMBER MORRISON?

>> Morrison: I'M HAPPY TO YIELD THE FLOOR.

>> Mayor Leffingwell: COUNCILMEMBER MARTINEZ.

>> Martinez: THANK YOU, MAYOR.

I BELIEVE THE REASON YOU HAVE LANGUAGE THAT STARTS OUT ADOPTS AND ACTS BECAUSE WE ADOPT GOALS AND THEN WE HAVE ACTIONS.

SO UNDER THAT ADOPTS AND ACTS YOU HAVE THE FIVE BULLETED ITEMS.

SOME OF THOSE ARE DIRECT ACTIONS RELATED TO THE VOTE ON THIS AND THEN SOME OF THOSE ARE AN ADOPTION OF THOSE GOALS WHEN YOU LOOK AT ENERGY EFFICIENCY DEMAND RESPONSE.

>> Morrison: GREAT.

I THINK I GET IT.

MY HEAD WAS TWISTED AROUND, IMAGINE THAT.

SO WHAT THIS PLAN DOES, IT ADOPTS AND STARTS WORKING ON IT ADOPTS THESE GOALS AND STARTS WORKING ON THESE THINGS.

SO COUNCILMEMBER TOVO IS SAYING THAT RATHER THAN THE PLAN ADOPTS AND ACTS ON COMMENCING SOMETHING A UNIT TO A GAS UNIT, INSTEAD IT'S GOING TO BE WHAT WE'RE GOING TO ACT ON IS WE'RE GOING TO COMMENCE THE REVIEW IN APPENDIX A AND YOU NEED TO CHANGE THAT LAST LANGUAGE TO BE ALTERNATIVES FOR THE GAS I'M NOT SURE WHAT THE LANGUAGE SHOULD BE.

I'M DONE.

>> Tovo: WE COULD EITHER STOP IT AFTER COMMENCING A THIRD PARTY ECONOMIC AND ENVIRONMENTAL REVIEW AS DESCRIBED IN APPENDIX A AND LEAVE IT AT THAT.

>> Morrison: THAT'S GREAT.

>> Tovo: THAT'S MY FRIENDLY AMENDMENT.

>> Mayor Leffingwell: COUNCILMEMBER SPELMAN.

>> Spelman: ALLOW ME TO SUGGEST THAT A REVIEW ALL BY ITSELF DOESN'T MEAN ANYTHING, THE REVIEW BEGS THE QUESTION OF WHAT.

AND LET ME TRY THE FOLLOWING.

COMMENCING A THIRD PARTY ECONOMIC AND ENVIRONMENTAL REVIEW DESCRIBED IN APPENDIX A OF OPTIONS FOR FILLING ENERGY AND CAPACITY GAPS BY RETIREMENT OF THE FAYETTE POWER PROJECT.

IS THAT OKAY?

>> LOVELY.

>> Mayor Leffingwell: COUNCILMEMBER MORRISON?

>> Morrison: YES.

>> Mayor Leffingwell: SO THAT'S ACCEPTED AS PART OF IT.

LET ME JUST SAY AT THIS POINT, I THINK WE'VE DEPARTED THE POINT WHERE I COULD EVER SUPPORT THIS MAIN MOTION.

WE'RE WE HAD IN PLACE A PROPOSAL THAT HAD BEEN THOROUGHLY EVALUATED BY STAFF AS TO WHAT THE ASSOCIATED COSTS WOULD BE AND HOW IT WOULD POSSIBLY BE IMPLEMENTED.

AND NOW WE'RE GOING OFF THE FLY AMENDING THAT WITH NO INPUT AND WE'RE GOING TO HAVE NO IDEA WHAT THE COST IMPLICATIONS OR OTHER RAMIFICATIONS OF THIS ACTION WOULD BE.

SO I'LL JUST AFTER THIS I'M JUST GOING TO KEEP MY MOUTH SHUT BECAUSE I'M NOT GOING TO SUPPORT THIS MOTION AT THE END OF THE DAY, GIVEN THE FACT AS WE DISCUSSED IN THE WORK SESSION, WE'RE IN A HOLE.

AUSTIN ENERGY IS IN A DEEP HOLE.

AND THE FIRST RULE HOLDS THAT WHEN YOU'RE IN ONE STOP DIGGING UNTIL WE CAN FIGURE OUT WHAT'S GOING ON.

WE HAVE A STUDY COMING UP, WE HAVE THE LEGISLATIVE SESSION TO DEAL WITH AND I THINK WE NEED TO TREAD VERY CAREFULLY.

AND IF WE DON'T THE CONSEQUENCES COULD BE VERY DIRE.

SO I DON'T WANT TO AS I SAID, I JUST WON'T SUPPORT THE MOTION AT THIS POINT REGARDLESS OF WHAT ELSE IS DONE.

SO GO AHEAD.

>> Martinez: MAYOR.

I HAD A QUESTION FOR COUNCILMEMBER SPELMAN.

YOU MENTIONED FAYETTE, BUT DO YOU WANT TO PUT DECKER IN THAT LANGUAGE AS WELL?

BECAUSE THE STUDY IS A REVIEW OF REPLACING THOSE TWO.

>> Spelman: FAYETTE AND DECKER POWER PLANTS.

>> Mayor Leffingwell: ARE WE CLEAR ON THAT?

YOU HAVE A COMMENT?

>> I WOULD LIKE TO MAKE A COMMENT.

YOU'RE RIGHT, WE'VE SPENT A LOT OF TIME WORKING ON THIS AND THE WAY THIS PLAN WAS BROUGHT FORWARD WAS BROUGHT FORWARD AS A PLAN FOR A 500 MEGAWATT PLANT, 55% RENEWABLE ENERGY AND LOTS OF OTHER SUBGOALS WITHIN THAT.

AND IT SOUNDS LIKE WE'RE TRYING TO STRIKE IN ITEM NUMBER 1 THE ACCEPTANCE OF THE PARAGRAPH BEFORE THAT, WHICH IS THAT THE PLAN EMBODIED MULTIPLE PARTS, INCLUDING THE 500 MEGAWATTS PLANT.

AND WHAT WE'VE BEEN NEGOTIATING AND TALKING ABOUT IS REALLY FURTHER STUDYING THAT BY THIRD PARTY TO MAKE SURE THAT CERTAIN STAFF GOT IT RIGHT.

WE SPENT A LOT OF TIME ANALYZING THIS.

WE PUT A LOT OF EFFORT INTO THAT ANALYSIS AND WE'RE VERY MUCH OPEN TO LOOKING AT A STUDY OF OUR RESULTS AND CONTRASTING THAT.

BUT I THINK WHEN WE START STRIKING NUMBER ONE AND ELIMINATING 500 MEGAWATT PLANT IS WHAT WE'LL BE LOOKING AT IN THAT STUDY, IT GETS DIFFICULT TO SAY WE'RE ACCEPTING THE PLAN THAT WAS BROUGHT FORWARD BY AUSTIN ENERGY.

THAT WOULD BE MY COMMENT ON THAT.

>> Mayor Leffingwell: IT BECOMES NO LONGER THE PLAN THAT WAS BROUGHT FORWARD BY AUSTIN ENERGY.

IT BECOMES A HYBRID THAT NOBODY KNOWS ANYTHING ABOUT REALLY.

>> THAT'S RIGHT.

THAT'S WHAT IT STARTS TO FEEL LIKE WHEN YOU REMOVE IT IS THAT NOW WE'RE CREATING A PLAN ON THE SPOT.

>> Mayor Leffingwell: WE ARE, ON THE FLY.

COUNCILMEMBER SPELMAN.

>> Spelman: I HAVE NOT LOOKED CAREFULLY AT COUNCILMEMBER MARTINEZ'S SUGGESTIONS ON THE RFP LANGUAGE.

I KNOW MINE REALLY WELL.

AND I THINK YOU SEEM MINDFUL OF IT.

BUT THE IDEA THAT I WENT THROUGH AND I BELIEVE IT'S SIMILAR OF THE IDEA OF COUNCILMEMBER MARTINEZ, IS IN GOING THROUGH THE LANGUAGE OF THAT WHAT IS NOW APPENDIX A THAT WE STRIP OFF THE ASSUMPTION THAT IT'S ABOUT A GAS PLANT AND SAY NO, IT'S REALLY ABOUT A GAP.

AND THE WAY YOU WANT TO FILL THAT GAP, THE WAY YOU THINK IS THE RIGHT WAY TO FILL THAT GAP IS WITH A GAS PLANT AND WE'RE PUTTING THAT TO A TEST.

WE CAN'T PUT THAT TO A TEST IF WE KNOW IN ADVANCE THE GAS PLANT IS THE RIGHT ANSWER.

SO WE'RE GOING TO LOOK AT THE GAP AND WE'RE GOING TO COMPARE THE GAS PLANT TO OTHER ALTERNATIVES WHICH DO NOT INVOLVE FOSSIL FUELS AND BE ON THE SAME LEVEL PLAYING FIELD AND SAY WHICH OF THESE ARE THE BEST WAY FOR US TO FILL THIS GAP GIVEN, AS YOU SAID, WE ALSO NEED TO SPEND CASH IF WE'RE ABLE TO RETIRE THE BONDS EARLY, GET OUT OF FAYETTE BY 2022 OR SOMETHING LIKE THAT.

SO THERE'S A BUNCH OF CONSTRAINTS WE HAVE TO MEET AND IN YOUR OPINION ONCE WE DO THAT, THAT LEVEL PLAYING FIELD ANALYSIS, THE GAS PLANT IS GOING TO EMERGE SUPREME AND BY FAR THE BEST WAY TO SOLVE THAT PROBLEM.

I SUSPECT YOU'RE ABSOLUTELY RIGHT, BUT IT SEEMS TO ME WE NEED TO KEEP AN OPEN MIND ABOUT WHAT THAT THE RESULTS OF THAT STUDY WOULD BE.

DOES THIS CONFLICT WITH YOUR POINT OF VIEW?

>> I BELIEVE WE TRIED TO BE RESPONSIVE TO THE ITEMS THAT WERE BROUGHT FORWARD IN THE COUNCIL AND IN AUSTIN ENERGY WHERE WE DO NOT HAVE IN THERE AND LET'S BE SURE WE RUN THIS AGAINST OTHER ALTERNATIVES.

AND I THINK WE TRIED TO KEEP THAT TO AN ALTERNATIVE THAT REFLECTED PROBABLY SOME OF THE OBJECTIVES THAT WERE EXPRESSED IN 157, AND HE BROUGHT THAT FORWARD AND I'LL LET HIM JUMP IN HERE, ADDING THAT WE'LL COMPARE THE PLAN, AUSTIN ENERGY SPENT A YEAR BUILDING, BUT WE ALSO RECOGNIZE THAT PEOPLE WANT SOME VALIDATION OF OUR TOTAL WORK AND THEY DO WANT TO SEE IF SOMEBODY ELSE DID THE ANALYSIS AGAINST THE REMOVAL ONLY PORTFOLIO WITH ON OR WITHOUT STORAGE, WOULD THEY GET SIMILAR RESULTS THAT AUSTIN ENERGY DID.

I THINK THAT'S THE INTENT OF THE STUDY, RIGHT?

SO I THINK THAT THE EDITS THAT KHALLEEL MADE WERE AT AUSTIN ENERGY'S REQUEST.

BUT IF WE MAKE IT THAT LET'S REDO THE ENTIRE YEAR OF RESOURCE PLANNING WE'RE REDOING THE AUSTIN ENERGY PLAN AND WE'RE NOT VERIFYING THE STUDY.

I'LL LET KHALEEL JUMP IN AND SEE IF HE WANTS TO ADD ANYTHING TO THAT.

>> THAT'S RIGHT.

I THINK IT'S IMPORTANT THAT WE UNDERSTAND THAT THIS IS A VALIDATION OF THE 500 MEGAWATT INVESTMENT.

WE UNDERSTAND THERE'S TREPIDATION ABOUT THAT AND IT'S A LOT OF MONEY FOR AUSTIN ENERGY.

WE DO WANT TO DO AN INDEPENDENT STUDY AND OUR CFO WANTS TO MAKE SURE THAT WE'RE SPENDING MONEY WISELY.

HOWEVER, IF THE OPTIONS ARE NOT DONE, AN EXHAUSTIVE STUDY WE'RE REDOING THE GENERATION PLAN.

IF WE'RE REDOING THE GENERATION PLAN WE DIDN'T REALLY ADOPT THE PLAN.

SO I HAVE TWO POINTS AND I DON'T THINK WE'RE VERY FAR APART.

THE FIRST POINT IS GOING TO COUNCILMEMBER TOVO'S AMENDMENT, THE ORIGINAL PLAN HAD FIVE SOLID ACTIONS, ALL DEALING WITH GENERATION.

RIGHT?

WE BUILD A PLANT TO ESTABLISH A CASH TO RETIRE ANOTHER PLANT AND THEN ISSUE A REQUEST FOR PROPOSAL TO BUY ACTUAL SOLAR, ON AND ON.

AND THAT WAS TAKING OUT THE FIRST ONE AND REPLACE ESSENTIALLY THE SECOND.

SO WE HAVE WE'RE GOING TO STUDY WHETHER THE PLANT IS GOOD OR NOT, FILL FULL THE PLANT CONTINGENT ON THE STUDY.

SO THAT'S FOR US I THINK THAT'S A BIT OF A PROBLEM.

BUT THE SECOND ISSUE IS THE AMENDMENTS THAT COUNCILMEMBER MARTINEZ MADE TO THE RFP AND NOT UNDERSTANDING ALL THE LEGAL ISSUES AROUND WHETHER WE CAN OR NOT VOTE ON IT.

WE CAN MAKE IT SIMPLE IN THAT WE CAN VOLUNTARILY MAKE THOSE CHANGES REALLY EXCEPT FOR HAVING EXHAUSTIVE STUDIES.

SO IF WE LIMIT IT TO ONE OR TWO COMPARISONS, THEN I THINK WE TAKE AWAY THE SPIRIT OF DOING AN INDEPENDENT STUDY.

SO I THINK THAT'S WHERE WE ARE.

IF WE GO BACK TO THE ORIGINAL LANGUAGE OF REBUILDING A PLANT CONTINGENT ON A STUDY AND THEN THE KIND OF STUDY COMPARES TO WITH ALL THE CHANGES COMPARES TO ONE OR TWO DIFFERENT OPTIONS THEN I THINK WE'RE CLOSE TO WHERE WE STARTED.

>> Spelman: IT SOUNDS TO ME LIKE IT'S IMPORTANT TO YOU THAT WE SAY WE'RE GOING TO BUILD A PLANT CONTINGENT ON A STUDY AND NOT THE WAY WE'RE TALKING ABOUT DOING IT, WHICH IS THAT WE'RE GOING TO DO A STUDY AND IF IT TURNS OUT THE WAY I THINK IT IS, WE'RE GOING TO BUILD A PLANT.

I THINK THIS IS WE'RE PROBABLY GOING TO END UP IN THE SAME PLACE EITHER WAY, BUT I HOPE YOU UNDERSTAND WHY IT IS SO IMPORTANT FOR YOU THAT WE SAY WE'RE GOING TO COMMENCE BUILDING THE PLANT CONTINGENT ON THE STUDY.

WHY IS THAT IMPORTANT?

IT SEEMS TO ME, AND I THINK TO US IS BEING VERY MUCH THE SAME THING, JUST WRITTEN DIFFERENTLY.

>> WE DID MULTIPLE SCENARIOS AND EACH TIME WE DID THE ANALYSIS AND I'M NOT SAYING OUR ANALYSIS IS PERFECT, BUT FROM A DIRECTIONAL STANDPOINT, WE COULD NEVER FIND AN ECONOMIC FORGET ABOUT CASH ABILITIES.

JUST AN ECONOMIC SCENARIO IF YOU RETIRED OUR GENERATION INTERLOADS AND REPLACED THEM.

THAT YOU COULDN'T FIND EVEN ONE SCENARIO.

WE WORKED ON THAT WITH THE SIERRA CLUB AND MULTIPLE MAYORIOS.

THAT'S WHY IT'S IMPORTANT TO US.

IT'S AN ECONOMIC TOOL IN ORDER TO US TO DO OTHER STEPS.

IF WE MAINTAIN ALL THE OTHER STEPS WHERE WE GO OUT FOR AN RFP FOR HUNDREDS OF MEGAWATTS OF SOLAR, WHICH IS BY THE WAY A VERY, VERY LARGE ECONOMIC UNIT ON AUSTIN ENERGY.

IT'S NOT JUST BUILDING A PLANT.

THAT MUCH SOLAR IS ACTUALLY A LARGER [INDISCERNIBLE] THAN BUILDING A 500 MEGAWATT PLANT.

SO THEY ARE NOT BIG ECONOMIC COMMITMENTS AND THE PLAN WORKS AS A WHOLE.

IT'S A PACKAGE.

YOU CAN'T BUY THE SOLAR AND STAY ECONOMIC IF YOU DON'T HAVE THE GAS PLANT.

SO THAT'S WHY IT'S IMPORTANT.

>> Spelman: WHAT YOU'RE BASICALLY SAYING IS IT'S INCONCEIVABLE TO YOU THAT THAT INDEPENDENT ANALYSIS COULD SAY ANYTHING DIFFERENT THAN WHAT YOU THINK IT'S GOING TO SAY.

>> IT'S CONCEIVABLE IT WOULD, BUT WE'RE STARTING WITH OUR ANALYSIS AND WE'D LIKE TO VALIDATE IT.

>> Spelman: OKAY.

SO YOU ARE UNCOMFORTABLE WITH AN ANALYSIS WHICH IS STARTING FROM A LEVEL PLAYING FIELD.

HELP ME WITH THIS.

IF WE DO AN INDEPENDENT REVIEW, WHICH THE VAST MAJORITY OF PEOPLE IN THIS ROOM, SOME PEOPLE IN THIS ROOM IT MAY WORK, BUT THE VAST MAJORITY OF PEOPLE IN THIS ROOM WOULD AGREE THAT THIS IS UNFAIR.

AND IT TURNS OUT THERE'S AN ALTERNATIVE OUT THERE RATHER THAN THE GAS PLANT, WHICH IS IN FACT GOING TO BE BETTER IN ALMOST ALL RESPECTS.

IF THIS ACTUALLY HAPPENED, THIS LIGHTNING BOLT STRUCK, YOU WOULD FEEL NOT UNCOMFORTABLE AFTER YOU READ OVER THE RESULTS AND SAID YEAH, THESE GUYS KNOW WHAT THEY'RE TALKING ABOUT DOING THAT.

IS THAT CORRECT?

WOULD YOU DO SOMETHING OTHER THAN BUILD A GAS PLANT IF THIS INDEPENDENT REVIEW SAID SO?

>> I'D WANT ANOTHER INDEPENDENT REVIEW.

[LAUGHTER]

>> Spelman: I THINK THIS IS CALLED RECURSIVE.

>> IF THAT WERE TO HAPPEN I THINK WHAT WE WOULD DO IS WHAT WE WOULD DO HERE, AND THAT IS WE WOULD BRING ACTIONS THAT ONE BY ONE AND EACH ACTION WOULD AT THAT POINT BE EVALUATED FOR AFFORDABILITY AND THE ABILITY FOR US TO [INDISCERNIBLE].

SO IF IT SAID THE PLANT IS NOT A GOOD IDEA, EVEN IF THEY RETIRED DECKER, BUT IT'S A GREAT IDEA TO GO OUT AND BUY THE SOLAR, THEN WE WOULD THEN TRY IT.

WE WOULD ISSUE THE RFP, WE WOULD GET BIDS IN AND WE WOULD LOOK AND DO THE ECONOMIC ANALYSIS TO SEE IF IT'S AN ECONOMIC DEVELOPMENT.

>> Spelman: THE ANSWER IS IT SOUNDS LIKE YES.

>> YES.

>> Mayor Leffingwell: COUNCILMEMBER MARTINEZ.

>> Martinez: YOU KNOW, MY INTENTION IS THAT THESE AMENDMENTS ARE NOT TO REMOVE WHAT YOU BELIEVE IS THE BEST COURSE MOVING FORWARD, BUT IT IS TO ADD BELTS AND SUSPENDERS TO THE LANGUAGE THAT YOU'VE ALREADY APPROVED THAT SAYS A 500 MEGAWATT HIGHLY EFFICIENT COMBINED CYCLE PLANT CONTINGENT UPON THE INDEPENDENT REVIEW.

ALL WE'RE SIMPLY TRYING TO SAY IS LET'S REALLY MAKE IT CONTINGENT UPON THAT INDEPENDENT REVIEW AND LET'S MAKE THAT REVIEW AS INDEPENDENT AS POSSIBLE.

LIKE I SAID ON TUESDAY, I'M NOT CONVINCED AT THIS POINT, BUT I'M WILLING TO BE CONVINCED.

AND LIKE WE LEARNED WITH THE BIO MASS PLANT, WE FOLLOWED STAFF'S ADVICE AND DIDN'T TURN OUT YOU WEREN'T HERE, KHALEEL, I'M NOT BLAMING YOU, BUT SO ALL I'M SAYING IS I WANT TO ADHERE TO STAFF'S RECOMMENDATIONS AND YOUR ADVICE, BUT WE'VE LEARNED A LESSON AS WELL, AND IT'S NOT A SLIGHT ON YOU ALL AT ALL.

IT'S A LESSON WE LEARNED THAT WE'RE TRYING NOT TO REPEAT AGAIN.

AND SO THAT'S THE LANGUAGE I THINK THAT WE'RE ADDING IS LET'S NOT MAKE THAT SAME MISTAKE.

LET'S INDEPENDENTLY STUDY THIS.

AND IT'S NOT AN EXHAUSTIVE PROCESS IN MY OPINION IF WE PUT A DATE OF MAY 2015 AS THE RETURN DATE.

IT'S WHAT WE ALL CUSS DISCUSSED THAT WE THOUGHT WE COULD HIT THOSE TIME LINES.

SO I WANT TO FIGURE THIS OUT.

I WANT YOUR HELP WITH SOME LANGUAGE THAT ACCOMPLISHES BOTH.

I'M NOT SAYING AND I'M NOT TRYING TO ELIMINATE THE CONVERSATION OF NATURAL GAS, BUT I'M TRYING TO MAKE SURE THAT THAT DOESN'T COME INTO THE CONVERSATION UNTIL WE ABSOLUTELY KNOW DEFINITELY THAT'S THE ONLY COURSE OF ACTION WE HAVE TO TAKE.

>> SIR, I THINK COUNCILMEMBER MARTINEZ WE ACCEPT ALL OF YOUR AMENDMENTS, ALL OF THEM, THAT WE WOULD LIKE TO NOT BALANCE THE ANALYSIS BECAUSE OF [INDISCERNIBLE].

SO WE PROPOSE TO COMPARE IT TO MAYBE TWO SCENARIOS.

I THINK THAT'S A FAIR BALANCING OF THE STUDY.

>> Mayor Leffingwell: COUNCILMEMBER MORRISON.

>> Morrison: I PICKED UP ON THAT, THAT YOU WERE CONCERNED ABOUT JUST OPENING IT UP AND STUDYING.

AND I CAN TELL YOU THAT EVERYTHING THAT I'VE SEEN STILL HAS THE LIMITATION AND THE INDEPENDENT REVIEW OF UP TO I THINK WHAT I SEE, IT SAID COMPARISON WITH ONE.

I'M FAMILIAR WITH COUNCILMEMBER SPELMAN'S AMENDMENTS.

YOU CHANGE THAT TO AT LEAST TWO.

SO THERE'S NO INTENTION OF SAYING GO OUT AND DO AN EXHAUSTIVE THING.

I THINK THAT'S THE KEY OF THE DIFFERENCES OF THE CONCERN PERHAPS THAT YOU HAVE.

AND THE REST OF IT IS SEMANTICS.

>> NO.

I'D HAVE TO FOLLOW VERBALLY THE AMENDMENTS THAT COUNCILMEMBER MARTINEZ DID.

AND ONE OF THEM WAS TO MAKE THE SCENARIOS AND ELIMINATE ONE.

I DON'T KNOW WHERE WE ENDED UP BECAUSE THERE ARE A LOT OF CHANGES, BUT AS LONG AS WE CAN AGREE WOULD IT, I'M OKAY WITH THE LANGUAGE.

>> Martinez: AND EVERYTHING I READ FIRST IS NOT IN THIS RIGHT NOW BECAUSE SHE ATTACHED AN APPENDIX THAT'S IN ITS ORIGINAL LANGUAGE.

EVERYTHING THAT YOU HEARD ME READ, STRIKE IT.

IT HASN'T BEEN ADDED YET.

>> Morrison: AND, MAYOR, IF I MAY, I CAN TELL YOU THAT

>> Mayor Leffingwell: COUNCILMEMBER MORRISON.

>> Morrison: THE ONE THAT COUNCILMEMBER SPELMAN IS GOING TO BE THROWING IN TO THE MIX HAS AT LEAST TWO.

I GET THAT ISSUE.

>> Spelman: SO MAYOR, IF I COULD.

WE STILL HAVE A DIFFERENCE OF OPINION BETWEEN THE AE STAFF AND AT LEAST THE MOTION ON THE TABLE AS TO WHETHER WE SAY WE'RE GOING TO COMMENCE THE PROJECT TO REPLACE THE DECKER STEAM WITH 500 MEGAWATTS OF COMBINED CYCLE GAS TURBINE OR WHETHER WE'RE GOING TO COMMENCE WITH A THIRD PARTY ENVIRONMENTAL REVIEW.

WHAT I'M HEARING YOU SAY, KHALEEL, IS IT'S A MATERIAL DIFFERENCE FROM YOUR POINT OF VIEW.

>> THIS MIGHT SOUND LIKE NITPICKING, BUT MAYBE IF WE ADD AFTER COUNCILMEMBER TOVO'S AMENDMENT TO REPLACE DECKER STATION.

IT WOULD SOUND LIKE IT'S NOT THE SITE OF THE DECKER.

TO REPLACE DECKER.

>> Spelman: USING THIRD PARTY ENVIRONMENTAL ECONOMIC REVIEW TO REPLACE THE DECKER POWER PLANT.

COUNCILMEMBER TOVO?

>> Tovo: SURE.

I ACTUALLY DON'T HAVE THAT LAST PIECE OF LANGUAGE BECAUSE IT CAME FROM YOU, COUNCILMEMBER SPELMAN.

SO I THINK THIS I THINK KHALEEL IS ACTUALLY AMENDING THE PORTION OF MY AMENDMENT THAT WAS YOUR LANGUAGE.

>> Spelman: ACTUALLY, MY LANGUAGE WAS JUST JUST VANISHED INTO THE ETHER AND IT SOUNDS TO ME LIKE WHAT WE'RE DEALING WITH NOW IS COMMENCING A THIRD PARTY ECONOMIC AND ENVIRONMENTAL REVIEW TO REPLACE THE DECKER POWER PLANT, DESCRIBED IN APPENDIX A.

>> Tovo: WE DID INITIALLY HAVE FAYETTE IN THAT SENTENCE AS WELL.

>> Spelman: THIS IS GOING TO BE A LONG EVENING.

>> Tovo: INITIALLY, COUNCILMEMBER SPELMAN, WE DID SAY TO RETIRE THE FAYETTE COAL PLANT AND REPLACE

>> Spelman: OKAY.

AND THEN MY READING OF WHAT KHALEEL SAID, MAYBE I SHOULD NOT TRY TO READ INTO IT, BUT ASK HIM DIRECTLY.

DO YOU HAVE ANY OBJECTION TO REPLACE THE DECKER STEAM UNITS AND THE FAYETTE COAL PLANT?

>> [INAUDIBLE].

SO WHAT'S THE PROPOSAL?

>> Spelman: I'M TRYING TO INCORPORATE EVERYTHING THAT COUNCILMEMBER TOVO WANTS TO INCORPORATE, TO REPLACE THE DECKER STEAM UNITS.

IS THERE ANY OBJECTION DO YOU HAVE AN OBJECTION TO FINDING A WAY OF FORCING FAYETTE INTO THAT?

>> NO.

>> Spelman: REPLACING THE STEAM UNITS IN THE DECKER POWER PLANT DESCRIBED IN APPENDIX A.

DOES THAT WORK FOR YOU?

>> IT WORKS.

>> Spelman: GOOD.

>> Mayor Leffingwell: ALL RIGHT.

ANYTHING ELSE?

>> Spelman: AMENDMENT THREE I HAVE COMING RIGHT UP.

>> Tovo: I HAD SOME AMENDMENTS, BUT I DON'T KNOW IF THIS IS AN APPROPRIATE TIME TO YIELD THE FLOOR BACK TO COUNCILMEMBER MARTINEZ.

I THINK MY AMENDMENTS CAN FOLLOW ON HIS IF HE WOULD LIKE TO REINTRODUCE THAT.

SO HOWEVER

>> Mayor Leffingwell: COUNCILMEMBER MARTINEZ.

>> Martinez: IF WE GO BACK TO APPENDIX A, THEN KHALEEL, NOW WE'LL START GOING THROUGH WHAT YOU HEARD EARLIER SOMEWHAT SURPRISING TO YOU OR NOT IN AGREEMENT.

THE FIRST TWO AMENDMENTS WERE UNDER THE PROCUREMENT SUBHEADING.

UNDER THE REVIEWS AND APPROVALS WILL BE CONTAINED IN THE RFP PROCESS.

ON THAT FIRST PAGE.

500 MEGAWATT PLANT DECKER REPLACEMENT INDEPENDENT REVIEW.

WHICH IS NOW APPENDIX A.

>> Spelman: MARTINEZ, IF I COULD JUST STOP YOU FOR A MOMENT.

>> Mayor Leffingwell: COUNCILMEMBER SPELMAN.

>> Spelman: I'VE GOT A VERSION OF THIS TOO AND THE MOST EFFICIENT WAY OF GOING ABOUT THIS MIGHT BE TO ADD YOUR VERSION AND MY VERSION, AND KHALEEL AND SHERYL LOOKING AT BOTH OF THOSE THINGS AND BLEND THEM ALL TOGETHER.

THIS IS THE SORT OF THING BACK IN THE DAYS THAT WE WOULD DO IN THE BACK ROOM, BUT WE CAN'T DO THAT ANYMORE SO WE HAVE TO DO IT IN REALTIME IT SOUNDS LIKE.

>> Mayor Leffingwell: I'M NOT SURE THAT WE COULD EVER DO THAT.

[LAUGHTER]

>> Spelman: AN ALTERNATIVE, MAYOR, MIGHT BE THE FOLLOWING, WHICH I THINK WOULD BE PERFECTLY APPROPRIATE.

AND THAT WOULD BE TO PUT THIS ITEM ON THE TABLE WHILE A COMMITTEE OF, FOR EXAMPLE, COUNCILMEMBER MARTINEZ AND I, WENT OVER HIS VERSION AND MY VERSION, BLENDED THE TWO TOGETHER AND CAME BACK WITH A COMBINED VERSION WHICH INCORPORATED THE BEST OF BOTH PARTS AND THAT WOULD GIVE KHALEEL AND SHERYL ONE VERSION AND THE REST OF THE COUNCIL ONE VERSION TO LOOK AT.

>> Mayor Leffingwell: SO WITHOUT OBJECTION WE'LL PLACE THIS ITEM ON THE TABLE.

>> Spelman: IS THAT OKAY WITH YOU?

>> Mayor Leffingwell: YES.

COUNCILMEMBER TOVO.

DO YOU OBJECT?

>> Tovo: I DON'T OBJECT ACTUALLY, BUT I WANT TO SUGGEST TO THE COMMITTEE AND COUNCILMEMBER SPELMAN AND COUNCILMEMBER MARTINEZ THAT THERE IS SOME LANGUAGE THAT I HAVE IN MY AMENDMENT FOUR THAT I THINK WOULD NICELY BLEND, AT LEAST WHAT I'VE SEEN ON COUNCILMEMBER MARTINEZ'S AMENDMENTS.

I HAVEN'T SEEN [INDISCERNIBLE], BUT YOU MIGHT TAKE INTO THAT ACCOUNT.

>> I THINK THEY HEARD YOUR SUGGESTION.

SO THIS ITEM IS ON THE TABLE AND WE'LL GO BACK TO THE REAL AGENDA.

THANK YOU.

SO I'VE GOT A NOTE HERE THAT SAYS 145 NEEDS TO BE HEARD AFTER 201.

IS THAT CORRECT?

>> GREG GUERNSEY, PLANNING DEVELOPMENT AND REVIEW DEPARTMENT.

THAT'S CORRECT, MAYOR, ALTHOUGH I THINK JUNEIE COULD OFFER YOU TWO CONSENT ITEMS AND I UNDERSTAND FROM BETSY SPENCER THE HOUSING FINANCE, ALL THOSE SPEAKERS THAT HAVE SIGNED UP TO SPEAK HAVE AGREED NOT TO SPEAK.

SO IF YOU WOULD LIKE TO DO THE LAND ACQUIRE ACQUISITION.

>> Mayor Leffingwell: LET'S DO THE TWO CONSENT ITEMS AND WHILE GO TO OUR RECESS AND GO THROUGH OUR BOARD MEETINGS.

>> GOOD EVENING.

JUNIE PLUMBER, OFFICE OF REAL ESTATE SERVICES, CITY OF AUSTIN.

AND ITEM NUMBER 191 IS A CHANGE IN USE OF DEDICATED PARKLAND FOR A WASTEWATER LINE OUT OF BAUERLY PARK.

THE LEGAL FACT FINDING FOR ITEM 191 IS THAT THERE IS NO OTHER FEASIBLE AND PRUDENT ALTERNATIVE TO THE TAKING OF THE DEDICATED PARKLAND, WHICH INCLUDES ALL PLANNING TO MINIMIZE HARM TO THE PARK.

THE MITIGATION FOR THIS PARTICULAR ITEM IS \$12,756.12.

>> Mayor Leffingwell: OKAY.

SO THERE ARE NO SPEAKERS SIGNED UP SO I'LL ENTERTAIN A MOTION TO CLOSE THE PUBLIC HEARING AND APPROVE THE RESOLUTION.

>> SO MOVE.

>> Mayor Leffingwell: COUNCILMEMBER MORRISON DID YOU SAY SO MOVE?

COUNCILMEMBER MORRISON SAID SO MOVE.

MAYOR PRO TEM COLE SECOND.

THOSE IN FAVOR SAY AYE?

OPPOSED SAY NO?

THAT PASSES ON A VOTE OF FIVE 0 WITH COUNCILMEMBER MARTINEZ AND SPELMAN OFF THE DAIS.

>> ITEM NUMBER 192 IS A CHANGE IN USE OF PARKLAND FOR RIGHT OF WAY OUT OF COLONY PARK.

THE LEGAL FACT FINDING FOR THIS ITEM IS THAT THERE IS NO OTHER FEASIBLE AND PRUDENT ALTERNATIVE TO THE TAKING OF THE DEDICATED PARKLAND WHICH INCLUDES ALL PLANNING TO MINIMIZE HARM TO THE PARK.

THE MITIGATION OF THIS ITEM IS \$19,245.12 AGAIN.

>> Mayor Leffingwell: ALL RIGHT.

SO WE HAVE NO SPEAKERS SO I'LL ENTERTAIN A MOTION TO CLOSE THE PUBLIC HEARING AND APPROVE THE RESOLUTION.

MAYOR PRO TEM SO MOVES, COUNCILMEMBER MORRISON SECONDS.

FAVOR SAY AYE?

OPPOSED SAY NO?

IT PASSES FIVE TO ZERO WITH COUNCILMEMBER MARTINEZ AND SPELMAN OFF THE DAIS.

>> Mayor Leffingwell: NOW WE WILL RECESS THIS MEETING OF THE AUSTIN CITY COUNCIL, CALL TO ORDER THE MEETING OF THE AUSTIN HOUSING FINANCE CORPORATION.

DO WE HAVE A CONSENT AGENDA?

>> YES, SIR.

BETSY SPENCER, DIRECTOR OF TREASURER OF THE AUSTIN HOUSING FINANCE CORPORATION.

WE DO HAVE FOUR ITEMS.

I OFFER THEM ON CONSENT.

ONE IS A PUBLIC HEARING.

I BELIEVE SEVERAL PEOPLE SPOKE UP, ALL IN FAVOR, BUT THEY HAVE AGREED TO NOT SPEAK.

SO I OFFER ALL ITEMS ON CONSENT.

>> Cole: MOVE APPROVAL, MAYOR.

>> Mayor Leffingwell: ITEMS 1 THROUGH 4, THAT WOULD BE THE CONSENT AGENDA.

BEFORE WE TAKE A MOTION, WE DO HAVE ONE PERSON SIGNED UP TO SPEAK ON THE CONSENT AGENDA, AND THAT WOULD BE ALFREDO ESMACHNICH.

YOU DON'T WISH TO SPEAK?

OKAY.

ON EITHER ITEM.

I'LL ENTERTAIN A MOTION TO APPROVE THE CONSENT AGENDA.

>> Cole: SO MOVE.

>> Mayor Leffingwell: COUNCILMEMBER COLE SO MOVES.

SECONDED BY COUNCILMEMBER MORRISON.

ALL IN FAVOR?

OPPOSED SAY NO?

PASSES ON A VOTE OF FIVE TO ZERO WITH COUNCILMEMBER MARTINEZ AND SPELMAN OFF THE DAIS.

THAT CONCLUDES THE MEETING OF THE AUSTIN HOUSING FINANCE CORPORATION.

WITHOUT OBJECTION THAT MEETING IS ADJOURNED AND WE'LL CALL TO ORDER A MEETING OF THE AUSTIN INDUSTRIAL DEVELOPMENT CORPORATION.

[LAUGHTER].

AND WE HAVE NO SPEAKERS SIGNED UP ON THAT ITEM, ON ANY OF THESE ITEMS.

>> HELLO, MAYOR.

KEVIN JOHNS, DIRECTOR OF ECONOMIC DEVELOPMENT.

THIS ITEM IS TO APPROVE THREE RESOLUTIONS ON CONSENT TO ACTIVATE THE INDUSTRIAL DEVELOPMENT CORPORATION.

THE THREE ITEMS ARE TO APPROVE A RESOLUTION TO APPOINT MAYOR AND COUNCIL AS THE BOARD.

TO UPDATE THE BYLAWS AND TO SET UP THE BUDGET.

>> Mayor Leffingwell: I'LL ENTERTAIN A MOTION TO APPROVE ITEMS 1, 2 AND 3 ON CONSENT.

COUNCILMEMBER MORRISON SO MOVES.

SECONDED BY MAYOR PRO TEM COLE.

ALL IN FAVOR SAY AYE.

OPPOSED SAY NO?

IT PASSES FIVE TO ZERO WITH COUNCILMEMBER MARTINEZ AND SPELMAN OFF THE DAIS.

>> THANK YOU VERY MUCH.

HAPPY HOLIDAYS.

>> Mayor Leffingwell: THAT CONCLUDES THE BUSINESS OF THE INDUSTRIAL DEVELOPMENT CORPORATION, SO WITHOUT OBJECTION THAT MEETING IS ADJOURNED AND I'LL CALL BACK TO ORDER THE MEETING OF THE AUSTIN CITY COUNCIL.

AND I THINK WE'RE STILL TRYING TO GET AN ANSWER ON 145, SO WE'LL GO TO THERE'S A BUNCH OF RELATED ITEMS HERE WHERE THE PUBLIC HEARING HAS BEEN CLOSED.

THE SPRINGDALE ITEMS BEGINNING WITH 147.

I BELIEVE THAT'S 147 THROUGH 153?

>> YES, MAYOR.

JERRY RUSTHOVEN, PLANNING DEVELOPMENT AND REVIEW.

WE'LL CONSIDER THE ITEMS TOGETHER.

>> Mayor Leffingwell: COUNCILMEMBER MORRISON.

>> Morrison: I'M SORRY, BUT I THINK THIS MIGHT BE AN ITEM, THE SPRINGDALE FARMS, THAT WE COULD USE A FULL COUNCIL ON.

IT'S BEEN RATHER CONTROVERSIAL.

>> THAT'S TRUE AND WE DO HAVE A VALID PETITION.

>> Mayor Leffingwell: OKAY.

THERE'S NO WAY IT CAN PASS IN THIS SITUATION.

SO WE'LL GO TO ITEM 155.

ITEM 155.

>> MAYOR AND COUNCIL, ITEM 155 AND 156 ARE RELATED ITEMS.

ITEM NUMBER 155 IS A NEIGHBORHOOD PLAN AMENDMENT FOR THE PROPERTY LOCATED AT 1,007 AND 1,011 MONTOPOLIS DRIVE.

THE RELATED ZONING ITEM IS ITEM NUMBER 156.

AND THAT'S CASE C 14 2014 0127 FOR THE SAME PROPERTIES.

THE PROPERTY IF YOU WOULD LIKE, MAYOR, I CAN PRESENT BOTH OF THESE.

>> Mayor Leffingwell: YES.

>> VERY GOOD.

THE PROPERTY ITSELF IS ABOUT 4.8 ACRES.

THE CHANGE TO THE MONTOPOLIS PLAN, THE FUTURE LAND USE MAP DESIGNATION WAS FROM CIVIC TO MIXED LAND USE.

THE PLANNING COMMISSION DID APPROVE THE MIXED LAND USE DESIGNATION ON A SPLIT VOTE OF 5 3 WITH ONE PERSON BEING ABSENT.

ON THE ZONING CASE THE ZONING CHANGE WAS REQUESTED TO ADD A MIXED USE DESIGNATION AND THERE WILL BE A CONDITIONAL OVERLAY.

THE PLANNING COMMISSION ALSO RECOMMENDED THE ZONING CHANGE TO LIMITED OFFICE, MIXED USE, CONDITIONAL OVERLAY NEIGHBORHOOD PLAN WITH CONDITIONS THAT WERE RECOMMENDED BY STAFF.

SPECIFICALLY THOSE CONDITIONS WOULD BE TO PROHIBIT ALL OFFICE USES EXCEPT ADMINISTRATIVE BUSINESS OFFICE LAND USES AND MEDICAL OFFICE.

MEDICAL OFFICE USE WOULD BE LIMITED TO 1,001 SQUARE FEET.

VEHICLE TRIPS WILL BE LIMITED ON THE PROPERTY TO LESS THAN 2,000.

ALL STRUCTURES ON THE PROPERTY WOULD BE LIMITED TO A MAXIMUM OF TWO STORIES.

AND THERE WOULD BE A FENCE HEIGHT OF A MAXIMUM OF SIX FEET THAT COULD BE CONSTRUCTED ALONG THE NORTHERN PROPERTY LINE.

IN THE GENERAL AREA TO THE NORTH THERE ARE SINGLE FAMILY RESIDENTIAL DWELLINGS, RESTAURANTS AND RETAIL AND THE PROPERTIES ARE ZONED SF 3 NP.

TO THE SOUTH THERE SINGLE FAMILY RESIDENCES, RELIGIOUS ASSEMBLY, AUTOMOTIVE STORE AND RELATED USES.

THE ZONING TO THE SOUTH IS SF 3 MP LO MP GR MP.

THE PROPERTIES TO THE EAST ARE PREVIOUSLY SINGLE FAMILY RESIDENCES AND THEY'RE ZONED AF 3 NP.

TO THE WEST ACROSS MONTOPOLIS DRIVE YOU HAVE SOME ADDITIONAL SINGLE FAMILY RESIDENCES AND THE MONTOPOLIS RECREATION COMMUNITY CENTER.

THOSE PROPERTIES ARE ZONED SF 3 NP, NP.

ORIGINALLY THIS PROPERTY WAS TO BE DEVELOPED FOR A CHURCH, A RELIGIOUS ASSEMBLY USE.

THERE WERE IMPROVEMENTS THAT WERE MADE ON THE PROPERTY.

THEY INCLUDED A PARKING LOT, A DETENTION POND, BUT THE PRIMARY CHURCH STRUCTURE WAS NEVER BUILT ON THE PROPERTY.

WE DO HAVE OPPOSITION TO THE REZONING REQUEST AND TO THE NEIGHBORHOOD PLAN AMENDMENT, AND YOU CAN SEE THE INPUT THAT'S IN YOUR BACKUP.

THE APPLICANT IS HERE THAT CAN SPEAK TO THESE ITEMS.

THE PROJECT ITSELF IS WHAT I UNDERSTAND IS A PROPOSED ABOUT A 55 SINGLE FAMILY HOMES THEIR GENERAL SIZE WOULD BE BETWEEN 1500 AND 1800 SQUARE FEET.

AND I THINK IN CLOSING I'LL JUST SAY THAT THE NEIGHBORHOOD PLANNING CONTACT TEAM IS OPPOSED, BUT I UNDERSTAND THERE'S A CARSON RIDGE NEIGHBORHOOD ASSOCIATION IN SUPPORT.

IF YOU HAVE ANY QUESTIONS, I'LL BE HAPPY TO ANSWER THEM AT THIS TIME OR LATER.

AND I THINK MR. RON THROWER IS HERE ON BEHALF OF THE APPLICANT, PRJ DEVELOPMENT.

>> Mayor Leffingwell: OKAY.

WE'LL HEAR FROM THE WAIT, QUESTION FOR YOU.

COUNCILMEMBER MORRISON.

>> Morrison: I HAVE A QUESTION.

THIS IS SOUNDING FAMILIAR.

DID WE DO ANOTHER ZONING CASE LIKE THIS IN THIS AREA?

>> I DON'T THINK WE'VE HAD A CASE

>> Morrison: I REMEMBER ANOTHER INFILL.

>> I THINK THERE WAS A CASE ON MONTOPOLIS IN 2005.

>> Morrison: I THINK THERE THROWER WILL BE ABLE TO ANSWER MY QUESTION.

>> Mayor Leffingwell: YEAH, BECAUSE I HAD THAT ONE TOO.

>> Morrison: IT'S ALL SOUNDING

>> Mayor Leffingwell: SET THE CLOCK FOR FIVE MINUTES.

>> MAYOR, MAYOR PRO TEM, COUNCILMEMBERS, RON THROWER REPRESENTING THE LANDOWNER.

I HAVE PROVIDED A HANDOUT THAT

>> Mayor Leffingwell: EXCUSE ME, DO YOU NEED MORE TIME THAN FIVE MINUTES?

>> I DO NOT.

I'LL BE QUICK.

I PROVIDED A HANDOUT THAT I PRESUME IS ON YOUR DAIS AND I'M NOT GOING TO BE ABLE TO GO THROUGH THAT ELECTRONICALLY.

AS MR. GUERNSEY POINTED OUT WE'RE GOING FROM LO TO MU ADDING THE MU DESIGNATION TO THE PROPERTY.

THE EXISTING PROPERTY IS CURRENTLY VACANT.

AND THE SUBJECT PROPERTY IS 4.701 ACRES IN SIZE, HAS FRONTAGE ON MONTOPOLIS.

AND ON THE BACK SIDE HAS FRONTAGE ON AN UNBUILT STREET CALLED MONTANA AND IT'S A SUBSTREET THAT WOULD THEN STUB OVER TO VARGAS.

THE PROPERTY IS SURROUNDED BY SINGLE FAMILY ZONING AND SINGLE FAMILY DEVELOPMENT TODAY.

TO THE NORTH IS PUD ZONING, BUT IT'S DEVELOPED AS SINGLE FAMILY HOMES.

IT'S A HABITAT FOR HUMANITY PROPERTY.

AND THIS IS JUST A QUICK LAYOUT OF THE PROPERTY WHICH SHOWS 53 UNITS.

WE HAD ORIGINALLY LOOKED AT POTENTIALLY ADDING A SMALL OFFICE BUILDING TO THE FRONT PART OF THE PROPERTY.

THAT IS STILL AN OPTION UNDER THE ZONING THAT WE'RE PURSUING AND THE PLANNING COMMISSION HAS RECOMMENDED.

AND THIS PARTICULAR PLAN YOU CAN SEE WHERE WE'RE STUBBING MONTANA STREET ON THE EAST SIDE FROM VARGAS INTO THE PROPERTY.

THAT IS A STREET SECTION THAT WE WILL BUILD AS PART OF THIS DEVELOPMENT.

AND THEN OUR DEVELOPMENT WOULD LINE WITH CLUB TERRACE ON THE WEST AT MONTOPOLIS AND IT WOULD BE A THROUGH CONNECTION INTO THIS PROPERTY.

THIS PROJECT IS NOT GOING TO BE A GATED COMMUNITY, SO THAT'S GOING TO BE A THROUGH ACCESS.

SO WE HAVE PROPOSED A LIST OF CONDITIONS THAT WOULD GO ALONG WITH THE PROPERTY, SIX FOOT FENCE ACROSS THE NORTH, A THOUSAND SQUARE FOOT OF OFFICE.

I BELIEVE PLANNING COMMISSION RAISED THAT TO 1500.

MONTANA STREET CONNECTION WILL BE PROVIDED.

LIMITING THE DEVELOPMENT TO TWO STORIES IN SIZE BECAUSE THIS IS GOING TO BE BASICALLY SINGLE FAMILY HOMES BUILT WITHIN A CONDOMINIUM DEVELOPMENT.

LIMITING THE TRIPS TO 2,000 TRIPS AND ALSO HAVING A LIST OF PROHIBITED USES.

AND SO WITH THAT WE HAVE CITY STAFF SUPPORT, WE HAVE PLANNING COMMISSION SUPPORT AND WE HAVE 28 LETTERS THAT ARE IN SUPPORT, WHICH WERE PROVIDED ON THE DAIS.

AND OF THOSE 28 LETTERS IN SUPPORT, THAT CONSTITUTES 36% OF THE PROPERTY OWNERS THAT ARE WITHIN 200 FEET OF THE PROPERTY.

AND WITH THAT I'LL ANSWER ANY QUESTIONS THAT YOU MAY HAVE.

>> Mayor Leffingwell: QUESTIONS FOR THE APPLICANT?

COUNCILMEMBER MORRISON.

>> Morrison: I APOLOGIZE IF YOU MENTIONED THIS ALREADY, BUT WHAT'S THE PRICE POINT THAT YOU THINK YOU WILL BE LOOKING AT FOR THESE?

>> THESE HOMES WILL START IN THE 200,000 DOLLAR RANGE.

>> Morrison: AND SIZE AND SQUARE FOOTAGE?

>> THEY'LL START AT ABOUT 850 AND GO UP TO UP TOWARDS OF 1500 SQUARE FEET.

>> Morrison: THANK YOU.

>> THANK YOU.

>> Mayor Leffingwell: ALL RIGHT.

UNLESS JOE STAFFORD OR SETH HART WANT TO SPEAK, THAT'S ALL THE SPEAKERS FOR.

COUNCILMEMBER RILEY.

>> Riley: WHAT I HAVE ABOUT THE REQUIREMENT OF THE SIX FOOT FENCE IS THAT SOMETHING THAT THE NEIGHBORS TO THE NORTH WERE REQUESTING.

>> WHEN WE HAD MET WITH THE CITY SPONSORED MEETING ON THE NEIGHBORHOOD PLAN AMENDMENT SOME PROPERTY OWNERS ON THE NORTH HAD ATTENDED THAT MEETING AND THEY HAD ACTUALLY REQUESTED AN EIGHT FOOT FENCE.

I DON'T BELIEVE WE CAN DO AN EIGHT FOOT FENCE UNLESS WE HAVE A LOT OF VARIANCES TO GO WITH IT SO WE ARE PUTTING IN A SIX FOOT FENCE.

THAT FENCE IS NOT A REQUIREMENT BY CODE BECAUSE THEY'RE ZONED PUD AND THAT DOESN'T TRIGGER COMPATIBILITY ON OUR PROPERTY, BUT WE ARE AGREEING TO PUT A FENCE FOR SCREENING PURPOSES.

>> Riley: SO IT WAS AT THE REQUEST OF A FEW PROPERTY OWNERS.

>> IT WAS.

>> Riley: I SAW SOME LINES THAT AND TO SHOW SOME KIND OF PATH THAT SEEMED TO CROSS THAT FENCE.

WAS THERE ANY DISCUSSION ABOUT ALLOWING ANY FOR INSTANCE, PEDESTRIAN ACCESS THROUGH THE FENCE OR WAS THE INTENSE R. TENSION THAT IT WOULD BE IMPENETRABLE, THAT IT WOULD BE

>> THEIR DESIRE WAS FOR AN IMPENETRABLE FENCE ACROSS THERE.

THEY WANTED A BARRIER.

THEY DON'T WANT TO SEE COMMERCIAL DEVELOPMENT OF THE PROPERTY.

THEY DON'T WANT TO SEE ANYTHING COMMERCIAL OVER THERE.

THEY'RE OKAY WITH THE THOUSAND SQUARE FOOT THAT WE HAD ORIGINALLY OFFERED AS A POTENTIAL OFFICE SPACE, BUT OTHER THAN THAT THEY WANT IT TO BE

>> Riley: SO THE FENCE CAME UP AT A TIME WHEN A COMMERCIAL PLAN WAS UNDER DISCUSSION?

THE IMAGE THAT YOU SHOWED WAS CONTEMPLATING RESIDENTIAL.

>> RIGHT.

AND THIS IS THE EXACT SAME PLAN THAT WE HAD SHOWN.

WE HAD EARLY DISCUSSIONS ABOUT MAYBE PROVIDING UP TO A THOUSAND SQUARE FEET OF OFFICE, SO IT'S WITH THIS PLAN THAT THEY SAID THAT THEY WOULD LIKE FOR IT TO BE WALLED OFF COMPLETELY.

APPARENTLY THERE'S BREAK INS THAT OCCUR IN THEIR HOMES AND SO THEY'RE LOOKING FOR SOME SECURITY.

>> Riley: OKAY.

THANKS.

>> THANK YOU.

>> Mayor Leffingwell: WE'LL GO TO THE SPEAKERS SIGNED UP AGAINST.

SUSANA ALMANZA.

YOU HAVE THREE MINUTES.

>> MAYOR, DANIEL YANEZ IS ALSO DONATING HIS TIME.

>> Mayor Leffingwell: LET ME SEE IF HE'S SIGNED UP.

HE'S NOT SIGNED UP NOW.

IS DANIEL YANEZ HERE?

>> YES, SIR.

>> Mayor Leffingwell: DO YOU WANT TO GET SIGNED UP?

YOU WILL HAVE SIX MINUTES.

>> GOOD EVENING, MAYOR AND CITY COUNCILMEMBERS.

I'M SUSANA ALMANZA.

JUST A MINUTE.

WHERE IS THE CLICKER?

OKAY.

SO I AM THE PRESIDENT OF MONTOPOLIS NEIGHBORHOOD PLAN CONTACT TEAM AND PRESIDENT OF THE MONTOPOLIS NEIGHBORHOOD ASSOCIATION.

AND SO I JUST WANT YOU TO GET A LOOK OF WHAT THE PROPERTY WE'RE TALKING ABOUT.

THAT'S 1007, 1011 MONTOPOLIS DRIVE.

YOU SEE THERE THOSE ARE THE HABITAT HOMES CALLED [SPEAKING IN SPANISH] THAT ABUTS UP TO THIS PROPERTY.

AND THAT'S THE [SPEAKING IN SPANISH].

THOSE ARE THE HOUSES.

THESE HOUSES WERE BUILT VALUED AT \$40,000 BY HABITAT FOR HUMANITY.

AND THAT'S LOOKING AT THE FABIANS.

AND THAT FENCE THERE BELONGS TO DOLORES CATHOLIC CHURCH.

JUST TO GIVE YOU A VIEW OF WHERE YOU'RE HEADING AND YOU SEE THE SCHOOL BUS.

AND THAT'S THE STREET WHERE YOU SEE THAT PERSON RIDING THE BIKE, THAT'S THE PROPERTY THAT WE'RE TALKING ABOUT.

AND THAT'S THE HOMES RIGHT ACROSS THE STREET FROM WHERE THEY WANT TO BUILD THE CONDOS.

AND THAT'S AT ANOTHER ANGLE.

AND THEN THAT'S LOOKING STRAIGHT AHEAD FROM HOGAN TO THE PROPERTY.

SO YOU CAN SEE AND THIS IS VARGAS ON THE OTHER SIDE OF THE HOMES THAT ARE BEHIND THAT PROPERTY THAT YOU SAW AN AERIAL VIEW.

THAT'S ONE OF THE HOUSES THAT ARE ADJACENT TO WHERE YOU SAW THE VIEW.

SO THAT'S JUST TO IF YOU CAN TAKE IT OFF OF THAT.

THAT'S JUST TO GIVE YOU AN IDEA OF WHAT WE'RE REALLY TALKING ABOUT.

AND WHEN THEY TALKED ABOUT THE LAND USE AND ADOPTIVE MONTOPOLIS NEIGHBORHOOD PLAN OF 2001, THEIR GOAL WAS TO IMPROVE THE QUALITY OF LIFE IN MONTOPOLIS TO LAND USE AND ZONING.

THIS ZONING CHANGE WILL NOT IMPROVE THE QUALITY OF LIFE FOR MONTOPOLIS RESIDENTS.

IT WILL NEGATIVELY IMPACT PROPERTY OWNERS THAT ARE ADJACENT TO THIS PROPERTY.

IT WILL AID IN THE GENTRIFICATION PROCESS AND THE HEART OF THE MONTOPOLIS COMMUNITY, THE COMMUNITY THAT WE HAVE WORKED TO PRESERVE.

THIS DEVELOPMENT WOULD NOT PROMOTE CAPABILITY WITH ADJACENT AND NEARBY USES AND WOULD RESULT IN THE DETRIMENTAL IMPACTS TO THE NEIGHBORHOOD'S CHARACTER.

THE CURRENT PROPOSAL WOULD APPROXIMATE A MULTI FAMILY MF 2 DEVELOPMENT IN TERMS OF DENSITY.

THE MAJORITY OF MONTOPOLIS RESIDENTS LIVE AT 30% MEDIAN FAMILY INCOME AND WILL NOT BE ABLE TO AFFORD TO LIVE IN THE PROPOSED HOUSING DEVELOPMENT.

EXCUSE ME?

EXCUSE ME?

BUT I'M TRYING TO TALK OVER HERE, PLEASE.

IT WILL START THE DISPLACEMENT OF LONG TIME RESIDENTS IN THE AREA.

WE DO NOT SUPPORT MULTIPLE HIGH PRICE HOMES THAT WILL RANGE FROM 280,000 AND ABOVE, BECAUSE THAT IS THE PRICE THAT THEY GAVE US AT THE MEETING.

AND NOW HE'S NOT WANTING TO BE EXACT.

280,000 AND ABOVE IN THE HEART OF THE MONTOPOLIS COMMUNITY.

THIS PROPOSED DEVELOPMENT WILL NEGATIVELY IMPACT ESTABLISHED NEIGHBORHOODS.

THESE HOMETOWNS WILL NOT MAINTAIN STABILITY IN THE NEIGHBORHOOD.

THESE TOWNHOMES WILL NOT BE AFFORDABLE.

THE PROPOSED HIGH PRICE HOME TOWNS WILL BE LOCATED WITHIN THE HEART OF THE MONTOPOLIS COMMUNITY.

AND REASON THAT THIS CASE SEEMS FAMILIAR IS BECAUSE THESE ARE THE SAME OWNERS, THE SAME AGENT THAT WE DEALT WITH AT 600 KEMP.

AND WHEN I CAME TO YOU ALL THOSE HOUSES WERE VALUED AT 28,000, 40,000.

I THINK THE MOST HIGHEST PRICE WAS \$85,000.

AND NOW I COME BEFORE YOU BECAUSE IN OUR NEIGHBORHOOD PLAN PROCESS WE SAID THAT THE CONDOS AND TOWNHOMES WOULD BE DEVELOPED ALONG THE RIVERSIDE CORRIDOR AND THAT IS PART OF YOUR PLAN, BUT NOW THIS OWNER IS INTENT IN BRINGING CONDOS INTO THE HEART OF THE NEIGHBORHOOD.

LIKE I SAID, HABITAT FOR HUMANITY HOMES WERE AT 40,000.

THEY ARE NOW VALUED AT \$70,000.

AND THESE ARE WORKING CLASS PEOPLE.

I MEAN, THE WORKING POOR CLASS PEOPLE WHO ARE NOW SEEING THEIR PROPERTY TAXES GO UP.

YOU NOW HAVE CONDOS AT \$280,000 THAT ARE COMING IN.

YOU HAVE THE OPPORTUNITY TO STOP WHAT'S ABOUT TO HAPPEN, THE GENTRIFICATION PROCESS IN THE HEART OF THE MONTOPOLIS COMMUNITY, WHICH YOU KNOW IS A VERY POOR AND NEGLECTED COMMUNITY.

IT'S THE MAJORITY OF PEOPLE OF COLOR IN THERE.

AND THAT THEY HAVE STRUGGLED FOR A LONG TIME TO STAY IN THAT COMMUNITY AND YOU NOW HAVE THAT SAME DOMINO PROCESS THAT HAPPENED IN THE CESAR CHAVEZ PLAN, IN THE HOLLY NEIGHBORHOOD PLAN AND THE GOVALLE JOHNSTON PLAN COMING TO THE POOREST NEIGHBORHOOD IN THE CITY OF AUSTIN.

WE HAVE THE LOWEST MEDIAN INCOME IN THE CITY OF AUSTIN.

WHEN YOU LOOK AT THE STATISTICS, THEN YOU SHOULD DO THE RIGHT THING.

YOU SHOULD LOOK AT THIS.

EVEN THOUGH WE HAD 28 SIGNATURES ON THE VALID PETITION, I WAS JUST TOLD WE ONLY REACHED 12 PERCENT SOMETHING.

YOU SHOULD HAVE GOT A LETTER FROM HABITAT FOR HUMANITY BECAUSE THE BOARD WOULD NOT SIGN, EVEN THOUGH THEY OWN PROPERTY, THAT COULD GIVE US A HIGHER RATE AND WE WEREN'T ABLE TO REACH EVERYONE YET.

SO I DON'T KNOW WHAT LETTERS MR. RON THROWER HAS BECAUSE I DIDN'T SEE THEM AND WHERE THEY COME FROM TOO AND WHO THEY COME FROM BECAUSE I KNOW IT'S NOT BY THE IMMEDIATE PEOPLE BECAUSE THEY ALL SIGNED THE VALID PETITION.

AND CARSON RIDGE, WITH DR. FRED MCGHEE, HE IS ON THE OTHER SIDE OF RIVERSIDE WHERE WE ARE ALLOWING THE TOWNHOMES AND CONDOS TO COME IN.

SO FOR HIM TO SAY, YOU KNOW, FRED MCGHEE, WHEN THE CONTACT TEAM IS MADE UP OF SEVERAL DIFFERENT NEIGHBORHOOD ASSOCIATIONS.

[BUZZER SOUNDS]

>> Mayor Leffingwell: THANK YOU.

>> THANK YOU SO MUCH.

IF YOU HAVE ANY QUESTIONS I'LL BE MORE THAN HAPPY TO ANSWER.

I'M SORRY, I FORGOT TO GIVE YOU THE HANDOUT.

>> Mayor Leffingwell: PASS THEM TO THE CLERK.

ANGELICA NOJELLO.

IS SANDRA QUARTEZ HERE?

WHERE IS SHE?

OKAY.

SO YOU HAVE UP TO SIX MINUTES.

>> HELLO, MAYOR AND COUNCILMEMBERS.

MY NAME IS ANGELICA NOJELLO.

I AM THE PRESIDENT OF THE MONTOPOLIS POCKET NEIGHBORHOOD ASSOCIATION.

MY FAMILY OWNS SEVERAL HOMES IN THE MONTOPOLIS AREA AND OTHER PARTS OF AUSTIN.

I'M HERE BECAUSE I'M VERY WORRIED ABOUT THE RESIDENTS OF MONTOPOLIS.

MONTOPOLIS SO FAR HAS BEEN SAFE FROM GENTRIFICATION.

IT HAS BEEN SAFE FROM PEOPLE BEING PUT OUT ON THE STREET TO BECOME HOMELESS BECAUSE THEY CAN'T AFFORD THEIR PROPERTY TAXES.

WE KEEP HEARING ABOUT HOW IMPORTANT THE IMAGINE AUSTIN PLAN IS, BUT IF YOU PASS THIS ZONING CHANGE, IT WILL BE MORE LIKE IMAGINING MONTOPOLIS WITHOUT LOW INCOME OR WORKING CLASS PEOPLE.

A MIXED USE DEVELOPMENT WOULD CAUSE UNDUE HARDSHIP ON HOMEOWNERS, INCLUDING INDIVIDUALS WHO ARE BUYING THEIR HOME THROUGH THE HABITAT FOR HUMANITY PROGRAM WHOSE HOMES WERE VALUED AT \$40,000, BUT BECAUSE OF THE RIVERSIDE CONSTRUCTION GOING ON ARE NOW VALUED AT CLOSE TO 70,000, WHICH BRINGS THEIR PROPERTY TAXES TO NEAR \$3,000 A YEAR.

AND REMEMBER, THESE ARE PEOPLE IN HABITAT FOR HUMANITY HOMES.

PEOPLE WHO ARE ON THE LOWEST OF INCOMES, THE WORKING CLASS.

THE ONES THAT WE ARE SUPPOSED TO AS THE CITY OF AUSTIN, TRYING TO HELP STAY IN THEIR HOMES.

MONTOPOLIS IS FILLED WITH ONE STORY HOMES AND ONE STORY RETAIL.

ANY MIXED USE OR TWO STORY HOMES WOULD NOT BE COMPATIBLE WITH OUR CURRENT NEIGHBORHOOD CHARACTER.

NEIGHBORHOOD PLANS WERE CREATED BY COMMUNITY RESIDENTS AND STAKEHOLDERS AS A MEANS TO PRESERVE NEIGHBORHOOD CHARACTER.

I DO BELIEVE THAT ALSO IS PART OF THE IMAGINE AUSTIN COMPREHENSIVE PLAN, TO PRESERVE NEIGHBORHOOD CHARACTER.

ALLOWING NEIGHBORHOOD PLAN TO BE SUPERCEDED BY IMAGINE AUSTIN WOULD GO AGAINST EVERYTHING OUR NEIGHBORHOOD HAS FOUGHT FOR TO ENSURE OUR RESIDENTS CAN STAY WHERE THEY ARE CURRENTLY ARE.

AS MS. ALMANZA STATED, CARSON RIDGE IS ON THE OTHER SIDE OF RIVERSIDE DRIVE, ON THE SOUTH END, WHICH WE HAVE AGREED THAT THEY WOULD HAVE CONDOS AND OTHER MULTI FAMILY USES THERE BECAUSE THERE ARE NOT AS MANY SINGLE FAMILY HOMES THERE.

I HAVE A FAMILY MEMBER WHO HAS A HOME ON HOGAN STREET, DIRECTLY ACROSS FROM WHERE THIS DEVELOPMENT WOULD OCCUR.

THEIR HOME IS VALUED AT \$36,000.

IF THIS IS ALLOWED TO HAPPEN THEIR HOME VALUE WOULD JUMP DRAMATICALLY.

RIGHT NOW THAT DISABLED FAMILY MEMBER OF MINE CAN BARELY AFFORD THEIR PROPERTY TAXES.

I WOULD HATE TO SEE THEM LIKE MY OTHER DISABLED AUNT WHO LIVES ON HASKELL STREET GO FROM PAYING \$2,000 A YEAR THERE PROPERTY TAXES TO MORE A YEAR.

I DON'T WANT TO SEE MY FAMILY AND FRIENDS BECOME HOMELESS BECAUSE OF PROPERTY TAXES.

MONTOPOLIS NO ONE CAN AFFORD A 200,000 DOLLAR HOME.

AND THE FENCE THAT MR. THROWER WAS TALKING ABOUT, OUT OF HIS OWN MOUTH HE SAYS THE COMMUNITY DOES NOT WANT TO SEE ANY COMMERCIAL OR RETAIL THERE.

PLEASE DO WHAT'S RIGHT FOR MY COMMUNITY.

WE'RE ONE OF THE LAST PLACES WHERE CITIZENS NATIVE TO AUSTIN WHO ARE THE WORKING CLASS, WORKING POOR AND LOW INCOME, CAN ACTUALLY STILL AFFORD TO LIVE IN THE CITY.

PLEASE DO NOT ALLOW THIS TO GO THROUGH BECAUSE THAT WOULD BE PUSHING THEM OUT INTO OTHER PLACES.

WE MUST TAKE CARE OF OUR CITIZENS, EVEN THE ONES OF THE LOWEST INCOME.

THANK YOU.

>> Cole: OKAY.

ANGELICA ALL THE OTHER SPEAKERS ARE SIGNED UP NOT WISHING TO SPEAK.

RON, DID YOU HAVE A REBUTTAL?

>> MAYOR PRO TEM, RON THROWER AGAIN.

MARKET DATA THAT WE'RE FINDING FOR THE AREA IS THAT THERE'S 41 SALES THAT HAVE OCCURRED IN THE LAST SIX MONTHS AND THE AVERAGE SELLING PRICE WAS OVER 180,000.

SO WE FEEL THAT THE PRODUCT THAT WE'RE PROVIDING IN THIS LOCATION IS DIRECTLY IN LINE WITH WHAT THE MARKET IS PROVIDING.

AND THE PETITION THAT THEY'RE REFERRING TO IS NOT A VALID PETITION.

IF ANYTHING WE HAVE A VALID PETITION THAT'S IN FAVOR OF THE PROJECT BECAUSE WE HAVE 36% OF THE PEOPLE WITHIN 200 FEET THAT ARE IN FAVOR OF THE DEVELOPMENT.

AND MORE IMPORTANTLY, WE HAVE AUSTIN HABITAT FOR HUMANITY THAT IS IN FAVOR OF THE DEVELOPMENT.

WITH THAT I'LL JUST LEAVE IT UP TO THE COUNCIL.

IF Y'ALL HAVE ANY QUESTIONS, I'M CERTAINLY AVAILABLE.

WE WOULD APPRECIATE YOUR SUPPORT TO ALIGN WITH CITY STAFF AND THE PLANNING COMMISSION.

>> Cole: MR. THROWER, YOU SAID AUSTIN HABITAT FOR HUMANITY IS IN FAVOR OF THE PROJECT.

WHAT IS THEIR RATIONALE?

BECAUSE MS. ALMANZA COMMENTED ON THE FACT THAT THE HABITAT FOR HUMANITY HOUSING WAS INCREASING IN VALUE.

>> I DON'T KNOW WHERE SHE'S GETTING HER INFORMATION.

MY CLIENT HAS BEEN IN DISCUSSIONS WITH AUSTIN HABITAT FOR HUMANITY FOR THE LAST 10 DAYS OR SO, AND THE FIRST LETTER THAT'S IN YOUR PACKET IS A LETTER FROM THEM THAT IS IN SUPPORT.

>> Cole: I SAW THAT.

OKAY.

ANY OTHER QUESTIONS OR COMMENTS?

COUNCILMEMBER RILEY.

>> Riley: I JUST HAVE TO COME BACK TO THAT FENCE.

IT'S CONCEIVABLE TO ME THAT IF YOU HAD A NEIGHBORHOOD IF THIS RESIDENTIAL DEVELOPMENT WENT FORWARD AND YOU HAD THE HABITAT HOMES IMMEDIATELY THERE TO THE NORTH THAT OVER TIME MY HOPE WOULD BE AS NEIGHBORS THAT FOLKS ON EITHER SIDE OF THAT FENCE COULD GET TO KNOW ONE ANOTHER AND EVENTUALLY THEY COULD WANT TO HAVE ACCESS TO ONE ANOTHER WITHOUT HAVING TO GO ALL THE WAY OUT TO MONTOPOLIS DRIVE TO ENTER INTO THEIR SEPARATE AREAS.

IF YOU DO PROCEED WITH THIS DEVELOPMENT AND THE FENCE THERE, WOULD IT BE POSSIBLE FOR YOU TO DESIGN THE FENCE IN SUCH A WAY THAT YOU COULD EVENTUALLY PROVIDE ACCESS, IN OTHER WORDS, FOR INSTANCE, YOU COULD HAVE GATES THAT COULD BE LOCKED, BUT COULD EVENTUALLY BE OPENED?

COULD YOU MAKE IT TO ALLOW FOR THE POSSIBILITY OF EVENTUALLY ALLOWING ACCESS THROUGH THAT GATE?

WOULD YOU BE ABLE TO DO THAT?

>> YES, DEFINITELY.

WE WILL BE GLAD TO WORK WITH THEM ON ANY SORT OF COMPROMISE TO HAVE SOME SORT OF PEDESTRIAN CONNECTIVITY BETWEEN THE TWO.

>> [INAUDIBLE].

>> Cole: MS. SUSANA ALMANZA, I CAN BARELY HEAR YOU.

>> [INAUDIBLE].

>> Cole: WOULD YOU LIKE TO REBUT THIS, MS. ALMANZA, I'M WAITING ON ANOTHER COUNCILMEMBER.

>> THANK YOU, MAYOR PRO TEM COLE.

I'M NOT SURE, BUT YOU SHOULD HAVE GOT A LETTER I SAW THE LETTER MYSELF FROM KELLY WISE THAT SAID THAT THERE WERE NOT AN IMPROVEMENT THEY WERE CONCERNED ABOUT THIS DEVELOPMENT HAPPENING RIGHT NEXT TO THEIR ACTIVITY.

SO I'M REALLY CONFUSED THAT THEY WERE SENT A LETTER BECAUSE I ACTUALLY PERSONALLY TALKED TO HER AND SHE SENT ME THE LETTER AND SHE SAID THAT SHE WOULD FORWARD THAT TO YOU.

AND FOR HIM TO SAY THAT NOW KELLY WISE IS SAYING SHE'S FOR THIS, I'M VERY CONFUSED BECAUSE THE LETTER I READ DIDN'T SAY THEY WERE APPROVING OR IN SUPPORT OF THIS.

SO UNLESS THEY WENT AND OFFERED THEM SOME MONEY OR SOMETHING, I'M NOT SURE THEY CHANGED THEIR MIND BECAUSE THEY'RE NOTORIOUS FOR STRONG ARMING PEOPLE.

THAT'S WHAT HAPPENED ON THE 600 KEMP.

AND I CAN'T BELIEVE THAT'S NOT A VALID PETITION WHEN YOU GET SOMEONE TO WRITE 36 LETTERS SAYING THEY'RE IN FAVOR OF IT.

I WOULD BE REALLY SHOCKED.

I WOULD LIKE TO SEE THE BREAKDOWN OF THOSE LETTERS TO SEE WHERE THEY LIVE, WHAT THEIR ZIP CODE AND WHAT THEIR ETHNICITY IS ALSO IN THE AREA.

SO I'M VERY CONCERNED THAT THEY BOUGHT THIS PROPERTY AND THIS IS WHAT ALWAYS REALLY INFURIATES ME IS THEY HAVE THE AUDACITY, THEY KNOW WHAT THE ZONING OF THE PROPERTY IS.

THEY COME IN TO YOU AND THEN THEY WANT TO CHANGE THE ZONING TO MEET THEIR SPECIFIC PRIVILEGES AND WANTS WHEN THEY BUY THE PROPERTY KNOWING IT HAS THAT SPECIFIC ZONING.

AND IT'S LIKE OKAY, WE CAN JUST BUY ANY PROPERTY IN MONTOPOLIS, DISREGARD THE ZONING BECAUSE WE CAN GO TO THE COUNCIL AND WE CAN GET THEM TO CHANGE THE ZONING AND FORGET ABOUT THE PLAN AND ALL THE DIFFERENT THERE ARE 12 DIFFERENT IMAGINE AUSTIN PLANNING PRINCIPLES THAT WE ANSWERED TO YOU ALL THAT THEY'RE NOT EVEN ADHERING TO.

SO FOR THOSE THAT BELIEVE IN THE IMAGINE AUSTIN, THEY'RE NOT EVEN ADHERING TO THE IMAGINE AUSTIN PRINCIPLES, SO HOW CAN WE BEGIN TO CHANGE THE ZONING AND ALLOW THIS PROJECT TO COME IN WHEN THEY'RE NOT ADHERING TO THE IMAGINE AUSTIN PRINCIPLES?

SO I'M VERY CONCERNED THAT AGAIN WHEN LOW INCOME PEOPLE OF COLOR COME TO YOU THAT WE NEED TO HAVE A FAIR AND JUST PROCESS, ESPECIALLY YOU KNOWING WHAT HAS HAPPENED TO EAST AUSTIN.

THE ZIP CODE 78702, SECOND MOST GENTRIFIED ZIP CODE IN THE ENTIRE UNITED STATES.

WE KNOW WHAT'S HAPPENING.

WE'RE ON THE GROUND, WE'RE STRUGGLING TO HOLD ON TO OUR PROPERTIES, THOSE OF US WHO ARE OWNERS, AND PEOPLE ARE STRUGGLING TO HANG ON TO RENTAL PROPERTY.

WE HAVE REAL AFFORDABLE RENTAL PROPERTY IN MONTOPOLIS THAT YOU WOULD FIND NOWHERE ELSE ALONG THE CITY.

AND WE'RE NOW GOING TO BE IN JEOPARDY OF LOSING THAT AFFORDABLE HOUSING JUST LIKE WE DID IN THE CESAR CHAVEZ PLAN.

I USED TO RENT THERE A LONG TIME AGO, \$350.

UP TO 2,000.

THANK YOU.

>> Mayor Leffingwell: YOUR TIME IS UP.

SO MR. THROWER, RULES SAY YOU GET THE LAST WORD SO YOU GET ANOTHER REBUTTAL.

>> Tovo: MAYOR?

I JUST WANT TO RESPOND TO ONE OF THE ISSUES THAT MS. ALMANZA RAISED.

WE DID RECEIVE A NOTE FROM KELLY WISE FROM HABITAT FOR HUMANITY AND IT'S DATED DECEMBER NINTH.

IT REFERS TO AN EARLIER LETTER THAT I DON'T HAVE IN FRONT OF ME, BUT SHE DOES I'D BE HAPPY TO MAKE A COPY FOR YOU SO THAT YOU CAN SEE IT, BUT THE LAST PARAGRAPH DOES SAY THAT

AUSTIN HABITAT DOES NOT OPPOSE THE ZONING CHANGE REQUEST TO INCLUDE RESIDENTIAL DEVELOPMENT, HOWEVER WE URGE THE CITY COUNCIL TO CONTINUE TO WORK TO CREATE AFFORDABLE, EQUITABLE AND VIBRANT NEIGHBORHOODS THAT SERVE THE INTEREST OF OUR ENTIRE COMMUNITY.

AND THERE'S MORE TO IT.

IT LOOKS LIKE MR. GUERNSEY HAS IT AS WELL.

>> Mayor Leffingwell: MR. THROWER.

>> I'LL BE VERY BRIEF.

AGAIN, STAFF IS SUPPORTING THIS, PLANNING COMMISSION IS SUPPORTING THIS.

WE'RE LOOKING FOR YOUR SUPPORT ON THIS.

THE PROJECT DOES MEET A LOT OF THE TENETS OF IMAGINE AUSTIN THAT IS IN YOUR BACKUP MATERIALS.

STAFF HAS DONE AN EXCELLENT JOB IN PROVIDING THAT.

THE PETITION IS VERY THOROUGH WHERE WE HAVE 36%, MAYBE UP TO 42%, IF YOU WANT TO COUNT THE AUSTIN HABITAT FOR HUMANITY PROPERTY.

AND THAT'S A MINIMUM OF 36% OF THE LAND AREA WITHIN 200 FEET OF THE PROPERTY.

AND THAT IS FAR IN EXCESS OF ANY OTHER CASE THAT I'VE WORKED ON RECENTLY WHERE WE'VE GOTTEN SUPPORT.

THE APPLICANT HAS DONE A GREAT JOB OF GOING OUT AND GETTING THIS THE SUPPORT AND I THINK AUSTIN HABITAT FOR HUMANITY IS VERY KEY TO THIS.

I ALSO THINK THAT IF WE WERE GIVEN MORE TIME WE WOULD FIND MORE SUPPORT FOR THIS PROJECT.

AND AGAIN, LOOKING FOR YOUR SUPPORT AS WE MOVE THIS PROJECT FORWARD.

THANK YOU.

>> Mayor Leffingwell: ALL RIGHT.

SO THIS IS READY FOR ALL THREE READINGS.

I'LL ENTERTAIN A MOTION.

>> Riley: MAYOR?

MOVE THAT WE CLOSE THE PUBLIC HEARING AND APPROVE THE REQUESTED REZONING ON ALL THREE READINGS.

>> Mayor Leffingwell: MOTION BY COUNCILMEMBER RILEY, SECONDED BY COUNCILMEMBER COLE.

>> Riley: IF I COULD SPEAK TO THE MOTION.

MR. GUERNSEY.

>> COUNCILMEMBER, I WAS JUST GOING TO ADD THERE'S ALSO 155, THE NEIGHBORHOOD PLAN AMENDMENT.

>> Mayor Leffingwell: THIS IS THE MOTION ON 155.

THIS IS FOR THE FLUM.

WE'LL TAKE THE MOTION SEPARATELY FOR THE TWO.

>> Riley: OKAY.

THEN I'LL MOVE THAT WE APPROVE THE THEY MET THE FLUM AMENDMENT.

>> Mayor Leffingwell: YES, THIS IS ON 155.

ALL IN FAVOR SAY AYE?

OPPOSED SAY NO.

>> NO.

>> Mayor Leffingwell: PASSES ON A VOTE OF SIX TO ONE WITH COUNCILMEMBER MARTINEZ VOTING NO.

NOW 156.

>> Riley: AGAIN, I'LL MOVE THAT WE CLOSE THE PUBLIC HEARING AND THEN APPROVE THE REQUEST FOR REZONING ON ALL THREE READINGS.

>> Mayor Leffingwell: MOTION BY COUNCILMEMBER RILEY.

SECONDED BY THE MAYOR PRO TEM.

>> Riley: IF I COULD SPEAK TO THE MOTION, JUST TO ELABORATE ON THE LETTER FROM HABITAT FOR HUMANITY.

HABITAT SAYS THEY RECOGNIZE THAT RESIDENTIAL DEVELOPMENT IS FAVORED BY SOME OF THE PROPERTY OWNERS LIVING IN THE ADJACENT AUSTIN HABITAT SUBDIVISION IN PART DUE TO CRIME AND SAFETY CONCERNS OF HAVING ONLY OFFICE AND COMMERCIAL USES ADJACENT TO THEIR HOMES.

HAVING NEIGHBORS LIVING NEXT TO NEIGHBORS WHO WILL BE AN EXTRA SET OF EYES ON THE NEIGHBORHOOD AT ALL TIMES, NOT JUST WORK HOURS, CONTRIBUTES TO A SAFER NEIGHBORHOOD.

I'LL SAY HAVING VISITED THE SITE JUST THIS PAST WEEKEND JUST TO CHECK IT OUT, I COULD SEE WHY SOMEONE WOULD WANT A RESIDENTIAL DEVELOPMENT ON THAT SITE.

IT IS KIND OF A GAPING HOLE IN MONTOPOLIS.

IT'S A PECULIAR PLACE.

THERE'S THE REMNANTS OF A PARKING LOT WHICH WAS STARTED SOME 10 YEARS AGO FOR A CHURCH THAT WAS NEVER BUILT AND OTHERWISE IT'S JUST A BIG, BARREN, GREAT BIG, BARREN, VACANT LOT ON WHAT IS REALLY AN EXTRAORDINARILY LARGE BLOCK.

IF YOU LOOK AT GOOGLMAPS YOU CAN SEE THE BLOCK WE'RE TALKING ABOUT IS THE BIGGEST BLOCK IN THE RESIDENTIAL PART OF MONTOPOLIS.

AND IT GOES ALL THE WAY FROM FELIX IN THE NORTH DOWN TO QUARTER AND THEN MONTOPOLIS ALL THE WAY TO VARGAS.

THIS PROJECT WOULD ACTUALLY FIX THAT.

IT WOULD SPLIT THAT INTO TWO, WHICH IS ACTUALLY EXACTLY WHAT WAS CONTEMPLATED IN THE NEIGHBORHOOD PLAN.

THE NEIGHBORHOOD PLAN SPECIFICALLY SUPPORTED BUILDING OUT STREETS LIKE THIS.

THE LANGUAGE ACTUALLY SAID ACTION FIVE UNDER OBJECTIVE SAID SAID TO CREATE NEW STREETS WHERE POSSIBLE TO INCREASE ACCESS AND CONNECTIVE.

ACTION EIGHT IS TO ESTABLISH A STREET GRID PATTERN INTO THE DEVELOPABLE AREAS NORTH OF RIVERSIDE AND EAST OF MONTOPOLIS DRIVE WITH SHORT BLOCK LENGTHS THAT AVERAGE 400 FEET OR LESS.

IF THERE WAS ANY BLOCK THAT COULD BE REFERRING TO IT WOULD BE THIS ONE.

THIS WAS THE BIGGEST BLOCK IN THIS AREA AND DIVIDING IT IN TWO WOULD MAKE THE BLOCKS VERY CONSISTENT WITH THE BLOCKS IMMEDIATELY TO THE NORTH AND TO THE SOUTH.

SO THIS RESPECTS THE HISTORIC NEIGHBORHOOD CHARACTER, WOULD BRING SOME ADDITIONAL RESIDENTIAL USES THERE, WOULD BE CONSISTENT WITH THE NEIGHBORHOOD PLAN AND I THINK IT WOULD BE A POSITIVE THING FOR THE NEIGHBORHOOD.

>> Mayor Leffingwell: OKAY.

COUNCILMEMBER MORRISON, WE DO HAVE LET ME CHECK AND SEE.

WE HAD SOMEONE SIGN UP, SEYMOUR HAS SHOWN UP AGAIN.

SEYMOUR IS NOT HERE.

ALL RIGHT.

COUNCILMEMBER MORRISON.

>> Morrison: THANK YOU, MAYOR.

I WANTED TO COMMENT ON THE MOTION, ON THE CASE REALLY.

AND I GUESS I'LL QUOTE FROM KELLY WISE'S HABITAT LETTER ALSO BECAUSE THERE'S ONE LINE THAT REALLY JUMPED OUT AT ME, TWO LINES.

SHE SAID THERE'S CONTINUED CONCERN ABOUT INCREASING LAND VALUES AND PROPERTY TAX BURDENS.

WE NEED A LONG TERM STRATEGY AND SOLUTION TO HELP MITIGATE THE NEGATIVE IMPACTS OF AUSTIN'S RAPID DEVELOPMENT.

YOU KNOW, AND WE'RE TALKING THE NUMBERS THAT MR. THROWER PROVIDED THAT THE 41 HOUSES THAT WERE SOLD OVER THE LAST SHORT PERIOD AVERAGED ABOUT 180,000.

THESE ARE GOING TO START IN THE 200S AT 800 SQUARE FEET.

SO THESE ARE DEFINITELY GOING TO BE WELL ABOVE EVEN WHAT IS CURRENTLY SELLING, WHICH IS PROBABLY A LOT MORE THAN WHAT THE LONG TERM COMMUNITY MEMBERS HAVE PAID FOR THEIR HOUSE.

AND I WE CAN ALWAYS PICK OUT THE GREAT THING ABOUT IMAGINE AUSTIN IS YOU CAN FIND ANYTHING TO SUPPORT ANY POSITION YOU LIKE.

SO WE'VE DONE A GREAT JOB IN BUILDING OUR COMPREHENSIVE PLAN AND I WON'T BOTHER TO DO IT, BUT IT TALKS A LOT ABOUT PRESERVING CHARACTER AND PRESERVING COMMUNITY.

AND SO THIS IS WHILE IT MIGHT BE CONSIDERED IN SOME EYES A REASONABLE LAND USE AND A REASONABLE PROJECT, I FEEL LIKE IT WOULD BE MUCH BETTER FOR THIS COMMUNITY IF WE WERE ABLE TO PUT SOME OF THOSE STRATEGIES IN PLACE INSTEAD OF HAVING YET ANOTHER HAVING YET ANOTHER COMMUNITY BE PRETTY MUCH TOTALLY GENTRIFIED.

SO FOR THAT REASON I'M GOING TO JUST MAINTAIN THE PERHAPS UNREALISTIC IDEAL THAT WE CAN FIGURE THAT OUT FOR MONTOPOLIS BEFORE IT GETS COMPLETELY GENTRIFIED.

AND SO I WON'T BE SUPPORTING THE MOTION.

[APPLAUSE].

>> Mayor Leffingwell: THOSE IN FAVOR OF THE MOTION SAY AYE.

>> AYE.

>> Mayor Leffingwell: OPPOSED SAY NO.

>> NO.

>> Mayor Leffingwell: THAT PASSES ON A VOTE OF FIVE TO ONE TO ONE WITH COUNCILMEMBER MORRISON VOTING NO AND COUNCILMEMBER MARTINEZ OFF THE DAIS ON ALL THREE READINGS.

OKAY.

SO COUNCILMEMBER MORRISON?

>> Morrison: I THINK THAT ITEM 157 AND 158 WAS ACTUALLY A POSTPONEMENT DISCUSSION.

>> Mayor Leffingwell: IT IS A POSTPONEMENT DISCUSSION, BUT I WOULD LIKE TO HAVE SIX PEOPLE FOR THAT I MEAN SEVEN PEOPLE FOR THAT DISCUSSION.

>> FOR POSTPONEMENT?

>> Mayor Leffingwell: YES.

>> MAYOR, MAY I ADDRESS ITEM 145, THE SPEEDWAY CASE?

THAT ONE WOULD NOT NEED A FULL COUNCIL FOR?

>> Mayor Leffingwell: 145.

THAT IS TO BE HEARD FROM 201 AND I HEARD THERE WAS REQUEST TO DO THAT LAST.

SOME KIND OF CEREMONIAL THING.

>> WE WANT A FULL HOUSE FOR THAT.

>> Mayor Leffingwell: WE DON'T TALK FROM THE GALLERY.

ALL RIGHT.

LET'S DO 188.

>> Riley: MAYOR, IF I MAY?

>> Mayor Leffingwell: WE HAVE ONE SPEAKER, WILL MCCLEOD.

WILL IS NOT HERE.

COUNCILMEMBER RILEY.

>> Riley: 188 IS THE ITEM THAT WOULD IT'S AN ORDINANCE AMENDING CHAPTER 81 OF THE CITY CODE REGULATING PARK HOURS.

IT WOULD ALLOW THE PARKS DIRECTOR TO SET THE OPERATING HOURS FOR A PARK, INCLUDING A TRAILER GREENWAY, TO SOMETHING OTHER THAN THE STANDARD, WHICH IS FROM FIVE A.M. TO 10:00 P.M. AT NIGHT.

AND THIS WOULD ALLOW THE PARKS DEPARTMENT TO FULFILL THEIR COMMITMENT FROM EARLIER THIS YEAR WHEN THEY WERE SAID THEY WERE WILLING TO EXTEND THE HOURS ON SOME TRAILS THAT COULD BE USED FOR TRANSPORTATION UNTIL MIDNIGHT BASED ON THE POLICE DEPARTMENT SAYING THAT THEY COULD HANDLE THAT.

I HAVE LOOKED INTO FIGHTING THAT BATTLE ABOUT WHETHER WE COULD EXTEND IT EVEN FURTHER AND I FOUND THAT THAT WOULD NOT BE WE WOULD NOT HAVE ANY SUCCESS WITH THE POLICE DEPARTMENT.

SO I'M NOT GOING TO GO THERE, BUT I DO HAVE A COUPLE OF CHANGES, WHICH I'VE PASSED OUT ON THE DAIS.

THE FIRST THE LANGUAGE THAT STAFF HAD PROPOSED SAID WHEN CONSIDERING OPERATING HOURS FOR A TRAIL THE DIRECTOR SHOULD CONSIDER WHETHER THE TRAIL WAS ESTABLISHED FOR THE PURPOSE OF CONTRIBUTING TO THE CITY'S TRANSPORTATION INFRASTRUCTURE.

I WOULD SUGGEST CHANGING THAT TO SAY THE DIRECTOR SHOULD CONSIDER WHETHER THE TRAIL CONTRIBUTES TO THE CITY'S TRANSPORTATION INFRASTRUCTURE.

AND THEN THE SECOND CHANGE WOULD BE TO ADD THE NEW PARAGRAPH SAYING THAT THE PEDESTRIAN ADVISORY COUNCIL AND THE BICYCLE ADVISORY COUNCIL SHALL BE NOTIFIED IN ADVANCE OF ANY RULE CHANGES THAT AFFECT OPERATING HOURS FOR A TRAIL, INCLUDING THOSE TRAILS ESTABLISHED FOR THE PURPOSE OF CONTRIBUTING TO THE WHILE INCLUDING THOSE IT SHOULD SAY INCLUDING THE TRAILS THAT CONTRIBUTE TO THE CITY'S TRANSPORTATION INFRASTRUCTURE.

AND REALLY THAT'S JUST TRYING TO GET TO A NOTIFICATION ISSUE.

I DO HAVE SOME CONCERN THAT UNDER THIS ORDINANCE SOMEONE USING A TRAIL AT NIGHT WOULD BE GUILTY AFTER THE CLOSING HOURS WOULD BE GUILTY OF A MISDEMEANOR REGARDLESS OF MENTAL STATE.

SO EVEN IF THEY DIDN'T KNOW THAT THE TRAIL WAS CLOSED THEY WOULD STILL BE GUILTY OF A MISDEMEANOR JUST FOR USING THE TRAIL AT NIGHT. SO I THINK WHATEVER WE CAN DO TO GET WORD OUT ABOUT THE HOURS ON THE TRAILS WOULD BE HELPFUL AND RELYING SIMPLY ON THE CITY'S RULE MAKING PROCESS IS PROBLEMATIC BECAUSE NOT EVERYONE IS TUNED IN TO ALL OF THE CITY'S RULE MAKING PROCESSES.

SO I THINK ENGAGING THE PEDESTRIAN ADVISORY COUNCIL AND BICYCLE ADVISORY COUNCIL WILL HELP GENERATE A DISCUSSION WITHIN THE BICYCLE AND PEDESTRIAN COMMUNITY ABOUT EXACTLY WHAT THE HOURS ARE ON OUR TRAILS SO THAT WE WILL KNOW WHEN THE HOURS HAVE BEEN

EXTENDED TO MIDNIGHT OR OTHER HOURS SO THAT PEOPLE WON'T BE GUILTY OF MISDEMEANORS UNNECESSARILY.

SO THOSE ARE THE CHANGES THAT I WOULD SUGGEST.

AND WE'VE WORKED WITH STAFF ON THESE CHANGES AND I THINK THEY'RE FINE WITH IT.

WELL, I DON'T WANT TO SPEAK FOR STAFF.

>> Mayor Leffingwell: LET'S LET STAFF SPEAK FOR STAFF.

I'LL ASK THAT QUESTION.

>> SARAH HENSLEY, DIRECTOR OF PARKS AND RECREATION.

AND WE HAVE THE LAW DEPARTMENT HERE AS WELL.

KIMBERLY I HAVE TO TELL YOU COUNCILMEMBER RILEY, I COULDN'T QUITE HEAR IT ALL AND I DON'T HAVE A COPY OF

>> Riley: I'LL GIVE YOU A COPY RIGHT HERE.

>> Riley: AND THAT SECOND PARAGRAPH SHOULD SAY INCLUDING THE TRAILS THAT CONTRIBUTE TO THE CITY'S TRANSPORTATION INFRASTRUCTURE.

>> I DON'T THINK THAT'S A PROBLEM.

THAT'S FINE.

>> ROBIN HARRIS WITH THE LAW DEPARTMENT, COUNCILMEMBER.

THE REASON THAT THE LANGUAGE WAS CRAFTED THAT WAY SPECIFICALLY WAS BECAUSE SOME OF THOSE TRAILS WERE FUNDED WITH TRANSPORTATION BONDS AND SO THAT WAS INCLUDED SO THAT THE TRAILS SO THAT THERE'S NO VIOLATION OF THE BOND COVENANTS, JUST SO THAT THOSE ARE TAKEN INTO CONSIDERATION.

>> Riley: RIGHT.

I CAN'T HELP BUT NOTE THAT OUR CITY MANAGEMENT AND STAFF INSISTED AT THE TIME WE HAD THIS DISCUSSION THAT NONE OF OUR TRAILS WERE FUNDED WITH TRANSPORTATION DOLLARS, EVEN AFTER IT WAS POINTED OUT THAT THAT WAS INCORRECT, THEY CONTINUED TO MAINTAIN THAT POSITION.

I'M GLAD TO HEAR YOU ACKNOWLEDGING THAT STAFF WAS PREVIOUSLY INCORRECT IN THEIR REPRESENTATIONS TO THE COUNCIL ABOUT THE FUNDING OF THOSE TRAILS, BUT THE POINT IS THAT THE TRANSPORTATION THE DIRECTOR OF PARKS WOULD SIMPLY HAVE THE ABILITY TO SET WHATEVER HOURS SHE WANTS AND SHE CAN I DON'T THINK THERE'S A SUBSTANTIVE CHANGE HERE, IT'S JUST A WORDING SHE'S NOT LIMITED TO SIMPLY TRAILS THAT WERE CREATED FOR THE PURPOSES OF TRANSPORTATION INFRASTRUCTURE.

AS LONG AS A TRAIL CONTRIBUTES TO THE TRANSPORTATION INFRASTRUCTURE THEN SHE CAN SET LATER HOURS ON THAT TRAIL.

>> Mayor Leffingwell: SO THE PARKS DIRECTOR STILL HAS THE SAME DISCRETION.

>> Riley: RIGHT.

>> YEAH.

AND I THINK THAT WOULD WORK.

>> AND I THINK EXCUSE ME.

I'M FINE I THINK YOUR SUGGESTION OF NOTIFYING THE PEDESTRIAN ADVISORY COUNCIL AND THE BICYCLE ADVISORY COUNCIL IS VERY APPROPRIATE.

AND WE WOULD WANT TO DO THAT TO MAKE SURE THEY COULD HELP US GET THE WORD OUT, HELP US ARTICULATE THIS AND SHARE INFORMATION.

>> Riley: RIGHT.

>> Mayor Leffingwell: OKAY.

SO WE HAVE A MOTION ON THE TABLE.

>> Riley: WITH THOSE CHANGES I'LL MOVE APPROVAL OF THE ITEM.

>> Mayor Leffingwell: WHO WAS THE SECOND?

COUNCILMEMBER SPELMAN WAS THE SECOND.

FURTHER DISCUSSION?

ALL IN FAVOR OF THE MOTION AS AMENDED SAY AYE?

OPPOSED SAY NO.

IT PASSES ON A VOTE OF SEVEN TO ZERO.

>> Mayor Leffingwell: 190?

CAN WE TAKE UP 190?

IS THERE ANY STAFF MEMBER HERE FOR 190?

I GUESS WE NEED ONE.

LET'S GO AHEAD AND DO THIS WHILE WE'RE WAITING FOR SOMEONE.

DAVID KING?

YOU WANT TO SPEAK ON 190?

>> YES, MAYOR, MAYOR PRO TEM, COUNCILMEMBERS. I'M BEEN HERE ALL DAY LONG.

I DON'T SEE HOW YOU DO THIS.

YOU HAVE EXTRA SOURCE OF ENERGY.

>> Mayor Leffingwell: YOU'RE FREE TO TAKE OFF ANY TIME.

[LAUGHTER]

>> YES, THANK YOU.

THANK YOU, MAYOR.

I'LL TRY TO GET OUT OF HERE AS SOON AS I CAN.

AND YOU KNOW, IN A WAY THAT'S THE POINT OF THIS ITEM HERE IS, YOU KNOW, TRYING TO GIVE INPUT ON LONG COUNCIL MEETINGS AND OVERSIGHT OF THE COMMITTEES AND TRY TO MAKE THE PROCESS MORE STREAMLINED WITHOUT MAKING IT LESS TRANSPARENT AND REDUCING INPUT FROM THE COMMUNITY.

AND SO, YOU KNOW, WE HAVE, I DON'T KNOW, 225 ITEMS ON THE AGENDA TODAY.

THAT'S A LOT, YOU KNOW.

>> Mayor Leffingwell: 231.

>> 231, THANK YOU.

AND SO I WOULD THINK THAT, YOU KNOW, HAVING FEWER ITEMS ON EACH COUNCIL AGENDA MIGHT HELP AND HAVING MORE MEETINGS MIGHT HELP.

AND ONE THING THAT WOULD ALSO HELP IS PEOPLE TO BE MORE PREPARED ABOUT THE ITEMS THAT ARE BEING PRESENTED AND BEING DISCUSSED.

AND IT WOULD BE HAVE BEEN HELPFUL IF WE COULD GET THE AGENDA AND THE BACKUP MATERIALS POSTED TO THE AGENDA A LITTLE EARLIER IN THE PROCESS SO THE CITIZENS HAVE MORE TIME TO REVIEW THAT AND UNDERSTAND IT AND BE ABLE TO PROVIDE BETTER INPUT TO THE COUNCIL.

SO I KNOW EVERYTHING IS MOVING ALONG SO FAST AND YOU HAVE TO KEEP THINGS MOVING, BUT SOMETIMES I FEEL LIKE IT'S VERY TOUGH TO GET BACKUP SO LATE IN THE PROCESS AND BE PREPARED TO COME UP AND TALK TO YOU ABOUT THIS AND GIVE YOU SOME WELL REASONED INPUT.

AND I THINK THAT SOME OF THESE RESOLUTIONS THAT COME FROM THE COUNCILMEMBERS, YOU KNOW, SHOULD GO THROUGH COUNCIL COMMITTEES FIRST AND BE KIND OF KICKED AROUND THERE

WITH THE OPPORTUNITY FOR A LITTLE BIT OF PUBLIC INPUT THERE AND THEN MAYBE NOT SO MANY OF THEM WOULD MAKE IT HERE TO THE FULL COUNCIL.

AND I'M NOT CRITICIZING THESE RESOLUTIONS.

I REALIZE THAT YOU ALL ARE HERE FOR A PURPOSE AND YOU HAVE THINGS THAT YOU WANT TO ACCOMPLISH AND DO FOR THIS CITY.

SO YOU WANT TO PRESENT THESE RESOLUTIONS.

AND I THINK IT MIGHT HELP TO IF WE COULD HAVE, YOU KNOW, PARTICIPATION FROM CITIZENS WHO ARE NOT HERE, MORE PARTICIPATION FROM HOME, BE ABLE TO SIGN UP FOR AGENDA ITEMS FROM HOME AND NOT HAVE TO COME DOWN HERE AND RUSH DOWN HERE AND SIGN UP AT THE LAST MINUTE AND MAYBE HAVE HAVE A SIGN UP COMPUTER HERE IN THIS ROOM SO YOU DON'T HAVE TO KEEP GOING OUT TO THE HALLWAY TO DO THAT.

AND THEN, YOU KNOW, AS YOU GO THROUGH THE COUNCIL MEETINGS IT'S VERY TOUGH FOR ME TO KEEP UP ON WHAT ITEMS HAVE BEEN AS BEST I TRY, WHAT ITEMS ARE STILL LEFT TO BE LOOKED AT AND WHICH ONES HAVE BEEN POSTPONED AND WHEN THEY MIGHT COME UP.

SO I WONDER IF YOU MIGHT HAVE A LITTLE BOARD THAT KIND OF PROVIDES THAT INFORMATION THAT WE COULD JUST LOOK AT.

[BUZZER SOUNDS]

SO THANK YOU VERY MUCH FOR THE OPPORTUNITY TO GIVE YOU INPUT.

>> Mayor Leffingwell: THANK YOU.

WILL MCCLEOD.

STILL NOT HERE.

MONICA GUZMAN?

SHE DOESN'T WANT TO SPEAK ANYWAY.

SO THAT'S ALL THE SPEAKERS.

I'LL ENTERTAIN A MOTION TO CLOSE THE PUBLIC HEARING.

>> Cole: MAYOR?

I'LL MAKE A MOTION TO CLOSE THE PUBLIC HEARING AND TO PASS ITEM NUMBER 190, BUT I DO HAVE A COUPLE OF QUESTIONS FOR STAFF.

>> Mayor Leffingwell: WELL, THERE'S NO PASSING, IT'S JUST A PUBLIC HEARING.

>> Cole: I MEAN CLOSE THE PUBLIC HEARING.

>> Spelman: I'LL QUESTION.

I HAVE QUESTIONS FOR STAFF.

>> Mayor Leffingwell: SECONDED BY COUNCILMEMBER SPELMAN.

>> Cole: DO WE HAVE ANY STAFF PRESENT?

CORINNE IN THE AUDITOR'S OFFICE WORKED ON THIS.

OUR RESOLUTION CALLED FOR A STUDY OF PEER CITIES THAT USED A COUNCIL MANAGER FORM OF GOVERNMENT.

DID WE LOOK AT THAT AS OPPOSED TO CITIES THAT HAVE A STRONG MAYOR FORM OF GOVERNMENT?

>> YES, WE DID.

CORI STOKES, ACTING CITY AUDITOR.

WE DID IT FOCUS, BECAUSE OF THE RESOLUTION AND LANGUAGE WE DID FOCUS ON COUNCIL MANAGER CITIES.

WE LOOKED AT AUSTIN AS WELL AS EIGHT OTHER CITIES.

AND WE DID DO KIND OF A QUICK SURVEY OF MAYOR COUNCIL CITIES, BUT WE DIDN'T DO THE IN DEPTH WORK THAT WE DID FOR THESE FOR THE CITIES INCLUDED HERE.

>> Cole: WE DON'T HAVE ANY INFORMATION ABOUT STRONG MAYOR CITIES AND HOW THEY WORK?

>> WE DON'T.

>> Cole: I WAS VERY INTRIGUED BY THE IDEA OF HAVING AN ACTUAL SCHEDULING COMMITTEE FOR COUNCIL MEETINGS.

CAN YOU TELL ME A LITTLE BIT MORE ABOUT THAT?

>> SURE.

THAT WAS I BELIEVE THE KANSAS CITY IS THE CITY THAT WE SAW THAT REALLY REQUIRED ITEMS TO GO THROUGH A COUNCIL COMMITTEE BEFORE THEY CAME TO THE FULL COUNCIL, WITH THE EXCEPTION OF ITEMS FROM COUNCIL.

SO IN THAT CITY WHAT WE SAW IS WAS THAT THEY HAD A THREE PERSON COMMITTEE MADE UP OF SOMEBODY FROM THE CITY MANAGER'S OFFICE, THE MAYOR AND THE CITY CLERK, AND THAT COMMITTEE WAS RESPONSIBLE FOR ACCEPTING ITEMS AND THEN DIVVYING THOSE UP TO OR ASSIGNING THOSE TO A COUNCIL COMMITTEE.

>> Cole: OKAY.

THANK YOU.

I WAS VERY PROUD TO SPONSOR THIS ITEM AND ASK FOR THIS STUDY AND I'M VERY PLEASED WITH THE WORK THAT CORI AND THE AUDITOR'S OFFICE HAVE DONE.

I'VE BEEN SAYING FOR AWHILE THAT WE NEED TO DO MORE WORK IN COMMITTEE TO CUT DOWN ON OUR COUNCIL MEETINGS AND I BELIEVE THIS IS A GOOD START TO HELP THE NEW COUNCIL.

>> Morrison: MAYOR?

>> Mayor Leffingwell: COUNCILMEMBER MORRISON.

>> Morrison: YEAH, I WANT TO THANK THE SPONSORS OF THAT RESOLUTION BECAUSE I THINK IT'S A REALLY GOOD TIME FOR THE NEW COUNCIL TO BE STARTING TO THINK ABOUT COMMITTEES.

I WANTED TO THERE ARE A COUPLE OF THINGS THAT JUMPED OUT AT ME THAT I WANT TO COMMENT ON THAT HOPEFULLY IF THE NEW COUNCIL DECIDES TO HAVE A CONVERSATION ABOUT THIS, THEY CAN BE EMPHASIZED.

YOU TALKED ABOUT THE WAY AND STUDIED A LOT THE WAY THAT DIFFERENT CITIES ALIGNED THEIR COMMITTEES.

SOME OF THEM ALIGNED THEM IT'S INTERESTING.

SOME ALIGNED THEM WITH DEPARTMENTS.

SOME ALIGNED THEM WITH PRIORITIES, WHICH, YOU KNOW, YOU COULD IMAGINE LIKE ALIGNING THEM ALONG THE LINES OF SOME OF LIKE THE GOALS OF IMAGINE AUSTIN OR SOMETHING LIKE THAT COULD WORK.

I THINK WE DO SOME OF EACH RIGHT NOW.

AND AT LEAST IF WE PAY ATTENTION TO BOTH THOSE DIFFERENT LENSES THAT YOU ALL POINTED OUT, I THINK THAT PROBABLY THE ANSWER IS SOMETHING IN BETWEEN, BUT PAYING ATTENTION TO BOTH OF THOSE CAN HELP I THINK MAKE SURE THAT COVERAGE IS REALLY THERE.

SO I THOUGHT THAT WAS GOOD THAT YOU COVERED THAT IN THERE.

AND THEN I WAS STARTLED TO SEE ONE CITY I FORGET WHICH ONE IT WAS ACTUALLY DURING PUBLIC INPUT AT A COUNCIL MEETING, THEY HAD A DISTRICT FORM OF GOVERNMENT, COUNCIL DISTRICTS.

AT THEIR PUBLIC HEARINGS SOME OF THEIR PUBLIC HEARINGS PRESUMABLY MAY BE ZONING, ONLY PEOPLE THAT LIVED IN THE DISTRICT WERE ALLOWED TO TESTIFY.

DID I AM I REMEMBERING THAT?

>> THAT'S CORRECT.

I THINK IT WAS SPECIFICALLY ON ZONING ISSUES, BUT THAT IS SOMETHING THAT WE CAME ACROSS.

>> KANSAS CITY.

>> OH.

THAT IS ALSO IN KANSAS CITY.

>> Morrison: MAN, THEY COME UP WITH ALL SORTS OF

>> Mayor Leffingwell: THAT SOUNDS LIKE A GOOD IDEA TO ME.

>> Morrison: WELL, I'M NOT VERY COMFORTABLE WITH THAT, WHAT CAN I SAY?

AND THEN ONE OTHER THING IS I THINK THAT A COUPLE OF THEM HAVE ECONOMIC DEVELOPMENT COMMITTEES.

IS THAT RIGHT?

>> THAT IS CORRECT.

>> Morrison: AND ONE THING I THINK IS INTERESTING IS THAT WE JUST CREATED A NEW COMMISSION CALLED THE ECONOMIC PROSPERITY COMMISSION.

AND I THINK THAT WOULD BE INTERESTING TO THINK ABOUT BROADENING NOT JUST LOOKING AT ECONOMIC DEVELOPMENT, BUT THE BIGGER PICTURE OF ECONOMIC PROSPERITY.

AND THEN LASTLY, I KNOW THAT SOME OF THE IT AND, AND MAYBE YOU COULD COMMENT ON THIS, IT AND THAT SOME OF THE COMMITTEE MEMBERS HAD SOME AUTHORITY THAT THEN MAY HAVE LIMITED THE AUTHORITY FOR FUTURE ACTION ON ITEMS OF THE OTHER COUNCILMEMBERS THAT WERE NOT MEMBERS.

DOES THAT MAKE SENSE?

DID YOU EVER SO BASICALLY WERE FINAL DECISIONS EVER MADE IN COMMITTEES?

>> I THINK IN ALL THE CITIES THAT WE LOOKED AT THEY WERE MAKING RECOMMENDATIONS TO THE FULL COUNCIL SO THE FINAL DECISION STILL OCCURRED AT THE FULL COUNCIL LEVEL.

>> Morrison: OKAY.

GOOD.

I'M GLAD TO HEAR THAT BECAUSE I THINK THAT WOULD BE PROBLEMATIC FOR PEOPLE THAT ARE EQUALLY ELECTED.

AND THEN IN TERMS OF JUST ONE COMMENT IN TERMS OF THE TIMING.

WE NOW HAVE OUR BULLETIN BOARD, WHICH IS BARELY USED, FOR US TO SHARE INFORMATION.

AND I BET THAT THAT WAS A MATTER OF HAVING TO RETRAIN A BUNCH OF US THAT NEVER USED THE BULLETIN BOARD BEFORE.

BUT HOPEFULLY WITH OUR NEW COUNCIL IT WILL JUST BE ONE OF THE TOOLS THAT THEY START USING RIGHT AWAY BECAUSE I THINK THAT COULD DEFINITELY FOR INSTANCE, ON THIS GENERATION PLAN THING NOW THAT I THINK OF IT, THAT COULD HAVE BEEN A GOOD WAY TO SWAP IDEAS BACK AND FORTH AHEAD OF TIME.

SO MAYBE THAT WILL BE MORE INCORPORATED.

THANK YOU FOR YOUR WORK, CORI.

>> Spelman: MAYOR?

>> Mayor Leffingwell: COUNCILMEMBER SPELMAN.

>> Spelman: I WON'T BE VOTING ON ANY OF THIS STUFF, I WON'T BE SERVING ON ANY OF THESE COMMITTEES SO I WON'T GET INTO THE WEEDS, BUT HOW ARE YOU GOING TO CONVEY THE RESULTS OF YOUR STUDY TO THE NEXT COUNCIL VERSION 10.1?

>> WE DON'T CURRENTLY HAVE A PLAN FOR THAT, BUT WE CAN CERTAINLY COME UP WITH ONE.

I KNOW THAT WE HAVE PROVIDED THE REPORT IMMEDIATELY AT THE MEET AND GREET THE OTHER DAY.

WE WERE ACTUALLY ASKED FOR IT AND PROVIDED IT AND IT IS AVAILABLE ON OUR WEBSITE, WE HAVE TWEETED IT, BUT WE'LL CERTAINLY DISTRIBUTE IT ONCE FOLKS GET HERE AND TAKE OFFICE.

>> Spelman: IF INCOMING COUNCILMEMBERS WANTED TO DISCUSS THE FINDINGS WITH YOU AND WHAT POSSIBLE IMPLICATIONS MIGHT BE FOR COMMITTEE STRUCTURES, THINGS LIKE THAT, YOU WOULD BE AVAILABLE TO TALK WITH THEM ABOUT THAT.

IS THAT ACCURATE?

>> ABSOLUTELY.

>> Spelman: GOOD TO KNOW.

THANK YOU.

>> Mayor Leffingwell: THOSE IN FAVOR OF THE MOTION TO CLOSE THE PUBLIC HEARING SAY AYE.

OPPOSED SAY NO.

IT PASSES ON A VOTE OF SEVEN TO ZERO.

194.

ONE SPEAKER, DAVID KING.

DAVID, DO YOU WISH TO SPEAK ON THIS ITEM?

[LAUGHTER]

>> ESPECIALLY FOR THIS ISSUE.

WE'RE TALKING ABOUT METERED PARKING SPACES COUNTED TOWARDS MINIMUM PARKING REQUIREMENTS FOR BUSINESSES.

AND THIS IS ONE OF THOSE RESOLUTIONS THAT I THINK SHOULD HAVE GONE THROUGH ANOTHER COMMITTEE TO WEED IT OUT BECAUSE I THINK IT HAS I KNOW THE PURPOSE OF IT AND I THINK THERE'S A GOOD PURPOSE BEHIND IT, BUT I JUST THINK THAT IT'S JUST TOO SOON TO DO SOMETHING LIKE THIS IN THE CITY OF AUSTIN.

OR MAYBE SCOPE IT INTO VERY, VERY AND TRY IT OUT IN JUST ONE AREA.

IT' NEEDS TO BE SCOPED WAY DOWN.

BECAUSE WHAT WE'RE SAYING HERE IS THAT IF FIVE BUSINESSES ARE WITHIN THE PROXIMITY TO THESE PARKING METERS, THEY CAN CLAIM THE SAME PARKING METER AND SO WHAT IF I WERE A BUSINESS OWNER AND I WAS COUNTING ON THAT RIGHT NOW HAVING THE PARKING METERS FOR MY CUSTOMERS AND THEN THIS PASSED, THEN I WOULD THEN I WOULD BE WORRIED BECAUSE WHAT I WOULD THINK IS THAT, OH, THIS BUSINESS DOWN THE STREET NOW CAN EXPAND AND USE AND CLAIM THOSE SAME PARKING METERS THAT MY CUSTOMERS USE.

I WOULD NOT BE FOR THIS IF I WERE A BUSINESS OWNER RIGHT NOW THAT DEPENDED ON THOSE PARKING METERS.

AND IF I WERE A RESIDENT WHO LIVED NEAR THESE BUSINESSES, I WOULD ALSO BE CONCERNED BECAUSE WHAT THAT'S GOING DO IS IT'S GOING TO CREATE MORE PARKING CONGESTION AND CAUSE OVERFLOW INTO RESIDENTIAL PARKING AREAS.

SO I THINK THERE ARE SOME GOOD REASONS NOT TO MOVE FORWARD WITH THIS RIGHT NOW.

I THINK WE NEED TO WAIT UNTIL WE GET SOME MORE TRANSIT OPTIONS IN PLACE AND I THINK THE MAYOR MADE A GOOD COMMENT WHEN THIS CAME UP A FEW MONTHS BACK THAT THIS MAY WANT TO BE SOMETHING WE WANT TO HOLD OFF ON AND LOOK AT DOWN THE ROAD WHEN WE HAVE BETTER MASS TRANSIT OPTIONS IN PLACE.

IT'S UNFORTUNATE THAT WE DIDN'T MAKE PROGRESS ON THAT RIGHT NOW.

I KNOW THAT PLAN THAT DIDN'T PASS HAD SOME PROBLEMS WITH IT, SO WE NEED TO GO BACK TO THE DRAWING BOARD AND COME UP WITH A BETTER PLAN, BUT WE NEED TO GET ON THAT PLAN AS QUICKLY AS POSSIBLE AND GET SOME BETTER MASS TRANSIT OPTIONS IN PLACE.

WHEN WE'VE DONE THAT THEN WE CAN COME BACK AND LOOK AT SOME OF THESE ALTERNATIVES AS COUNCILMEMBER RILEY HAS PROPOSED HERE.

I'M NOT SAYING IT'S A BAD THING, I'M SAYING IT'S JUST TOO SOON TO DO THIS.

I HOPE YOU WILL CONSIDER MY COMMENTS AND POSTPONE ACTION ON THIS, DO NOT TAKE ACTION ON THIS UNTIL DOWN THE ROAD SOMETIME.

THANK YOU.

>> Mayor Leffingwell: OKAY.

THAT'S ALL THE SPEAKERS THAT WE HAVE.

I'LL ENTERTAIN A MOTION.

>> Riley: MAYOR?

>> Mayor Leffingwell: COUNCILMEMBER RILEY.

>> Riley: I'LL MOVE TO CLOSE THE PUBLIC HEARING AND APPROVE THE ORDINANCE ON ALL THREE READINGS.

>> Mayor Leffingwell: MOTION BY COUNCILMEMBER RILEY.

IS THERE A SECOND?

>> Spelman: SECOND.

>> Mayor Leffingwell: SECONDED BY COUNCILMEMBER SPELMAN.

>> Riley: IF I COULD JUST SAY A WORD.

>> Mayor Leffingwell: GO AHEAD.

>> Riley: THIS IS AN ITEM THAT'S BEEN UNDER DISCUSSION FOR SOME TIME IN A NUMBER OF AREAS, AND IN FACT IN A GROWING NUMBER OF AREAS AS MORE FOLKS START TO SEE PARKING ISSUES COME INTO THEIR AREAS.

ONE NEIGHBORHOOD THAT'S BEEN EXPERIENCING ISSUES RELATED TO PARKING NEAR DOWNTOWN IS THE EAST CESAR CHAVEZ NEIGHBORHOOD.

AND THEY HAVE BEEN CONSIDERING METERS FOR SOMETIME.

SO THIS WAS A MATTER OF GREAT INTEREST TO THEM SO THEY CONSIDERED THIS CAREFULLY AND THEY PROVIDED US ON DECEMBER SECOND THEY PROVIDED US WITH A LETTER FROM THE NEIGHBORHOOD PLANNING TEAM SAYING THAT ON OCTOBER 15TH, 2014 OUR TEAM VOTED UNANIMOUSLY TO ENDORSE THE ADOPTION OF THIS CODE AMENDMENT.

THEY SAY TO ALLOW METERED PARKING SPACES TO BE COUNTED PARDON THE MINIMUM OFF STREET PARKING REQUIRED FOR NONRESIDENTIAL USES.

THEY SAY THAT THIS WILL BENEFIT THE NEIGHBORHOOD BY EASING THE CHALLENGES POSED BY ADAPTIVE REUSE OF EXISTING BUILDINGS AND ENCOURAGING GROWTH OF SMALLER SCALE BUSINESSES IN DENSELY POPULATED AREAS.

THEY FEEL THAT THE AMENDMENT IS IN LINE WITH THE GOALS OF THE NEIGHBORHOOD PLAN, INCLUDING IMPROVING VEHICLE BIKE AND PEDESTRIAN TRAFFIC SAFETY, ATTRACTING OR DEVELOPING BUSINESSES THAT SERVE ESSENTIAL NEIGHBORHOOD USES AND ENCOURAGING MORE RETAIL AND COMMERCIAL SERVICES WITHIN WALKING DISTANCES OF RESIDENCES.

I WOULD ALSO NOTE THAT EARLIER TODAY WE PASSED ON CONSENT AN ITEM THAT ALLOWS THE CREATION OF PARKING AND TRANSPORTATION MANAGEMENT DISTRICTS. AND WHAT THAT ALLOWS MORE FLEXIBILITY WITH THE USE OF FUNDS THAT WOULD COME FROM AREAS LIKE THIS.

SO IF A NEIGHBORHOOD CHOSE TO ESTABLISH A DISTRICT WHERE IT COULD HAVE METERS, THEY WOULD PUT METERS IN AND WHAT THAT WOULD DO IS IT WOULD TAKE A PROBLEM, THE PROBLEM OF SPILLOVER PARKING IN AN AREA, AND IT WOULD ACTUALLY TURN IT INTO A VERY SIGNIFICANT ASSET FOR THE NEIGHBORHOOD BECAUSE IT WOULD PROVIDE A REVENUE STREAM TO SUPPORT ALL KINDS OF OF IMPROVEMENTS, PEDESTRIAN IMPROVEMENTS IN PARTICULAR THAT WOULD BENEFIT THE NEIGHBORHOOD.

AND I THINK AS MORE NEIGHBORHOODS FEEL THE PRESSURES OF PARKING, IT'S IMPORTANT TO IDENTIFY WAYS THAT WE CAN TAKE THAT PROBLEM AND FIND SOLUTIONS, FIND WAYS OF TURNING THAT PROBLEM INTO SOMETHING THAT CAN ACTUALLY BE HELPFUL TO A NEIGHBORHOOD.

AND THIS WOULD BE A VERY IMPORTANT TOOL THAT AS WE AS POINTED IN THAT DIRECTION OF HELPING US TO DEAL WITH THE SERIOUS PROBLEM OF PARKINGS AND TURN IT INTO A POSITIVE THING FOR NEIGHBORHOODS TO ENSURE IMPORTANT BENEFITS.

SO WITH THAT I'LL AGAIN URGE APPROVAL OF THE ITEM.

>> Mayor Leffingwell: ANY OTHER COMMENTS?

I'LL JUST SAY I'M GOING TO VOTE NO ON THIS.

I HAPPEN TO AGREE WITH THE SPEAKER WHO SAID THAT THIS IS GOING TO CAUSE I THINK IT'S GOING TO CAUSE A SHORTAGE OF PARKING SPACES.

THE METERED SPACES SHOULD BE RESERVED FOR PEOPLE WHO ARE COMING TO PATRONIZE THOSE BUSINESSES ALL UP AND DOWN THE STREET.

WE HAVE A SHORTAGE OF THAT ALREADY, AS WE ALL KNOW.

I THINK IT WOULD BE A MISTAKE TO DO AWAY WITH THIS.

AND WHEN WE HAVE PROGRAMS ALREADY IN PLACE TO PROVIDE REDUCTIONS IN PARKING REQUIREMENTS WHERE THOSE ARE APPROPRIATE.

COUNCILMEMBER MORRISON.

>> Morrison: THANK YOU, MAYOR.

THIS IS STAFF RECOMMENDED THIS BASED ON SOME STUDIES THAT THEY DID THAT AND TO INDICATE AN UNDERUTILIZATION OF ONSTREET PARKING SPACES IN SOME OF THE AREAS.

AND WHEN THAT DO WE HAVE STAFF HERE, TRANSPORTATION STAFF?

WHEN THAT STUDY WAS DONE, IT WAS PRESENTED TO US AND THE STUDY REPORTED THAT AROUND SOUTH CONGRESS THAT THERE WAS A LOT OF UNDERUTILIZED UNDERUTILIZED PARKING, ONSTREET PARKING, AND THAT SEEMED A LITTLE SURPRISING.

AND SO WE ASKED YOU TO DO IT AGAIN.

CAN YOU TALK A LITTLE BIT ABOUT THE RESURVEY?

BECAUSE I GATHER FROM AN ANSWER THAT YOU ALL PROVIDED THAT YOU FOUND THE SAME THING, THAT THERE'S LOTS OF OPEN PARKING AROUND SOUTH CONGRESS.

>> YES.

I'M [INDISCERNIBLE] FROM PLANNING AND DEVELOPMENT REVIEW, BUT LEE AUSTIN IS HERE FROM AUSTIN TRANSPORTATION DEPARTMENT.

AND SHE DID THE SURVEY.

I'LL LET HER TALK.

>> GREAT.

THANK YOU.

>> I'M LEE AUSTIN, THE CENTRAL AREA TRAFFIC ENGINEER.

THE AREA WE SURVEYED IS NOT LIKE CENTRAL SOUTH AUSTIN.

WHAT WAS REQUESTED IS DOWN GEE HANNAH STREET, DOWN THERE BY MAGNOLIA, SO IT'S PRETTY FAR SOUTH OF THE MAIN CONGRESS DRAG.

WE SURVEYED IT AND IT WAS ACTUALLY ACL WEEKEND, A A REALLY BUSY FOR SOUTH CONGRESS.

WE GOT ABOUT THE SAME, THAT'S AN UNUTILIZED AREA OF SOUTH CONGRESS.

IF IT WAS DOWN FARTHER NORTH IT PROBABLY WOULD HAVE REACHED CLOSER TO 100% UTILIZATION, BUT THAT AREA DOES NOT GET HEAVILY USED.

IN FACT, THE HIGHEST TIME USED IS ACTUALLY BRUNCH TIME, SATURDAY MORNING AND SUNDAY MORNING.

>> Morrison: SO WHAT DOES IT SAY THAT THERE ARE AREAS THAT WE KNOW ARE ALL PARKED OUT NOW, LIKE MAYBE FARTHER NORTH ON SOUTH CONGRESS, BUT THIS IS GOING TO ALLOW BUSINESSES TO NOT PROVIDE PARKING IF THEY HAPPEN TO BE AROUND METERED?

>> YOU KNOW, IT WOULD BE THEIR CHOICE.

WHAT WE SHOWED IN OUR PRESENTATION IS THAT THERE IS THE OPTION OF HAVING RESIDENTIAL PERMIT PARKING IF YOU SEE IT ENCROACHING INTO THE NEIGHBORHOODS.

SO THAT'S ALWAYS AN OPTION AVAILABLE TO THEM.

>> Morrison: THAT DOESN'T HAPPEN VERY OFTEN.

THOSE NEIGHBORS HAVE BEEN TRYING TO GET RESIDENTIAL IS NOT A CHOICE.

THEY'VE BEEN TRYING TO GET IT FOR PROBABLY SIX YEARS.

>> MANY OF THEM HAVE IT.

WE'VE BEEN WORKING WITH THE NEIGHBORHOOD AND AS THEY MEET THE REQUIREMENTS, WHICH IS A CERTAIN PERCENTAGE PARKED UP THAT AREN'T RESIDENTS THEY GET IT AND THERE ARE A LOT OF RPP STREETS IN SOUTH CONGRESS CURRENTLY.

>> Morrison: OKAY.

AND THEN LET ME SO THERE'S ONE OTHER QUESTION I HAVE AND THIS ISN'T ABOUT THE SURVEY, BUT THE ORDINANCE ITSELF IS GOES INTO SECTION F OF 256478 WHERE THE MINIMUM OFF STREET PARKING REQUIREMENT SHALL BE REDUCED AS FOLLOWS AND WE'RE ADDING A PART TWO HERE.

PART ONE IS IT ALREADY EXISTS THAT THERE'S ONE SPACE REDUCTION FOR EACH ONSTREET PARKING SPACE LOCATED ADJACENT TO THE SITE ON A PUBLIC STREET.

SO IF IT'S ADJACENT AND IT'S A METERED SITE, DO YOU GET TWO OFF?

DOES IT REDUCE IT BY TWO?

DO YOU GET TO DOUBLE COUNT?

>> NO.

CURRENTLY IF IT'S ADJACENT, WHETHER IT'S METERED OR NOT METERED IT IS COUNTED AS ONE SPACE REDUCTION.

>> Morrison: ALL RIGHT.

AND WHEN THIS PASSES IT WILL STILL COUNT AS A REDUCTION OF ONE SPACE?

>> YES.

BUT IN THE END OF THE SECTION OF THE CODE THEY'RE STILL SUBJECT TO TOTAL 40% REDUCTION SO THEY CAN NEVER GO OVER THAT.

THEY STILL HAVE TO PROVIDE THEIR 60% SHARE.

>> Morrison: THANK YOU.

>> Mayor Leffingwell: THOSE IN FAVOR OF THE MOTION SAY AYE?

>> AYE.

>> Mayor Leffingwell: OPPOSED SAY NO?

IT PASSES ON A VOTE OF FOUR THREE WITH COUNCILMEMBER TOVO, MYSELF AND COUNCILMEMBER MORRISON VOTING NO.

THAT WOULD BE ON FIRST READING ONLY.

OKAY.

SO 196?

IT IS AN APPEAL CASE.

>> THANK YOU, MAYOR AND COUNCIL.

GREG GUERNSEY, PLANNING DEVELOPMENT AND REVIEW DEPARTMENT.

ITEM 196 REGARDS A PUBLIC HEARING AND TO CONSIDER APPEAL BY THE 35 AUSTIN PARTNERS LIMITED REGARDING SIGN REVIEW BOARD'S DECISION

>> Mayor Leffingwell: MR. GUERNSEY, BEFORE WE BEGIN DISCUSSION, I NEED TO ASK ARE THERE ANY REQUESTS FOR POSTPONEMENT OR ANY ISSUES OF STANDING THAT ANY PARTIES IN THIS CASE WOULD LIKE TO RAISE?

HEARING AND SEEING NONE, GO AHEAD.

>> THANK YOU.

REGARDING THE SIGN REVIEW BOARD'S APPROVAL OF SEVERAL VARIANCES FOR THE PROPERTY AT 6406 NORTH I 35.

THIS PROPERTY IS KNOWN AS THE LINCOLN VILLAGE SHOPPING CENTER.

AND THE SIGN REVIEW BOARD ACTUALLY REVIEWED SEVERAL VARIANCES THAT WERE ASSOCIATED WITH THIS PROPERTY.

THE OWNER OF THE PROPERTY IS PROPOSING TO CONSTRUCT 12 NEW SIGNS, HAS EXISTING SIX SIGNS, AND OF THE EXISTING SIGNS ON THE PROPERTY, THERE ARE TWO PARTICULAR VARIANCES THAT THE APPELLANT TOOK EXCEPTION TO AND WANTED TO BRING TO YOUR ATTENTION.

THERE IS AN EXHIBIT AND I THINK A PRESENTATION THAT NIKELLE MEADE WILL HAVE TO YOU FOR THIS MATTER, BUT THE BOARD APPROVED A VARIANCE FROM SECTION 25 10 123 B 2 THAT WOULD INCREASE THE MAXIMUM SIGN AREA FROM 300 TO 395 FEET.

IT'S MY UNDERSTANDING TALKING TO MY STAFF THAT THE 395 NUMBER WAS A NUMBER THAT MS. NIKELLE HAD OFFERED THE BOARD AND THE BOARD HAD ACCEPTED.

IN THE APPEAL LETTER IT WAS NOTED THEY WOULD NEED 450 FEET THAT THEY FELT WAS NECESSARY TO GET THE VISIBILITY THAT THEY WANTED.

THE OTHER VARIANCE DEALT WITH THE MAXIMUM SIGN HEIGHT.

AND IT WOULD INCREASE IT FROM 35 FEET TO 50 FEET.

AND THERE ARE TWO PARTICULAR SIGNS.

ONE IS NOTED AS SIGN E THAT THEY HAD REQUESTED A HEIGHT OF 55 FEET, WHICH IS ABOUT 57% TALLER THAN WHAT THE CURRENT ORDINANCE ALLOWS.

THE OTHER BEING SIGN H, UNIDENTIFIED ON THE MAP.

THIS WOULD BE AN 85% INCREASE ABOVE THE MAXIMUM ALLOWED HEIGHT SIGN OF 35 FEET.

AGAIN, THE SIGN REVIEW BOARD GRANTED 50 FEET ON BOTH OF THESE.

IT'S MY UNDERSTANDING THAT THE CONVERSATION WAS THAT THIS WAS SIMILAR TO OTHER SIGNS IN THE AREA AND THAT'S WHY THEY SETTLED ON 50 FEET.

THE CITY CODE UNDER SECTION 25 10 43 STATES THAT THE SIGN REVIEW BOARD STATES THAT THE SIGN REVIEW BOARD, WHICH YOU ARE KIND OF STEPPING INTO THEIR SHOES THIS EVENING, MAY GRANT A VARIANCE FROM THE REQUIREMENTS OF A SIGN REGULATIONS AFTER DETERMINING THAT GRANTING THE VARIANCE DOES NOT PROVIDE THE APPLICANT WITH A SPECIAL PRIVILEGE NOT ENJOYED BY OTHER SIMILARLY SITUATED PROPERTY OR POTENTIALLY SIMILARLY SITUATED, AND ONE, THAT THE VARIANCE IS NECESSARY BECAUSE THE ENFORCEMENT OF THE REQUIREMENTS PREVENTS

REASONABLE OPPORTUNITY TO PROVIDE ADEQUATE SIGNS ON THIS SITE AND CONSIDERING THE UNIQUE FEATURES OF THE SITE, INCLUDING ITS DIMENSION, LANDSCAPING, TOPOGRAPHY.

TWO, THAT GRANTING THE VARIANCE IS NOT SUBSTANTIALLY ADVERSE AFFECT ON THE NEIGHBORING PROPERTIES OR THAT GRANTING THE VARIANCE WILL NOT SUBSTANTIALLY CONFLICT WITH THE PURPOSES OF THIS CHAPTER.

AT THIS TIME I'LL PAUSE AND LET MS. MEADE COME UP AND MAKE HER PRESENTATION.

IF YOU HAVE ANY QUESTIONS IN YOUR BACKUP ARE SEVERAL LETTERS OF SUPPORT.

AGAIN, THE SIGN REVIEW BOARD GRANTED THE MAJORITY OF THE VARIANCES THAT WERE REQUESTED.

IT WAS THESE SINGLE TWO THAT WERE TAKEN EXCEPTION BY THE APPLICANT.

>> Mayor Leffingwell: SO NOW WE'LL HEAR FROM THE APPEALING PARTY, THE REPRESENTATIVE.

AND THERE'S NO DONATION OF TIME.

YOU CAN HAVE UP TO 10 MINUTES IF YOU NEED IT.

>> I WILL CERTAINLY TRY NOT TO USE IT.

AND WE'VE GOT THERE WE ARE.

NIKELLE MEADE WITH HUSCH BLACKWELL.

>> Mayor Leffingwell: 10 MINUTES ON THE TIMER.

>> WE ARE, AS MR. GUERNSEY SAID, HERE TODAY TO PRESENT AN APPEAL OF A SIGN REVIEW BOARD VARIANCE GRANTED FOR WHAT YOU ALL PROBABLY KNOW AS LINCOLN VILLAGE AT MIDDLE FISKVILLE AND I 35 NEAR 2222.

OUR CLIENT HAS PURCHASED THAT SITE AND IS GOING THROUGH A COMPLETE WE CALL IT A RECREATION.

I KNOW THAT'S A LITTLE CHEESY, BUT WE CALL IT A RECREATION OF THE SITE TO HAVE ALL NEW TENANTS, LOTS OF NEIGHBORHOOD AMENITIES AND REALLY MAKE IT SOMETHING VIABLE.

THE INTERESTING THING ABOUT THAT SITE IS THAT AS IT WAS BEING DEVELOPED THE ELEVATED PORTIONS OF I 35 BEGAN CONSTRUCTION AS WELL SO ALMOST REALLY PRETTY IMMEDIATELY THAT SITE BECAME BURIED IN THE ADJACENT ROADWAYS.

AS MR. GUERNSEY STATED WE ACTUALLY FILED OUR APPEAL REQUEST TO APPEAL TWO OF THE VARIANCES THAT WERE GRANTED AND WE ARE AND I THINK WE'VE TOLD COUNCILMEMBERS THIS, BUT WE'RE ACTUALLY WITHDRAWING THE APPEAL OF THE SIGN SIZE.

WE HAVE A SIGN DESIGN TEAM ACTUALLY WHO HAS CREATED A SIGN MASTER PLAN AND IN THEIR VIEW THE SIGN SIZE VARIANCE IS LARGER THAN 395 SQUARE FEET IS NOT NEEDED.

SO OUR FOCUS TODAY WILL REALLY JUST BE ON THE SIGN HEIGHT OF TWO OF THE SIGNS THAT ARE ON THE TRACT.

SO THIS THING IS NOT WANTING TO COOPERATE WITH ME TODAY.

I MAY TAKE 10 MINUTES IF IT DOES THIS.

AS YOU SEE, THIS IS THE SIGN MASTER PLAN.

THIS IS WHAT THE BOARD LOOKED AT AND CONSIDERED.

THE TWO SIGNS WITH THE SORT OF BLUEISH PURPLE BIG CIRCLES ARE THE SIGNS THAT WE'RE TALKING ABOUT TODAY.

THOSE ARE REALLY THE TWO MARQUEE, MAJOR SIGNS FOR THE DEVELOPMENT.

H IS THE SIGN THAT IS MOST IN THE SOUTHEAST CORNER AND E IS THE SIGN THAT'S A LITTLE BIT UP.

H IS THE SIGN THAT WE'RE PROPOSING BE THE TALLEST SIGN ON THE SITE AND E WOULD BE THE NEXT TALLEST AND THOSE WOULD BE THE ONLY TWO SIGNS OF ALL THE SIGNS ON THE SITE THAT WOULD EXCEED THE HEIGHT LIMITATIONS.

SO OUR REQUEST WAS THAT SIGN E, THE ONE THAT IS SORT OF IN THE MIDDLE OF THE TRACT, BE INCREASED FROM 50 FEET, WHICH WAS GRANTED BY THE BOARD, TO 55 FEET.

AND SIGN H BE INCREASED FROM 50 FEET TO 65 FEET.

AND WORKING WITH THE SIGN DESIGN TEAM THOSE REALLY ARE, WE BELIEVE, THE MINIMUMS THAT WILL MAKE THOSE SIGNS VISIBLE.

AND EXPRESSING WHY WE BELIEVE THE SIGN BOARD ERRED IN THEIR COMMENTS, AND THEY WERE GREAT TO WORK WITH BY THE WAY AND WE WENT BEFORE THEM FOUR TIMES, THREE OR FOUR.

IT WAS REALLY A BIG REQUEST BECAUSE WE HAD SO MANY PARTS TO IT, BUT WE BELIEVE THEY ERRED BECAUSE IN THE COMMENTS THAT WERE MADE WHEN THE MOTION WAS MADE THERE WAS A BELIEF THAT THOSE SIGNS WOULD BE VISIBLE AT 50 FEET, AND THEY REALLY ARE NOT.

SO HERE YOU CAN SEE THAT WE HAVE THE REQUESTED HEIGHT ON YOUR LEFT AND THE HEIGHT APPROVED BY THE SIGN REVIEW BOARD ON YOUR RIGHT.

AND YOU WILL SEE THE IMAGE OF THE CAR AND THAT'S TO REFLECT WHERE THE ELEVATED PORTION OF THE HIGHWAY IS.

SO AS YOU SEE, WITH THE SIGN AS APPROVED BY THE BOARD, IT REALLY IS ESSENTIALLY ALMOST UNDER THE HIGHWAY.

IT'S REALLY NOT VISIBLE.

AND THEN WE ACTUALLY HAD THE SIGN DESIGN TEAM SUPERIMPOSE IN RED WHERE THE SIGNS WOULD ACTUALLY BE ON THE SITE.

SO THIS IS THE EXISTING SIGN ESSENTIALLY FULLY OBSCURED AND AS PROPOSED AT 50 FEET YOU SEE THERE IN RED IT WOULD ALSO REALLY NOT BE VISIBLE.

THIS SHOWS THE SIGN AS WE ARE PROPOSING IT.

AND I'M KIND OF FOCUSED ON THE TALLER ONE, THE 65 FOOT SIGN.

BECAUSE AS IT FOLLOWS, IF YOU CAN'T SEE THE 55 FOOT SIGN YOU DEFINITELY COULDN'T SEE THE SHORTER ONE.

BUT AS YOU SEE HERE, THIS SHOWS THE SIGN AT 65 FEET, IT'S VISIBLE, BUT IT'S REALLY NOT TOWERING OVER THE ELEVATED PORTION OF THE HIGHWAY.

AND THEN WE ALSO HAVE THIS GRAPHIC TO SHOW YOU WHAT THAT SIGN LOOKS LIKE AT 65 FEET IF YOU'RE ON THE FRONTAGE ROAD.

SO EVEN THEN IT'S REALLY NOT TOWERING OVER WHAT'S THERE NOW.

SOME OF THE CONDITIONS THAT YOU HAVE ALONG THIS IS ON THE I 35 FRONTAGE.

NOT ONLY DO YOU HAVE AN ELEVATED PORTION OF THE ROADWAY, BUT YOU ALSO NOW HAVE A FULLY MATURE LINE OF TREES THAT WILL NOT BE REMOVED IN THE DEVELOPMENT OF THE SITE AND THEY REALLY OBSCURE THE SIGNAGE FOR THE TENANTS.

AND AGAIN THE GOAL HERE REALLY IS AND I THINK WHY WE GOT SO MUCH SUPPORT FOR THIS, THE GOAL IS TO BE ABLE TO ATTRACT AND KEEP TENANTS.

AND ON A SITE LIKE THIS THAT IS VERY LARGE, IT IS IMPORTANT FOR PEOPLE TO KNOW HOW TO GET TO THOSE TENANTS AND WHO THEY ARE.

WITH REGARD TO THE FINDINGS, AS MR. GUERNSEY SAID, WE'RE ACTUALLY REQUIRED TO ONLY MEET TWO FINDINGS.

WE FELT, AND I THINK THE BOARD AGREED, THAT WE MET FOUR, ALL FOUR, BUT WE BELIEVE THAT STRICT ENFORCEMENT PROHIBITS A REASONABLE OPPORTUNITY TO PROVIDE ADEQUATE SIGNAGE FOR THE SITE.

AS I SAID, THE RECREATION OF THIS CENTER WILL INVOLVE A LOT OF USES.

THE VARIANCES ARE REALLY NECESSARY TO BE ABLE TO MAKE THE SIGNAGE VISIBLE.

AND WHAT WE'VE SEEN ON THIS SITE IN THE PAST IS THAT PART OF PROBABLY THE PRIMARY REASON TENANTS HAVE FAILED THERE IS BECAUSE NOBODY KNOWS THAT THEY'RE THERE.

AND AGAIN, AS I SAID, THE TREES AND THE ROADWAY DESIGN, THE ELEVATION OF I 35 REALLY MAKE THE LOWER SIGNS NOT VISIBLE.

THEY'RE VISIBLE ON MIDDLE FISKVILLE AND WE'RE NOT ASKING FOR THOSE TO BE TALLER, BUT THEY ARE REALLY NOT VISIBLE FROM I 35.

NO SUBSTANTIAL ADVERSE IMPACT ON NEIGHBORING PROPERTIES.

AGAIN, IT'S REALLY WHAT WE'RE PROPOSING WE REALLY IS COMPATIBLE WITH THE SURROUNDING USES AND YOU WILL SEE IN OUR LETTERS OF SUPPORT THAT WE HAVE SUPPORT LETTERS FROM THE NEIGHBORHOOD ASSOCIATION, RED LEAF, WHICH IS DEVELOPING HIGHLAND MALL FROM ACC, FROM ALL OF THE MAJOR COMMERCIAL PROPERTY OWNERS IN THE AREA AND FROM A CITIZEN WHO ACTUALLY SERVED ON THE AIRPORT REDEVELOPMENT ADVISORY BOARD.

WE ALSO BELIEVE THAT WE MEET THE LAST TWO FINDINGS, EVEN THOUGH IT'S NOT REQUIRED, BUT THAT THE VARIANCE WILL NOT SUBSTANTIALLY CONFLICT WITH THE STATED PURPOSES OF THE SIGN ORDINANCE AND AS WE PRESENT IT TO THE BOARD

THE ENTIRE PURPOSE OF THE DESIGN PLAN THAT WE PREPARED FOR THIS SITE IS TO REDUCE SIGNAGE CLUTTER, REDUCE THE NEED FOR MORE SIGNS THAN ARE ABSOLUTELY NECESSARY AND TO MAKE THE SIGNAGE ESTHETICALLY PLEASING.

AND WITH REGARD TO NO SPECIAL PRIVILEGE, THIS PROPERTY REALLY IS UNIQUE IN ITS SIZE AND ITS LOCATION.

AND THEN WE HAVE THE FACT OF THE SURROUNDING ROADWAYS.

I BELIEVE YOU ALL PROBABLY HAVE LETTERS ALL OF THE LETTERS OF SUPPORT IN YOUR BACKUP MATERIAL, BUT THIS IS JUST A LIST OF THOSE WHO HAVE SUPPORTED US AND I BELIEVE THE SIGN DESIGNER IS HERE.

HE STEPPED OUT, PROBABLY BAD TIMING, BUT I BELIEVE HE'S HERE TO ANSWER QUESTIONS AND I AM HERE TO ANSWER QUESTIONS AS WELL.

WE WOULD REALLY APPRECIATE, AS I SAID, WE HAVE WITHDRAWN THE REQUEST FOR SIGN SIZE, BUT WE WOULD APPRECIATE THE COUNCIL APPROVING AN ADDITIONAL 15 FEET TO GET US TO 65 FEET ON SIGN H AND AN ADDITIONAL FIVE FEET TO GET US TO 55 FEET ON SIGN E.

AND I'LL GO BACK TO THAT MAP SO YOU CAN REFER TO IT AS WE TALK.

AND I'M HERE TO ANSWER ANY QUESTIONS THAT YOU ALL MAY HAVE.

>> Mayor Leffingwell: I HAVE ONE QUESTION.

THAT SHOPPING CENTER HAS BEEN THERE FOR A LONG TIME.

IN MY MEMORY OF IT IN RECENT TIMES IT HAS NOT BEEN ANYWHERE NEAR FULLY OCCUPIED.

IT'S BEEN KIND OF, FOR WANT OF A BETTER TERM, A DEPRESSED COMMERCIAL AREA.

IS THAT FAIR TO SAY?

>> THAT'S ABSOLUTELY CORRECT.

THE NEW OWNERS RECRUITED MARQUESA, AUSTIN FILM SOCIETY, H.E.B. HAS A SMALL ADMINISTRATIVE OFFICE THERE, AND THAT'S REALLY BEEN HONESTLY IT.

>> Mayor Leffingwell: IS THERE STILL A MOVIE THERE?

>> I'M SORRY?

>> Mayor Leffingwell: A MOVIE?

>> NO, THERE'S NOT.

MARQUESA HAS TAKEN THAT SPACE.

>> Mayor Leffingwell: SO I GUESS I'M A LITTLE BIT MYSTIFIED AS TO WHY YOU WOULD WANT TO HAVE A SIGN THAT DOESN'T IS NOT VISIBLE FROM THE ROAD.

>> MAYOR, THAT'S REALLY BEEN OUR POINT.

THAT SIGNAGE AND EVERY TENANT WHO IS ATTRACTED TO THIS SITE HAS THE SAME COMMENT, THAT SIGNAGE IS NOT VISIBLE AS IT IS.

IT WON'T BE VISIBLE AT 50 FEET.

>> Mayor Leffingwell: IT SEEMS TO ME THAT THAT WOULD BE AN IMPORTANT THING TO HAVE TO REVITALIZE THAT COMMERCIAL AREA, WHICH I THINK IS IMPORTANT.

>> IT REALLY IS CRITICAL.

>> Mayor Leffingwell: ALL RIGHT.

THERE ARE NO SPEAKERS THAT ARE SIGNED UP SUPPORTING THE APPEAL.

>> Spelman: MAYOR?

>> Mayor Leffingwell: COUNCILMEMBER SPELMAN.

>> Spelman: MOVE TO CLOSE THE PUBLIC HEARING

>> Mayor Leffingwell: WE HAVE A FEW STEPS TO GO THROUGH.

>> Spelman: OKAY.

>> Mayor Leffingwell: THERE'S A SPECIAL PROTOCOL FOR THESE APPEALS.

SO NOW WE GO TO A PRESENTATION BY THE RESPONDENT, WHICH IS WE DON'T HAVE THAT PRESENTATION.

I GUESS YOU'RE THE RESPONDENT.

>> I PRESENTED WHAT THE SIGN REVIEW BOARD HAS PRESENTED SO I DON'T HAVE ANYTHING ADDITIONAL TO ADD.

>> Mayor Leffingwell: AND WE HAVE NO SPEAKERS SIGNED UP OPPOSING THE APPEAL.

SO WE HAVE NO NEED FOR A REBUTTAL BY THE APPEALING PARTY.

SO NOW COUNCILMEMBER SPELMAN.

>> Spelman: THANK YOU, MAYOR.

I MOVE TO CLOSE THE PUBLIC HEARING AND GRANT THE APPEAL.

>> Mayor Leffingwell: MOTION BY COUNCILMEMBER SPELMAN.

AND I WILL SECOND THAT MOTION.

>> Cole: MAYOR, I HAVE A QUESTION FOR STAFF.

>> Mayor Leffingwell: MAYOR PRO TEM COLE.

>> Cole: GREG, CAN YOU TELL ME WITH THIS TYPE OF ENTITLEMENT WHAT HAPPENS IF THE INTERSTATE IS DEPRESSED?

DOES IT GO AWAY?

WOULD THERE BE AN APPEAL PROCESS?

>> IF THE ROADWAY IS MODIFIED, THE VARIANCES THAT WOULD BE GRANTED, IF THEY ARE GRANTED TODAY, WOULD RUN WITH THE LAND.

SO THAT'S REGARDLESS OF THE ELEVATION OF THE ROADWAY.

SO NO, THERE'S NOT THEY WOULD NOT REDUCE NECESSARILY THE SIZE EXCUSE ME, THE HEIGHT OF THE SIGN AS BIG AS THE ROADWAY ELEVATION WOULD CHANGE.

THAT WOULD BE IF THE ROADWAY WAS ELEVATED AS WELL, THEY WOULD NOT BE ABLE TO RAISE THEIR SIGN HEIGHT AUTOMATICALLY EITHER.

THEY WOULD HAVE TO GO SEEK ANOTHER VARIANCE.

>> Cole: RUNS WITH THE LAND.

>> THAT IS THAT REQUIREMENT.

>> Mayor Leffingwell: SO THAT THAT IS NOT SOMETHING THAT IS LIKELY TO HAPPEN ANY TIME SOON IF IT DOES EVER.

IT IS ONE OF THE PLANS UNDER DISCUSSION, I'M ON THE I 35 CORRIDOR COMMITTEE THAT HAS BEEN MEETING ON A REGULAR BASIS.

DEPRESSING IS ONE OF THE THINGS UNDER CONSIDERATION, BUT IT HASN'T BEEN FINALLY DECIDED.

>> Cole: THAT'S WHY I BROUGHT IT UP, BECAUSE OF THE COMMITTEE.

>> AND MAYOR AND COUNCIL, IN GRANTING THE VARIANCE YOU HAVE TO MAKE CERTAIN FINDINGS, SO I'D JUST POINT THAT OUT.

ON THE BACKUP OF YOUR SHEET ON THE RCA, THERE ARE THE GENERAL AGAIN, THE GENERAL FINDING AND THEN ONE OF THE ADDITIONAL THREE, AS MS. MEADE POINTED OUT.

>> Mayor Leffingwell: THAT IS NOT ON MY APPEAL SCRIPT, MR. GUERNSEY, SO THE ATTORNEYS THE MONEY AGREE WITH YOU THAT THAT NEEDS TO BE DONE.

THE APPEAL PROCEDURE HAS ALWAYS BEEN THAT THE COUNCIL HAS THE FULL LATITUDE TO EITHER GRANT THE APPEAL, DENY THE APPEAL OR MODIFY THE APPEAL.

>> THAT IS CORRECT AND I MISSED THE DIALOGUE THAT YOU HAD

>> Mayor Leffingwell: HE WAS TALKING ABOUT WE HAD TO CITE SOME FINDINGS.

>> THAT'S CORRECT, FOR THIS TYPE OF APPEAL YOU NEED TO MAKE THE FINDINGS THAT MR. GUERNSEY IS READING, AND I THINK YOU CAN JUST INCORPORATE BY REFERENCE TO THE BOARD'S PRIOR FINDINGS.

THE POINT THAT I WANTED TO MAKE DOESN'T REQUIRE ACTION ON THE COUNCIL'S PART, BUT JUST FOR CLARITY'S SAKE THE VARIANCE DOES NOT RUN WITH THE LAND, IT RUNS WITH THE PERMIT.

AND AFTER THE APPLICANT SUBMITS ASSUMING THAT COUNCIL APPROVES THE VARIANCE, THE APPLICANT WILL HAVE A YEAR TO GET THEIR PERMIT APPROVED AND THE VARIANCE WILL APPLY ONLY TO THAT PERMIT, IT WILL NOT RUN WITH THE LAND.

>> Mayor Leffingwell: OKAY, THANK YOU.

COUNCILMEMBER TOVO.

>> Tovo: I HAVE JUST A COUPLE OF QUESTIONS.

DID THE APPLICANT APPEAL THIS?

THERE WAS SOME LONG HISTORY OF HEARINGS.

DID THE APPLICANT APPEAL THIS PIECE TO THE SIGN REVIEW BOARD?

>> I BELIEVE MS. MEADE HAD INDICATED IN HER PRESENTATION, AND I'M AWARE THAT THEY HAD COME SEVERAL TIMES TO WORK WITH THE SIGN REVIEW BOARD.

WHEN THEY MADE THEIR FINAL DECISION THERE WAS ONLY TWO PARTS, AND ACTUALLY ONLY ONE BY WHAT I UNDERSTAND TONIGHT THERE WAS AN EXCEPTION TAKEN THAT THEY WISH TO FURTHER HAVE THIS APPEAL CONSIDERED BY THE CITY COUNCIL.

AND SO OF ALL THE VARIANCES THAT WERE GRANTED, WHICH THERE WERE MANY, IT CAME DOWN TO THE HEIGHT OF JUST TWO SIGNS ON THE PROPERTY, WHICH IS BEFORE YOU THIS EVENING.

>> Tovo: RIGHT.

AND I GUESS I'M ASKING BECAUSE THERE IS AN OPPORTUNITY TO APPEAL AT BOARD OF ADJUSTMENT DECISION BACK TO THE BOARD OF ADJUSTMENT.

AND I'M WONDERING IF THEY HAD AN OPPORTUNITY TO APPEAL THIS DECISION BACK TO THE SIGN REVIEW BOARD AND IF SO DID THEY DO IT?

I HEARD THEY WENT TO THE SIGN REVIEW BOARD FOUR TIMES.

IT'S NOT CLEAR TO ME FROM THE BACKUP BECAUSE WE'VE GOT A LOT OF INFORMATION IN THE BACKUP, WHETHER AT LEAST ONE OF THOSE FOUR HEARINGS WAS AN APPEAL THIS PARTICULAR DECISION.

>> WE DID.

WE WENT TO THEM THREE OR FOUR TIMES.

IT WAS OVER THE SPAN OF A YEAR, HONESTLY.

AND WITH A SIGN APPEAL IT COMES TO THE COUNCIL.

YOU DON'T GO THROUGH WHAT YOU'RE REFERRING TO, WHICH IS THE RECONSIDERATION PROCESS.

AND WE DISCUSSED THAT WITH YOUR LEGAL DEPARTMENT TO MAKE SURE WE WERE FOLLOWING THE RIGHT PROCEDURE, BUT IT COMES TO THE COUNCIL PER 25 10.

>> Tovo: SO YOU HAD A DECISION AND YOUR APPEAL IS TO HERE IT.

>> CORRECT.

>> Tovo: THANK YOU FOR CLARIFYING THAT.

MR. GUERNSEY, I HAVE A COUPLE MORE QUESTIONS.

SO WE'VE HAD SOME DISCUSSION OR WE'VE HEARD DISCUSSION FROM THE APPLICANT ABOUT THIS BEING I GUESS REALLY THE SECOND FINDINGS THAT THE GRANTING WOULDN'T HAVE A SUBSTANTIAL ADVERSE IMPACT ON NEIGHBORING PROPERTIES.

AND SO DOES STAFF HAVE AN OPINION ABOUT THAT, ABOUT WHETHER ABOUT WHETHER WE WOULD BE GRANTING A VARIANCE TO THIS PROPERTY THAT IS HAS NOT BEEN AFFORDED SIMILARLY SITUATED PROPERTIES.

>> IN MATTERS REGARDING VARIANCES

FROM THE SIGN ORDINANCE, STAFF DOES NOT OFFER A RECOMMENDATION ON THE SIGN REVIEW.

THE BURDEN IS PLACED UPON THE APPLICANT TO CONVINCE THE SIGN REVIEW BOARD THAT THEY HAVE MET THOSE FINDING TESTS.

IT'S ONE OF THE UNIQUE TYPES OF APPLICATIONS THAT COME IN WHERE STAFF DOES NOT TAKE A POSITION.

THAT THE APPLICANT HAS THE BURDEN TO PROVE OUT WHETHER OR NOT THAT VARIANCE SHOULD BE GRANTED.

>> Tovo: IT'S JUST A LITTLE HARD TO I MEAN, THE SIGN REVIEW BOARD HAD FOUR OPPORTUNITIES TO REVIEW THE INFORMATION.

THIS IS OUR ONLY ONE.

IT WOULD BE USEFUL TO KNOW WHETHER THERE ARE BUSINESSES IN THE AREA THAT HAVE SIGNS THAT ARE THAT HAVE HAD TO COMPLY WITH 50 FEET AND THEY'RE GOING TO THEN FEEL THAT WE'VE MADE AN EXCEPTION FOR THIS BUSINESS AND THEY ARE A SIMILARLY SITUATED PROPERTY.

>> I'M AWARE THAT

>> Tovo: I DON'T SEE ANY OTHER INFORMATION IN OUR BACKUP THAT WOULD PROVIDE US WITH INFORMATION ABOUT NEIGHBORING BUSINESSES AND THEIR SIGNS.

>> THE ONLY INFORMATION I CAN TELL YOU IS THE SIGN REVIEW BOARD DID IN THEIR DISCUSSION SPEAK TO THEY THOUGHT THERE WERE OTHER SIGNS IN THE AREA THAT WERE OF SIMILAR HEIGHT OF 50 FEET AND THAT'S WHY THEY PURSUED THAT IN MAKING THEIR APPROVAL OF THE VARIANCE AT 50 FEET.

THE MAXIMUM HEIGHT FOR THIS AREA IS ONLY 35 FEET, SO THEY DID MAKE FINDINGS TO SUPPORT THE ADDITIONAL HEIGHT, BUT NOT AS MUCH AS THE APPLICANT WISHED.

>> Tovo: AS 55 AND 65.

AND I GUESS THIS QUESTION THEN WOULD BE FOR APPLICANT.

I ASSUME YOUR RESPONSE BACK WOULD BE THAT FOR THOSE OTHER BUSINESSES IF THEY HAVE SIGNS THAT ARE AT A LOWER HEIGHT, FOR ONE WAY OR THE OTHER, GIVEN THEIR PROXIMITY TO THE INTERSTATE, THOSE SIGNS ARE VISIBLE IN A WAY THIS SIGN WOULDN'T BE.

CAN YOU DESCRIBE THAT IN A LITTLE BIT MORE DETAIL?

>> SURE.

WHAT WE DISCUSSED WITH THE BOARD AND REALLY IT'S THE FACT WITH THIS SITE, IS THERE REALLY IS NO OTHER SITE IN THE AREA SIMILAR TO THIS.

IT'S 16 ACRES.

IT IS THE ENTIRE FRONTAGE OF IT IS BORDERED IT'S OVER I THINK 1800 FEET OF FRONTAGE AND IT'S ENTIRELY ALONGSIDE RIGHT ALONGSIDE I 35.

AND I THINK WHAT WAS COMPELLING TO THE BOARD IS THAT THERE REALLY ISN'T ANOTHER SITE SITUATED LIKE THIS ONE.

ONE REASON WE REACHED OUT TO ALL OF THE OTHER THERE'S A LOT OF REDEVELOPMENT IN THE AREA, AS YOU KNOW, AND ONE REASON WE REACHED OUT TO ALL THE OTHER COMMERCIAL LANDOWNERS WAS TO MAKE SURE WE WEREN'T DOING SOMETHING THAT THEY FELT WAS INCOMPATIBLE.

AND SO IT'S A UNIQUE SITE.

IT'S GOT SO MANY USES ON IT.

AND FOR A SITE LIKE THIS TO BE REDEVELOPED THERE REALLY JUST ISN'T ANYTHING SIMILAR TO IT.

AND I THINK THAT WAS COMPELLING TO THE BOARD.

>> Tovo: OKAY.

THANK YOU.

>> Mayor Leffingwell: OTHER COMMENTS?

THOSE IN FAVOR OF THE MOTION SAY AYE?

>> AYE.

>> Mayor Leffingwell: OPPOSED SAY NO.

IT PASSES ON A VOTE OF SEVEN TO ZERO.

WE'LL GO TO 228.

AND THIS IS APPROVAL OF THE THIRD READING OF AN ORDINANCE AMENDING TITLE 25 FOR THE DEVELOPMENT OF MULTI FAMILY UNITS.

THE PUBLIC HEARING HAS BEEN CLOSED.

>> THAT'S CORRECT, MAYOR.

I'M JERRY RUSTHOVEN, PLANNING DEVELOPMENT AND REVIEW DEPARTMENT.

WE ARE HERE TO ADDRESS ON THIRD READING THE ITEM COMMONLY KNOWN AS MICROUNITS.

I JUST WOULD LIKE TO POINT OUT TWO THINGS REAL QUICK TO THE COUNCIL.

ONE IS THAT THE AT THE LAST HEARING ON SECOND READING THE THREE BEDROOM UNITS WERE ADDED TO THE ORDINANCE IN THE MOTION.

I WOULD JUST LIKE TO POINT OUT THAT THE AFFORDABILITY REQUIREMENT HAS BEEN APPLIED TO THE THREE BEDROOM UNITS AS WELL AS TO THE SO CALLED MICROUNITS.

AND I WOULD ALSO LIKE TO RECOMMEND THAT WE STRIKE THE LAST PORTION I'M SORRY, NUMBER 5 UNDER PART 1 3, WHICH STATES THAT FIRST FLOOR RETAIL MUST BE PROVIDED FOR IT IS OTHERWISE REQUIRED BY THE CITY CODE.

EYE SIDE FROM BEING A VERY OBVIOUS STATEMENT, I BELIEVE THAT THE INTENTION THERE WAS TO REQUIRE RETAIL FOR PROJECTS, MICROUNIT PROJECTS THAT WERE WITHIN AN AREA'S VMU, HOWEVER VMU IS AN OPTIONAL PROGRAM, SO TO SAY THAT RETAIL IS REQUIRED IF YOU HAVE VMU IS NOT A FACTUAL STATEMENT.

RETAIL IS REQUIRED IF YOU'RE DOING A VMU PROJECT, NOT JUST BECAUSE YOU HAVE VMU ZONING.

SO WE WOULD RECOMMEND THAT WE TAKE OUT THAT STATEMENT AND OTHERWISE APPROVE THE ITEM ON THIRD READING.

>> Mayor Leffingwell: OKAY.

I'LL ENTERTAIN A MOTION.

COUNCILMEMBER RILEY.

>> Riley: YEAH.

I WILL ADD ONE OTHER THING THAT JERRY DIDN'T MENTION IS WE'VE HEARD FROM ONE COMMISSION ON THIS ITEM THIS THAT THE COMMUNITY DEVELOPMENT COMMISSION I UNDERSTAND MADE A RECOMMENDATION ON THIS, ISN'T THAT CORRECT, JERRY?

>> YES.

THEY ALSO HEARD THE ITEM RECENTLY.

THEY HEARD IT TWICE ACTUALLY.

WE BROUGHT IT TO THEM THE FIRST TIME AROUND AND THEY ASKED FOR US TO BRING IT AROUND A SECOND TIME AROUND.

AND THEY JUST ASKED THAT WE CONSIDER ADDITIONAL AFFORDABILITY OR THAT WE KEEP IN MIND AFFORDABILITY WHEN WE'RE WORKING ON THESE TYPES OF PROJECTS.

>> Riley: AND THEY SUPPORTED APPROVAL.

>> THEY DID SUPPORT THE APPROVAL, YES.

>> Riley: THEY SUPPORTED APPROVAL OF THIS ITEM.

>> YES.

>> Riley: MAYOR, I WILL WITH THAT NOTE AND WITH THE CHANGES THAT JERRY HAS MENTIONED, I WOULD MOVE APPROVAL OF THE ITEM ON THIRD READING.

>> Mayor Leffingwell: MOTION BY COUNCILMEMBER RILEY.

IS THERE A SECOND?

SECONDED BY COUNCILMEMBER SPELMAN.

DISCUSSION?

COUNCILMEMBER TOVO.

>> Tovo: MAYOR, I HAVE DISTRIBUTED AN AMENDMENT ON THE DAIS.

WE'VE HAD A LOT OF DISCUSSIONS.

I WON'T BELABOR IT TONIGHT, BUT WE HAVE CERTAINLY HEARD AND I BELIEVE THERE'S A REAL VALID REASON TO CONSIDER MAKING THIS AVAILABLE AS AN OPTION THAT NEIGHBORHOOD PLANNING AREAS COULD ADOPT.

SO THE AMENDMENT THAT I'VE DISTRIBUTED WOULD DO JUST THAT.

IT WOULD MAKE THIS AN OPTION THAT THE NEIGHBORHOOD COULD AGREE TO APPLY TO THEIR AREA AFTER SOME DISCUSSION AND CONSIDERATION ABOUT WHETHER IT'S RIGHT WITHIN THE CONTEXT OF THEIR EXISTING NEIGHBORHOOD PLAN AND THEIR EXISTING AREA.

SO I WOULD INTRODUCE THAT AS A POTENTIALLY FRIENDLY AMENDMENT.

>> Mayor Leffingwell: COUNCILMEMBER RILEY.

>> Riley: AS DISCUSSED PREVIOUSLY, WE WERE TALKING ABOUT ALLOWING EASING THE RULES FOR MICROUNITS ON CORE TRANSIT CORRIDORS, FUTURE TRANSITS AND TRANSIT ORIENTED DEVELOPMENTS.

WHAT I EXPLAINED THE LAST TIME THIS CAME UP IS THAT BOTH TRANSPORTATION AND AFFORDABILITY ARE VERY SIGNIFICANT CITYWIDE PROBLEMS, OF CITYWIDE CONCERN, AND I DON'T THINK AN OPT IN PROCESS IS APPROPRIATE FOR THIS.

SO NO, I DO NOT CONSIDER THAT AMENDMENT FRIENDLY.

>> Mayor Leffingwell: COUNCILMEMBER TOVO.

>> Tovo: IN THAT CASE I WOULD LIKE TO INTRODUCE IT AS A FORMAL AMENDMENT.

>> Mayor Leffingwell: MOTION FOR A AMENDMENT BY COUNCILMEMBER TOVO.

IS THERE A SECOND?

COUNCILMEMBER MORRISON SECONDS THAT MOTION.

ANYTHING ELSE?

THOSE IN FAVOR OF THE AMENDMENT SAY AYE?

>> AYE.

>> Mayor Leffingwell: OPPOSED SAY NO.

>> NO.

>> Mayor Leffingwell: THAT FAILS ON A VOTE OF THREE FOUR WITH COUNCILMEMBER RILEY, MYSELF, COUNCILMEMBER SPELMAN AND MAYOR PRO TEM COLE VOTING NO.

SO THAT TAKES US TO THE MAIN MOTION.

THOSE IN FAVOR OF THE MOTION SAY AYE?

>> AYE.

>> Mayor Leffingwell: OPPOSED SAY NO.

>> NO.

>> Mayor Leffingwell: IT PASSES ON A VOTE OF FIVE TWO WITH COUNCILMEMBER TOVO AND MORRISON VOTING NO.

>> THANK YOU, COUNCIL.

>> Mayor Leffingwell: OKAY.

CAN WE TAKE UP 157 AND 158 TOGETHER?

THAT'S I UNDERSTAND THERE'S A REQUEST FOR POSTPONEMENT, BUT WHICH WAS NOT AGREED TO BY THE APPLICANT.

>> MAYOR AND COUNCIL, JERRY RUSTHOVEN, PLANNING DEVELOPMENT AND REVIEW.

ITEM 157 AND 158 ARE CASE C 14 2014 011 A AND C 14 2007 0011 B KNOWN AS THE GARZA RANCH ON THE 3800 BEN GARZA LANE AND 4003 AGAIN GARZA LANE.

THE REQUEST IS TO CHANGE THE CONDITION OF ZONING, SPECIFICALLY TO CHANGE THE NUMBER OF TRIPS THAT ARE ALLOWED ON THE PROPERTY.

THIS PROPERTY DOES HAVE A VERY LONG HISTORY.

BACK IN THE 1990S THERE WAS A LAWSUIT ON THIS PROPERTY REGARDING THE APPLICABILITY OF THE S.O.S. ORDINANCE.

THE CITY LOST THAT LAWSUIT.

THE CITY ALSO LOST AN APPEAL OF THAT LAWSUIT.

IN 2007 THE ZONING FOR THIS CASE WAS APPROVED.

THIS HOWEVER AT THAT TIME THE USES WERE ESTABLISHED AND THE DENSITY AND THE TRIPS WERE LIMITED.

IT WAS DECIDED AT THAT TIME THAT THE TIA WOULD BE PUSHED OFF UNTIL THEY FOUND A BUYER FOR THE PROPERTY.

LAST YEAR THERE WAS A POSSIBILITY OF SOME LEGISLATION RELATING TO THE PROPERTY.

MYSELF AND SEVERAL OTHER STAFF MEMBERS SPENT A GOOD AMOUNT OF TIME AT THE CAPITOL DISCUSSING IT WITH SEVERAL LEGISLATIVE OFFICES.

AT THAT TIME LAST YEAR THE CITY COUNCIL APPROVED A SETTLEMENT AGREEMENT RELATING TO THIS PROPERTY DETERMINING THE ENVIRONMENTAL REGULATIONS THAT WOULD APPLY TO THE PROPERTY.

THIS ITEM HERE IS TO ADDRESS THE NUMBER OF TRIPS.

THIS IS WHAT WE ANTICIPATED LAST YEAR WHEN WE DID THE SETTLEMENT AGREEMENT IS THAT THEY WOULD HAVE TO COME BACK ONE MORE TIME TO ADDRESS THE TRIPS WITH THE TIA.

WE DO HAVE A POSTPONEMENT REQUEST FROM THE S.O.S. ALLIANCE.

THEY ARE NOT SPECIFIC TO THE DATE, THEY ARE JUST REQUESTING A POSTPONEMENT TO THE NEXT COUNCIL.

AND THE APPLICANT IS OPPOSED TO THE POSTPONEMENT.

>> Mayor Leffingwell: OKAY.

SO THERE IS THERE'S A MOTION FOR POSTPONEMENT WE'LL GO AHEAD AND CONDUCT THE PUBLIC HEARING.

WE CAN HEAR BOTH ITEMS COMBINE THE PUBLIC HEARINGS FOR 157 AND 158.

>> Morrison: MAYOR

>> Mayor Leffingwell: COUNCILMEMBER MORRISON.

>> Morrison: I WOULD LIKE TO MAKE A MOTION FOR POSTPONEMENT.

I THINK THAT IS A NORMAL PROTOCOL WHEN REQUESTED BY AN INTERESTED PARTY AND I DON'T BELIEVE THIS IS THE FIRST TIME IT'S BEEN TO US SO I THINK THAT WOULD BE APPROPRIATE.

>> Mayor Leffingwell: MOTION BY COUNCILMEMBER MORRISON TO POSTPONE

>> Morrison: UNTIL THE 29TH.

>> Mayor Leffingwell: UNTIL THE 29TH OF JANUARY.

IS THERE A SECOND?

>> Tovo: YES, I'LL SECOND IT AND JUST POINT OUT

>> Mayor Leffingwell: COUNCILMEMBER TOVO SECONDS.

>> Tovo: I BELIEVE WE MAY HAVE RECEIVED ANOTHER POSTPONEMENT REQUEST FROM A REPRESENTATIVE FROM ANOTHER ORGANIZATION.

I'M NOT SURE IF THEY WERE TWO SEPARATE REQUESTS OR WHETHER WE RECEIVED ONE.

MR. BEERS WERE YOU REPRESENTING

>> SIERRA CLUB AND BARTON CREEK ASSOCIATION AS WELL AS HAVE ASKED FOR A POSTPONEMENT.

>> Tovo: SO WE HAVE THREE POSTPONEMENT REQUESTS FROM THREE SEPARATE ORGANIZATIONS AND IT IS THEIR IT IS EACH OF THOSE ORGANIZATION'S FIRST POSTPONEMENT REQUEST.

AND I BELIEVE IT'S APPROPRIATE AS PART OF OUR NORMAL PRACTICE TO HONOR THAT THOSE REQUESTS.

>> Mayor Leffingwell: WELL, I THINK IN THIS SITUATION WE'VE ALL DISCUSSED THESE ITEMS IN CLOSED SESSION AND WE'VE BEEN AWARE, MADE AWARE OF THE POTENTIAL RISKS INVOLVED WITH POSTPONING INTO NEXT YEAR.

IS THERE ANY OTHER COMMENT?

COUNCILMEMBER MARTINEZ.

>> Martinez: TYPICALLY ON POSTPONEMENTS DON'T WE AT LEAST ALLOW EACH SIDE TO SAY WHETHER THEY WANT A POSTPONEMENT OR NOT?

AND IF

>> Mayor Leffingwell: WELL, I THINK WE JUST HEARD THAT.

WE CAN HEAR MORE IF YOU WOULD LIKE.

ALL RIGHT.

WOULD YOU LIKE TO TAKE UP TO THREE MINUTES TO DISCUSS THE POSTPONEMENT, NOT THE MERIT OF THE CASE?

>> I'M PREPARED TO SPEAK ABOUT THE MERITS, BUT IF I DON'T LOSE THAT OPPORTUNITY, I CAN AMPLIFY I THINK MEANINGFULLY ON THE POSTPONEMENT.

THERE WERE FIVE THIS CASE WAS SUBMITTED IN JUNE AND THERE WERE FIVE POSTPONEMENTS AT STAFF'S REQUEST THAT CARRIED IT ALL THE WAY TO NOVEMBER.

AND THE VERY LAST REQUEST FOR POSTPONEMENT WAS FINALLY FROM THE S.O.S. ALLIANCE TO GET THE TIA.

SO WE HAVEN'T HAD TIME TO LOOK AT THIS WELL, WE'VE HAD TIME NOW.

IN THE PLANNING COMMISSION THIS WEEK THE MOTION TO APPROVE DIED FOR LACK OF A SECOND AND THE DENIED GRID LIKE THREE THREE.

SO I THINK THEY HAVE QUESTIONS ABOUT THIS AND I THINK THAT THERE'S PROBABLY NOT ENOUGH TIME TO AIR ALL THE QUESTIONS ABOUT THIS VERY COMPLEX MATTER.

>> Mayor Leffingwell: OKAY.

SO LET'S HEAR FROM THE OPPOSITION TO THE POSTPONEMENT.

GO AHEAD.

>> GOOD EVENING.

MY NAME IS JANA RACE REPRESENTING THE GARZA FAMILY.

WE'RE REQUESTING OBVIOUSLY THAT THIS NOT BE POSTPONED.

THE S.O.S. ALLIANCE REQUESTED POSTPONEMENT FROM THE PLANNING COMMISSION IN NOVEMBER AND IT WAS GRANTED BECAUSE THEY HAD NOT REQUESTED A POSTPONEMENT BEFORE.

BUT THEY'RE NOT THE NEIGHBORHOOD THAT IS ASSOCIATED WITH THIS PROJECT.

THE POSTPONEMENT WAS GRANTED IN NOVEMBER, SO THEY'VE HAD OVER A MONTH TO LOOK AT THIS AND EXAMINE THE TIA.

THE OAK HILL ASSOCIATION OF NEIGHBORHOODS IS THE NEIGHBORHOOD GROUP THAT IS IN SUPPORT OF OURS AND IT'S THE ONE ASSOCIATED WITH THIS AREA.

IT IS IN SUPPORT OF THIS PROJECT.

IT IS IN SUPPORT OF THE AMENDMENT TO THIS ZONING ORDINANCE.

AND WE HAVE A REPRESENTATIVE FROM THAT FROM OHAN HERE THIS EVENING THAT COULD SPEAK TO THAT.

ALSO I WOULD JUST LIKE TO SAY THAT THE COUNCIL IS THIS IS THE COUNCIL THAT'S VERY FAMILIAR WITH THIS PROJECT AND WE THINK THAT YOU HAVE ALL THE KNOWLEDGE ABOUT THIS PROJECT AND WE WOULD LIKE YOU ALL TO BE ABLE TO BE THE ONES TO VOTE ON IT RATHER THAN POSTPONING IT TO A NEW COUNCIL IN JANUARY.

THANK YOU.

>> Mayor Leffingwell: ALL RIGHT.

ANY OTHER COMMENTS?

COUNCILMEMBER MORRISON.

>> Morrison: MAYOR, I HAVE A QUESTION.

I BELIEVE YOU MENTIONED SOMETHING ABOUT DISCUSSION IN CLOSED SESSION THAT SUGGESTED THAT WE NEEDED TO HURRY UP THIS ZONING CASE.

FRANKLY I'M NOT FAMILIAR WITH THAT AND IF WE NEED TO GO INTO EXECUTIVE SESSION TO TALK ABOUT WHY WE NEED TO HURRY UP THIS ZONING CASE, I'D BE GLAD TO, BUT I KNOW WE HAD EXECUTIVE SESSIONS ABOUT IT BEFORE WHEN WE WERE LOOKING AT IT FROM A DIFFERENT PERSPECTIVE, BUT I HAVEN'T HEARD ANYTHING ABOUT THIS ZONING CASE SPECIFICALLY.

>> Mayor Leffingwell: OKAY.

THOSE IN FAVOR OF THE MOTION TO POSTPONE SAY AYE.

>> AYE.

>> Mayor Leffingwell: OPPOSED SAY NO.

>> NO.

>> NO.

>> Mayor Leffingwell: SO THE MOTION TO POSTPONE IS PASSED ON A FIVE TWO VOTE WITH COUNCILMEMBER MARTINEZ AND MYSELF VOTING NO.

AND THAT'S ON BOTH 157 AND 158.

>> I'M SORRY, MAYOR, CAN WE GET A CLARIFICATION.

WAS THAT THE JANUARY 29TH OF 2015?

>> Mayor Leffingwell: THAT'S CORRECT.

>> THANK YOU.

>> MAYOR LEFFINGWELL: OKAY, WE'LL TAKE UP ITEM 160 AND, CLERK, YOU CAN WIPE 158 OFF THE

>> GUERNSEY: THANK YOU, MAYOR AND COUNCIL.

ITEM NO. 160 IS CASE NUMBER C14 2014 0111, THIS IS FOR THE PROPERTY LOCATED AT THE NORTHWEST CORNER OF 45TH STREET AND SPEEDWAY, KNOWN AS 4500 SPEEDWAY.

THE PROPERTY IS ABOUT 8,000 SQUARE FEET IN SIZE AND THE ZONING CHANGE REQUEST HAS BEEN AMENDED TO NONCCD NP, ORIGINALLY THE REQUEST WAS FOR NEIGHBORHOOD COMMERCIAL OR LR NCCD NP, THAT AMENDMENT HAS OCCURRED SINCE THE PLANNING COMMISSION'S ACTION.

THE PLANNING COMMISSION FAILED TO FORWARD TO YOU A RECOMMENDATION ON THE LR NCCD NP.

THEY HAD A SPLIT DECISION AND COULD NOT BRING IT FORWARD.

THE STAFF RECOMMENDATION WAS TO GRANT THE NO NCCD NP NEIGHBORHOOD OFFICE COMBINING CONSERVATION COMBINING DISTRICT, BUT NOT TO AMEND THE RESIDENTIAL DISTRICT, WITHIN THE HYDE PARK NCCD.

THE SITE ITSELF IS USED AS A SINGLE FAMILY RESIDENCE AND TO THE NORTH IS MF 4 NCCD AND EXISTING MULTI FAMILY RESIDENCE.

TO THE SOUTH ARE SINGLE FAMILY RESIDENCES ZONED SF 3 HD NCCD NP.

TO THE EAST AND WEST ARE BOTH MULTI FAMILY RESIDENCES ZONED MF 4 NCCD NP AND TO THE WEST MF 3 NCCD NP.

I BELIEVE YOU HAVE SEVERAL SPEAKERS THAT WOULD PROBABLY LIKE TO ADDRESS YOU ON THIS CASE.

>> MAYOR LEFFINGWELL: WE DO HAVE SPEAKERS.

>> GUERNSEY: I'LL BE BRIEF.

IF THERE'S ANY QUESTIONS, I'LL TURN IT OVER TO THE SPEAKERS AND WE WILL

>> MAYOR LEFFINGWELL: WE WILL GO TO THE SPEAKERS MOMENTARILY, BUT FIRST WITHOUT OBJECTION I WOULD LIKE TO PUT THIS ITEM ON THE TABLE FOR THE PURPOSE OF ENTERTAINING A MOTION TO WAIVE OUR RULES AND EXTEND THE MEETING PAST 10:00, I THINK WE'RE ON TRACK TO FINISH TONIGHT, SO I I WILL ENTERTAIN THAT MOTION.

>> COLE: SO MOVE.

>> MAYOR LEFFINGWELL: MAYOR PRO TEM SO MOVED.

SECONDED BY COUNCILMEMBER SPELMAN.

IN FAVOR SAY AYE.

>> AYE.

>> MAYOR LEFFINGWELL: OPPOSED SAY NO.

SO OUR MEETING IS EXTENDED WITH THE RULES WAIVED.

TO CLOSE THE MEETING AT 10:00.

COUNCILMEMBER MARTINEZ?

>> MARTINEZ: I JUST WANTED TO KNOW WHAT OUR PLAN IS MOVING FORWARD TO ARE WE GOING TO GO BACK TO ITEM 10 SHORTLY OR ARE WE JUST GOING TO GO THROUGH ALL OF THE OTHER ZONING CASES.

IT'S READY TO GO.

>> MAYOR LEFFINGWELL: ALL RIGHT.

I'M JUST KIND OF WAITING FOR THAT STATEMENT.

RIGHT NOW WE'LL GO TO OUR SPEAKERS ON ITEM 160.

AND WE WE DO WE HAVE A DO WE HAVE A PRESENTATION?

>> WE DO, MAYOR, IF THAT'S OKAY.

>> MAYOR LEFFINGWELL: FIVE MINUTES ON THE CLOCK.

>> AGAIN, IF THIS THING

>> MAYOR LEFFINGWELL: UP TO FIVE MINUTES ON THE CLOCK.

>> MIKHAIL MEADE AGAIN WITH HUSCH BLACKWELL, HERE REPRESENTING THE OWNER OF THIS PROPERTY.

THE PROPERTY IS AT THE NORTHWEST CORNER OF SPEEDWAY AND 45TH.

I DON'T KNOW WHY THIS THING IS NOT WANTING TO COOPERATE WITH ME.

WELL ... I'M PRESSING IT.

THERE WE GO.

AND AS YOU CAN SEE, THIS IS A SINGLE FAMILY RESIDENCE.

IT HAS BEEN FOR SOME TIME.

BUT THE OWNER REALLY IS LOOKING FOR A REUSE OF THIS SITE THAT'S VIABLE AND SUSTAINABLE.

IF YOU'VE BEEN AT 45TH AND SPEEDWAY RECENTLY, YOU KNOW THAT IT IS AN EXTREMELY BUSY INTERSECTION, IT'S VERY NOISY.

MOST PEOPLE WOULD NOT WANT THEIR KIDS TO LIVE THERE AND YOU'LL HEAR THE NEIGHBORHOOD SAY, WELL, YOU KNOW, SOME REPRESENTATIVES OF THE NEIGHBORHOOD SAY WELL, THERE ARE PEOPLE WHO LIVE ALL UP AND DOWN 45TH STREET.

I'M NOT SUGGESTING THAT THERE AREN'T PEOPLE WHO LIVE UP AND DOWN 45TH STREET.

BUT I AM SUGGESTING THAT A RESIDENCE IN THIS LOCATION IS NOT THE BEST USE OF THIS SITE.

AS YOU CAN SEE, IT'S SURROUNDED BY APARTMENTS ON THREE SIDES, VERY CLOSE TO THE PROPERTY LINE.

AND THEN A RESIDENCE ACROSS 45TH STREET.

SO WHY ARE WE WANTING TO REZONE?

AS I SAID, THE SITE IN OUR OPINION IS REALLY NO LONGER FIT FOR SINGLE FAMILY DWELLING.

VERY HIGH TRAFFIC INTERSECTION SURROUNDED BY APARTMENTS AND A LOT OF PARKING.

AND IT JUST REALLY HAS GOTTEN TO A POINT THAT IT'S NOT APPEALING TO FAMILIES OR LONG TERM RENTERS.

THE OWNER HAS HAD ESSENTIALLY STUDENTS HIGH OCCUPANCY, HIGH TURNOVER, AND THOSE ARE THE PEOPLE WHO ARE ATTRACTED TO IT.

NOT THAT THERE'S NOT A NEED FOR THAT HOUSING, BUT WE DON'T FEEL LIKE THAT'S ADDING ANYTHING OR BRINGING ANY AMENITY TO THE NEIGHBORHOOD.

THE PROPOSED PROJECT WOULD BE NEIGHBORHOOD OFFICE AND THE EXISTING HOUSE WOULD BE USED AND CONVERTED FROM A SINGLE FAMILY RESIDENCE TO A HOUSE.

I'M SORRY, TO AN OFFICE.

AND BOY, THIS JUST DOES NOT LIKE ME AT ALL.

YOU HEARD MR. GUERNSEY EXPLAIN THAT OUR ORIGINAL REQUEST WAS ACTUALLY TO AMEND THE NCCD TO NOT ONLY ALLOW FOR A CHANGE IN THE BASE ZONING DISTRICT, BUT ALSO TO ALLOW FOR A RESTAURANT ON THE SITE.

THAT WAS THE OWNER'S ORIGINAL PROPOSAL.

THAT'S WHAT WE'VE BEEN TRYING TO GAIN SUPPORT FOR AND ACTUALLY HAVE SOME SUPPORT FOR THE PAST SEVERAL MONTHS.

WE THROUGH TRYING TO A PROCESS OF TRYING TO ADDRESS THE NEIGHBORHOOD'S CONCERNS AND THE CONCERNS THAT WE HEARD ABOUT THE PROPOSAL FOR THE RESTAURANT, SOME OF THOSE BEING A LACK OF PARKING ON THIS SITE, OTHERS BEING A LACK OF REALLY SUITABLE PLACE FOR BIG TRUCKS, THE BEER TRUCKS AND FOOD TRUCKS THAT YOU HAVE COMING TO A RESTAURANT SITE, HAVING A PLACE FOR THEM TO REALLY MANEUVER ON THIS TRACT, AND THEN ALSO HAVING A RESTAURANT WITH BOTTLES BEING THROWN INTO DUMPSTERS AND SMELLS AND THINGS LIKE THAT BEING IN SUCH CLOSE PROXIMITY TO THOSE MULTI FAMILY RESIDENCES ADJACENT TO US.

AND AFTER REALLY TRYING AND THIS OWNER, I HAVE TO SAY, HAS PUT FORTH AN AMAZING EFFORT TO TRY TO ADDRESS ALL OF THOSE CONCERNS.

I THINK HE'S LANDED ON BEING WILLING TO AGREE TO THE STAFF RECOMMENDATION AS A COMPROMISE AND IS WILLING TO TRY TO MAKE IT WORK.

SO WE THINK THAT THE STAFF RECOMMENDATION ADDRESSES REALLY ALL OF I WON'T SAY ALL, YOU WILL HEAR SOME OTHERS TONIGHT, BUT THE MAJORITY OF THE CONCERNS WE'VE HEARD.

WE ARE NOT TOUCHING THE NCCD, WE'RE NOT ASKING TO AMEND IT.

WE ARE ASKING FOR A CHANGE IN OUR BASE ZONING TO NO AND AN OFFICE IS ALREADY PERMITTED IF WE DO THAT WITHOUT US HAVING TO TOUCH THE NCCD.

THIS SORT OF SHOWS YOU HOW THE SITE WOULD BE LAID OUT.

WE ORIGINALLY DID THIS PLAN WHEN WE WERE TALKING ABOUT A RESTAURANT USE, BUT YOU CAN SEE THAT WE'VE GOT ENOUGH SPACE ON THE SITE FOR ENOUGH PARKING FOR OFFICE.

WHEREAS WE WERE GOING TO BE TWO OR SO PARKING SPACES SHORT FOR A RESTAURANT, WE WILL HAVE EXCESS PARKING FOR AN OFFICE IF WE NEEDED IT AND OFFICE USE ON THIS SITE WILL ONLY NEED FOUR SPACES.

SO WE'LL HAVE PLENTY OF SPACE FOR MANEUVERING OF ANY DELIVERY TRUCKS OR WHATEVER IT MAYBE, BUT THEN AGAIN WITH AN OFFICE USE THOSE THOSE KINDS OF CONCERNS GO AWAY.

THERE ARE NO BOTTLES BEING THROWN IN DUMPSTERS, THERE ARE NO BEER TRUCKS DELIVERING TO THE SITE.

SO WE THINK THAT STAFF RECOMMENDATION HONESTLY IS A VERY GOOD COMPROMISE.

[BUZZER SOUNDING].

SO I WILL JUST BE AVAILABLE TO ANSWER ANY QUESTIONS.

>> MAYOR LEFFINGWELL: CURRENTLY NO QUESTIONS, SO WE'LL GO TO THOSE SUPPORTING.

NAVID HOOMANRAD.

NAVID?

YOU HAVE THREE MINUTES.

>> GOOD EVENING, COUNCILMEMBERS.

MY NAME IS NAVID HOOMANRAD, I OWN THE SUBJECT PROPERTY AND ALSO OWN THE FLAG STORE LOCATED IN HYDE PARK.

THE ORIGINAL INTENT OF THIS PLOT WAS NOT COMMERCIAL OFFICE RATHER THAN A SMALL, QUIANT RESTAURANT FOR THE NEIGHBORHOOD.

I WANT TO NOTE THAT THE CURRENT HOME THAT RESIDES ON THE PROPERTY IS 1200 SQUARE FEET.

I APPROACHED THE HYDE PARK STEERING COMMITTEE WITH THE IDEA OF A RESTAURANT WITH NO PARKING, RATHER WALK UP AND BIKE UP ONLY.

OF COURSE, THE INTENT FOR THIS THE INTENT WAS FOR THE NUMEROUS REASONS WHY WE SHOULD HAVE LESS CARS ON THE ROAD, ESPECIALLY FOR PATRONS LEAVING ESTABLISHMENTS WHERE ALCOHOL IS CONSUMED.

I ENVISIONED THIS TO BE A RESTAURANT FOR THE NEIGHBORHOOD TO ENJOY WITHOUT HAVING TO TRAVEL OUTSIDE OF THE BOUNDARIES OF HYDE PARK IN AN ATTEMPT TO CREATE WHAT EXISTS IN OTHER PARTS OF THE COUNTRY AND THE WORLD.

THE STEERING COMMITTEE COMPLAINED THAT THEY WANTED PARKING.

SO I DID THEM ONE BETTER BY NOT ONLY CONFIGURING THE SITE TO HAVE NINE PARKING SPACES, BUT ALSO FOUND A RESTAURATEUR WHO WANTED TO HAVE A WALK UP WINDOW CONCEPT INSTEAD OF A SIT DOWN RESTAURANT CONCEPT WITH NO WAIT STAFF.

THEY WOULD USE THE REMAINING SPACE TO SOURCE SUPPLIES FOR CATERING, THEY WOULD HOLD FOR CATERING EVENTS THAT THEY WOULD HOLD OFF SITE.

IN MY OPINION, IT WAS A WIN WIN.

I FELT THIS WOULD APPEASE THE NEIGHBORHOOD DUE TO LESS TRAFFIC AND LESS CARS VERSUS A TYPICAL RESTAURANT.

I AGREED TO TWEAKS AND ADJUSTED ACCORDINGLY EVERY ASPECT OF THE PROJECT THE STEERING COMMITTEE HAD ISSUES WITH.

AT BOTH STEERING COMMITTEE MEETINGS, CERTAIN MEMBERS OF THE STEERING COMMITTEE PROPOSED COMMERCIAL OFFICE TO BE MORE SUITABLE AT THIS LOCATION, WHICH AT THE TIME I WAS NOT ENTERTAINING DUE TO A SPECIFIC VISION I HAD.

ONE STEERING COMMITTEE MEMBER EVEN SPOKE UP SAYING EVERY PROJECT PRESENTED TO THEM HISTORICALLY INCLUDED PLANS FOR A LARGE NUMBER OF PARKING SPACES AND THIS WAS THE ONLY PROJECT COMING TO THEM REQUESTING NO PARKING.

THIS PARTICULAR COMMITTEE MEMBER URGED THE OTHERS TO WORK WITH ME TO FIND A SOLUTION.

MANY MAY ARGUE THAT IT'S NOT MY PLACE TO HAVE A VISION FOR THE NEIGHBORHOOD, WHICH I WOULD BOTH CONCUR AND RETORT, THE DESTINATION POINT THAT I CREATED FOR THE NEIGHBORHOOD WITH THE FLAG STORE FOR THE PAST SEVEN YEARS, I BELIEVE I'VE EARNED IT.

I CAN'T SPEAK FOR THE OTHER NEIGHBORHOODS AND REGARDLESS TO WHICH DIRECTION THIS CASE GOES, I CHOSE TO SPEAK HERE TONIGHT OUT OF FRUSTRATION FOR THE POWER A VERY FEW HOLD IN THIS NEIGHBORHOOD.

THERE'S A GREAT MAJORITY WHOSE VOICE, OPINIONS AND DESIRES ARE NOT HEARD FOR MULTIPLE REASONS, RANGING FROM FEAR, FRUSTRATION OR JUST NOT HAVING ENOUGH TIME TO COMMIT.

AS I PREVIOUSLY STATED, COMMERCIAL OFFICE WAS NOT THE ORIGINAL INTENT, BUT BASED ON THE CONCERNS OF A PORTION OF THOSE THAT VOTED AT THE HYDE PARK NEIGHBORHOOD ASSOCIATION MEETING, I FEEL STAFF RECOMMENDATION IS A REASONABLE COMPROMISE AND IF YOU SEE IT FIT AS WELL, I, TOO, CAN LIVE WITH IT AND FEEL IT'S A STEP IN THE RIGHT DIRECTION.

I HAVE DISCUSSED THE OFFICE CONCEPT WITH THOSE THAT ARE IN SUPPORT AND DESPITE THEIR DISAPPOINTMENT FOR THE POSSIBILITY OF THERE NOT BEING A RESTAURANT CONCEPT, THEY ARE ALL THEY ARE IN SUPPORT EITHER WAY.

THANK YOU.

>> MAYOR LEFFINGWELL: NEXT SPEAKER IS RICHARD HENESSEY.

AND AND THE PLANNING COMMISSION YOU'LL SEE IN THE WRITE UP WAS TO BE REVIEWED ON DECEMBER 9TH.

THE PLANNING COMMISSION DID REVIEW IT AND FORWARDED IT TO COUNCIL WITHOUT A RECOMMENDATION.

YOU HAVE THREE MINUTES.

>> I WOULD LIKE TO VOICE MY SUPPORT IN FAVOR OF THE ZONING CHANGE.

I'M SURE YOU KNOW THAT THE HYDE PARK NEIGHBORHOOD ASSOCIATION'S OFFICIAL STANCE IS THAT THEY ARE AGAINST ANY ZONING CHANGE.

BUT ONE THING THAT YOU SHOULD KNOW ABOUT THE NEIGHBORHOOD ASSOCIATION IS THAT THEY DON'T REPRESENT THE ENTIRE NEIGHBORHOOD.

THEY ARE A SMALL GROUP OF PEOPLE THAT HAVE A HISTORY OF SYSTEMATICALLY EXCLUDING AND INTIMIDATING ANY MEMBERS THAT DISAGREE WITH THEM.

SO FOR THIS I SAY YOU SHOULD TAKE THEIR WHAT THEY SAY WITH A GRAIN OF SALT.

SO WHY SHOULD WE SUPPORT THE ZONING CHANGE?

ONE REASON IS THAT NAVID IS A PROVEN BUSINESS OWNER IN HYDE PARK WITH THE FLAG STORE AND HE REALLY MAKES HYDE PARK A BETTER PLACE AND HAS SHOWN HIS COMMITMENT TO THE NEIGHBORHOOD.

ANOTHER REASON IS THAT NAVID MADE EVERY EFFORT TO TALK TO NEIGHBORS LIKE HE JUST SAID AND REALLY WAS VERY ACCOMMODATING.

LAST REASON HAS TO DO BASICALLY WITH THE PROPERTY.

IT'S TERRIBLE FOR RESIDENTIAL.

IT'S ON A BUSY INTERSECTION, IT'S NOISY, IT'S SURROUNDED BY APARTMENT COMPLEXES, BUT FOR THESE SAME REASONS IT MAKES A VERY GOOD COMMERCIAL PROPERTY.

SO SOME MAY SAY IT'S BEEN RESIDENTIAL FOR 100 YEARS, SO WHY CAN'T IT JUST STAY THAT WAY?

TO THAT I SAY AUSTIN HAS CHANGED A LOT IN 100 YEARS.

AUSTIN HAS CHANGED A LOT IN TWO YEARS.

AND WE REALLY NEED TO ADAPT IF WE WANT TO SOLVE SOME OF THE PROBLEMS THAT HAVE BEEN COMING TO THIS CITY.

THE VOICES THAT REFUSE TO ADAPT ARE THE ONES THAT HAVE CAUSED SO MANY OF THE PROBLEMS THAT WE HAVE, SUCH AS TRAFFIC, UNAFFORDABILITY AND SPRAWL.

IF THE COUNCIL REALLY WANTS TO ADDRESS THESE CONCERNS, WE NEED TO ADAPT TO THIS CHANGE AND THE FIRST STEP IN THE RIGHT DIRECTION IS TO ALLOW THIS REZONING.

IT'S THE RIGHT STEP FOR HYDE PARK AND IT'S THE RIGHT THING TO DO FOR AUSTIN.

THANK YOU.

>> MAYOR LEFFINGWELL: THANK YOU.

SPENCER GIBB.

SPENCER GIBB.

>> HI.

THANKS A LOT.

MY NAME IS SPENCER GIBB.

I'M IN SUPPORT OF THE ZONING CHANGE AT 4500 SPEEDWAY ALLOWING FOR COMMERCIAL USE OF THE TRACT, REGARDLESS OF WHETHER THE PROPERTY IS USED AS A RESTAURANT OR AN OFFICE.

I'M PARTICULARLY PERSONALLY IN FAVOR OF THE RESTAURANT AS I FEEL THAT THE NEIGHBORHOOD DESPERATELY NEEDS MORE CONVENIENT DINING ESTABLISHMENTS THAT ARE WITHIN WALKING OR BIKING DISTANCE FOR RESIDENTS.

HYDE PARK, ESPECIALLY THE NORTHERN SECTION ABOVE 45TH STREET, HAS A PARTICULARLY COMMUNAL FEEL AND THIS PROPERTY WOULD ONLY ADD TO THAT.

MR. HOOMANRAD MENTIONS THAT THERE ARE SOME WHO SAY IT'S NOT HIS PLACE TO DICTATE THE FUTURE OF THE NEIGHBORHOOD.

I DISAGREE.

I'VE LIVED IN HYDE PARK FOR 18 YEARS.

AND ONLY IN THE NORTHERN PART OF HYDE PARK.

IT'S A VERY DIFFERENT NEIGHBORHOOD NOW THAN IT WAS THEN.

WHEN I MOVED IN, YOU COULDN'T BUY A PROPERTY FOR MORE THAN 100 GRAND, THERE WERE AIRPLANES FLYING OVERHEAD, THE OLD AIRPORT WAS THERE, IT WAS NOT REALLY A NICE PLACE.

IT DIDN'T HAVE THE HISTORIC FLAVOR THAT THE SOUTHERN PART OF HYDE PARK HAD.

IN FACT, I JUST FOUND OUT RECENTLY THAT THE PROPERTY THAT MY HOUSE IS ON AVENUE G ACTUALLY USED TO BE AN OIL REFINERY NOT THAT LONG AGO.

I DO BELIEVE IT'S THE PLACE OF NEW BUSINESS OWNERS.

I HAVE BOUGHT BUSINESSES IN THE NEIGHBORHOOD.

I HAVE ENCOURAGED BUSINESSES AND HOMEOWNERS.

I DO THINK IT'S A PLACE FOR NOT JUST THE YOUNGER GENERATION, BUT A MORE PROGRESSIVE PEOPLE TO TAKE THIS NEIGHBORHOOD INTO THE NEXT GENERATION.

WE'RE NOT TALKING ABOUT BUILDING ANOTHER SKY SCRAPER, WE'RE JUST TALKING ABOUT AN OFFICE OR A RESTAURANT IN A PLACE THAT IS POTENTIALLY DANGEROUS, FOR SAY SMALL CHILDREN TO RUN OUT INTO A BUSY STREET.

AGAIN, 18 YEARS AGO, IT WASN'T REALLY A VERY BUSY STREET.

YOU KNOW, I MOVED HERE FROM NEW YORK CITY, IT WAS QUIET ON 45TH STREET.

I LIVED ON AVENUE H AND 45TH.

AND I'VE KNOWN NAVID FOR A NUMBER OF YEARS.

I VISIT HIS FLAG STORE SOMETIMES AS MANY AS THREE TIMES A DAY.

EVERYONE IN THE NEIGHBORHOOD CAN ATTEST THAT HE'S FANTASTIC.

THE STORE IS FANTASTIC AND HE'S INCREDIBLY LIKEABLE AND PROFESSIONAL BUSINESSMAN.

I FEEL A RESTAURANT AT THE INTERSECTION OF 45TH AND SPEEDWAY WOULD NOT ONLY ADD AN ADDITIONAL DIVERSITY AND FLAVOR, EXCUSE THE PUN, TO THE NEIGHBORHOOD, BUT ALSO A MUCH NEEDED BUFFER BETWEEN RESIDENTIAL PROPERTIES.

45TH AND SPEEDWAY REPRESENTS THE MIDDLE OF 45TH, WHICH IN MADE PARK IS BOOK ENDED BY THE VERY BUSY WALGREENS ON ONE SIDE AND A JUICE BAR ON THE OTHER.

NEITHER OF THOSE PROPERTIES HAVE ANY NEXT ACTIVE EFFECT ON ALREADY PRETTY BAD TRAFFIC FLOW.

IN MY HONEST OPINION, PARKING SHOULDN'T BE AN ISSUE.

AS A NEIGHBORHOOD WE NEED TO EMBRACE NEW TRANSPORTATION PARADIGMS, CEASE IN CREATING LAND USES BASED ON AVAILABLE PARKING.

PLENTY OF OTHER RESTAURANTS ARE ON BOARD WITH THIS CONCEPT, AS WELL AS OFFICES.

IT'S ALSO WORTH POINTING OUT THAT THE MAJORITY OF PATRONS AT THE PROPOSED RESTAURANT, BACK WHEN IT WAS SPECIFICALLY A RESTAURANT WOULD BE LOCALS WHO WOULD HAVE THE ABILITY AND LUXURY OF BEING ABLE TO WALK SOMEWHERE NEARBY.

[BUZZER SOUNDING]

>> MAYOR LEFFINGWELL: THANK YOU.

THAT IS YOUR TIME.

>> THAT PRETTY MUCH SUMMED IT UP ANYWAY.

THANK YOU.

>> MAYOR LEFFINGWELL: LANCE VINSON.

YOU HAVE THREE MINUTES.

>> COUNCILMEMBERS, LIKE THOSE THAT YOU HAVE HEARD IN THE PAST, I ALSO AM HERE TO SUPPORT THE ZONING CHANGES AT 4500 SPEEDWAY.

UNLIKE MANY THAT I HAVE HEARD PROTEST FROM, BOTH AT THE NEIGHBORHOOD ASSOCIATION MEETING AND WE WILL PROBABLY LIKELY HEAR TONIGHT.

I ACTUALLY DO LIVE ON THE STREET.

MY HOUSE WAS ALMOST VISIBLE IN THE OVERHEAD SHOT THAT YOU SAW EARLIER.

SO I WOULD BE ONE OF THE MORE IMPACTED RESIDENTS.

MANY OF US WITHIN THIS COMMUNITY WALK AND BIKE EVERYWHERE POSSIBLE AND ADDITIONAL EATERIES AND WORK LOCATIONS FOR SERVICES WE COULD USE WOULD BE GREAT.

AS YOU KNOW, AUSTIN FACES MASSIVE TRANSPORTATION CHALLENGES AND WHILE MUCH IS BEING DONE TO ENCOURAGE BIKE AND PEDESTRIAN TRAFFIC, AN ADDITIONAL STEP THE COUNCIL CAN TAKE IS TO SUPPORT COMMUNITY RESTAURANTS OR OFFICE SPACES LIKE THE ONES BEING PROPOSED.

NOW THE 45TH STREET CORRIDOR BETWEEN RED RIVER AND GUADALUPE, AS YOU HEARD FROM THE LAST SPEAKER, IS ALREADY HOME TO SEVERAL SUCH RESTAURANTS AND OFFICE SPACES, MANY WITH FEWER PARKING SPACES THAN NAVID HAS INDICATED THAT HE WOULD HAVE.

THESE HAVE SERVED THE NEIGHBORHOOD WELL TO HELP BUFFER THE RESIDENTIAL NEIGHBORHOOD FROM THIS BUSY STREET.

NAVID HAS ALSO WORKED VERY CLOSELY WITH THOSE LIKE MYSELF, MOST IMPACTED, TO ENSURE OUR CONCERNS ARE ADDRESSED.

AS SUCH, PLEASE APPROVE THE ZONING CHANGE.

THANK YOU.

>> MAYOR LEFFINGWELL: OKAY, THAT'S ALL OF THE SPEAKERS THAT WE HAVE SIGNED UP THAT ARE FOR.

WE'LL GO TO THOSE AGAINST.

BEGINNING WITH LISA HARRIS, IS RONALD HARTMAN HERE?

ALL RIGHT.

LISA, YOU HAVE UP TO SIX MINUTES.

>> I'M LISA HARRIS, SINCE THEY HAVE WITHDRAWN THEIR NCCD AMENDMENT REQUEST, YOU'LL BE HAPPY TO KNOW I CAN BE MUCH BRIEFER THAN I PLANNED TO BE.

MY HUSBAND AND I, AS SOME OF YOU KNOW, LIVE HALF A BLOCK FROM THE PROPOSED SITE.

AND SO ONE OF THE ARGUMENTS THAT THEY HAVE MADE ABOUT THIS PARTICULAR SITE IS THAT BECAUSE THERE ARE TENANTS FOR THE PROPERTY ARE STUDENTS, THAT THAT IS IT'S NOT FAMILIES AS A SIGN THAT IT'S NO LONGER SUITED FOR RESIDENTIAL USE.

AND SO I WILL COMMENT THAT THERE ARE HOMES ON THE AVENUE WE LIVE ON MUCH CLOSER TO OUR HOUSE THAT ARE REGULARLY OR ALWAYS INHABITED BY STUDENTS AND I DO NOT TAKE THAT AS A SIGN THAT WHERE WE LIVE IS NO LONGER SUITABLE FOR RESIDENTIAL USE.

AND IN TERMS OF WHETHER THE NEIGHBORHOOD ASSOCIATION HAS SHOWN SUPPORT OR NOT, I WILL COMMENT THAT THE FIRST MEETING TO WHICH IMMEDIATE NEIGHBORS WERE INVITED TO ACTUALLY TALK TO THE APPLICANT, THAT TOOK PLACE OUTSIDE OF THE STEERING COMMITTEE WAS IN LATE OCTOBER AND THAT WAS THE FIRST AND ONLY MEETING OUTSIDE OF THE NEIGHBORHOOD ASSOCIATION MEETINGS.

I WILL ALSO COMMENT THAT THE NEIGHBORHOOD ASSOCIATION MEETING WHERE WE VOTED TO OPPOSE THE ZONING CASE AS COUNCILMEMBER MARTINEZ CAN ATTEST, BECAUSE HE WAS THERE FOR A MAYORAL FORUM WAS VERY WELL ATTENDED AND IT WASN'T A PARTICULARLY CLOSE VOTE.

>> MAYOR LEFFINGWELL: OKAY.

>> COLE: I HAVE A BRIEF QUESTION OF MS. HARRIS.

ARE YOU STILL A NEIGHBORHOOD PRESIDENT?

>> NO, NO, I'M A COUPLE OF PRESIDENTS AGO.

I HAVE NO POSITION OF RESPONSIBILITY OTHER THAN GRAFFITI ABATEMENT CHAIR.

>> COLE: OKAY.

>> MAYOR LEFFINGWELL: VERY IMPORTANT.

COUNCILMEMBER SPELMAN.

>> SPELMAN: WHILE YOU'RE HERE, DO YOU HAVE AN OBJECTION TO NO ZONING WITHOUT A CHANGE IN THE NCCD?

>> MY OBJECTION IS SMALLER.

IT'S LESS OF A COMMERCIAL DISTRICT.

BUT ALL OF THIS TIME WE'VE BEEN TALKING TO HIM HE HAS REJECTED THAT USE.

THAT HAS BEEN BROUGHT FORWARD.

SO WE REALLY HAVEN'T HAD AN OPPORTUNITY TO DISCUSS AS A NEIGHBORHOOD IN ANY SORT OF MEANINGFUL WAY WHETHER NO WOULD BE APPROPRIATE OR NOT.

BECAUSE WHENEVER WE ASKED, WELL, HOW ABOUT REGULAR NO HE SAID THAT THAT WAS NOT SOMETHING THAT WOULD BENEFIT THE NEIGHBORHOOD.

>> SPELMAN: NOW SOUNDS LIKE HE'S COME ALONG TO YOUR POINT OF VIEW.

>> WELL, SINCE THE FIRST THAT WE HEARD HE HAD COME AROUND WAS AT THIS MEETING, THIS IS NOT SOMETHING THAT WE'VE HAD AN OPPORTUNITY TO DISCUSS AS A NEIGHBORHOOD.

SO I CERTAINLY WON'T SPEAK FOR THE NEIGHBORHOOD ABOUT HOW WE WOULD REACT BECAUSE THIS THERE'S PLENTY OF THERE WAS PLENTY OF TIME TO DISCUSS THIS WITH US PREVIOUSLY AND THIS HASN'T HAPPENED PREVIOUSLY.

>> SPELMAN: DO YOU PERSONALLY HAVE AN OBJECTION TO NO ZONING?

>> YES.

>> SPELMAN: WHY?

>> BECAUSE WE DIDN'T BUY CLOSE TO A COMMERCIAL USE AND WE WOULDN'T HAVE BOUGHT CLOSE TO A COMMERCIAL USE.

>> SPELMAN: OKAY.

THANK YOU.

>> MAYOR LEFFINGWELL: SHARON BROWN.

SHARON BROWN?

THREE MINUTES.

>> SHARON BROWN AND I LIVE THREE BLOCKS FROM 4500 SPEEDWAY.

I HAVE COME EXPECTING TO TALK ABOUT A RESTAURANT TONIGHT.

THIS IS THE FIRST THAT WE'VE HEARD

>> MAYOR LEFFINGWELL: CAN YOU PULL THAT MIC CLOSER TO YOU.

>> YES.

THIS IS THE FIRST THAT WE'VE HEARD OF THIS NO ZONING, SIMPLE NO ZONING THAT HAD BEEN REJECTED BEFORE.

LISA SAID VERY ELOQUENTLY WHY WE NEED AN OPPORTUNITY TO HEAR DETAILS BECAUSE THIS APPLICANT HAS CHANGED HIS MIND SEVERAL TIMES.

IT'S IT'S BEEN A VERY CONTENTIOUS TIME.

THE PLANNING COMMISSION NEEDS TO HEAR THE NEW PLANS.

AND I CAN JUST SAY THAT AS A AS A 33 YEAR RESIDENT OF HYDE PARK, SPENDING LOTS OF YEARS VOLUNTEERING ON HOME TOURS AND ALLEY CLEANUPS AND SUCH, YOU CAN IMAGINE HOW CONCERNED I AM AT SOME OF THE THINGS THAT WERE SAID BY FOLKS THAT I HAVEN'T SEEN DOING THOSE THINGS.

SO I WOULD APPRECIATE YOUR NOT APPROVING THIS ZONING CHANGE FOR THE GOOD OF OUR NEIGHBORHOOD AND FOR THE PERFECTLY GOOD HOUSING ON THAT LOT THAT MIGHT STILL BE SINGLE OR MULTI FAMILY HOUSING THAT WE WE AS A CITY SAY WE NEED AND IT MIGHT EVEN BE WHAT CAN STILL BE CALLED AFFORDABLE IN THAT AREA OF THE CITY.

THANK YOU SO MUCH FOR THE WORK THAT YOU'VE ALL DONE FOR THE FOLKS OF AUSTIN.

>> MAYOR LEFFINGWELL: THANK YOU.

SO LET ME ASK YOU THIS, MR. RUSTHOVEN, I GUESS.

THIS WILL BE JUST A REAL QUICK QUESTION.

WHEN THE PLANNING COMMISSION CONSIDERED THIS I GUESS TWO NIGHTS AGO AND THEY FORWARDED IT WITHOUT A RECOMMENDATION, WERE THEY CONSIDERING THE LATEST VERSION OF IT OR JUST THE PLAIN NO?

>> THEY WERE CONSIDERING THE RESTAURANT PROPOSAL.

THEY DID NOT CONSIDER THE NEIGHBORHOOD OFFICE PROPOSAL.

>> MAYOR LEFFINGWELL: SO THIS HAS CHANGED NOW.

I WONDER IF IT WOULD BE APPROPRIATE TO SEND THIS BACK TO PLANNING COMMISSION?

>> THE STAFF RECOMMENDATION WAS FOR NO.

BASICALLY THE APPLICANT HAS COME AROUND TO THE STAFF RECOMMENDATION.

THE STAFF REASONS FOR OUR NO RECOMMENDATION WITH THE APPLICANT ON TUESDAY WAS STILL REQUESTING THE RESTAURANT PROPOSAL.

>> MAYOR LEFFINGWELL: I THINK NOW WITH THE CHANGE OF HEART, MAYBE IT'S APPROPRIATE TO SEND IT BACK TO PLANNING COMMISSION WITH THE NEW WITH WHAT IS NOW AGREED TO.

NOT NOT WITH WHAT YOU RECOMMENDED.

THAT'S JUST A THOUGHT.

WE'LL GO ON WITH THE PUBLIC HEARING HERE.

WANDA PENN.

>> [INDISCERNIBLE]

>> MAYOR LEFFINGWELL: IT COULD BE.

I CAN'T

>> [INDISCERNIBLE].

>> MY NAME IS WANDA PENN, I HAVE LIVED IN AUSTIN SINCE 1963 IN HYDE PARK

>> MAYOR LEFFINGWELL: ONE MINUTE.

I HAVE THERE THERE MAY BE SOMETHING HERE THAT WILL MAKE YOUR TESTIMONY UNNECESSARY.

>> THAT WOULD BE REALLY NICE FOR BOTH OF US.

>> MAYOR LEFFINGWELL: AGREEING TO POSTPONE THIS ITEM.

COUNCILMEMBER MORRISON?

>> MORRISON: I WOULD LIKE TO MAKE A MOTION THAT WE POSTPONE THIS ITEM AND ASK STAFF TO TAKE IT BACK TO THE PLANNING COMMISSION TO CONSIDER AND REALLY HASH THROUGH THE IDEA OF JUST OFFICE.

>> MAYOR LEFFINGWELL: DO YOU HAVE A DATE SPECIFIC IN MIND?

>> MORRISON: WE SHOULD PROBABLY WITH THE HOLIDAYS AND EVERYTHING, POSTPONE IT UNTIL FEBRUARY SOMETIME.

>> MAYOR LEFFINGWELL: ALL RIGHT.

TO THE FIRST MEETING IN FEBRUARY?

>> MORRISON: LET'S SAY THE SECOND MEETING IN FEBRUARY.

>> MAYOR LEFFINGWELL: SECOND MEETING IN FEBRUARY.

WE WILL TRY TO FIND OUT THAT DATE.

IS THERE A SECOND TO THAT MOTION?

MAYOR PRO TEM SECONDS THAT MOTION.

COUNCILMEMBER MARTINEZ?

>> MARTINEZ: JERRY, I WANTED TO ASK, WHEN IT WENT TO PLANNING COMMISSION THE FIRST TIME, WAS LO DISCUSSED?

IF STAFF IS MAKING AN LO RECOMMENDATION, DO YOU USUALLY GO TO PC AND STATE WHAT YOUR RECOMMENDATION IS AND WHY AND SO WAS THAT DISCUSSED AT PLANNING COMMISSION?

>> NO.

YES WE DID DO THAT ON TUESDAY NIGHT.

WE PRESENTED THE REASONS FOR OUR NO RECOMMENDATION AT THAT TIME.

AND JUST FYI, THE SECOND MEETING IN FEBRUARY, I BELIEVE, IS FEBRUARY 26TH.

THERE'S A MEETING ON FEBRUARY 12TH AND FEBRUARY 26TH.

>> MARTINEZ: BUT THEIR MOTION WAS SPECIFIC TO TO THE DISCUSSION OF THIS BEING A RESTAURANT USE.

>> THAT'S CORRECT.

STAFF PRESENTED OUR RECOMMENDATION AND THE REASONS WHY WE SUPPORTED THE NO ZONING.

THE APPLICANT WAS STILL PRESENTING THE RESTAURANT PROPOSAL.

IT WAS STILL NO ZONING, BUT THAT'S A TECHNICALITY.

SO WE PRESENTED OUR REASONS FOR NO.

HE PRESENTED HIS REASONS FOR RESTAURANT.

THE PLANNING COMMISSION COULD NOT DID NOT ACHIEVE A RECOMMENDATION AND SO IT WAS FORWARDED TONIGHT WITHOUT A RECOMMENDATION.

AND WE COULD BRING IT ABOUT A BEING TO THE PLANNING COMMISSION IN JANUARY.

>> MARTINEZ: WELL, I WANTED TO ASK MR. NOOMANRAD WHAT HE THOUGHT ABOUT THIS MUCH OF A POSTPONEMENT ON THE DECISION.

DO YOU UNDERSTAND THE MOTION THAT'S BEFORE US, SIR?

AND AND SO IT'S BASICALLY GOING TO SEND YOU BACK TO PLANNING COMMISSION WITH A SPECIFIC CONVERSATION ABOUT WHAT YOU'VE NOW SWITCHED YOUR RECOMMENDATION YOUR REQUEST TO, WHICH IS NEIGHBORHOOD OFFICE, WHICH IS SUPPORTED BY STAFF.

BUT PLANNING COMMISSION WOULD HAVE AN OPPORTUNITY TO VOTE SPECIFICALLY ON THE NO REQUEST.

>> YES, SIR, I DO UNDERSTAND.

I FEEL THAT THROUGHOUT THE WHOLE PROCESS I HAVE DONE MY BEST TO MEET THE NEIGHBORHOOD IN THE MIDDLE.

WE DO HAVE WITNESSES THAT WE DID HAVE MULTIPLE STEERING COMMITTEE MEETINGS.

I FEEL THAT I'M AGAIN MEETING THEM IN THE MIDDLE FOR OFFICE.

I FEEL LIKE I'M, YOU KNOW, IF WE DO MOVE FORWARD, WE'RE EFFECTIVELY AT THE SAME POINT WE ARE NOW.

WE'RE STILL GOING TO PURSUE OFFICE.

I DON'T KNOW HOW ELSE TO MAKE THEM HAPPY.

[BUZZER SOUNDING]

>> MAYOR LEFFINGWELL: YOU UNDERSTAND IF WE GO AHEAD AND CONSIDER THIS AND YOUR MOTION FAILS, YOU CAN'T REAPPLY FOR ANOTHER YEAR AND A HALF.

THAT'S THAT'S AS OPPOSED TO WITH THE POSTPONEMENT YOU COULD HAVE A BETTER OPPORTUNITY IN FEBRUARY.

IN TWO MONTHS.

>> MAY I JUST HAVE ONE RESPONSE TO YOUR QUESTION, COUNCILMEMBER MARTINEZ.

THE ONLY THING THAT I WOULD SUBMIT IS THAT THE OFFICE EXACTLY WHAT WE'RE ASKING THE COUNCIL TO CONSIDER TODAY WAS PRESENTED TO THE PLANNING COMMISSION.

IF WE TOOK IT BACK TO THEM, THE ONLY THING THAT WOULD CHANGE WOULD BE WHETHER WE WERE IN SUPPORT OF STAFF'S RECOMMENDATION, WHICH REALLY TECHNICALLY THE PLANNING COMMISSION IS NOT SUPPOSED TO BASE ITS DECISION ON.

SO I JUST WANT TO POINT OUT THAT FROM OUR PERSPECTIVE THE PLANNING COMMISSION CONSIDERED NO WITH OUR SPECIAL CONDITION THAT WOULD HAVE ALLOWED A RESTAURANT, THEY CONSIDERED NO WITHOUT THAT SPECIAL CONDITION, WHICH IS WHAT MR. RUSTHOVEN OR STAFF'S RECOMMENDATION IS AND SO WE JUST FEEL LIKE IT MAY MAY NOT SERVE ANY PURPOSE, REALLY, TO SEND IT BACK OTHER THAN WE WOULD BE GOING SAYING WE AGREE WITH THE RECOMMENDATION.

>> MAYOR LEFFINGWELL: THE PLANNING COMMISSION TWO NIGHTS AGO HAD FOUR MEMBERS ABSENT, YES, CORRECT.

>> THAT'S TRUE.

>> MARTINEZ: MAYOR?

>> MAYOR LEFFINGWELL: COUNCILMEMBER MARTINEZ?

>> MS. MEADE, ON BEHALF OF YOUR CLIENT, IS THERE HAS THIS PROPERTY BEEN PURCHASED BY HIM OR IS THERE AN OPTION PERIOD THAT HE'S GOING THROUGH TO BUY THIS PROPERTY?

I DON'T REMEMBER HEARING THAT AT THE NEIGHBORHOOD ASSOCIATION MEETING.

>> NO.

HE HAS PURCHASED THE PROPERTY.

SO HE'S HE'S PAYING FOR IT.

>> I'VE OWNED IT SINCE FEBRUARY OF LAST YEAR.

>> MARTINEZ: OKAY.

>> MAYOR LEFFINGWELL: OKAY.

THE MOTION IS ON THE TABLE FOR THE POSTPONEMENT UNTIL THE SECOND MEETING IN FEBRUARY.

ALL THOSE IN FAVOR SAY AYE.

>> AYE.

>> MAYOR LEFFINGWELL: OPPOSED SAY NO.

PASSES ON A VOTE OF 7 0.

WE WILL NEVER GET THAT TIME BACK AGAIN.

[LAUGHTER].

>> SPELMAN: THAT JUST OCCURRED TO YOU NOW?

[LAUGHTER].

>> MAYOR LEFFINGWELL: OKAY.

I UNDERSTAND ITEM NUMBER 10 IS WE'RE READY TO TAKE THAT BACK UP AGAIN.

TAKE THAT ITEM OFF THE TABLE.

>> MARTINEZ: YES, MAYOR.

>> MAYOR LEFFINGWELL: COUNSELOR MARTINEZ.

>> MARTINEZ: THANK YOU, MAYOR.

FIRST OF ALL, I WANT TO THANK COUNCIL MEMBER SPELMAN AND HIS AIDE ASHLEY FOR HELPING US AND AUSTIN ENERGY STAFF.

WE HAVE HANDED OUT APPENDIX A THAT IS BASICALLY REDLINED AND HIGHLIGHTED WITH CHANGES.

AND AUSTIN ENERGY STAFF HAS AGREED TO THESE CHANGES.

AND SO HOWEVER YOU'D LIKE TO PROCEED, MAYOR.

IF YOU WANT THEM TO BE READ, OR THESE ARE BASICALLY THE ITEMS WE WERE BOTH DISCUSSING IN VARYING FORMS AND WE'VE NOW

>> MAYOR LEFFINGWELL: I THINK EVERYBODY HAS A COPY.

>> MARTINEZ: OKAY.

SO I WOULD MOVE APPROVAL OF THAT ITEM, APPROVAL OF THE ITEM, THE GENERATION PLAN WITH APPENDIX A, AS AMENDED, IN THE REDLINED VERSION THAT'S BEFORE YOU.

>> MAYOR LEFFINGWELL: AND LET ME GET REFRESHED ON THIS.

IT'S BEEN A WHILE.

ARE THESE THE ONLY AMENDMENTS?

>> MARTINEZ: NO, SIR.

THERE WAS AN AMENDMENT TO THE GENERATION PLAN THAT I THAT WAS ACCEPTED AS ACTUALLY, I DON'T HAVE TO MAKE THAT I GUESS WE HAVE TO MAKE ANOTHER MOTION SINCE WE PUT IT ON THE TABLE?

>>: YOU ONLY HAVE TO MAKE A MOTION TO TAKE IT OFF THE TABLE AND THE MAIN MOTION

>> MAYOR LEFFINGWELL: THE MOTION IS STILL ACTIVE.

>> MARTINEZ: SO THE MOTION IS STILL ACTIVE.

AND, I BELIEVE, IT WAS COUNCIL MEMBER SPELMAN AND MORRISON, AND THEY ACCEPTED AS A FRIENDLY AMENDMENT ON PAGE 6 AS IT RELATES TO SOLAR THE AMENDMENT THAT I MADE.

>> MAYOR LEFFINGWELL: ALL RIGHT.

IS EVERYBODY CLEAR ON WHAT THEY'RE VOTING ON?

>> COLE: I HAVE A CORRECTION.

>> MAYOR LEFFINGWELL: MAYOR PRO TEM COLE.

>> COLE: OR FRIENDLY AMENDMENT.

IN THE SECOND PARAGRAPH, IN BACKGROUND, BEFORE WE START TO LIST THE ITEMS RIGHT BEFORE OR AFTER STORAGE, THE OTHER OPTIONS FOR FILLING THE RESULTING ENERGY AND CAPACITY IN ADDITION TO A NEW GAS PLANT, THE REVIEW SHOULD CONSIDER AND I'D LIKE TO ALSO ADD ENERGY EFFICIENCY.

IS THAT FRIENDLY?

>> MAYOR LEFFINGWELL: THAT'S FRIENDLY.

WHO WAS THE SECOND ON THIS.

MORRISON WAS SECOND.

AND YOU AGREED TO THAT AS FRIENDLY.

>> COLE: THEN I HAVE ONE OTHER POTENTIAL ADDITION.

UNDER THE PROCUREMENT SECTION, ITEM 2, I'D LIKE TO ADD, AFTER THE WORDS "MATRIX EVALUATION," THAT THE EUC WILL PROVIDE COMMENTS TO COUNCIL ON THE RECOMMENDATION.

>> MAYOR LEFFINGWELL: IS THAT ACCEPTED?

[INDISCERNIBLE]

>> SPELMAN: I'M NOT SURE, MAYOR.

>> MAYOR LEFFINGWELL: I THOUGHT MORRISON WAS THE SECOND.

>> SPELMAN: I'M THE MAKER.

>> MAYOR LEFFINGWELL: OKAY.

I'M SORRY.

>> SPELMAN: MAYOR, THE EUC CAN ALWAYS PROVIDE RECOMMENDATIONS OR COMMENTARY ON THE CONSULTANTS.

I'M NOT SURE IT WOULD ADD ANYTHING, BUT CERTAINLY WOULDN'T TAKE ANYTHING AWAY.

>> COLE: I JUST THOUGHT IT SHOULD BE CLEAR AS PART OF THE GENERATION PLAN.

>> MAYOR LEFFINGWELL: IS THAT NOT ACCEPTED?

>> SPELMAN: THAT'S ALLOWED.

SURE.

>> MAYOR LEFFINGWELL: I HAVE A SECOND?

>>: YES.

>> COLE: THEN I WANT TO THANK MY APPOINTEE, CYRUS REED, FOR ALL HIS HARD WORK IN MAKING THIS HAPPEN.

I DID HEAR YOU IN THE BACK WHEN YOU SAID THAT YOU WOULD MISS ME.

[LAUGHTER]

>> COLE: AND I DO KNOW THAT'S NOT EXACTLY WHAT YOU SAID.

>> MAYOR LEFFINGWELL: COUNSELOR MORRISON.

>> MORRISON: I DO HAVE A QUESTION ABOUT THIS WAS JUST A QUESTION I WAS GOING TO ASK EARLIER, SOMETHING THAT'S REMAINED.

UNDER QUALIFICATIONS OF PROPOSER, ONE OF THE THINGS THAT WE HEARD COMMENT ON WAS THE CONCERN ABOUT DICTATING THE MODELS THAT ARE USED.

AND THAT'S WAY BEYOND MY PAY GRADE.

I WONDER IF STAFF COULD COME SPEAK TO THAT.

AND THEN I'D LOVE TO HEAR SOMEBODY WHO HAS A CONCERN ABOUT THAT GO INTO A LITTLE MORE DETAIL.

SMITTY, IT MIGHT HAVE BEEN YOU THAT BROUGHT THAT UP.

OR MR. OSBORNE.

I FORGET WHO, BUT BECAUSE THAT SOUNDS TO ME LIKE ONE OF THE THINGS THAT IN THE END WE COULD ARGUE ABOUT AND SAY, OH, YOU USED THE WRONG MODEL.

SO I GUESS I'D LIKE TO GET A LITTLE FOOTING THERE.

THAT'S UNDER QUALIFICATIONS OF PROPOSER.

YOU PROBABLY KNOW BECAUSE YOU WROTE IT.

>>: I DO, AND I DID WRITE IT.

A LITTLE CHALLENGING. I'M NOT SURE WHAT THE QUESTION IS, BUT THESE ARE STANDARD INDUSTRY MODELS.

THEY'RE PROGRAMS THAT YOU BUY AND INSTALL INTO YOUR GROUP.

THEN YOU END UP CALIBRATING THEM AND USING THEM AS MODELS.

WE USED THE U PLAN MODEL.

BUT THERE'S OTHER COMMERCIAL PRODUCTS. PROMOD IS PROBABLY ONE OF THE MOST POPULAR MODELS.

AND MAPS IS MADE FOR, BY EXAMPLE, GENERAL ELECTRIC, CALLED GE MAPS.

THESE ARE ALL COMMERCIAL MODELS THAT MOST CONSULTANTS USE TO MODEL THE MARKET?

>> MORRISON: IT'S SAYING SUPPORT THE ANALYSIS BASED ON THE USE OF A COST MODEL SUCH AS.

SO YOU'RE NOT DICTATING THE MODEL ITSELF?

>>: IT WOULD HAVE TO BE A MODEL EQUIVALENT TO ONE OF THESE THREE.

THESE ARE THE THREE MOST, YOU KNOW, POPULAR MODELS THAT I KNOW OF.

>> MORRISON: OKAY.

>>: SOMEBODY COULD BRING IN A FOURTH.

IF IT'S EQUIVALENT, WE WOULD ACCEPT IT.

>> MORRISON: GOT IT.

I WONDER IF I CAN ASKING SMITTY OR SOMEBODY WHO CAN SPEAK TO THAT ISSUE, WHOEVER IT IS THAT DO SPEAK TO THAT ISSUE.

YOU GUYS CAN DECIDE AMONG YOURSELVES WHO MIGHT BE BEST TO SPEAK TO THAT.

WHY IS IT A PROBLEM?

OR IS IT A PROBLEM?

>>: THERE ARE MULTIPLE MODELS THAT CAN BE USED FOR THIS SORT OF THING.

IT SEEMS THAT TO GET THE FULL MILEAGE OUT OF THIS INDEPENDENT CONSULTANT, AMONG OTHER THINGS AND ESPECIALLY YOU'D WANT TO LOOK AT THE MODELS USED.

I WOULD EXPECT SOMEBODY TO BE VERY FAMILIAR WITH THESE AND ALSO THE OTHERS THAT ARE COMMON IN THE TRADE AND JUST AMONG THEIR OTHER RECOMMENDATIONS OR COMPARISONS, TO DO A COMPARE AND CONTRAST OF THE VARIOUS MODELS AVAILABLE AND WHICH MODELS THEY THINK MIGHT BE MORE APPROPRIATE FOR THIS PARTICULAR NEED.

SO I DON'T

>> MORRISON: WELL, THE LANGUAGE DOESN'T SAY TO ME THEY'RE DICTATING WHICH MODEL.

REALLY, THE ESSENCE OF THE LANGUAGE IS THAT IT'S SOMETHING THAT'S SUITABLE.

IT'S A PRODUCTION COST MODEL SUITABLE FOR THE ERCOT POWER MARKET.

IS THERE ANYTHING WRONG WITH THAT GENERAL STATEMENT?

>>: I THINK THERE ARE A NUMBER OF MODELS THAT WOULD FIT THAT BILL.

I WOULD NOT WANT TO RESTRICT IT IN ANY WAY TO THESE BECAUSE THAT'S PART OF THE VALUE OF AN INDEPENDENT CONSULTANT'S VIEW.

I'VE BEEN THAT CONSULTANT.

>> MORRISON: RIGHT.

>>: I'M A LITTLE OUT OF PRACTICE, BUT, I MEAN, THAT'S VERY COMMON AND YOU KNOW IF YOU'RE IN THE BUSINESS, YOU KNOW WHAT THEY ALL ARE.

EACH HAS ITS OWN FEATURES AND CHARACTERISTICS.

SOME MIGHT BE MORE SUITABLE THAN OTHERS.

I THINK THAT'S A VALUABLE CONTRIBUTION BY A SUITABLY CHOSEN INDEPENDENT CONSULTANT.

>> MORRISON: BUT I DON'T THINK THE LANGUAGE SAYS THEY DON'T GET TO PICK THEIR MODEL. THE LANGUAGE JUST SAYS IT HAS TO BE A COST MODEL SUITABLE FOR

>>: YEAH.

WE'RE NOT TRYING TO RESTRICT THE MODEL.

ALL WE'RE SAYING IS DON'T USE AN EXCEL SPREADSHEET TO DO THIS.

WE'RE SAYING USE A PRODUCTION COST MODEL WHICH IS ABLE TO MODEL THE ERCOT NODAL MARKET, WHICH HAS THOUSANDS OF NODES. AND IT HAS TO BE A NETWORK MODEL CAPABLE OF DOING THAT.

THAT'S ALL WE'RE SAYING.

>> MORRISON: GOT YOU.

>>: SUCH AS MEANS IT'S AN EXAMPLE.

>> MORRISON: RIGHT.

IT SOUNDS TO ME LIKE IT'S OKAY, THAT IT'S REALLY JUST GIVING EXAMPLES.

THAT'S THE WAY I READ IT.

SMITTY, DID YOU HAVE ANYTHING ELSE?

>>: THERE HAS BEEN AN ADDITION DISCUSSED THAT IS ADDED DOWN HERE IN YELLOW THAT BASICALLY SAYS EXPERIENCE AND UNDERSTANDING OF THE UNIQUE CHARACTERISTICS OF A VERTICALLY INTEGRATED UTILITY IN THE KNOWN MARKET.

AND THE CONCERN THAT I THINK HAS BEEN RAISED IS THAT IF YOU JUST LOOK AT THE ERCOT PRODUCTION COST MODEL, THAT ALL YOU'RE REALLY LOOKING AT IS THE BUY/SELL PLAYS BACK AND FORTH AND NOT REALLY LOOKING AT THE BENEFITS THAT MIGHT ACCRUE TO CERTAIN ALTERNATIVE GENERATING PLANTS WITHIN A VERTICALLY INTEGRATED UTILITY.

FOR EXAMPLE, IF WE MAKE DECISIONS THAT A MODEL THAT WOULD REDUCE THE NUMBER OF MEGAWATTS THAT WE HAD TO BUY OFF OF ERCOT BY DOING SIGNIFICANT AMOUNT OF ENERGY

EFFICIENCY, DEMAND SIDE MANAGEMENT AND DISTRIBUTED ENERGY RESOURCES, THAT MAY SIGNIFICANTLY REDUCE THE AMOUNT OF MONEY WE HAVE TO SPEND ON BUYING ENERGY.

THAT'S SOMETHING THAT WOULD BE DIFFERENT THAN 75% OF THE ENERGY SALES WITHIN ERCOT.

AND SO IT'S IMPORTANT NOT TO JUST LIMIT IT TO THE IN AND OUT PRODUCTION MODEL THAT ERCOT IS OPERATING AND IS REFERENCED HERE ELSEWHERE.

SO WHY THAT ADDITION OF LOOKING AT THE BENEFITS WITHIN A VERTICALLY INTEGRATED UTILITY IS SO IMPORTANT.

>> MORRISON: SO I HATE TO SAY THIS, BUT IT DOESN'T SOUND TO ME LIKE THIS ADDRESSES YOUR CONCERN, BECAUSE IT SAYS WE'RE GOING TO USE A PRODUCTION COAST MODEL, WHICH YOU JUST SAID IS INADEQUATE, BUT WE JUST WANT TO MAKE SURE IN THAT YELLOW WE WANT TO MAKE SURE THAT THE PERSON THAT WE HIRE HAS EXPERIENCE WITH THE REALITY, BUT WE'RE GOING TO ALLOW HIM TO JUST DO THE COST MODEL THAT'S INADEQUATE, ACCORDING TO YOU.

I'M NOT TRYING TO MAKE THIS MISERABLE.

I JUST WANT TO MAKE SURE WE GET IT RIGHT.

>>: WE'RE GETTING INTO MODELING GEEK SPEAK HERE, BUT ESSENTIALLY THESE MODELS WOULD TAKE INTO ACCOUNT WHAT SMITTY IS SAYING.

SO IF YOU USE ENERGY EFFICIENCY, YOU REDUCE DEMAND IN THE MARKET, AND THESE NODAL NETWORKS WOULD THEN REDUCE THE PRICE ON THE MARKET AND THAT REDUCES THE COST OF ENERGY WE WOULD BUY.

THAT'S EXACTLY WHY WE WANT TO USE THE MODEL.

IT WOULD ADDRESS WHAT SMITTY IS SAYING.

WHEN YOU TAKE A VERTICALLY INTEGRATED UTILITY, NOW YOU'RE TALKING ABOUT HOW THE BUSINESS ITSELF IS STRUCTURED, NOT THE MARKET ITSELF.

THAT'S MORE ACCOUNTING.

SO WE ADDED IT.

IT'S FINE.

I THINK IT WORKS THE WAY IT IS RIGHT NOW.

>> MORRISON: OKAY, GOOD.

THANK YOU.

>> SPELMAN: SO I THINK THE PROPOSED LANGUAGE MAY SOLVE SOME OF THE PROBLEMS.

>> MORRISON: GREAT.

>> SPELMAN: I APOLOGIZE.

I CHANNEL OSBORNE POORLY.

[LAUGHTER]

>> MORRISON: THANK YOU VERY MUCH.

>> MAYOR LEFFINGWELL: SO ARE WE READY TO VOTE?

>> TOVO: NOT QUITE.

>> MAYOR LEFFINGWELL: COUNCIL MEMBER TOVO.

>> TOVO: I WANT TO THANK MY COLLEAGUES COUNCIL MEMBERS MARTINEZ AND SPELMAN FOR THEIR WORK.

I HAVE A COUPLE OF QUESTIONS ABOUT IT.

I STILL HAVE I THINK YOU'VE RENDERED ONE OF MY REMAINING AMENDMENTS MOOT, BUT I JUST WANT TO ASK A COUPLE OF QUESTIONS ABOUT THAT ONE.

HERE'S MY DOCUMENT.

OKAY.

SO I THINK THE FIRST QUESTION I HAVE I THINK THE LINE THE ADDITIONAL LINE HERE, LARGE BINDING DOLLAR INVESTMENTS WILL NOT BE MADE PENDING THE RESULTS OF THIS REPORT, IS A VERY GOOD ADDITION.

I'D LIKE TO SUGGEST THE ADDITION OF THE LANGUAGE "LARGE BINDING DOLLAR INVESTMENTS WILL NOT BE MADE PENDING THE RESULTS AND COUNCIL ACCEPTANCE OF THIS REPORT."

I THINK IT'S IMPORTANT THAT COUNCIL HAVE AN OPPORTUNITY TO REVIEW AND TAKE ACTION, RESPOND IN SOME WAY, TO THE REPORT BEFORE ANY INVESTMENTS ARE MADE.

I'D ALSO LIKE TO ASK YOU TO THE QUESTION I HAD SOME LANGUAGE IN MY AMENDMENT NUMBER 4 THAT TALKS ABOUT NO CONTRACTS PERTAINING TO THE DESIGN, CONSTRUCTION, OR PERMITTING

>> MAYOR LEFFINGWELL: WOULD YOU LIKE TO SEE IF THAT FIRST ONE IS ACCEPTABLE?

>> TOVO: IT'S RELATED SO I THINK I'M GOING TO CONTINUE MY SENTENCE AND FINISH WHAT I WAS SAYING.

I HAD A LINE IN THERE ABOUT NO CONTRACTS PERTAINING TO THE DESIGN, CONSTRUCTION, OR PERMITTING FOR ANY NEW GAS GENERATION SHALL BE NEGOTIATED PRIOR TO THE COMPLETION AND

SUBSEQUENT COUNCIL ACTION RESPONDING TO THE INDEPENDENT ECONOMIC AND ENVIRONMENTAL REVIEW.

I WONDER, I DON'T NECESSARILY SEE THAT BIT ABOUT ENTERING INTO CONTRACTS ANYWHERE IN THE AMENDMENTS AND THAT, COUNCIL MEMBER MARTINEZ AND COUNCIL MEMBER SPELMAN, THAT YOU WORKED ON.

I WANT TO CONFIRM MY UNDERSTANDING THAT THERE IS NOTHING THAT PROHIBITS AE FROM ENTERING INTO CONTRACTS RELATED TO DESIGN OF A GAS PLANT.

AND ALSO I WOULD LIKE TO DEPENDING ON YOUR ANSWER, I MAY ADD THAT BACK IN, TOO.

>> MAYOR LEFFINGWELL: OKAY.

GO AHEAD.

>> SPELMAN: IT IS MY UNDERSTANDING WELL, ON THE FIRST ISSUE, LARGE BINDING DOLLAR INVESTMENTS WILL NOT BE MADE PENDING RESULTS OF THIS REPORT AND ACCEPTANCE BY THE COUNCIL "AND ACCEPTANCE BY THE COUNCIL" I THINK WOULD BE PERFECTLY ADMISSIBLE.

OF COURSE IF A LARGE BINDING DOLLAR WERE REQUIRED, IT WOULD REQUIRE APPROVAL BY THE COUNCIL.

SO ONE COULD ARGUE IT'S NOT NECESSARY, BUT CERTAINLY DOESN'T HURT ANYTHING TO ADD IT.

>> TOVO: GREAT.

>> SPELMAN: SECOND ISSUE, IT IS MY UNDERSTANDING THAT SOME SMALL NOT LARGE BINDING DOLLAR INVESTMENTS, BUT SOME SMALL INVESTMENTS MAY BE REQUESTED BY AUSTIN ENERGY TO BEGIN DOING SOME BACKGROUND WORK ON A GAS PLANT PRIOR TO THE REPORTS BEING COMPLETED.

I'LL ASK [INDISCERNIBLE] IF HE HAS MORE TO SAY ABOUT IT THAN THAT.

>>: CHERYL MELE, CHIEF OPERATING OFFICER.

WHAT WE DID IS A SECTION THAT TALKED ABOUT YOU CAN, YOU CAN'T, YOU CAN, YOU CAN'T.

WE ELIMINATED ALL OF THAT.

INSTEAD WE KEPT THE LANGUAGE THAT SPOKE TO NO LARGE DOLLAR BINDING AGREEMENT WOULD COME FORWARD.

>> TOVO: I WANT TO BE VERY CAREFUL THAT WE NOT END UP IN A SITUATION AKIN TO THE WATER TREATMENT PLANT, WHERE WE HAVE INVESTED SIGNIFICANT FUNDS AND DESIGN, DESIGN WORK, OTHER KINDS OF REAL DOLLARS IN MOVING FORWARD WITH THE GAS PLANT BEFORE THE COUNCIL

HAS AN OPPORTUNITY TO REVIEW THAT INDEPENDENT STUDY AND DETERMINE WHETHER THAT'S REALLY WHETHER THAT IS THE BEST PATH FORWARD.

AND SO I AM REMEMBERING FROM OUR DISCUSSION EARLIER THIS WEEK THAT THERE IS SIGNIFICANT I MEAN, IT IS A RELATIVELY SIGNIFICANT INVESTMENT.

AM I RIGHT IN THINKING IT WAS ABOUT 30% DESIGN?

>>: I THINK WHEN WE TALKED ABOUT

>> TOVO: THE COSTS OF A GAS PLANT ARE ABOUT 30% DESIGN?

>>: WHAT WE TALKED ABOUT WAS PERHAPS DOING SOME OF THE PRELIMINARY WORK.

THERE'S SOME QUESTION ABOUT THE APPROPRIATENESS OF DIFFERENT SITES, WHETHER IT'S DECHERT OR SAND HILL IS A BETTER SITE.

HAVING A CONSULTING ENGINEER ON BOARD TO LOOK AT THAT TYPE OF INFORMATION THIS CONSULTANT WE'RE TALKING ABOUT [INDISCERNIBLE], I WOULDN'T ANTICIPATE THEM HAVING A TEAM SO LARGE THAT THEY WOULD BE REALLY LOOKING INTO THOSE TYPES OF THINGS.

THEY WILL BE FOCUSED STRICTLY ON LOOKING AT THE SCENARIO MODELING AS PART OF THEIR WORK.

IF WE WERE TO BRING ANY CONTRACTS FORWARD, IT WOULD BE PERHAPS FOR AN OWNER'S ENGINEER.

WITH ANY CONTRACT THAT WE BRING FORWARD FOR CONSIDERATION, AND AS IS STANDARD PURCHASING LANGUAGE THERE'S PROBABLY SOME LAWYERS BEHIND ME THAT COULD STATE IT BETTER, BUT ANYTHING WE BRING FORWARD OR SIGN INTO CONTRACT FOR AN OWNER'S ENGINEER TO HELP WITH THAT PRELIMINARY WORK, IF WE GOT TO THE END OF THE STUDY AND WE MADE A DECISION WE WEREN'T GOING TO GO FORWARD, WE DON'T REALLY HAVE ANY OBLIGATIONS WITH THEM.

WE WOULD NOT BRING FORWARD FOR CONSIDERATION THE TRUE DESIGN ENGINEER OR THE CONSTRUCTION CONTRACTS FOR CONSIDERATION UNTIL WE'D GOTTEN THROUGH THE END OF THE STUDY AND GOTTEN DIRECTION FROM CITY COUNCIL.

>> TOVO: I WANT TO BE REALLY CLEAR ABOUT THIS POINT.

IF YOU LOOK AT THE LANGUAGE THAT I WAS AMENDING THAT I WAS PROPOSING IN MY AMENDMENT 4 I DISTRIBUTED EARLIER, I DID CHANGE SOME OF THE LANGUAGE.

I READ YOU THE LINE ABOUT NO CONTRACTS PERTAINING TO THE DESIGN CONSTRUCTION, PERMITTING, FOR NEW GAS GENERATION.

I ALSO HAD PROPOSED CHANGING THAT LANGUAGE FROM CONTRACTING FOR AN OWNER ENGINEER'S FIRM TO ISSUING AN RFP.

THAT ISSUING AN RFP WOULD BE AN ACCEPTABLE WAY TO MOVE FORWARD.

CONTRACTING FOR AN OWNER ENGINEER'S FIRM WOULD NOT, IN MY ESTIMATION, BE APPROPRIATE PRIOR TO REVIEW AND ACCEPTANCE BY COUNCIL OF THE INDEPENDENT STUDY.

SO WHAT I'M NOT REALLY UNDERSTANDING FROM YOUR RESPONSE WHETHER YOU BELIEVE WHAT'S BEFORE US WOULD ALLOW YOU TO CONTRACT WITH AN OWNER ENGINEER OR JUST ISSUE AN RFP.

>>: I BELIEVE THE TIME LINES WE'RE ON WOULD MAKE IT VERY DIFFICULT FOR US TO REALLY EXECUTE A CONTRACT.

BUT I DO THINK THAT IF WE WANTED TO DEVELOP THE SCOPE FOR THE RFP TO TAKE FORWARD THAT WE WOULD HOPE THAT THAT WORK IN ISSUING THAT RFP WOULD BE WITHIN THE BOUNDS OF WHAT WE'VE AGREED TO HERE.

THAT WOULD MEAN WE WOULD BE PROBABLY QUEUING UP SEVERAL THINGS FOR CONSIDERATION NEXT SUMMER TIME FRAME.

>> TOVO: I'M HEARING THAT THE TIME LINE WOULD MAKE IT DIFFICULT FOR YOU TO CONTRACT WITH AN OWNER ENGINEER, BUT THAT I'M SENSING THAT THERE'S NOTHING IN THIS LANGUAGE THAT WOULD PROHIBIT YOU FROM CONTRACTING WITH AN OWNER ENGINEER.

>>: ACTUALLY

>> TOVO: I WANT TO BE MY STRONG FEELING ON THIS IS THAT WE SHOULD EITHER PROVIDE YOU WITH DIRECTION OR AMEND THE LANGUAGE OR DO WHATEVER WE NEED TO DO, IF OTHERS AGREE WITH ME UP HERE, TO MAKE SURE YOU CAN ISSUE AN RFP, BUT YOU CAN'T CONTRACT WITH AN OWNER ENGINEER UNTIL WE HAVE AN OPPORTUNITY

>>: THE TYPE OF CONTRACT WE WOULD BE LOOKING TO PUT IN PLACE WOULD PROBABLY BE A COUPLE MILLION DOLLARS.

THEREFORE, WE CANNOT CONTRACT WITHOUT IT COMING BACK TO CITY COUNCIL FOR APPROVAL.

>>: MAYOR.

>> MAYOR LEFFINGWELL: COUNCIL MEMBER TOVO, ARE YOU FINISHED?

>> TOVO: NOT QUITE, BUT I'M GOING TO YIELD THE FLOOR.

>> MAYOR LEFFINGWELL: COUNCIL MEMBER MARTINEZ.

>> MARTINEZ: THAT'S ALL I WANTED TO ADD, WAS THAT THERE IS A \$58,000. IT WOULD HAVE TO COME BACK TO COUNCIL IF IT EXCEEDS \$58,000.

AND WE DISCUSSED THAT WHEN WE WERE DRAFTING THIS.

>> TOVO: OKAY.

SO IT WAS ACCEPTED AS FRIENDLY, I BELIEVE, COUNCIL MEMBER SPELMAN? THE COUNCIL ACCEPTANCE PHRASE?

>> SPELMAN: YES.

>> TOVO: GREAT.

SO THE ONLY OTHER ADDITION I'D LIKE TO MAKE HERE OR SUGGEST/PROPOSE IS ON PAGE 6 OF 9.

THIS IS LISTED AN AMENDMENT 3 ON THE SHEET I PASSED OUT, DISTRIBUTED.

ON PAGE 6 OF 9, UNDER FOSSIL FUEL ADDITIONS, MY PROPOSAL WOULD BE TO CHANGE THE FIRST LINE, AS I'VE INDICATED ON THIS SHEET.

AGAIN, THE INDEPENDENT STUDY THAT'S BEING DONE WILL CERTAINLY ASSESS THE 500 MEGAWATTS OF ADDITIONAL GAS UNITS, BUT I TAKE THE POINT THAT SEVERAL PEOPLE HERE THIS EVENING HAVE RAISED, WHICH IS THAT WE SHOULDN'T HAVE LANGUAGE IN OUR GENERATION PLANT UPDATE THAT PRESUMES THAT THAT WILL BE THE OUTCOME.

AND SO I WOULD PROPOSE ELIMINATING THAT FIRST SENTENCE AND THEN ADDING INSTEAD PRIOR TO THE ADDITION ELIMINATING THE SENTENCE THE PLAN WOULD ADD 500 MEGAWATTS OF ADDITIONAL GAS UNITS BY THE BEGINNING OF 2018 AT THE SAND HILL ENERGY CENTER OR DECHERT, AND I'D REPLACE IT INSTEAD WITH PRIOR TO THE ADDITION OF ANY GAS GENERATION, AND THEN PICK UP FROM THERE.

AUSTIN ENERGY WILL ISSUE AN RFP TO SELECT A CONSULTANT, ET CETERA.

SO I PROPOSE THAT AS FRIENDLY.

>> TOVO: ALTHOUGH IT SEEMS FRIENDLY TO ME, I SEE THAT CHERYL WOULD LIKE TO MAKE A COMMENT.

SO I'D LIKE TO HEAR IT.

>>: I WOULD.

I THINK, AGAIN, IF WE GO BACK AND LOOK AT WE'RE ADOPTING A PLAN, THAT PLAN ALSO INCLUDES A STUDY AS A PROVISION OF MOVING FORWARD WITH EXECUTION OF THIS PLAN.

I THINK WHEN WE START CHANGING THAT LANGUAGE OF FOSSIL FUEL ADDITIONS, THIS IS ONLY A PLAN.

IT DOESN'T COMMIT US TO ANYTHING.

IT SAYS IF THIS PLAN CAN BE ACHIEVED AND MAINTAIN THE AFFORDABILITY AND THERE'S NOT A BETTER ALTERNATIVE AND WE'RE TALKING ABOUT STUDYING SOME OF THE ALTERNATIVES.

BUT THE PLAN WAS THE COMBINED GROUPING OF THINGS THAT AUSTIN ENERGY HAS GONE THROUGH ANALYSIS AND BROUGHT FORWARD.

SO I APPRECIATE THAT, AND I THINK THAT WE COULD ADD LANGUAGE THAT SPEAKS IN THAT PARAGRAPH TO AFTER COMPLETION OF THE STUDY AND APPROVAL BY COUNCIL.

BUT I THINK TO ACTUALLY CHANGE THE LANGUAGE TO REMOVE THE PLAN FEATURE THAT REALLY IS, IN OUR ANALYSIS, ANYHOW AND WE'LL DO ANOTHER ONE TO SEE IF THAT'S DIFFERENT, BUT IT IS INTEGRAL TO THE PLAN THAT AUSTIN ENERGY BROUGHT FORWARD.

OUR AFFORDABILITY GOALS AND OUR TO ABILITY TO ACHIEVE THE HIGHER LEVELS OF RENEWABLES AND EVERYTHING ELSE IN HERE IS ALL KIND OF DEPENDENT UPON HAVING REVENUES FROM A DISPATCHABLE PLAN.

SO I WOULD RATHER WE ADD LANGUAGE THAT SPEAKS TO STUDYING IT WITHIN THAT PARAGRAPH THAN TO CHANGE IT TO RENEW THE PLANT ITSELF.

>> SPELMAN: CHERYL, PERHAPS WE COULD DO THE FOLLOWING: KEEP THE LANGUAGE IN ITS CURRENT FORM EXACTLY THE WAY IT IS, BUT AT THE END OF THAT LAST LINE THAT WHERE IT SAYS TO FULLY REPORT BENEFITS AND RISKS OF THE STRATEGY, WHICH IS I THINK EXACTLY WHAT WE'RE TALKING ABOUT, THE INDEPENDENT CONSULTANT WILL TALK ABOUT EFFORTS AND THE RISK, IF WE ADDED TO FULLY REPORT BENEFITS AND RISKS OF THIS STRATEGY AND THEN RETURN TO THE LANGUAGE WE JUST ADOPTED A FEW MOMENTS AGO FOR APPENDIX A PRIOR TO ANY LARGE BINDING DOLLAR INVESTMENTS BEING MADE.

>>: THAT WE THINK WOULD BE APPROPRIATE.

>> SPELMAN: COUNCIL MEMBER TOVO, WOULD THAT CAPTURE THE SPIRIT OF WHAT YOU'RE TALKING ABOUT?

>> TOVO: IT CAPTURES PART OF THE SPIRIT.

I DO BELIEVE WE GOT CLEAR DIRECTION FROM OUR GENERATION PLANT TASK FORCE THAT THEY DID NOT WANT TO SEE NEW [INDISCERNIBLE] GENERATION IN OUR PLAN.

AND THIS SEEMS TO ME, AS I SAID, INITIALLY, TO REALLY PRESUME WHAT THE OUTCOME OF THAT STUDY WILL BE.

I UNDERSTAND THAT THE PROCESS YOU WENT THROUGH AND TO DEVELOP THE PLAN AND THAT IT IS A GIVE AND TAKE AND WHATNOT.

SO THAT VERY WELL MAY BE THE CLEAR ALTERNATIVE THAT COMES FROM THE INDEPENDENT STUDY.

BUT I WOULD BE MORE COMFORTABLE WITH LANGUAGE THAT DOESN'T SOUND LIKE A CERTAINTY, AS THIS ONE DOES.

ANY OTHER SUGGESTIONS IN BETWEEN?

>> SPELMAN: I GAZE YOU THE BEST SUGGESTION I'VE GOT.

IF YOU'VE GOT SOMETHING SPECIFIC, I'D LIKE TO HEAR IT.

>> TOVO: LET ME MAKE IT AS A FORMAL AMENDMENT, THEN, AND WE'LL GO FROM THERE.

PERHAPS SOMEBODY ELSE ON THE DAIS HAS SOME LANGUAGE TO SUGGEST.

I'M ADVANCING AMENDMENT 3 AS INDICATED ON THIS SHEET.

>> MAYOR LEFFINGWELL: MOTION FOR AMENDMENT BY COUNCIL MEMBER TOVO.

IS THERE A SECOND?

MOTION DIES FOR LACK OF A SECOND.

>> SPELMAN: MAYOR?

>> MAYOR LEFFINGWELL: COUNCIL MEMBER SPELMAN.

>> SPELMAN: I'D LIKE TO AMEND MY OWN MOTION THIS IS FRIENDLY TO ME, SO I'M ASKING FOR THE ADVICE OF MY SECOND.

THAT WE KEEP THIS FOSSIL FUEL ADDITIONS PARAGRAPH IN TACT EXACTLY AS IT IS, BUT ADD AT THE END OF THE LAST LINE "BENEFITS AND RISKS OF THE STRATEGY BEFORE ANY LARGE BINDING INVESTMENTS ARE MADE."

I'LL STOP.

>> MAYOR LEFFINGWELL: COUNCIL MEMBER MORRISON?

>> MORRISON: YES.

>> MAYOR LEFFINGWELL: THAT ACCEPTABLE TO YOUR SECOND? THAT'S INCORPORATED.

COUNCIL MEMBER TOVO.

>> TOVO: IF I MAY, COUNCIL MEMBER I BELIEVE THERE WASN'T MUCH CONCERN FROM AUSTIN ENERGY, THOUGH I WOULD ASK THEM TO CONFIRM THIS, ABOUT THE LANGUAGE PRIOR TO THE ADDITION OF ANY GAS GENERATION AUSTIN ENERGY [INDISCERNIBLE].

IN EFFECT, THAT'S REALLY WHAT WE'VE DONE IN APPENDIX A.

>> MAYOR LEFFINGWELL: COUNCIL MEMBER SPELMAN?

>> SPELMAN: MY APOLOGIES.

I WAS CHECKING WITH MY SECOND AS TO THE VERACITY OF THE STATEMENT I MADE A MOMENT AGO AND MISSED WHAT YOU JUST SAID.

>> TOVO: SURE.

I WAS REINTRODUCING THE LANGUAGE PRIOR TO THE ADDITION OF ANY GAS GENERAL, COMMA, AUSTIN ENERGY WILL ISSUE AN RFP.

I THINK THAT'S WHAT WE DISCUSSED ELSEWHERE.

SO I THINK REITERATING IT HERE IS PROBABLY NOT I BELIEVE I HEARD FROM AUSTIN ENERGY THAT THAT PIECE OF MY AMENDMENT WAS NOT A CONCERN.

AM I RIGHT IN THAT ASSESSMENT?

>> SPELMAN: IF YOU LIKE THAT BETTER THAN BEFORE ANY LARGE BINDING INVESTMENTS ARE MADE

>> TOVO: I THOUGHT BOTH MADE SENSE.

>> SPELMAN: SURE.

WHY NOT.

>> MAYOR LEFFINGWELL: OKAY. SECOND?

>> MORRISON: YES.

>> MAYOR LEFFINGWELL: ALL RIGHT.

SO IT'S APPROPRIATE.

ANYTHING ELSE?

COUNCIL MEMBER RILEY.

>> RILEY: I'M GOING TO OFFER AN AMENDMENT ON PAGE 4 OF THE PLAN.

THERE IS A YELLOW SHEET WITH SOME AMENDMENT ON IT.

I DON'T KNOW IF EVERYBODY HAS GOT THAT.

I DIDN'T PASS THAT OUT.

I DON'T KNOW IF SOMEBODY ELSE DID.

BUT THE AMENDMENT IS VERY, VERY SIMPLE.

IT'S UNDER PARAGRAPH 2, BOTTOM PARAGRAPH 2.

IT WOULD SIMPLY BE DELETE POINT 2, THAT READS AN ADDITIONAL 100 MEGAWATTS OF LOCAL SOLAR FOR A SOLAR PORTFOLIO, 200 MEGAWATTS CONTINGENT UPON A WEAK STRUCTURE THAT MAINTAINS EQUITY AMONG CONSUMERS.

DELETING THAT POINT WOULD NOT CHANGE THE THE SOLAR GOALS.

THOSE ARE STILL CONTAINED OVER THERE ON PAGE 6.

BUT IT WOULD ELIMINATE THAT LANGUAGE ABOUT RATE STRUCTURE EQUITY AMONG CONSUMERS BECAUSE THAT HAS RAISED SOME CONCERNS AMONG SOLAR ADVOCATES.

I UNDERSTAND THE UTILITY IS OKAY WITH THAT CHANGE.

>>: WE ARE OKAY WITH THAT DELETION.

>> RILEY: SO THAT IS FRIENDLY.

>> SPELMAN: I THOUGHT THAT HAD ALREADY BEEN DONE.

NOW IT'S REALLY DONE.

>> RILEY: I DO HAVE ONE QUESTION ABOUT THE LANGUAGE THAT WAS WORKED OUT BY MEMBERS SPELMAN AND MARTINEZ, AND IT RELATES TO THE SCOPE OF WORK.

THE VERY END OF THE SCOPE OF WORK WE'RE ASKING THE CONSULTANT TO LOOK AT OTHER BENEFITS AND IMPACTS ASSOCIATED WITH THE ALTERNATIVES, SUCH AS RESULTANT IMPACT ON WATER USE AND RESULTANT IMPACT ON LOCAL CRITERIA POLLUTANTS AND BROADER EFFECTS OF THESE POLLUTANTS.

I JUST WANTED TO ASK ABOUT THE INTENDED SCOPE OF THAT LANGUAGE.

WE HAVE HAD SUGGESTIONS THAT WE ADD ANOTHER BULLET AT THE END OF THE LIST RELATED TO CLIMATE CHANGE IMPACTS AND IMPACTS ON THE ABILITY TO MEET OUR CLIMATE PROTECTION GOALS.

BUT I GATHER THAT MY COLLEAGUES HAVE CONSIDERED THIS ISSUE WHEN THEY WERE DOING THIS LANGUAGE ON THE SCOPE OF WORK, AND I JUST WANTED TO GET YOUR TAKE ON THAT.

IS IT YOUR SENSE THAT THE PHRASE ABOUT BROADER EFFECTS OF THESE POLLUTANTS ADEQUATELY ADDRESSES THE CLIMATE PROTECTION CONCERNS?

>> SPELMAN: MY FULL INTENTION HERE WAS EXACTLY AS YOU WERE SUGGESTING, COMMISSIONER RILEY, TO SIGNAL THAT IF COUNCIL MEMBER RILEY.

IF THERE IS A WAY OF SENATOR RILEY.

[LAUGHTER]

>> SPELMAN: IF THERE IS A WAY OF CONSIDERING GLOBAL WARMING OR CLIMATE CHANGE BROADLY, THAT WOULD CERTAINLY BE A BROADER EFFECT, AND I WOULD LOVE TO SEE SOMEBODY DO THAT.

I'M NOT SURE THERE IS A REASONABLE WAY OF DOING THAT.

SO WHAT AS BROAD AN EFFECT AS WE CAN REASONABLY CONSIDER I WOULD LIKE TO SEE.

>> RILEY: SO THE INTENT OF THAT LANGUAGE WAS TO COVER THAT.

AS WE LOOK AT EACH OF THESE ALTERNATIVES, WE WOULD BE CONSIDERING THE CLIMATE PROTECTION IMPLICATIONS OF EACH ALTERNATIVE.

IS THAT OKAY.

SO THAT IS COVERED.

OKAY.

>> SPELMAN: WELL, MY INTENTION IN BROADER EFFECTS WAS TO COVER THAT TO THE EXTENT POSSIBLE.

>> RILEY: OKAY.

>> SPELMAN: I DO NOT WANT TO COMMIT BECAUSE I DO NOT BELIEVE THAT WOULD BE SUCCESSFUL IN COMMITTING AUSTIN ENERGY TO A VERY BROAD, RELATIVELY SWEEPING EXAMINATION OF CLIMATE CHANGE.

THIS SEEMED TO ME TO BE BROADENING THE SCOPE OR POTENTIALLY BROADENING THE SCOPE OF THE INQUIRE BEYOND THE TIME LINE.

>> RILEY: OKAY.

>>: I DON'T THINK HOW WE COULD ACTUALLY ANALYTICALLY DO SOMETHING LIKE THAT, WHERE YOU WOULD TIE CLIMATE CHANGE TO THIS PLAN.

>> SPELMAN: WE DO HAVE MEASURES MR. [INDISCERNIBLE], WE DO HAVE MEASURES OF THE COST OF A TON OF CO², FOR EXAMPLE.

THAT COULD BE INCLUDED EASILY.

>>: WE PRICE CARBON IN OUR PLANTS RIGHT NOW, AND CERTAINLY THIS CONSULTANT WILL PRICE CARBON AS WELL.

>> SPELMAN: OKAY.

ARE THERE ANY BROADLY ACCEPTED MEASURES OF THE PRICE OF CARBON WHICH TAKE INTO ACCOUNT LONG TERM CLIMATE EFFECTS THAT YOU'RE AWARE.

>>: THEY'RE USUALLY BASED ON A MARKET OR A REGULATION THAT MIGHT BE COMING IN THE FUTURE.

SOMEBODY WOULD INTERPRET, FOR EXAMPLE, THE NEW [INDISCERNIBLE] POTENTIAL RULE INTO MAYBE A PRICE ON CARBON JUST FOR THE SAKE OF MODELING BECAUSE IT'S HARD TO MODEL REGULATORY RULES.

SO YOU JUST PUT A PRICE FOR CARBON TO EQUAL OUT THE FIELD BETWEEN NON PRODUCING CARBON SOURCES AND CARBON SOURCES.

>> SPELMAN: WOULD IT BE FAIR TO SAY THAT ANYONE, IN RESPONDING TO THIS RFP AND CONDUCTING THE STUDY WE'RE TALKING ABOUT WOULD, COULD BE REQUIRED TO PRODUCE A NUMBER ASSOCIATED WITH THE NUMBER OF TONS OF CARBON PRODUCED, AVOIDED, AND SO ON, WITH A LIST OF THESE ALTERNATIVES.

>>: YEAH.

THAT'S SIMPLE.

THE MODELS I TALKED ABOUT DO THAT CALCULATION, GIVE YOU CO² FOR EACH SINGLE PLANT.

>> SPELMAN: SO IF SOMEONE WANTED TO COME IN BEHIND AND SAY, OKAY, YOU WEREN'T WILLING TO GO THERE, BUT I'M WILLING TO SAY THE COST OF A TON OF CO² IS SUCH AND SUCH, IN TERMS OF CLIMATE CHANGE AT THIS PARTICULAR PLACE AND TIME, THEY COULD DO THAT.

AND THAT MAY OR MAY NOT BE PERSUASIVE TO THE COUNCIL.

>>: YES.

>>: CAN I MAKE A SUGGESTION?

>> MAYOR LEFFINGWELL: SIR, UNLESS SOMEONE ASKS YOU A QUESTION.

>> SPELMAN: MR. MURRAY, DO YOU HAVE A SUGGESTION?

PLEASE KEEP IT SHORT.

>>: IT'S VERY EASY.

>> SPELMAN: OKAY.

>>: WHAT DOES IT DO TO IMPACT OUR CLIMATE PROTECTION PLAN AND OUR DRIVE TO ZERO CARBON BY 2050?

THAT'S THE METRIC.

>> SPELMAN: OKAY.

THAT WOULD BE A NON DOLLAR METRIC, BUT IT WOULD BE A METRIC WHICH MIGHT BE VERY WELL PERSUASIVE TO THE NEXT COUNCIL.

>>: YEAH.

IT'S PURPOSELY BROAD SO WE HAVE SOMETHING THAT'S CLOSE AT HAND WE CAN EASILY MEASURE.

STUDIES HAVE ALREADY BEEN RUN TO SHOW WHAT IT MIGHT LOOK LIKE.

THAT'S THE EASY METRIC.

SO YOU DON'T HAVE TO GET INTO DOING A SEPARATE EVALUATION WHAT WE'RE DOING BY BIOGEOCHEMICAL SYSTEMS OF THE EARTH.

IS IT HELPING US?

IS IT NEUTRAL AS FAR AS MEETING OUR GOAL UNDER THE COUNCIL

>> SPELMAN: MURRAY, THAT WAS BOTH SHORT AND HELPFUL.

>> MAYOR LEFFINGWELL: SO WHAT IS THE RESULT?

ARE YOU MAKING ANOTHER CHANGE?

>> SPELMAN: SENATOR RILEY, IT SEEMS TO ME WE CAN KEEP IT THE WAY IT IS, WITH THE UNDERSTANDING THAT BROADER EFFECTS MEANS AS BROAD AS POSSIBLE UNDER THE CIRCUMSTANCES.

>> RILEY: AND IN PARTICULAR WE WOULD BE INTERESTED IN THE IMPACTS ON THE OUR ABILITY TO MEET OUR GOAL OF ACHIEVING NET ZERO CLIMATE EMISSIONS.

SO IF THAT IS CONSIDERED WITHIN THE SCOPE OF THE CURRENT LANGUAGE, THEN I'M FINE WITH IT.

>>: THAT WOULD BE AN EASY RESULT TO COME TO.

>> RILEY: OKAY.

>> MAYOR LEFFINGWELL: OKAY.

IS THIS A CHANGE OR

>> SPELMAN: WE DON'T EVEN HAVE A CHANGE.

WE HAVE AN UNDERSTANDING AS TO WHAT THE MEANING OF THIS PHRASE IS.

>> MAYOR LEFFINGWELL: OKAY.

ANYTHING ELSE?

COUNCIL MEMBER MARTINEZ.

>> MARTINEZ: JUST HAVE A COUPLE OF FOLKS I WANTED TO ASK A QUESTION.

IS KAREN STILL HERE?

OH.

SO, KAREN, YOU SENT SMITTY SENT US SOME SUGGESTIONS.

I WANTED TO ASK YOU, CAN YOU HELP ME WITH YOU MADE SOME SUGGESTIONS UNDER THE SCOPE OF WORK SPECIFICALLY THAT RELATES TO THE NUMBER OF SCENARIOS.

CAN YOU SPEAK TO THAT?

>>: YES.

THANK YOU SO MUCH.

I FEEL LIKE THE STUDY WOULD BE MUCH MORE EFFECTIVE IF WE RAN AT LEAST FIVE SCENARIOS.

I DON'T THINK THAT'S A NUMBER THAT WOULD OVERWHELM THE COUNCIL, AND IT WOULD GIVE MORE OPTIONS, LIKE SOLAR AND WIND OR WIND ALONE OR WIND WITH STORAGE.

IT WOULD JUST GIVE US A LITTLE BIT MORE TO LOOK AT AND TO WORK ON.

AND I THANK YOU FOR THAT.

I WOULD RECOMMEND THAT.

THE OTHER THING IS WHAT YOU WERE JUST WORKING ON, I THINK IT WOULD BE A GREAT AMENDMENT TO JUST ADD A BULLET POINT TO THE SCOPE OF WORK THAT SAYS CLIMATE CHANGE IMPACTS AND THE IMPACTS OF THE ABILITY TO MEET THE CLIMATE PROTECTION PLAN.

>> MARTINEZ: WE DID GO BACK AND FORTH ON THIS LANGUAGE.

WE DID HAVE SOME LANGUAGE, AND SMITTY AND MICHAEL WERE PROVIDING US INPUT.

WE REDACTED THAT LANGUAGE, AND THEN WE BOTH RAN OUT OF HERE FOR THE MONTOPOLIS ZONING CASE.

SO THIS IS WHAT OUR STAFF ENDED UP WITH, COMING UP WITH.

I THINK WHAT WE WERE TRYING TO ACHIEVE AND WHAT WE'RE TRYING TO RECOGNIZE, AS WELL, IS THAT THERE ARE POLICY IMPLICATIONS THAT THE COUNCIL HAS TO CONTEMPLATE WITH ANY OF THE SCENARIOS AND ANY OF THE IMPACTS TO OUR OTHER STATED GOALS LIKE CARBON REDUCTION.

SO WE TRIED TO CRAFT THAT SECOND BULLET TO BE BROAD ENOUGH TO ADD ANYTHING INTO THAT.

AND I THINK THAT'S WHAT OUR INTENTIONS WERE.

YOUR AMENDMENT I DON'T THINK IS OUT OF BOUNDS.

IT ADDS SPECIFIC LANGUAGE.

BUT THE INTENT OF BROADER EFFECTS OF THESE POLLUTANTS CERTAINLY WAS CONTEMPLATED AS IT RELATES TO CLIMATE CHANGE IMPACTS AND OTHER EFFECTS.

>>: I APPRECIATE THE CLARIFICATION ON INTENT.

THANK YOU.

>> MARTINEZ: SO THE OTHER PERSON, CYRUS.

JUST VERY BRIEFLY, 30 SECONDS

>>: I THINK THIS IS A GOOD COMPROMISE.

IT GIVES A ROLE FOR THE EUC AT THE FRONT END.

IT GIVES A RULE FOR EUC AT THE BACK END.

IT GUARANTEES WE'LL LOOK BOTH AT THE GAS PLANT AT DECHERT, AT SAND HILL, AND WE'LL LOOK AT LEAST AT TWO OTHER ALTERNATIVES.

AND AS SIERRA CLUB, WE HELPED MEET WITH AUSTIN ENERGY AND NEGOTIATE THIS PLAN.

THIS PLAN DOES INCLUDE THE CONCEPT OF A 500 MEGAWATT GAS PLANT.

BUT WE WILL BE WATCHING THE STUDY CLOSELY AND MAKING SURE ASSUMPTIONS ARE RIGHT AND THE NUMBERS COME OUT.

IF AT THE END OF THE DAY THE GAS PLANT DOESN'T LOOK LIKE A GOOD INVESTMENT, WE'LL SAY IT.

BUT IF IT LOOKS LIKE A GOOD INVESTMENT, WE'LL BE THERE TO SAY, GIVEN EVERYTHING ELSE IN THE GENERATION PLAN, WE THINK IT WOULD BE A GOOD INVESTMENT.

THAT'S GOING TO BE A DECISION FOR THE NEXT COUNCIL.

I THINK WHAT YOU GUYS HAVE DONE THIS EVENING IS A GOOD COMPROMISE ON THE STUDY, AND WE APPRECIATE THE WORK YOU'VE DONE ON IT.

>> MARTINEZ: THANKS, CYRUS.

KHALIL, I HAD ONE LAST THAT SAME POINT ON THE SCENARIOS.

WE WERE TALKING ABOUT MY ORIGINAL LANGUAGE LEFT IT KIND OF OPEN ENDED AND SAID "SCENARIOS," PLURAL.

AND I KNOW YOU GUYS DON'T WANT TO GO LIMITLESS WITH SCENARIOS, BUT WHAT IF WE WHAT WOULD YOU SAY IF WE IF I OFFERED AN AMENDMENT THAT WOULD BE UP TO FIVE SCENARIOS?

IT MAY ONLY TAKE ONE SCENARIO IF IT'S THE RIGHT ONE, BUT IF WE ADDED UP TO FIVE, IS THAT BEEN YOUR CAPABILITIES TO ACCEPT?

>>: IN MY BUSINESS WE CALL THIS SCOPE CREEP, AND WE'RE JUST HORSE TRADING OVER I DON'T KNOW.

I'M JUST AFRAID.

BY THE TIME WE GET THE CONSULTANT ON BOARD AND START DOING STUDIES, FIVE IS MORE THAN THREE.

IT'S ALMOST DOUBLE THE AMOUNT OF WORK THEY'RE GOING TO HAVE TO DO.

WE ALREADY DID THIS ANALYSIS.

WE'RE VERIFYING THE PLANT.

WE'RE DOING A TRUEUP AGAINST TWO OTHER SCENARIOS.

I JUST YOU KNOW, WE KEEP EXPANDING THE SCOPE.

>> MARTINEZ: FAIR ENOUGH.

>>: AND WE WANT BACK AND ALL SAT DOWN AND ALL AGREED ON SOMETHING.

>> MARTINEZ: HOW ABOUT UP TO FOUR?

[LAUGHTER]

>>: OKAY.

I GOT THE NOD FROM THE BOSS SO FOUR.

>> MARTINEZ: I'LL MAKE A FRIENDLY AMENDMENT THAT WE JUST ADD LANGUAGE THAT SAYS THAT THE COMPARISON WITH UP TO FOUR OTHER SCENARIOS IN THE SCOPE OF WORK.

>> SPELMAN: MAYOR?

>> MAYOR LEFFINGWELL: COUNCIL MEMBER SPELMAN.

>> SPELMAN: I ADMIRE THE SENTIMENT.

I ADMIRE THE NEGOTIATION TACTIC.

MY CONCERN IS IF WE'RE SETTING UP THE NEXT COUNCIL FOR BELIEVING UP TO FOUR MEANS FOUR, THEN THAT REALISTICALLY MEANS WE'RE GOING TO HAVE FOUR TO LOOK AT.

AND I'M NOT YET PERSUADED THAT THE CONSULTANT WILL BE ABLE TO PRODUCE FOUR WITHIN THE TIME AND MONEY AVAILABLE.

SO I DON'T WANT TO SET THE CONSULTANT UP FOR FAILURE.

UP TO FOUR SEEMS REASONABLE.

BUT SO LONG AS IT'S TWO OR MORE I THINK THAT WOULD BE SUFFICIENT.

SO I'M NOT PREPARED JUST YET TO ACCEPT THAT.

>> MAYOR LEFFINGWELL: GO AHEAD, COUNCIL MEMBER MORRISON.

>> MORRISON: I'D LIKE TO ADD I'D LIKE TO MAKE SURE THAT THE LANGUAGE INCLUDES A MINIMUM OF TWO.

A MINIMUM OF TWO, UP TO FOUR.

>> MARTINEZ: TWO TO FOUR?

>> MORRISON: TWO TO FOUR.

>> MAYOR LEFFINGWELL: I THINK THAT'S THE SAME THING.

>> MORRISON: WELL, UP TO FOUR COULD MEAN ONE.

>> MARTINEZ: COULD MEAN ONE.

>> MORRISON: YEAH.

>> MAYOR LEFFINGWELL: WHATEVER.

>> MORRISON: SO YOU AND I ARE GOING TO HAVE TO [INDISCERNIBLE]

>> SPELMAN: MAYOR?

>> MAYOR LEFFINGWELL: COUNCIL MEMBER.

>> SPELMAN: I MOVE TWO, BUT NO MORE THAN FOUR.

>> MAYOR LEFFINGWELL: MINIMUM OF TWO BUT NO MORE THAN FOUR.

OKAY.

>> MARTINEZ: FAIR ENOUGH.

>> MAYOR LEFFINGWELL: SOUNDS LIKE THAT'S ACCEPTED.

IS THERE ANYTHING ELSE?

I ASSUME EVERYONE KNOWS WHAT THEY'RE VOTING ON.

SO ALL THOSE IN FAVOR OF THE MOTION AS AMENDED MULTIPLE TIMES SAY AYE.

>>: AYE.

>> MAYOR LEFFINGWELL: OPPOSED SAY NO.

NO.

SO THAT PASSES ON A VOTE OF 6 1, WITH MYSELF VOTING NO.

>> MAYOR LEFFINGWELL: SO WE WILL GO TO 147 AND 153.

AND, JERRY, CAN WE GO AHEAD AND ADDRESS 147?

IT'S ALREADY CLOSED FOR SIGN UP, AND IT'S THE SAME PROPERTY, BUT IT'S WE DO HAVE A NUMBER OF PEOPLE SIGNED UP TO SPEAK ON 153.

THERE'S NOTHING WRONG WITH GOING AHEAD AND VOTING ON 147 FIRST, IS THERE NOT?

>>: EXCUSE ME?

>> MAYOR LEFFINGWELL: NOTHING WRONG WITH GOING AHEAD AND VOTING ON 147 BEFORE WE GET TO 153?

>>: THERE'S NOT.

BUT I'D LIKE TO UPDATE THE COUNCIL ON SOME PROPOSED NEW CONDITIONS THAT THE APPLICANT IS OFFERING UP ON 147.

>> MAYOR LEFFINGWELL: OKAY.

>>: SECOND READING.

ITEM 147 IS C14 2014 0123, KNOWN AS SPRINGDALE FARM FOR THE PROPERTY LOCATED AT 75 SPRINGDALE ROAD.

THE REQUEST IS ZONING FROM CSMU CO NP TO CSMU CO NP, CHANGE A CONDITION OF ZONING, MOST SPECIFICALLY TO REMOVE THE PROHIBITION OF OUTDOOR ENTERTAINMENT AS A CONDITIONAL USE.

THE COUNCIL DID APPROVE THIS ON FIRST READING ON A VOTE OF 5 1.

THERE WAS A VALID PETITION THIS MORNING.

THERE WAS NOT THIS AFTERNOON.

AND THERE IS, AGAIN, THIS EVENING A BALLOT PETITION AT 22%.

THEREFORE, THIS WILL REQUIRE AT LEAST SIX VOTES TO PASS ON SECOND AND THIRD READINGS.

HOWEVER, AT FIRST READING, COUNCIL MEMBER MORRISON REQUESTED THERE BE A MEETING BETWEEN THE APPLICANT AND NEIGHBORS AND PETITIONERS.

THAT MEETING WAS HELD.

STAFF WAS NOT A PART OF THAT MEETING.

THERE WAS NO CONSENSUS REACHED AT THAT MEETING.

HOWEVER, THE APPLICANT IS OFFERING UP A NEW RESTRICTIVE COVENANT THAT WAS NOT THERE AT FIRST READING THAT WOULD RESTRICT A NUMBER OF EVENTS AND THE HOURS OF EVENTS.

I'M GOING TO QUICKLY READ THROUGH THE PROPOSED CONDITIONS BY THE APPLICANT.

THEY ARE TO LIMIT THE NUMBER OF EVENTS FOR EVENTS THAT ARE LESS THAN 50 PEOPLE, TO HAVE NO LIMIT ON THEM.

FOR EVENTS BETWEEN 51 AND 150 PEOPLE, TO HAVE NO MORE THAN 30 EVENTS.

FOR EVENTS THAT ARE OVER 150 PEOPLE, TO HAVE NO MORE THAN FIVE EVENTS PER YEAR.

THAT THE HOURS OF EVENTS WILL BE LIMITED 3:00 TO 8:00 ON MONDAY THROUGH THURSDAY; ON FRIDAY FROM 3:00 TO 10:00; ON SATURDAY FROM 10:00 TO 10:00 P.M.; ON SUNDAY FROM 10:00 TO 8:00 P.M.

THE AMPLIFIED SOUND ONLY MAY ONLY BE PERMITTED FOR 30 EVENTS OF BETWEEN 51 AND 150 PEOPLE. BUT ALL OTHER EVENTS ARE NON AMPLIFIED.

THE HOURS OF AMPLIFIED SOUND ARE LIMITED ON SUNDAY THROUGH FRIDAY FROM 10:00 TO 8:00, AND ON SATURDAY FROM 10:00 TO 10:00 P.M., THAT ALL SOUND IS LIMITED TO NO MORE THAN 75 DECIBELS, THAT NO EVENTS ARE HELD WITHIN 80 FEET FROM ANY PROPERTY ZONED OR USED AS SINGLE FAMILY RESIDENTIAL, AND THAT NO AMPLIFIED SOUND WOULD BE PERMITTED DURING THE LAST FIVE YEARS OF WHAT'S KNOWN AS THE SPRING FESTIVAL SEASON, WHICH IS THE DEFINITION OF OUR CODE, THE COMMON WORD FOR THAT WOULD BE DURING SOUTH BY SOUTHWEST. HOWEVER, THE LAW DEPARTMENT WILL NOT ALLOW US TO USE THOSE SPECIFIC WORDS SO WE ARE CALLING IT THE LAST FIVE DAYS OF THE SPRING FESTIVAL SEASON.

AS I SAID, WE DO HAVE A BALLOT PETITION, AND THE APPLICANT IS HERE TO SPEAK TO THE CONDITIONS PROPOSED IN THE RESTRICTIVE COVENANT.

AND I'M AVAILABLE FOR ANY QUESTIONS.

>> MAYOR LEFFINGWELL: ANY QUESTIONS?

OKAY.

COUNCIL MEMBER MORRISON.

>> MORRISON: SO I APPRECIATE THAT EVERYBODY HAS BEEN WORKING HARD, BUT THERE AND THERE'S BEEN SOME MOVEMENT.

THERE IS STILL A LOT OF SEPARATION BETWEEN WHERE THE NEIGHBORS ARE AND THE APPLICANT. AND I JUST PASSED OUT A MOTION THAT I'VE SHARED THIS WITH BOTH PARTIES, AND NOBODY IS HAPPY WITH IT.

BUT IT'S SOMETHING THAT I COULD SUPPORT.

LET ME EXPLAIN WHY HOW I GOT THERE.

IT BASICALLY FOLLOWS THE SAME STRUCTURE THAT MR. RUSTHOVEN JUST READ OUT, IN TERMS OF WHAT THE NUMBERS ARE AND HOURS ARE.

WHAT I DID IS TAKE THE INITIAL NUMBER THAT THE APPLICANT STARTED WITH, IN TERMS OF LARGE EVENTS, AND THAT WAS BASICALLY 40.

AND THE NEIGHBORS WERE AT 10.

SO I ADDED THEM TOGETHER AND DIVIDED BY 2 AND GOT 25.

SO THAT WOULD BE 20 EVENTS THAT ARE THAT MID RANGE OF 51 TO 150 AND 5 EVENTS THAT COULD BE OVER 150.

AND THEN STILL UNLIMITED.

THE OTHER PLACE WHERE THERE WAS SEPARATION WAS ON THE FRIDAY ENDING HOUR, WHERE THE NEIGHBORS WERE ASKING THAT THINGS END AT 8:00 P.M. AND THE APPLICANT WANTED TO KEEP IT AT 10:00.

SO I ALSO DID THE SOLOMON THING AND I HAVE ON MY MOTION 9:00.

SO I BELIEVE THOSE ARE THE AND IT'S THE SAME EVERYTHING ELSE IS THE SAME.

I CAN TELL YOU, ALSO, THAT THE NEIGHBORS HAVE A LOT OF CONCERNS STILL ABOUT THE USE OF ALCOHOL, ABOUT THE PARKING ON AISD, AND SOME OTHER THINGS THAT I THINK ARE MUCH FINER GRAIN.

AND WE DO HAVE THE C.U.P. PROCESS THEY WOULD HAVE TO GO THROUGH.

SO I COULD BE COMFORTABLE SUPPORTING A MOTION THAT LIMITS TO THESE NUMBERS, THE EVENTS.

I'M NOT COMFORTABLE LEAVING THESE REALLY IMPORTANT NUMBERS THAT I THINK HAVE A VERY IMPACTFUL CAN BE VERY IMPACTFUL TO THE PLANNING COMMISSION.

SO I'M HOPING THAT I'M HOPING THAT THIS WAS ENOUGH OF A DIVIDE OF THE BABY BECAUSE WE WEREN'T ABLE TO HAVE THE PARTIES COME TOGETHER AND DO IT THEMSELVES.

SO THAT'S MY MOTION, MAYOR.

>> MAYOR LEFFINGWELL: IS THERE A MOTION ON SECOND/THIRD READING?

>>: MAYOR, I HAVE A QUESTION.

>> MAYOR LEFFINGWELL: LET ME GET AN ANSWER HERE.

IS THAT YOUR MOTION ON THE SECOND/THIRD READING?

IS THERE A SECOND?

SECOND BY COUNSEL MEMBER TOVO.

MAYOR PRO TEM COLE.

>> COLE: COUNCIL MEMBER MORRISON, AS PART OF YOUR MOTION WOULD YOU CONTEMPLATE BECAUSE GROUPS LIKE

>> MORRISON: I BELIEVE THOSE WOULD BE UNDER 50 ATTENDEES, AND THERE'S AN UNLIMITED NUMBER UNDER 50.

>> COLE: I'M NOT SURE FOR VARIOUS NON PROFITS THAT HAVE EVENTS THERE, WHAT THE ATTENDANCE WOULD BE.

IS THERE SOMEBODY THAT COULD SPEAK TO THAT?

MICHELLE, OR . . .

>>: MY UNDERSTAND IS THERE ARE SOME FREE EVENTS OVER 50 PEOPLE, THAT'S CORRECT.

>> MORRISON: SO THOSE WOULD COUNT IN THE 20.

>> COLE: YES, IT WOULD BE TOTAL.

>> MORRISON: SO YOU'RE SUGGESTING THAT IS THAT SOMETHING WE CAN PUT IN THE ORDINANCE, THAT IF THEY'RE FREE THEN THERE ARE MORE?

>> COLE: I THINK IT WOULD SAY NO MORE THAN 20 EVENTS AND 5 FREE AND NO MORE THAN 5 FREE EVENTS.

>> MORRISON: YEAH, I WAS ASKING STAFF IF WE CAN ACTUALLY REFERENCE THINGS BEING FREE.

>>: I THINK OUR PREFERENCE WOULD PROBABLY BE TO NOT DO THAT BECAUSE OF ENFORCEMENT ISSUES. BUT I WOULD DEFER TO THE LAW DEPARTMENT.

>> MAYOR LEFFINGWELL: DO YOU HAVE ANY COMMENT?

>>: OUR PREFERENCE WOULD BE THAT WE NOT REFERENCE "FREE."

WHETHER IT'S FREE OR NOT HAS NOTHING TO DO WITH THE CONDITIONS THAT WE'RE PLACING REQUIREMENTS ON FOR SO IT WOULD JUST BE BETTER IF IT WAS JUST

>> MORRISON: THAT'S A NO.

>>: YES, THAT'S A NO.

>> MAYOR LEFFINGWELL: I THINK IT WAS A QUALIFIED NO. AND IT WAS JUST A PREFERENCE FOR NO, NOT A LEGAL REASON FOR NO.

>>: WELL, THE LEGAL REASON FOR NO IS BECAUSE WE REGULATE WE DON'T REGULATE THE COST OF THINGS.

WE LEGITIMATE ISSUES, NOISE, TRAFFIC.

>> MAYOR LEFFINGWELL: OKAY.

SO IT'S A FIRM NO.

>>: IT'S A FIRM NO.

>> COLE: CAN I ASK MICHELLE OR THE APPLICANT HOW MANY FREE EVENTS THAT YOU HAVE OR THAT ARE JUST KIND OF COMMUNITY SERVICE?

I DON'T WANT TO RESTRICT THOSE THAT DON'T NECESSARILY COUNT AGAINST YOU FOR US TO HAVE A FEEL FOR . . .

>>: I'M SORRY.

I MISSED YOUR QUESTION.

>> COLE: I THINK IT'S MICHELLE THAT SPEAKS TO THIS.

>>: SORRY.

I NEED SOME CLARIFICATION.

IN THE NUMBER WE WERE PROPOSING, WHICH WAS 35, WE WERE INCLUDING SOME OF THOSE FREE EVENTS, SOME OF WHICH WOULD HAVE BEEN OVER 200 PEOPLE.

SO CUTTING IT BACK TO 25 WOULD MOST LIKELY ELIMINATE FREE EVENTS OR SOME OF THEM.

>> COLE: CURRENTLY THE MOTION ON THE TABLE IS FOR THERE TO BE NO MORE THAN 20 EVENTS.

>>: 25.

>> COLE: AND NO MORE THAN 5 EVENTS OVER 150.

SO A TOTAL OF 25.

>>: CORRECT.

>> COLE: SO I GUESS, COUNCIL MEMBER MORRISON, I'M ASKING BECAUSE OF THE FREE EVENTS SO ARE YOU SAYING BECAUSE OF THE CUTBACK, YOU WOULD NO LONGER HAVE THE FREE EVENTS?

>>: I'M NOT SAYING THAT, NECESSARILY.

I'M SAYING GIVEN THERE WOULD BE TEN LESS OPPORTUNITIES FOR EVENTS, I'M NOT SURE THAT THEY WOULD THEY MIGHT BE CHOOSING MORE CAREFULLY WHICH EVENTS THEY'RE HAVING.

>> COLE: EVEN IF WE GAVE YOU MORE EVENTS, THAT DOESN'T GUARANTEE YOU WOULD GO BACK TO THE FREE EVENTS?

>>: THAT COULD BE TRUE.

>> COLE: OKAY.

>> MAYOR LEFFINGWELL: COUNCIL MEMBER SPELMAN.

>> SPELMAN: MICHELLE, WHILE YOU'RE THERE, THIS IS A PIECE OF PAPER I HAVE IN FRONT OF ME, AND I WASN'T KEEPING TRACK OF MR. RUSTHOVEN'S LITANY OF HOW MANY EVENTS YOU WOULD BE IF YOU CAN REMIND US.

YOU AGREED TO AN UNLIMITED NUMBER OF EVENTS WITH FEWER THAN 150 ATTENDEES.

IS THAT RIGHT?

>>: CORRECT.

>> SPELMAN: HOW MANY WITH 51 TO 150 ATTENDEES?

>>: WE HAD PROPOSED 30.

>> SPELMAN: HOW MANY EVENTS WITH OVER 150 ATTENDEES HAD YOU PROPOSED?

>>: OVER 150 WAS 5.

>> SPELMAN: 5.

SO THE ONLY DIFFERENCE, THEN, IN TERMS OF NUMBER OF EVENTS IS 20 VERSUS 30.

>>: CORRECT.

>> SPELMAN: WHICH YOU ORIGINALLY

>>: THAT'S MY UNDERSTANDING.

>>: THE ONLY IMPORTANT THE ONLY DIFFERENCE IN HOURS OF EVENTS WAS 9:00 VERSUS 10:00 ON FRIDAY?

>>: THAT'S CORRECT.

>> SPELMAN: OKAY.

>>: AND THERE'S NO DIFFERENCE IN AMPLIFIED SOUND OR LOCATION OF EVENTS EITHER.

IS THAT CORRECT?

>>: THAT'S CORRECT.

>> SPELMAN: OKAY.

THANK YOU.

MAYOR, IT SEEMS TO ME THE DIFFERENCE BETWEEN COUNCIL MEMBER MORRISON SOLOMON LIKE SUGGESTION AND WHAT THE FARM WAS OFFERING UP IS SUFFICIENTLY SMALL.

IT SEEMS EASIER TO TAKE MY POINT OF VIEW IS IT SEEMS TO BE EASIER TO TAKE THE FARM'S SUGGESTION, 30 VERSUS 20, 35 VERSUS 25, 10:00 P.M. VERSUS 9:00 P.M. ONE DAY A WEEK DOESN'T STRIKE ME AS BEING A VERY LARGE DIFFERENCE

>>: CAN'T HEAR YOU.

>> SPELMAN: SORRY.

I WAS JUST SAYING I'M GOING TO VOTE AGAINST THE MOTION BECAUSE I BELIEVE THE WHAT THE FARM IS OFFERING IS A REASONABLE NUMBER OF EVENTS AND A REASONABLE EVENT TIME PERIOD.

>> MAYOR LEFFINGWELL: SO YOU CAN MAKE A MOTION TO AMEND, AMEND THE MAIN MOTION TO REFLECT WHAT YOU JUST SAID.

>> SPELMAN: I COULD DO THAT.

I'M NOT SURE WHAT I WOULD AMEND IT TO OTHER THAN TO GO FROM 20 TO 30 AND FROM 9:00 TO 10:00.

THAT WOULD BE A DIRECT WAY TO DO THAT AND WOULD CAPTURE EXACTLY WHAT IT IS THAT YOU
ORIGINALLY SUGGESTED.

IS THAT CORRECT?

>>: THAT'S CORRECT.

>> SPELMAN: OKAY.

WELL, I MOVE TO AMEND.

>>: I'M AMENABLE TO SOMETHING IN BETWEEN AS WELL.

IF THAT MAKES ANY SENSE OR LESS COMPLICATED?

>> SPELMAN: ALL RIGHT.

HOW ABOUT I MOVE FROM 20 TO 25 ON 51 TO 150 ATTENDEES?

ARE YOU AMENABLE TO THAT?

>> MAYOR LEFFINGWELL: YOU SAID IT.

>>: I WOULD BE AMENABLE TO THAT, BUT I'D DEFER TO YOU.

>> MAYOR LEFFINGWELL: OKAY.

SO THE MOTION IS TO CHANGE THE NUMBER OF EVENTS FROM 51 TO 150 TO 25 AND FRIDAY NIGHT
CLOSE TIME TO 10:00 P.M.

>>: THAT'S NOT FRIENDLY.

>> MAYOR LEFFINGWELL: I THINK COUNCIL MEMBER SPELMAN PROPOSED IT AS AN AMENDMENT.

>> SPELMAN: MY PROPOSAL WOULD HAVE BEEN 25 AND 10:00 P.M.

>> MAYOR LEFFINGWELL: IS THAT YOUR MOTION FOR AMENDMENT?

>> SPELMAN: THAT IS MY PROPOSAL FOR AMENDMENT.

>> MAYOR LEFFINGWELL: IS THERE A SECOND?

SECOND BY COUNCIL MEMBER RILEY.

>>: THERE IS A BALLOT PETITION.

>> MAYOR LEFFINGWELL: NOT ON THE AMENDMENT.

>> SPELMAN: MAYOR, IF THE AMENDMENT FAILS, WE GO BACK TO THE MAIN MOTION, WHICH IS 20
AND 9:00 P.M.; IS THAT CORRECT?

>> MAYOR LEFFINGWELL: CORRECT.

THOSE IN FAVOR

>> TOVO: I HAVE A QUESTION.

>> MAYOR LEFFINGWELL: COUNCIL MEMBER TOVO.

>> TOVO: I NEED TO BE REMINDED HOW THE 9:00 CAME UP.

THERE WAS AN 8:00 REQUEST AND A 10:00.

THE SPRINGDALE OWNERS WANTED 10:00.

THE NEIGHBORS WERE ASKING 8:00.

WOULD YOU MIND CLARIFYING, COUNCIL MEMBER MORRISON.

>> MORRISON: THAT'S CORRECT.

SPRINGDALE WAS ASKING FOR 10:00, AND THE NEIGHBORS WERE ASKING THEY WERE COMFORTABLE WITH THINGS HAPPENING BEFORE 8:00.

SO THEY WANTED TO BASICALLY LIMIT THE IS MY UNDERSTANDING, LIMIT SORT OF THE IMPACT ON THEIR EVENINGS.

AND THEY FELT THAT DOING IT UNTIL 8:00 WOULD ACCOMPLISH THAT.

SO THIS IS JUST MOVING THEM A BIT BEYOND THAT.

>>: I'M SORRY.

WE'RE ACTUALLY FINE WITH 9:00.

I DIDN'T CLARIFY THAT.

9:00 P.M.

>> MAYOR LEFFINGWELL: YOU'RE FINE WITH 9:00?

>>: YES.

>> MAYOR LEFFINGWELL: OKAY.

SO I WOULD PROPOSE A FRIENDLY AMENDMENT TO THE AMENDMENT TO CHANGE THE TIME, FRIDAY NIGHTTIME CLOSING TIME TO 9:00.

WOULD THAT BE ACCEPTABLE?

>> SPELMAN: MORE THAN SAMPLE TO ME IF IT IS ACCEPTABLE TO THE APPLICANT.

BUT I THINK OF 25 I THINK GIVING THEM AN EXTRA FEW EVENTS WOULD BE A GOOD THING TO DO.

>> MAYOR LEFFINGWELL: RIGHT.

COUNCIL MEMBER RILEY, IS THAT ALL RIGHT WITH YOU?

SO THE AMENDMENT IS JUST TO CHANGE THE 51 TO 150 EVENTS TO A MAXIMUM OF 25.

THAT'S ALL THAT WE'RE ADDRESSING HERE.

>>: MAYOR?

>> MAYOR LEFFINGWELL: COUNCIL MEMBER MORRISON.

>> MORRISON: I GUESS I'D LIKE TO UNDERSTAND IF THERE'S SORT OF ANY FOUNDATION TO PICKING 25.

WE COULD JUST AS EASILY SAY THE NEIGHBORS REALLY WANT 10 SO WHY DON'T WE GO TO 15.

I'M TRYING TO UNDERSTAND HELP ME UNDERSTAND WHY WE WOULD MOVE IN THAT DIRECTION AND NOT THE OTHER DIRECTION?

>> SPELMAN: WE HAVE NOT BEEN TALKING ABOUT ECONOMICS, BUT OF COURSE WHAT'S UNDERLYING ALL THIS, SPRINGDALE FARMS PAYS ITS NOTE ON THE BASIS IN LARGE PART, ON EVENTS.

THERE'S A YOU CERTAIN NUMBER OF EVENTS WHICH, IF WE GO TO THAT POINT OR BELOW, THEY SIMPLY WON'T MAKE ENOUGH MONEY IN ORDER TO BE ABLE TO PAY THEIR EXPENSES AND GO OUT OF BUSINESS.

I DON'T KNOW WHAT THAT NUMBER IS.

I DON'T HAVE A PROCEDURE FOR GETTING THAT NUMBER, SHORT OF GOING THROUGH THEIR BOOKS AND ALL SORTS OF INTRUSIVE STUFF.

IT SEEMED TO ME IF WE GET TO BE TOO LOW, THEN WE'RE PUSHING THE POINT WHERE WE MAY AS WELL JUST PLAIN SAY NO.

>>: RIGHT.

MAYOR, IF I CAN RESPOND?

>> MAYOR LEFFINGWELL: REAL QUICKLY, I ALSO HEARD THAT THERE WAS A POTENTIAL FOR LOSING AT LEAST SOME FREE EVENTS, COMMUNITY BENEFIT TYPE OF EVENTS IN THAT MID RANGE NUMBER.

COUNCIL MEMBER MORRISON.

>> MORRISON: SO A COUPLE OF THINGS.

I APPRECIATE THAT POINT BECAUSE I AGREE.

WE WANT THEM TO STAY IN BUSINESS.

BUT THEY GREW THIS WEDDING BUSINESS AND THIS EVENT CENTER BUSINESS OVER THE PAST SMALL NUMBER OF YEARS.

AND SO IN FACT, SOME OF THE WHAT I WOULD CONSIDER RATHER COMPELLING COMMENTS THAT WE GOT IN E MAILS WERE FROM PEOPLE SAYING, YOU KNOW, I LOVE SPRINGDALE FARMS BECAUSE I LOVED HAVING THE FARM THERE.

BUT THEY'VE MOVED AWAY FROM BEING A FARM AS THEY'VE MOVED INTO THE EVENT VENUE BUSINESS.

AND SO MY THOUGHT IS THAT THEY WERE ABLE TO MAKE A LIVING FOR MANY YEARS AS A FARM, MOVING THEN INTO THE EVENT BUSINESS.

THE OTHER OPTION, OF COURSE, IS THAT THE COST OF WEDDINGS WILL GO UP FOR THEM.

ALTHOUGH THERE'S A LIMIT TO HOW MUCH THAT COULD BE.

SO I GET YOUR POINT.

I GET THE POINT ABOUT THE BUT I THINK THERE ARE OTHER FORCES AT WORK.

I DON'T QUITE BUY IT.

I FEEL A LITTLE BIT COMPELLED BY THE CONCERN ABOUT FREE EVENTS.

SO I COULD MAYBE MOVE TO 22, BUT NOT 25.

BUT I'M NOT GOING TO MOVE TO I'M NOT GOING TO BE ABLE TO SUPPORT 25.

I DON'T THINK THAT'S FAIR TO MOVE JUST TOWARD THEM AS OPPOSED TO THE OTHERS.

>>: I THINK YOU'VE MADE A COMPELLING ARGUMENT.

>> MORRISON: MICHELLE, MAY I ASK YOU

>>: YES, PLEASE ASK ME A QUESTION.

>> MORRISON: WHAT ARE YOU THINKING RIGHT NOW, MICHELLE, EXCEPT FOR THE FACT THAT YOU'D REALLY LIKE THIS TO BE PUT TO BED TONIGHT.

>>: I WOULD.

SO I'M WILLING TO DO WHAT NEEDS TO BE DONE AND BE DONE SO I'M NOT THE LAST AGENDA ITEM TONIGHT.

>> SPELMAN: 22.

>> MAYOR LEFFINGWELL: SO COUNCIL MEMBER SPELMAN AMENDS HIS AMENDMENT TO SAY 22 INSTEAD OF 25.

>>: THAT'S FRIENDLY.

>> MAYOR LEFFINGWELL: THAT'S FRIENDLY?

>>: YES.

>>: THAT'S NOW ACCEPTED AS A FRIENDLY AMENDMENT.

>> MAYOR LEFFINGWELL: WE CHANGED THAT.

>>: WE DID?

>> MAYOR LEFFINGWELL: YES, IT WAS REOFFERED AS A FRIENDLY AMENDMENT.

SO HERE WE ARE COUNCIL MEMBER MARTINEZ.

>> MARTINEZ: I DID HAVE ONE QUESTION.

MAYBE COUNCIL MEMBER MORRISON CAN HELP ME WITH THIS.

CAN YOU HELP ME WITH THE RATIONALE BEHIND AMPLIFIED SOUND FOR EVENTS 51 TO 150 BUT NOT OVER 150?

IT SEEMS COUNTERINTUITIVE THAT YOU WOULD IF THE EVENT IS OVER 150, IT'S GOING TO BE HARDER TO HEAR FOLKS IF THERE'S A WEDDING OR WHATEVER.

>> MORRISON: WE SHOULD PROBABLY HAVE MICHELLE COME, BUT IT'S MY UNDERSTANDING THAT THE LARGE EVENTS THAT HAVE NO CAP AT ALL ARE MORE LIKE THE URBAN FARM TOUR AND THINGS LIKE THAT, WHEREAS THE MID RANGE ARE THE WEDDINGS AND THINGS.

>>: THAT'S CORRECT.

>> MARTINEZ: ALL RIGHT.

I SEE.

>> MAYOR LEFFINGWELL: OKAY.

WE ARE BACK TO THE MAIN MOTION, WHICH IS TO APPROVE THE ITEM.

MOTION IS BY COUNCIL MEMBER MORRISON.

THE ONLY CHANGE TO IT IS 22 EVENTS MAXIMUM IN THE MID RANGE.

>> SPELMAN: MAYOR?

>> MAYOR LEFFINGWELL: COUNCIL MEMBER SPELMAN.

>> SPELMAN: THAT ALSO SHOWS UP UNDER AMPLIFIED SOUND OUTDOOR AMPLIFIED SOUND ALLOWING 22 EVENTS OF 51 TO 100.

>> MAYOR LEFFINGWELL: OKAY.

MAKE ALL THE CHANGES NECESSARY TO COMPLY WITH THAT.

JERRY, ARE YOU GOING TO COMPLICATE IT AGAIN?

>>: NO.

I'D JUST LIKE TO ADD I'M NOT SURE I MENTIONED BEFORE BUT THERE WAS A THING IN THERE THAT NO EVENTS OVER 170 PEOPLE WOULD BE ALLOWED AFTER 5:00.

THAT WAS AN AGREEMENT EVERYONE AGREED TO EARLY ON I'M SORRY, 150.

>> MORRISON: I THINK NO EVENTS OVER 150 ALLOWED AFTER 5:00 P.M.

>>: THAT'S RIGHT.

>> MORRISON: WHICH GOES TO THE QUESTION OF NO SOUND

>>: CORRECT.

THAT'S ON THE SHEET YOU HAVE.

>> MORRISON: WE HAVE IT.

>>: IT'S IN THERE.

>> MAYOR LEFFINGWELL: ALL RIGHT.

THOSE IN FAVOR OF THE MOTION SAY AYE.

>>: AYE.

>> MAYOR LEFFINGWELL: OPPOSED SAY NO.

THAT PASSES ON A VOTE OF 7 0 ON SECOND AND THIRD READINGS.

>>: THANK YOU, MAYOR.

I BELIEVE THAT BRINGS US TO ITEM 153, WHICH IS A RELATED ITEM.

C14 99 2061(RCT), ALSO FOR SPRINGDALE FARM, ALSO LOCATED AT 755 SPRINGDALE ROAD.

THE ZONING IS CSMU AND CO NP AND REMAINS SO AFTER THE LAST VOTE.

THIS IS TO REMOVE A RESTRICTIVE COVENANT THAT'S RATHER UNUSUAL.

WE HAVE SOMETHING COMMONLY CALLED AS ROLLBACK RESTRICTIVE COVENANT.

BACK IN THE 1990S I BELIEVE THIS WAS DONE IN 1999 THE CITY OF AUSTIN, THROUGH A SMALL BUSINESS LOAN PROGRAM, MADE A LOAN TO THE OWNER OF THIS PROPERTY TO OPEN A LANDSCAPE BUSINESS.

AT THAT TIME THE ZONING WAS CHANGED FROM SF 3 TO LI, AND AT THE TIME OF THE ZONING CHANGE THE APPLICANT AGREED TO THE RESTRICTIVE COVENANT THAT SAID THEY WOULD NOT OPPOSE A CHANGE IN THE ZONING BACK TO LI AND SF 3 IF THE LANDSCAPE BUSINESS EVER CEASED.

WE DO THOSE RESTRICTIVE COVENANTS.

WE'VE GOTTEN AWAY FROM THEM IN THE PAST COUPLE OF YEARS BECAUSE ALL THEY REALLY SAY IS THE APPLICANT WILL NOT SPEAK AGAINST THE CASE AT COUNCIL, AND THERE IS A FIRST AMENDMENT ISSUE THERE.

THIS ONE IS RATHER UNUSUAL BECAUSE NORMALLY THAT WOULD BRING IT BACK DOWN TO WHAT IT IS BEFORE IT WENT UP.

IN THIS PARTICULAR INSTANCE, THE ZONING COULD GO FROM CS TO LI FOR A PORTION OF THE PROPERTY, WHICH IS ACTUALLY GOING UP.

AND I DON'T BELIEVE EITHER THE CITY NOR THE APPLICANT NOR THE NEIGHBORHOOD WOULD LIKE TO SEE LI ZONING ON THE SPRINGDALE FARM PROPERTY.

THEREFORE, THE STAFF RECOMMENDS APPROVAL OF THE TERMINATION OF THE RESTRICTIVE COVENANT.

AND WE'RE AVAILABLE FOR ANY QUESTIONS.

>> MAYOR LEFFINGWELL: SO YOU'RE SAYING IF THIS COVENANT IS NOT REMOVED, IT COULD GO TO LI ZONING.

>>: IF THE RESTRICTIVE COVENANT IS NOT REMOVED AND THE LANDSCAPE BUSINESS EVER CEASES AND THE LANDSCAPE BUSINESS ACTUALLY STILL EXISTS ON THE PROPERTY IN OFFICE FORM, ANYWAY IF THE LANDSCAPE BUSINESS EVER CEASED AND THE CITY WERE TO INITIATE A REZONING OF THE PROPERTY BACK TO LI AND SF 3, THEN THE OWNER WOULD NOT OPPOSE THAT REQUEST IS WHAT THE RESTRICTIVE COVENANT STATES.

>> MAYOR LEFFINGWELL: OKAY.

>>: MOVE STAFF APPROVAL

>> MAYOR LEFFINGWELL: WELL, WE HAVE SPEAKERS.

>>: OH.

SORRY.

[LAUGHTER]

>> MAYOR LEFFINGWELL: SUSANA ALMANZA.

THIS IS ON THE COVENANT TERMINATION ONLY.

IS CLAUDIA [INDISCERNIBLE] HERE?

>>: YES.

MAYOR, THE CHAIR OF THE CONTACT TEAM IS GOING TO GO FIRST.

>> MAYOR LEFFINGWELL: OKAY.

WHO WANTS TO GO FIRST?

>>: DANIEL YANEZ [PHONETIC].

HE'S THE CHAIR.

>> MAYOR LEFFINGWELL: DANIEL YANEZ.

YOU HAVE SEVERAL PEOPLE OFFERING TO DONATE.

IS DAVID KING HERE?

>>: YES, HE'S HERE.

>> MAYOR LEFFINGWELL: I DON'T SEE HIM.

>>: DAVID KING?

>> MAYOR LEFFINGWELL: YES.

ALL RIGHT.

LET ME SANTOS PETE, SANTOS PETE?

OR IS IT PETE SANTOS?

>>: PETE SANTOS.

>> MAYOR LEFFINGWELL: IS HE HERE?

>>: HERE COMES DAVID KING.

>> MAYOR LEFFINGWELL: WELL, WHERE'S PETE?

OKAY.

PEDRO SANTOS.

PEDRO SANTOS.

IS THAT SO YOU'VE SIGNED UP TWICE, PETE?

ALL RIGHT.

SO IS DAVID DAVID IS HERE.

SO YOU HAVE NINE MINUTES.

>>: WELL, MAYOR, I WISH YOU HAD TAKEN THIS ITEM FIRST.

WE ARE VERY DISAPPOINTED WITH YOU FOR AND ALL OF YOU FOR DOING THIS.

SO I'LL LET THE VIDEO RUN, AND THEN I WILL CONTINUE COMMENTS.

[VIDEO PLAYING]

>>: HELLO, CITY COUNCIL.

MY NAME IS CLAUDIA.

LIVING NEXT TO A FARM IS A GREAT THING.

I'VE BEEN THERE MANY TIMES, AND I'VE BOUGHT VEGETABLES.

I'M COMING TO YOU ASKING THAT YOU HELP SUPPORT OUR POINT OF VIEW.

WE DON'T WANT TO LIVE NEXT TO AN EVENT CENTER.

NO ONE WANTS TO LIVE NEXT TO AN EVENT CENTER.

WE LOVE EAST AUSTIN.

WE WANT IT TO BE A PEACEFUL, QUIET PLACE WHERE ONE DAY, HOPEFULLY, I CAN RAISE MY KIDS.

WITHOUT YOU WE'LL LOSE THIS NEIGHBORHOOD WE CHERISH SO MUCH.

THANK YOU.

>>: HELLO. MY NAME IS [INDISCERNIBLE], AND I WOULD LIKE TO THANK LAURA MORRISON FOR HER SUPPORT.

I AM APPEALING TO THE REST OF YOU ON THE CITY COUNCIL TO CONSIDER OUR BALLOT PETITION IN MAKING YOUR DECISION FOR THE PEOPLE AND THE NEIGHBORHOOD.

AS A FORMER BUSINESS OWNER, I WAS REQUIRED BY THE CITY TO PROVIDE AMPLE PARKING FOR MY PATRONS.

I HAVE NO ISSUES WITH THE FARM, BUT I DO NOT WANT AN EVENT CENTER AT MY BACKYARD.

PLEASE KEEP MY NEIGHBORHOOD A NEIGHBORHOOD.

>>: HI THERE.

MY NAME IS KIRSTEN SLADE.

I SHARE A BACK FENCE WITH SPRINGDALE FARM.

WHEN MY FAMILY AND I MOVED HERE A FEW YEARS AGO, THE FARM WAS A BIG DRAW FOR US, BEAUTIFUL GREEN SPACE, QUIET NEIGHBORHOOD.

LIVING NEXT DOOR TO A FARM IS BEAUTIFUL.

LIVING NEXT DOOR TO AN EVENT CENTER IS A LITTLE CHALLENGING.

I KIND OF DREAD WEDDING SEASON.

YOU CAN'T SLEEP WITH THE WINDOWS OPEN.

YOU CAN'T SLEEP WITH THE WINDOWS CLOSED.

THANK YOU FOR HEARING MY MESSAGE AND THE MESSAGE OF MY NEIGHBORS.

I JUST FEEL LIKE THE ACTIONS OF ONE FAMILY SHOULD NOT DICTATE THE ENJOYMENT OF EVERYONE ELSE IN THE NEIGHBORHOOD.

THANK YOU.

>>: HELLO.

MY NAME IS MARA [INDISCERNIBLE], AND I LIVE AT 4609 GLISSMAN ROAD.

I'D LIKE TO START OFF BY SAYING I DO SUPPORT THE FARM.

WHAT I DON'T SUPPORT IS THE NONFARM RELATED ACTIVITIES.

I'VE COME HOME FROM WORK MANY TIMES NERVOUS ABOUT WHETHER OR NOT THE FARM WOULD BE HOLDING EVENTS.

THESE EVENTS BRING HIGH TRAFFIC, PARKING ISSUES, LITTERING, AND LOUD CHEERING AND MUSIC.

I'M ASKING YOU TO PLEASE HELP KEEP OUR NEIGHBORHOOD THE QUIET, PEACEFUL PLACE I GREW UP KNOWING.

>>: I'M ROSA SANTOS.

I'M A BUSINESS WOMAN, AND I LOVE FARMS.

BUT I'M HERE TO REQUEST THAT THE FARMERS PROVIDE THEIR OWN PARKING SPACE AND THEY FOLLOW ALL THE LAWS AND RESPECT THE NEIGHBORS.

I THINK THE FARMERS SHOULD NOT BE PROFITING AT THE EXPENSE OF THE PEACE OF MIND OF THE NEIGHBORS.

MEMBERS OF THE CITY COUNCIL, PLEASE SUPPORT US.

AND I THANK VERY MUCH LAURA MORRISON FOR THE SUPPORT SHE HAS GIVEN US.

>>: HELLO.

MY NAME IS LAURA LOPEZ, AND I LIVE ON GLISSMAN ROAD RIGHT BEHIND SPRINGDALE FARM.

I DO NOT LIKE THE FACT THAT THE FARM IS TURNING ITS BUSINESS, BASICALLY, INTO AN EVENT CENTER.

MY NEIGHBORHOOD BEFORE WAS VERY PEACEFUL AND TRANQUIL, AND NOW IT'S VERY CHAOTIC, BASICALLY, WITH ALL THE EVENTS THAT ARE GOING ON.

SO I'M COMING TO YOU, ASKING YOU TO PLEASE DON'T ALLOW THESE CHANGES TO BE MADE AND HELP RESTORE MY COMMUNITY BACK TO THE PEACEFUL, TRANQUIL COMMUNITY IT ONCE WAS.

>>: HI.

MY NAME IS CYNTHIA CASTILLO, AND I LIVE ON GLISSMAN ROAD.

AND I, LIKE MY NEIGHBORS, DO NOT WANT THE FARM TO CLOSE.

I JUST DO NOT LIKE THE FACT IT'S TURNING INTO AN EVENT CENTER.

BEING A MOTHER OF THREE SMALL CHILDREN, I DO NOT LIKE THE FACT THAT WHEN WE GO ON BIKE RIDES OR WALKS WE SEE TRASH OR PEOPLE PARKING THAT DISRUPTS OUR STREETS.

IT HAS BECOME DIFFICULT FOR MY KIDS, FOR MY BOYS, TO SETTLE DOWN AT NIGHT.

I JUST WOULD REALLY LIKE THE PEACE BACK IN OUR COMMUNITY.

THANK YOU.

>>: HI, MY NAME IS MARIO [INDISCERNIBLE], AND I WAS BORN AND RAISED ON GLISSMAN ROAD.

THIS ISN'T ABOUT THE FARM.

THIS IS ABOUT THE LIVE VENUES THE FARM WANTS TO HAVE.

THE LIVE VENUES DISRUPTS THE NEIGHBORHOOD'S PEACEFULNESS.

WE ARE A WORKING CLASS COMMUNITY.

WE SHOULD NOT HAVE TO PUT UP WITH THESE DISTURBANCES, ESPECIALLY AT A PLACE WE CALL HOME.

AND I WOULD LIKE FOR YOU TO TAKE THIS INTO CONSIDERATION AS IF IT WAS YOUR HOME THAT WAS BEING DISTURBED.

[END OF VIDEO]

>>: THE CONTACT YOU CAN TURN IT OFF NOW.

IN SUPPORT OF THE PETITION SIGNERS, I AM ABSOLUTELY ASHAMED OF ALL OF YOU.

YOU KNOW, FOR DECADES AND DECADES AND DECADES WE HAD A RACIST COUNCIL, A RACIST SETUP.

AND Y'ALL, IN YOUR LAST ACT, ARE DOING THE EXACT SAME THING.

ONE FAMILY, ONE PROPERTY OWNER, OVERALL OF THE REST.

YOU DON'T HAVE TO BAIL OUT ANYBODY.

AND THIS IS A BAILOUT.

AND THIS IS A VERY RACIST THING.

THIS IS A COMMUNITY THAT WAS FORCED TO LIVE WHERE THEY ARE.

THEY MADE LEMONADE OUT OF LEMON. AND NOW IT IS ABSOLUTELY SHAMEFUL THAT YOU HAVE DONE THIS.

AND, MAYOR, YOU SHOULD HAVE TAKEN THIS FIRST.

THAT'S WHAT MR. RUSTHOVEN TRIED TO GET YOU TO DO, AND YOU DIDN'T.

I FEEL ASHAMED OF YOU.

AND THIS CITY, THIS IS WHY WE WENT TO THE 10 1 COUNCIL.

KATHIE, I'M JUST AMAZED THAT YOU DID NOT SUPPORT A NEIGHBORHOOD.

HAD THIS HAPPENED SOMEWHERE ELSE IN WEST AUSTIN OR IN YOUR NEIGHBORHOOD, IT WOULD HAVE BEEN VERY DIFFERENT.

WE HAVE SAID TO YOU OVER AND OVER AND OVER AGAIN I TOLD YOU, LAURA, YESTERDAY OR WHEN WE MET, THAT PEOPLE OF COLOR ARE TREATED ENTIRELY DIFFERENTLY THAN WHITE PEOPLE IN THIS TOWN.

THE FARMERS AND THEIR ADVOCATES MADE THIS A RACE ISSUE.

THIS WAS A ZONING CASE.

BUT YOU HAVE TREATED IT AND CREATED IT AS A RACE ISSUE.

YOU SHOULD BE ASHAMED OF YOURSELF.

SO THAT'S YOUR LEGACY.

THAT'S YOUR LAST SHOT HERE, IS TO DO THE GOOD OLD BOY SYSTEM AT LARGE, RIGHT?

I DON'T KNOW WHAT TO YOU KNOW, WHAT TO SAY.

IT'S TERRIBLE, WHAT'S HAPPENING HERE.

YOU HAD THE CASE OF MONTOPOLIS.

THEY WERE TELLING YOU THAT PEOPLE OF COLOR WHO HAVE HAD A HARD TIME IN THIS TOWN, BECAUSE OF ALL OF THE RACIST POLICIES AND THE UNCONSCIOUSNESS YOU'RE TOTALLY OBLIVIOUS TO YOUR ACTIONS AS HUMAN BEINGS HERE.

I'M VERY ASHAMED OF ALL OF YOU, AND I'M VERY HAPPY THAT THERE WILL NEVER BE A COUNCIL LIKE THIS AGAIN.

AND, KATHIE, FORGIVE ME, I RESPECT YOU, BUT YOU WERE SUPPOSED TO SUPPORT NEIGHBORHOODS.

I'M SORRY THAT YOU'LL BE ON THE COUNCIL AGAIN.

I DON'T KNOW WHAT ELSE TO SAY TO Y'ALL.

IT'S TERRIBLE AND SHAMEFUL, WHAT'S HAPPENING HERE.

ANY QUESTIONS?

THANK YOU.

[APPLAUSE]

>> MAYOR LEFFINGWELL: NEXT SPEAKER IS SUSANA ALMANZA.

ALL RIGHT.

ANGELICA NOYOLA.

IS SANDRA QUADROS HERE?

SO YOU HAVE SIX MINUTES.

>>: JUST SO YOU KNOW, SINCE WE DIDN'T GET TO GO FIRST, TABC HAS AN OPEN INVESTIGATION ON SPRINGDALE FARMS, WHETHER THE UNLIMITED COMPLIMENTARY VODKA COCKTAILS AND WINE RECEIVED WITH PURCHASE OF A MEAL TICKET CONSTITUTES AS A SALE OF ALCOHOL.

IT'S STILL UNDER INVESTIGATION.

AISD HAS PROVIDED A WRITTEN STATEMENT THAT NO ALCOHOL IS ALLOWED TO BE POSSESSED OR CONSUMED ON SCHOOL PROPERTY.

WHERE ARE THESE PEOPLE GOING TO PARK AT SINCE IT'S BYOB?

AISU WILL NOT ALLOW SPRINGDALE'S USAGE OF THE PARKING LOT UNTIL THEY FURTHER INVESTIGATE AND REQUIRE THE FARM TO PAY FOR TWO OFF DUTY AISD OFFICERS TO BE PRESENT FOR EACH EVENT, WHICH INCLUDES THE RESTAURANTS, WHICH YOU GUYS OBVIOUSLY DON'T THINK IS AN EVENT, AND IT IS BECAUSE YOU HAVE UPWARDS TO A HUNDRED PEOPLE THERE.

CONGRATULATIONS TO Y'ALL.

THE LEGACY YOU WILL LEAVE IS ONE OF DISREGARD FOR A HOMEOWNER'S RIGHT TO ENJOY THEIR HOME.

YOU HAVE ALSO OPENED THE DOOR TO ANYONE WHO FAILS AT A BUSINESS AND IN THIS CASE TWO BUSINESSES TO COME AND ASK THE TAXPAYERS TO SUFFER BECAUSE OF THEIR LACK OF BUSINESS EXPERTISE.

NOW I'M GOING TO READ A LETTER THAT WAS SUBMITTED BY DR. TANG WARD [PHONETIC] TO "THE AUSTIN CHRONICLE" BECAUSE IT HAS SOMETHING TO DO WITH THIS ISSUE.

THE CHRONICLE'S COVERAGE OF THE SPRINGDALE FARM ZONING CHANGE IS INTENTIONALLY MISLEADING READERS.

BUSINESSES SEEKING ZONING CHANGES AND COMMUNITY ACTIVISTS OPPOSING CHANGES ARE NOTHING NEW.

THE LAUGHABLE ONE SIDED REPORTING FROM ANNA [INDISCERNIBLE] BRINGS TO LIGHT A TROUBLING POLITICAL UNDERTONE.

FIRST THE ISSUE WAS THE NEIGHBORHOOD RESISTING THE NEGATIVE IMPACT OF THE EVENT CENTER.

LET'S JUST CALL IT WHAT IT IS.

NOT THE FARM ITSELF.

THEN AGAIN, THEY DON'T DO 25% FARMING.

JUST SO YOU KNOW, SEGOVIA PRODUCE IS DROPPING OFF ITEMS AT THEIR FARM, AS THEY CALL IT.

ANYONE SUPPORTING THE FARM ZONING CHANGE BECAUSE THEY HONESTLY FEEL THAT FARMS SHOULD HAVE 30 NONFARM RELATED EVENTS A YEAR WITH AMPLIFIED OUTDOOR ENTERTAINMENT OR THEY THINK THAT A LAME DUCK CITY COUNCIL SHOULD OVERRIDE A LATINO COMMUNITY'S NEIGHBORHOOD PLAN ON THE EVEN OF THEIR HISTORIC WIN FOR REPRESENTATION IS DOING NOTHING FOR THE FUTURE OF FARMS OR COMMUNITY RELATIONS IN AUSTIN.

A GREAT ZEAL OF ZONING CHANGE SUPPORT HAS BEEN DRUMMED UP THROUGH THIS PAPER, THE CHRONICLE, THEIR REPORTING, WHICH HAS EMPLOYED A SUBTLE [INDISCERNIBLE] MESSAGE WHICH DANGEROUSLY PLAYS TO PEOPLE'S WHITE PRIVILEGE.

NUMBER OF PEOPLE COLORED STAFF AT THE CHRONICLE?

ANYBODY KNOW?

SMALL, IF ANY.

SECOND, VERY IMPORTANT, THE DEFAMATION OF COUNSEL CANDIDATE SUSANNA ALMANZA AND [INDISCERNIBLE] IS NOT SO SUBTLE.

NO GENERAL REPORTING ON THE DECADES OF COMMUNITY ACTIVISM THAT HAVE EARNED HER AND HER ORGANIZATION NATIONAL ACCLAIM OR THE MARAUD OF SIGNIFICANT SUCCESSES, BUT INSTEAD A CARTOONISH PORTRAIT OF SOMEONE WHOM REFUSES TO NEGOTIATE WITH OTHERS.

I WAGER THAT ALMANZA AND CAMPAIGN MANAGER DANIEL YANEZ HAVE NEGOTIATED SUCCESSFULLY WITH DEVELOPERS AND THE CITY ON MORE ISSUES THAN ALL OTHER CANDIDATES COMBINED.

AND THE IDEA THAT BEALE, WHO IS OBVIOUSLY SUPPORTING THE FARMS, IS SOMEHOW KNOWN TO THE CITY AS A STALWART OF MEASURED CONTINENCE IS MERELY POLITICAL RHETORIC, INSINUATING THAT SUSANA IS NOT.

THE ONLY CLEAR EXAMPLE THE CHRONICLE HAS GIVEN OF ALMAZA'S NEGATIVITY IS HER COMMENT THAT "I AM NOT RUNNING AGAINST MY BROTHER.

HE IS RUNNING AGAINST ME."

HER COMMENT MEANS SHE HAS NO ILL WILL TOWARDS HER BROTHER, DESPITE HIS NEGATIVITY ON THE CAMPAIGN TRAIL.

OF ALL CITY COUNCIL CANDIDATES, WHICH ONE HAS HAD THE MOST MUD SLUNG AT THEM AND SLUNG THE LEAST BACK?

>> MAYOR LEFFINGWELL: COULD I ASK YOU TO HOLD ON.

>>: BECAUSE IF PEOPLE KNEW

>> MAYOR LEFFINGWELL: HOLD ON.

I'M ASKING YOU TO STOP.

>>: PROMOTING COMMUNITY GARDENING AND ENVIRONMENTAL JUSTICE FOR OVER 30 YEARS.

>>: [OFF MIC]

>> MAYOR LEFFINGWELL: I'VE CUT OFF YOUR MIC.

>>: [OFF MIC]

>> MAYOR LEFFINGWELL: MA'AM, IF YOU DON'T ALLOW ME TO MAKE A COMMENT, I'M GOING TO ASK YOU TO STOP.

YOUR TIME IS TERMINATED.

>>: [OFF MIC]

[APPLAUSE]

>> MAYOR LEFFINGWELL: NEXT SPEAKER SIGNED UP, AGAINST, SUSANA ALMANZA.

IS CLAUDIA ALFARO HERE?

AND SANDRA QUADROS?

SO YOU HAVE UP TO NINE MINUTES.

>>: GOOD AFTERNOON, MAYOR AND CITY COUNCIL MEMBERS.

I'M SUSANA ALMANZA, DIRECTOR FOR THE PEOPLE ORGANIZED IN THE DEFENSE OF EARTH AND HER RESOURCES.

I WILL LATER SEND YOU THIS LETTER SENT BY MEL WEXLER, AND HE DOES SAY: DEAR MS. NOYOLA, PURSUANT TO YOUR SECOND REQUEST BY TELEPHONE THIS AFTERNOON, PLEASE BE ADVISED OF THE FOLLOWING.

THE MOST RECENT DATE APPROVED BY THE DISTRICT IN RESPONSE TO REQUEST BY SPRINGDALE FARMS WAS

>> MAYOR LEFFINGWELL: EXCUSE ME A SECOND.

SET THE TIME FOR SIX MINUTES. SO TAKE TWO MINUTES OFF BECAUSE SANDRA HAS ALREADY DONATED HER TIME.

>> COLE: WELL, I HAVE PEDRO [INDISCERNIBLE] THAT WILL GIVE ME HIS TIME.

>> MAYOR LEFFINGWELL: HE'S DONATED TIME ALSO TO DANIEL YANEZ.

>>: I'M SORRY.

ROSA [INDISCERNIBLE]

>> MAYOR LEFFINGWELL: SO LEAVE THE TIME AS IT IS.

ROSA [INDISCERNIBLE] IS DONATING HER TIME TO SUSANA ALMANZA.

IF YOU'LL MAKE THAT CHANGE.

>>: TO DECEMBER 6, 2014.

FOR THE TIME BEING, THE DISTRICT WOULD NOT AUTOMATICALLY APPROVE APPLICATIONS FROM SPRINGDALE FARMS PENDING FURTHER DISCUSSION WITH THE FARM.

SHOULD SPRINGDALE FARMS MAKE FURTHER REQUESTS IN THE FUTURE, AGREE TO COVER THE REQUIRED COST OF SECURITY, AND AGREE TO COMPLY WITH ALL THE DISTRICT POLICIES AND REGULATIONS, ACCESS TO THE PARKING AREA MAY BE GRANTED IN ACCORDANCE WITH EXISTING DISTRICT POLICY.

THE SCHOOL BOARD ALSO IS INVESTIGATING HOW THEY'RE GOING AROUND THE LOOPHOLE.

THEY'RE HAVING ALCOHOL THERE.

THEY'RE WITHIN 200 FEET OF A SCHOOL.

THE SCHOOL IS OPEN.

THEIR PRE K SCHOOL IS GOING ON THERE, AND THEY'RE HAVING ALCOHOL.

YOU KNOW BY LAW THAT IS NOT ALLOWED.

THEY'RE BEING ALLOWED TO CIRCUMVENT THE LAW BY BRINGING YOUR OWN BOOZE.

BUT I HAVE A LOT OF YOU CAN LOOK IT UP ON THE WEBSITE.

THEY'RE OFFERING FOOD AND DRINKS IF YOU BUY A TICKET.

SO YOU'RE SELLING ALCOHOL. IF YOU'RE GIVING FOOD AND DRINKS.

BUT Y'ALL DON'T WANT TO SEE THAT.

IT'S OKAY FOR YOUR SCHOOL CHILDREN TO BE PROTECTED AND NOT TO AND TO ABIDE BY THE LAW.

BUT WHEN IT COMES TO EAST AUSTIN, I DON'T THINK Y'ALL ARE WILLING TO LOOK AT THAT.

THAT'S VERY SHAMEFUL AND IT'S VERY SAD.

WHAT DOES IT SAY ABOUT CHILDREN OF COLOR?

THAT YOU REALLY DON'T CARE ABOUT CHILDREN OF COLOR?

THAT YOU CAN HAVE ALCOHOL WITHIN 200 FEET AND IT'S OKAY?

WELL, THE SCHOOL BOARD DIDN'T THINK IT WAS OKAY.

SO THEY'RE FURTHER INVESTIGATING WHAT IS HAPPENING THERE.

AND THEN THE OTHER ISSUE WAS THE WHOLE ISSUE OF PARKING SPACES.

YOU TOTALLY IGNORED THAT.

YOU'VE GOT THREE BUSINESSES.

YOU'VE GOT THE MAINTENANCE BUSINESS, URBAN FARM, AND THEN YOU ALSO HAVE THE PERMANENT FOOD TRAILER BUSINESS.

HOW MANY PARKING SPACES ARE REQUIRED BY LAW?

YOU'RE JUST GOING AROUND.

YOU TALK ABOUT METERS AND HAVING MORE PARKING SPACE, BUT YET JUST BECAUSE THEY'RE AN URBAN FARM YOU'RE WILLING TO NOT EVEN LOOK AT THE WHOLE REQUIREMENT OF A COMMERCIAL AND THE PARKING SPACES THAT ARE REQUIRED.

THAT REALLY SAYS A LOT ABOUT HOW YOU ARE LOOKING AT IT.

YOU SHOULD NOT BE LOOKING AT THIS AS A FOOD ISSUE AND ALSO SUBSIDIZING A BUSINESS.

THIS IS A ZONING ISSUE.

THIS IS A ZONING ISSUE.

AND I KNOW THAT THE CHRONICLE AND OTHER PEOPLE HAVE SAID, WELL, SUSANA, YOU'RE AGAINST URBAN FARMS.

NO, I'M NOT.

I SUPPORT URBAN FARMS.

I ALSO SUPPORT JUSTICE.

WHEN [INDISCERNIBLE] NEEDED A HANDOUT, I DIDN'T HEAR THE COUNCIL SAY LET THEM SELL ALCOHOL NOT THAT WE WOULD. WE WOULD NOT EVER DO THE ALCOHOL.

LET'S HELP [INDISCERNIBLE] SO THEY CAN CONTINUE TO FUNCTION TO FIGHT FOR JUSTICE AND TO ORGANIZE THE COMMUNITY.

NO, I DIDN'T HEAR Y'ALL COME OUT.

BUT FOR THE POOR FARMERS OVER HERE, YOU WANT TO SUBSIDIZE THEM AND BAIL THEM OUT.

THERE'S THREE OTHER FARMERS, AND I HAVEN'T SEEN THEM ASK FOR A DIME OR AN EVENT.

THEY'RE ABIDING BY THE URBAN FARM ORDINANCE OF SIX EVENTS PER YEAR.

BUT YOU'RE NOT.

LET ME GET TO THE RESTRICTIVE COVENANT.

DO NOT REMOVE THAT RESTRICTIVE COVENANT.

I'LL TELL YOU WHY.

BECAUSE THEY ALREADY HAVE BEEN IN VIOLATION FOR YEARS.

IF YOU LOOK AT THE RESTRICTIVE COVENANT, PLEASE LOOK AT IT CAREFULLY.

THE RESTRICTION WAS THEY ARE TO HAVE NO COMMUNITY RECREATION, PUBLIC OR PRIVATE.

PUBLIC OR PRIVATE.

IT'S A PROHIBITION ON THIS RESTRICTIVE COVENANT.

THE OTHER POINT: NO FOOD SALES IN THIS 755 SPRINGDALE.

LOOK AT YOUR RESTRICTIVE COVENANT.

COMMUNITY RECREATION, PUBLIC AND PRIVATE, NO FOOD SALES, NO RESTAURANT, LIMITED OR GENERAL.

SO WHEN YOU LOOK AT THE RESTRICTIVE COVENANT THAT WAS PASSED IN 1999, WE HAVE BEEN TELLING YOU THEY HAVE BEEN IN VIOLATION, NOT ONLY BY HAVING, YOU KNOW, EVENTS EVERY WEEK FOR 52 WEEKS OF THE YEAR, BUT YOU HAVEN'T EVEN BOTHERED TO LOOK AT THE RESTRICTIVE COVENANT.

YOU HAVEN'T EVEN BEEN ABLE TO LOOK AT THE PARKING SPACES.

I SAY DON'T REMOVE IT, BECAUSE WHEN YOU REMOVE IT YOU REMOVE THE PROHIBITION THAT WE PUT IN PLACE WITH THEM.

YES, WE WERE THERE.

WE WERE THE ONES THAT SET THESE RULES THERE IN THIS RESTRICTIVE COVENANT.

AND EVEN THOUGH YOU'RE SAYING, WELL, YOU'RE GOING TO GO TO SF 3 TO LI, LET ME TELL YOU, WE HAVE THE MOST RESTRICTIVE LI IN HERE.

THE ONLY THING YOU CAN DO IN LI IS THE HOME MAINTENANCE, THE NURSERY.

IF YOU LOOK AT ALL THE THINGS THAT ARE PROHIBITED THERE, YOU KNOW, THAT YOU COULD DO IN LI, THEY CAN'T DO.

THERE'S A WHOLE LIST OF THINGS THAT WE'VE MADE SURE THAT THEY COULD NOT PUT UNDER LI.

SO EVEN THOUGH THE BASE ZONING WOULD REVERT LI/SF, IT IS NOT REALLY LI BECAUSE THERE WERE SO MUCH THINGS WE RESTRICTED, YOU WOULD NOT HAVE IT.

BUT WHAT YOU WOULD DO IS YOU WOULD LIFT THE RESTRICTION OF THE RESTRICTIVE COVENANT AND THE OVERLAY PUT ON THIS PARTICULAR ITEM THAT SAID THEY COULD NOT HAVE OUTDOOR.

SEE, YOU WENT THE OTHER WAY.

YOU WERE SUPPOSED TO LOOK AT THE RESTRICTIONS AND PASS THAT FIRST.

BUT YOU DID IT BACKWARDS.

YOU'RE NOW SAYING YOU CAN HAVE THIS, BUT THE RESTRICTIONS ARE STILL IN PLACE.

AND NOW YOU'RE GOING TO HAVE TO VOTE ON THE RESTRICTIONS AND PASS THAT BECAUSE THEY'RE IN VIOLATIONS.

AND THAT'S WHY THEY WANT TO REMOVE THE RESTRICTIVE COVENANT.

BECAUSE THEY'RE BEING IN VIOLATION.

THEY CAN'T CONTINUE TO FUNCTION THE WAY BUT FROM ALL OF THIS TIMES, WHEN THEY STOPPED BEING AN URBAN FARM AND BECAME A SPECIAL EVENT CENTER, THEY WERE IN VIOLATION.

WHEN THEY WERE URBAN FARMERS, THEY WERE FINE.

THEY HAVE TO DECIDE.

YOU CANNOT SAY YOU'RE AN URBAN FARM BUT YOU'RE NOT.

YOU'RE EITHER GOING TO BENEFIT FROM BEING AN URBAN FARM AND DO YOUR WRITE UPS, OR YOU'RE GOING TO SAY YOU'RE A SPECIAL EVENT CENTER AND YOU NEED TO KICK IN THE POLICIES AND REQUIREMENTS REQUIRED BY A SPECIAL EVENT CENTER.

THIS IS A GREAT INJUSTICE HAPPENING HERE, AND I AM JUST TOTALLY BLOWN AWAY THAT HOW YOU'VE BENT OVER BACKWARDS FOR ONE FAMILY IN EAST AUSTIN, ONE FAMILY IN EAST AUSTIN, WHEN THEY HAVE BEEN IN ALL TYPES OF VIOLATIONS, WHEN THEY CAME BEFORE THIS COUNCIL FOR NONCOMPLIANCE OF THE URBAN FARM ORDINANCE AND THEN THEY WANT TO MAKE IT SEEM LIKE WE'RE THE VILLAINS, WE'RE THE BAD PEOPLE.

WE'RE NOT THE BAD PEOPLE.

YOU SAW IN THAT VIDEO THE PEOPLE BEING IMPACTED BY THEM.

I'VE BEEN HERE SO MANY TIMES WHEN PEOPLE IN WEST AUSTIN HAVE TALKED ABOUT VENUES AND NOISE AND PUBLIC INTOXICATION AND EVERYTHING ELSE, AND NOBODY IS VILIFYING THEM.

BUT WE COME UP HERE AND I TELL YOU, A LOT OF NASTINESS HAS BEEN THE HATRED THAT HAS BEEN PUT ON PEOPLE OF COLOR IN EAST AUSTIN.

AND YOU CAN LOOK AT THE FACEBOOK AND YOU CAN LOOK AT THE CHRONICLE THAT'S FUELING THIS CONSTANT FIRE OF HATRED TOWARDS US TO NOW WHERE NOW YOU'RE BELIEVING IT.

YOU HAVE BEEN CONVINCED.

YOU HAVE BEEN CONVINCED THAT PEOPLE OF COLOR ARE HARMING THE URBAN FARMERS AND THAT WE DO NOT HAVE A RIGHT, THE SAME RIGHT THAT OTHER PEOPLE IN WEST AUSTIN HAVE, OF HAVING PEACE AND TRANQUILITY IN OUR NEIGHBORHOOD.

AND YOU'RE TALKING ABOUT FEET.

THESE PEOPLE ARE WITHIN FEET OF A VENUE.

I'M NOT TALKING ABOUT ACROSS THE STREET, AROUND THE CORNER, DOWN ANOTHER NEIGHBORHOOD.

I'M TALKING ABOUT BACK TO BACK.

BACK TO BACK.

JUST GO DOWN THE STREET.

THAT'S HOW THEY ARE ON BOTH SIDES.

ON BOTH SIDES.

AND YOU HAVE THE AUDACITY TO SIT THERE AND ACT LIKE YOU HAVE TO RESCUE/BAIL OUT ONE FARMER WHEN THREE OTHERS HAVE DECIDED THAT THEY'RE GOING TO BE IN COMPLIANCE AND

THEY'RE BEING GOOD NEIGHBORS AND WE HAVEN'T HAD A COMPLAINT AGAINST THOSE THREE FARMERS.

BUT THESE FARMERS ARE CONSISTENTLY DOING IT.

AND NOW YOU'VE VOTED TO GIVE THEM 25 EVENTS?

AND YOU ACT LIKE YOU OH, LET'S DO 40 AND SUBTRACT THAT AND TAKE IT BY THIS AND, OH, I THINK 25 BUT, NO, LET'S GIVE THEM 22.

LET'S LOOK AT HOW MANY NUMBERS.

HOW DISGUSTING. I'M SORRY.

>> MAYOR LEFFINGWELL: THANK YOU.

>>: THANK YOU SO MUCH FOR

>> MAYOR LEFFINGWELL: JANE [INDISCERNIBLE].

JANE.

OKAY.

AMANDA HUG AND KISS.

[LAUGHTER]

>> MAYOR LEFFINGWELL: ALL RIGHT.

SOMEBODY IS HAVING FUN TONIGHT.

ROBIN SCHNEIDER.

>>: GOOD EVENING.

MY NAME IS ROBIN SCHNEIDER.

I LIVE AT 2609 SHERWOOD LANE.

AND TO ME IT'S REALLY SAD THAT THIS IS HOW THIS COUNCIL IS GOING TO END.

THAT YOU HAVE TAKEN SOMEONE WHO IS NOT IN COMPLIANCE WITH A RESTRICTIVE COVENANT THAT THEY SIGNED AND THAT HAS BEEN VIOLATING IT TIME AND TIME AGAIN, AND YOU ARE GIVING THEM PERMISSION TO CONTINUE TO DO SOMETHING THAT WOULD NOT BE ALLOWED IN MY NEIGHBORHOOD IN SOUTH AUSTIN.

IT WOULD NOT.

MY NEIGHBORHOOD WOULD BE UP IN ARMS HERE, AND YOU WOULD NOT ALLOW THIS, KATHIE, IN DISTRICT 9 IN SOUTH AUSTIN.

FURTHERMORE, THE REVIEW SHEET TALKS ABOUT AND WE HEARD THIS LAST TIME WHEN THIS ISSUE CAME UP AT THE LAST MEETING THAT THE FORMER ALLAN ELEMENTARY, WHICH IS ZONED PNP AND IS CURRENTLY USED AS AN AISD STORAGE FACILITY, THAT IS NOT TRUE.

AND THAT IS ON THE CITY DOCUMENTS.

I DON'T KNOW IF THIS OPENS UP US FOR A LAWSUIT OR NOT, BUT THAT IS NOT TRUE.

AND WE'VE HEARD ABOUT AISD AND WHAT THEY'RE THINKING ABOUT HOW THIS IS IN VIOLATION WITH WHAT THEY'RE THINKING.

I MEAN, I REALLY THINK THAT THIS IS A RACIST ACT.

AND THIS JUST CONTINUES WHAT THIS CITY COUNCIL HAS DONE FOR DECADES AND DECADES.

AND TO ME IT'S JUST THE PERFECT ARGUMENT FOR WHY WE NEED 10 1.

AND I URGE YOU TO REOPEN YOUR DECISION, RECONSIDER YOUR FINAL YOUR LAST DECISION, YOUR LAST VOTE AND I SAW YOU DO THAT JUST A FEW MONTHS AGO TO RECONSIDER AND TO THE VOTE THAT YOU JUST HAD.

THIS IS NOT APPROPRIATE FOR A NEIGHBORHOOD WHERE PEOPLE ARE RAISING THEIR FAMILIES.

A FARM IS FINE, BUT AN EVENT CENTER IS NOT.

AS PRETTY AS IT IS, AS NICE AS IT IS, AS GOOD AS THE FOOD MAY BE, THIS IS NOT APPROPRIATE.

WE SHOULD RESPECT THE NEIGHBORHOODS.

WE SHOULD RESPECT THE ZONING.

WE SHOULD RESPECT THE COVENANT THAT THEY AGREED TO IN 1999.

AND YOU SHOULD DO THAT AND REALLY TURN A NEW PAGE BEFORE YOU LEAVE HERE TONIGHT AT YOUR LAST MEETING.

SHERYL, YOU CAN DO THIS.

YOU CAN STAND UP FOR THAT.

MIKE, YOU CAN STAND UP FOR THAT.

AND, KATHIE AND LAURA, YOU'VE BEEN THERE WITH THE NEIGHBORHOODS.

NIYANTA HAS BEEN THERE FOR HER NEIGHBORHOOD AND THE HYDE PARK CHURCH PARKING LOT.

YOU SHOULD BE ABLE TO RELATE TO THIS, BILL.

I HOPE YOU'LL RECONSIDER AND LEAVE THIS LEAVE YOUR COUNCIL WITH A BETTER LEGACY THAN THIS.

[APPLAUSE]

>> MAYOR LEFFINGWELL: NEXT SPEAKER IS TAM WARD [PHONETIC].

TAM WARD.

OKAY.

>>: GOOD EVENING, COUNCIL.

IT'S GETTING LATE, AND IT'S VERY LATE FOR THIS SYSTEM THAT WE HAVE HERE.

WE HAVE 10 1 COMING NEXT YEAR.

DEMOCRACY IS COMING TO AUSTIN FOR THE.

FIRST TIME IN OUR HISTORY WE'LL HAVE REPRESENTATION ON THE EAST SIDE.

AND AS PEOPLE HAVE BEEN SAYING, IT'S VERY SAD THAT ON OUR LAST DAY OF THIS COUNCIL THAT YOU WOULD BE SETTING SOME DANGEROUS PRECEDENTS HERE.

A RESTRICTIVE COVENANT THAT'S BEEN BROKEN TIME AND AGAIN IS GOING TO BE REWARDED, THE BUSINESS THAT'S BREAKING THE COVENANT BECAUSE IT'S CONTRIBUTING TO A CERTAIN TYPE OF ECONOMY.

AND IT'S SETTING A PRECEDENT THAT AS LONG AS CERTAIN TYPES OF PEOPLE ARE BENEFITING FROM BREAKING THE LAW, IT'S GOING TO BE OKAY, AND PROMOTING CERTAIN TYPES OF DEVELOPMENT ARE GOING TO BE OKAY.

ANOTHER PRECEDENT THAT'S RELATIVELY DANGEROUS BEING SET HERE IS PEOPLE WHO WOULD SUPPORT FARMS IN THE FUTURE ARE GOING TO BE LESS LIKELY TO SUPPORT URBAN FARMS BECAUSE THEY THINK THAT'S CODE FOR PUTTING IN AN EVENT CENTER.

YOU SAW HOW MANY PEOPLE HERE SUPPORT FARMS, MYSELF INCLUDED, BUT DO NOT WANT AN EVENT CENTER.

Y'ALL ARE GOING TO SET THE PRECEDENT RIGHT NOW IF SOMEONE SAYS, HEY, WE'RE PUTTING A FARM NEXT DOOR AND THE NEIGHBORHOOD IS GOING TO COME OUT AGAINST IT, WE DON'T WANT THAT FARM.

DID YOU HEAR WHAT COUNCIL SAID ABOUT SPRINGDALE FARMS?

THEY LET THEM HAVE 20 PLUS OUTDOOR AMPLIFIED SOUND EVENTS A YEAR.

NONE OF YOU WOULD WANT THAT IN YOUR NEIGHBORHOOD.

Y'ALL MIGHT WANT FARMS IN YOUR NEIGHBORHOOD, BUT IT'S NOT THE SAME THING.

IT'S OBVIOUSLY NOT THE SAME THING.

AND, YOU KNOW, I WON'T REITERATE THE POINTS THAT HAVE BEEN RAISED, BUT IT'S THIS IS ONE OF YOUR LAST ACTS AS COUNCIL, AND I WOULD THINK ALL OF US WOULD APPRECIATE YOU ERRING ON THE SIDE OF JUSTICE IN THIS CASE.

THANK YOU.

PEACE.

[APPLAUSE]

>> MAYOR LEFFINGWELL: ROBERT CORBIN.

>>: ROBERT CORBIN.

THIS ISN'T THE ISSUE I CAME HERE ABOUT.

I DIDN'T EVEN KNOW IT WAS HAPPENING TONIGHT, BUT I REALLY, REALLY FEEL SORRY FOR THESE PEOPLE BECAUSE I'VE BEEN THROUGH SOMETHING SIMILAR.

AND WHAT YOU'RE DOING IS YOU'RE PUTTING LITERALLY YOU'RE TERRORIZING THIS NEIGHBORHOOD.

YOU'RE SEWING TERROR RIGHT INTO THE HEART OF THEIR NEIGHBORHOOD.

AND IT WOULD NEVER HAPPEN IN WEST AUSTIN.

EVER.

THAT'S 100% SURE.

IF IT WAS OVER ON EXPOSITION, IT WOULDN'T WOULDN'T EVEN BE HERE IN THE COUNCIL.

I'M GOING TO TELL YOU WHAT HAPPENED TO ME.

AND THE WAY THE CITY APPROACHES IT IS ABSURD.

I WAS HAVING NOISE ISSUES FROM TWO VENUES.

ONE WAS 2 MILES AWAY.

AND ANOTHER WAS FROM A MILE AWAY FROM MY HOUSE.

AND IT WAS LIKE THEY WERE PLAYING LIVE MUSIC IN MY BEDROOM AT NIGHT.

AND I'M TALKING ABOUT WITH TRYING TO PUT PILLOWS OVER MY EARS TO STOP THE SOUND.

AND THESE PEOPLE ARE NEXT DOOR TO IT?

NOW, I TRIED TO GET THE CITY TO DO SOMETHING ABOUT IT, LIKE, WITH THEIR SOUND METERS.

THAT WAS A COMPLETE FARCE.

YOU KNOW YOU SAY 75 DECIBELS?

THAT'S HOGWASH.

BECAUSE I FINALLY, AFTER FIGHTING AND FIGHTING, GOT A POLICE OFFICER WITH A DECIBEL METER OUT THERE TO MEASURE THE SOUND, AND IT WENT OVER THE DECIBEL LIMIT THAT BY SEVERAL DECIBELS WHAT IT WAS SUPPOSED TO BE.

AND I SAID, "THERE, WRITE HIM A TICKET."

OH, NO.

HE COULDN'T WRITE HIM A TICKET BECAUSE IT HAS TO GO OVER THAT LIMIT AND BE OVER IT FOR, LIKE, A MINUTE STRAIGHT OR SOMETHING.

SO THE SOUND DECIBEL LIMIT IS MEANINGLESS.

AND SO WHAT YOU'RE DOING, YOU'RE TERRORIZING THESE PEOPLE.

I'M GOING TO TELL YOU WHAT'S GOING TO HAPPEN.

BECAUSE IF YOU HAVEN'T BEEN THROUGH IT, LIVED THROUGH IT, YOU'VE GOT NO IDEA.

SOMEBODY THERE WAS A GUY ON SOUTH CONGRESS, TOO, THAT WENT THROUGH SOMETHING SIMILAR.

YOU'RE GOING TO HAVE SOMEBODY IN A HOUSE THAT'S GOT A MORTGAGE AND THEY'RE AT THE END OF THEIR ROPE AND YOU'RE GOING TO DO SOMETHING LIKE THIS TO THEM AND THEY'RE GOING TO GO COMPLETELY BERSERK AND THEY'RE GOING TO PICK UP AN AUTOMATIC WEAPON AND THEY'RE GOING TO GO NEXT DOOR AND THEY'RE GOING TO BLOW EVERYBODY AWAY.

EVERYBODY WILL GO, "GEEZ, WHY DID THEY DO SOMETHING CRAZY LIKE THAT?"

I'LL TELL YOU WHY.

BECAUSE IF YOU HAVEN'T HAD IT HAPPEN TO YOU, YOU WOULDN'T UNDERSTAND THE PSYCHOLOGY.

SO I'M GOING TO SAY, AGAIN, FINISHING, IF YOU'RE GOING TO LET THIS PASS IN THAT NEIGHBORHOOD AND THERE'S HOUSES LIKE I'M HEARING AND LIKE I SAID, I DON'T HAVE ANY BACKGROUND INFORMATION.

MAYBE I'M HEARING THE WRONG MESSAGE.

BUT IF WHAT I'M HEARING THESE PEOPLE SAY IS TRUE AND THERE'S RESIDENCES UP AGAINST WHERE THEY'RE GOING TO HAVE THESE LIVE VENUES, THEN, I MEAN, YOU'VE REALLY SCREWED THESE PEOPLE.

>> MAYOR LEFFINGWELL: OKAY.

THAT'S ALL THE SPEAKERS THAT WE HAVE.

[APPLAUSE]

>> MAYOR LEFFINGWELL: WE'RE READY FOR A MOTION ON ITEM 153, WHICH IS TO ADDRESS THE RESTRICTIVE COVENANT TERMINATION.

>> COLE: MAYOR, MOVE STAFF RECOMMENDATION.

>> MAYOR LEFFINGWELL: MOTION BY MAYOR PRO TEM TO CLOSE THE PUBLIC HEARING AND APPROVE THE STAFF RECOMMENDATION.

AND A SECOND BY COUNCIL MEMBER SPELMAN.

ANY FURTHER DISCUSSION?

THOSE IN FAVOR SAY AYE.

>>: AYE.

>> MAYOR LEFFINGWELL: OPPOSED SAY NO.

PASSES ON A VOTE OF 7 0.

>> MAYOR LEFFINGWELL: SO HOW ABOUT WE GO TO 148.

>>: MAYOR, I THINK WE CAN DO THIS ONE PRETTY QUICKLY.

ITEM 148 IS C14 2014 0153 KNOWN AS THE ENCLAVE AT OAK PARKE.

THIS IS FOR THE PROPERTY LOCATED AT 10301 TO 10317 SALMON DRIVE.

THE REQUEST OF ZONING IS FORM INTERIM RURAL RESIDENCE, OR I RR, SINGLE FAMILY RESIDENCE STANDARD LOT, OR SF 2 ZONING.

THIS CASE WAS APPROVED BY THE COUNCIL ON A VOTE OF 7 0 AT THE LAST MEETING.

BASICALLY, THE APPLICANT IS REQUESTING FROM I RR AND I SF 2 TO PERMANENT SF 2 ZONING.

AT THAT TIME THE COUNCIL IMPOSED A CONDITION HAVING TO DO WITH CONNECTIVITY AT SALMON DRIVE.

YOU MAY RECALL THAT THERE WAS A MOTION THAT A CONNECTION BE MADE BETWEEN THIS PROPERTY AND THE ADJACENT PROPERTY.

THE FORM THAT WOULD TAKE IS A RESTRICTIVE COVENANT.

THE APPLICANT HAS REFUSED TO SIGN THE RESTRICTIVE COVENANT THAT WOULD BASICALLY MEET THE CONDITION THAT THE COUNCIL IMPOSED ON IT ON A VOTE OF 7 0.

THE APPLICANT IS AT THIS TIME REQUESTING A POSTPONEMENT OF THE CASE TO YOUR JANUARY 29TH MEETING, I BELIEVE TO HAVE AN OPPORTUNITY TO SPEAK TO THE NEW COUNCIL TO TRY TO TALK THEM OUT OF THE CONDITION THAT Y'ALL IMPOSED ON THEM AT FIRST READING.

ONE OPTION WOULD BE TO GRANT THAT POSTPONEMENT.

A SECOND OPTION WOULD BE TO, IN LIEU OF DENIAL, THE STAFF WOULD ACTUALLY RECOMMEND THAT WE IF YOU DO NOT GRANT THE POSTPONEMENT, TO ZONE THE PROPERTY TO PERMANENT RR AND PERMANENT SF 2.

THAT WOULD LEAVE THE ZONING THE SAME AS IT IS TODAY BUT WITHOUT THE INTERIM CLASSIFICATION.

WE WOULD RECOMMEND THAT INSTEAD OF A DENIAL.

OR THE OTHER OPPORTUNITY WOULD BE THE OPTION WOULD BE TO POSTPONE IT, AS THE APPLICANT IS REQUESTING.

>>: Y'ALL ARE RACIST.

>> MAYOR LEFFINGWELL: ALL RIGHT.

I'M GOING TO ASK YOU TO LEAVE THE CHAMBER.

>>: I AM LEAVING THE CHAMBER.

FUCKING RACIST.

GOT THAT?

>> MAYOR LEFFINGWELL: MAYBE WE NEED AN ESCORT OUT?

>>: SORRY, MAYOR.

LIKE I SAID, THE ONE OPTION IS TO POSTPONE.

THE OTHER OPTION IS JUST TO TAKE AWAY THE INTERIM CLASSIFICATION AND OTHERWISE LEAVE THE ZONING AS IT IS.

BUT WE DO NOT BELIEVE THAT YOU CANNOT APPROVE IT ON SECOND THIRD READINGS AS YOU APPROVED IT ON THE FIRST BECAUSE OF THE APPLICANT'S REFUSAL TO SIGN THE RESTRICTIVE COVENANT.

OPEN FOR ANY QUESTIONS.

>> MAYOR LEFFINGWELL: MAYOR PRO TEM.

>> COLE: IS THIS THE APPLICANT'S FIRST REQUEST FOR A POSTPONEMENT?

>>: I BELIEVE IT IS.

>> COLE: MOVE TO POSTPONE, MAYOR.

>> MAYOR LEFFINGWELL: TO WHAT DAY?

>> COLE: JANUARY 29.

>> MAYOR LEFFINGWELL: MAYOR PRO TEM MOVES TO POSTPONE TO JANUARY 29.

IS THERE A SECOND?

SECOND BY COUNCIL MEMBER SPELMAN.

DISCUSSION?

COUNCIL MEMBER MORRISON.

>> MORRISON: THANK YOU, MAYOR.

THIS IS NOT QUITE THE SAME SITUATION WHERE THERE'S A FIRST REQUEST FOR A POSTPONEMENT, IF I UNDERSTAND IT, BECAUSE WE'VE ALREADY HEARD AND WE DID THE ZONING THAT THEY REQUESTED, RIGHT?

>>: YES.

>> MORRISON: IT'S JUST THAT WE ADDED THE CONNECTIVITY REQUIREMENT; IS THAT RIGHT?

>> COLE: YES, THE REQUEST FOR A SF 2 THE FIRST READING MOTION WAS TO GRANT THE SF 2.

YOU JUST ADDED THE CONNECTIVITY REQUIREMENT, AND THAT REQUIRED A RESTRICTED COVENANT, WHICH REQUIRES THE APPLICANT'S SIGNATURE.

>> MORRISON: AND IN YOUR PERSPECTIVE, THERE IS REASONABLE ALTERNATIVE WITHOUT THE RESTRICTIVE COVENANT, AND THAT IS WELL, FIRST OF ALL, COULD YOU REMIND US WHY WE ADOPTED THE RESTRICTIVE COVENANT.

>> COLE: THE RESTRICTIVE COVENANT HAD TO DO WITH I'D HAVE TO PUT THAT MAP UP, BUT THERE'S A STREET THAT DEAD ENDS ON THIS PROPERTY.

THERE'S CURRENTLY, I BELIEVE, FIVE LOTS, FLAG LOTS, ON THIS PROPERTY RIGHT NOW.

IT IS SUBJECT TO THE SOS ORDINANCE.

SO A VAST MAJORITY OF THE PROPERTY HAS NO LOT DOESN'T HAVE A LOT WE HAVE FIVE LOTS GOING ACROSS THE BOTTOM.

THE INTENTION OF THE COUNCIL WAS THE APPLICANT WOULD EXTEND THAT STREET THROUGH/ACROSS THE FRONT OF THOSE FIVE LOTS, WHEN THEY'RE CONSTRUCTED, WHEN THE HOUSES ARE CONSTRUCTED ON THOSE LOTS, SO THAT WHEN THE ADJOINING PROPERTY WAS BUILT, ANOTHER STREET THAT STUBS INTO THAT PROPERTY, BASICALLY YOU WOULD COMPLETE A LOOP WITHIN THE BASICALLY THE END OF THE SUBDIVISION, IF YOU WILL, AN EXTENSION OF THE SUBDIVISION.

SO THE INTENTION OF THE COUNCIL WAS TO NOT HAVE A LONG DEAD END STREET, BUT RATHER BASICALLY CREATE KIND OF A U SHAPE SO THERE'D BE AN OPPORTUNITY FOR CONNECTIVITY.

>> MORRISON: AND SO THE ALTERNATIVE YOU SUGGESTED AND AS I UNDERSTAND YOUR YOU WOULD RECOMMEND?

>>: THAT'S CORRECT.

>> MORRISON: IS THAT WE JUST INSTEAD OF TAKING AN I RR AND I SF 2 TO SF 2, WE JUST LEAVE THE I RR AT RR?

>>: RIGHT.

YOU TAKE THE I'S OFF.

IN LIEU OF DENIAL, THAT WOULD LEAVE THE INTERIM ZONING IN PLACE.

WE DO FEEL IT WOULD BE APPROPRIATE TO TAKE THE INTERIM OFF.

BUT IF THE APPLICANT IS NOT AGREEABLE TO THE COMMISSION'S FIRST READING, THEN WE DO NOT THINK THAT YOU SHOULD GRANT THE SF 2 ZONING.

BASICALLY LEAVE THE ZONING AS IT IS TODAY, BUT WITHOUT THE INTERIM, TAKE IT OFF.

>> MORRISON: CAN YOU REMIND ME WHAT HE CAN DO ON RR?

HE CAN STILL DEVELOP THE PROPERTY.

>>: HE CAN STILL DEVELOP THE PROPERTY. IT WOULD JUST BE LIMITED TO ONE UNIT PER ACRE.

SOS IS ALREADY AN ISSUE HERE.

THE APPLICANT COULD ALSO COME BACK LATER BECAUSE YOU WOULDN'T BE DENYING THE ZONING.

HE COULD COME BACK AND ASK FOR THE SAME ZONING REQUEST AGAIN AND TRY TO CONVINCE THE FUTURE COUNCIL TO NOT GRANT THE CONNECTIVITY.

OR, LIKE I SAID, YOU CAN POSTPONE IT, LET THE NEXT COUNCIL DECIDE IF THEY'D LIKE REMOVE THE CONDITION THAT Y'ALL IMPOSED.

>> MORRISON: MAYOR, I'D LIKE TO MAKE A SUBSTITUTE MOTION THAT WE APPROVE THE RECOMMENDATION THAT STAFF HAS SUGGESTED, AND THAT IS STRIPPING THE I'S OFF.

BUT

>> MAYOR LEFFINGWELL: SUBSTITUTE MOTION BY COUNCIL MEMBER MORRISON TO APPROVE THE NEW STAFF RECOMMENDATION.

IS THERE A SECOND FOR THAT?

THAT MOTION DIES FOR LACK OF A SECOND.

TAKES US BACK TO THE MAIN MOTION FOR THE POSTPONEMENT.

ALL THOSE IN FAVOR SAY AYE.

>>: AYE.

>> MAYOR LEFFINGWELL: THOSE SAY NO.

PASSES ON A VOTE OF 6 1, COUNCIL MEMBER MORRISON VOTING NO.

>>: THANK YOU.

>> MAYOR LEFFINGWELL: THAT BRINGS US TO 151.

>> GOOD EVENING, MR. MAYOR, MAYOR PRO TEM, COUNCIL, STEVE SADOWSKY WITH THE HISTORIC PRESERVATION OFFICE.

THIS IS THE SECOND AND THIRD READING FOR THE RED RIVER INTERNATIONAL HOUSE AT 3805 RED RIVER.

THIS WAS PASSED BACK IN OCTOBER BY THE COUNCIL ON FIRST READING, VOTE OF 6 1, THERE IS A VALID PETITION ON THIS CASE.

COUNCILMEMBER SPELMAN ASKED IF WE COULD GET SOME ESTIMATES OF THE COST OF REPAIRS FOR THIS HOUSE.

I ASKED TWO CONTRACTORS THAT ARE PERSONALLY KNOWN TO ME THAT HAVE DONE WORK THAT'S BEEN APPROVED BY THE LANDMARK COMMISSION, WELL KNOWN FOR THEIR HIGH QUALITY OF WORK SO I TRUST THEIR ESTIMATES IMPLICITLY.

WE'VE ALREADY THIS IS THE HOUSE TO REMIND YOU THAT WE'RE TALKING ABOUT, CORNER THE 38TH AND RED RIVER.

AND LET ME JUST GET THROUGH THIS.

HERE ARE SOME OF THE ISSUES THAT THEY FOUND INSIDE.

AND OUTSIDE.

I DO WANT TO SAY THAT BOTH OF THESE ESTIMATES NOTED THAT THE HOUSE IS STRUCTURALLY SOUND, AND THE BUILDING IS SAFE AND THE HOUSE IS NOTEWORTHY.

SO THIS REINFORCES THE ARCHITECTURAL SIGNIFICANCE THAT WAS NOTED BY THE COUNCIL LAST TIME.

WOODEYE CONSTRUCTION, GARLAND TURNER, HAS DONE A LOT OF WORK IN HYDE PARK, THROUGHOUT THE CITY.

HIS ESTIMATE RANGES FROM 287,000 TO 374,000 FOR THE NECESSARY REPAIRS TO THE HOUSE.

ECO SAVE SPACES IS DOUG CAMERON WHO HAS DONE A LOT OF WORK ON HISTORIC LANDMARKS, VERY FAMILIAR WITH HISTORIC BUILDINGS.

HIS ESTIMATE IS BETWEEN 360 AND 540,000 DEPENDING ON THE QUALITY OF THE FINISH WORK.

BOTH OF THESE ESTIMATES HAVE RANGES AS FAR AS WHAT THE QUALITY OF THE COSMETIC ASPECTS OF IT WOULD BE.

THE OWNER'S ESTIMATE THAT WAS SUBMITTED TO YOU A WHILE BACK IN OCTOBER IS 476,685.

THE APPRAISED ESTIMATE IS 438,560.

AND I BROKE IT OUT FOR YOU.

IT'S INTERESTING TO NOTE THAT TCAD NOTES THIS AS A NON HOME SITE IMPROVEMENT.

WHEN I CALLED THEM ABOUT IT, THEY SAID THAT'S FOR NON RESIDENTIAL STRUCTURE.

WHEN I ASKED THEM WHY WOULD THIS BE CALLED A NON RESIDENTIAL STRUCTURE, THEY DIDN'T HAVE AN ANSWER THAT I COULD THAT THEY COULD GIVE ME RIGHT AWAY.

IN LOOKING AT ECOSAFE SPACES, DOUG ESTIMATED THAT THE CUSTOM DESIGN WHOLE HOUSE REMODEL IN CENTRAL AUSTIN IS ROUGHLY 200 TO \$300 PER SQUARE FOOT.

IN LOOKING AT HOUSES CURRENTLY FOR SALE IN 78705 AND 78751, ZIP CODES, WHICH WOULD BE THIS AREA OF CENTRAL AUSTIN, THEY ARE RUNNING 300 TO \$400S PER SQUARE FOOT ON THEIR SALES PRICE.

THERE ARE A NUMBER OF THERE ARE A COUPLE THAT ARE 200 TO 300 SQUARE FEET, BUT THESE ARE GENERALLY CONDOS THAT ARE IN APARTMENT COMPLEXES.

SO STAFF CONTINUES TO RECOMMEND HISTORIC ZONING FOR THIS EXCEPTIONAL HOUSE, THIS HOUSE CAN BE REPAIRED, IT CAN BE REPAIRED FOR UNDER WHAT THE MARKET VALUE IS.

SO THE ESTIMATE OF 476 THAT WOULD TOTAL THIS HOUSE IS NOT NECESSARILY WHAT COULD HAPPEN HERE.

COULD BE DONE FOR LESS.

THE MARKET VALUE OF THIS HOUSE IS SIGNIFICANTLY HIGHER THAN THE RESTORATION COSTS AND STAFF CONTINUES TO CONTEND THAT THIS IS A GOOD CANDIDATE FOR LANDMARK DESIGNATION.

>> MAYOR LEFFINGWELL: YOU GAVE US THE PRICE PER SQUARE FOOT.

WHAT DOES THAT TRANSLATE TO FOR THIS HOUSE?

FOR THE SALES PRICE, POTENTIAL SALES PRICE?

>> 3 TO \$400 PER SQUARE FOOT, THAT WOULD BE WHATEVER 18 TIMES THREE?

>> MAYOR LEFFINGWELL: HOW MANY?

>> 18 TIMES 3 WOULD BE 540.

>> MAYOR LEFFINGWELL: 5500 TO 40,000?

>> YES, SIR.

>> MAYOR.

>> MAYOR LEFFINGWELL: THAT'S THE LOW END.

>> YEAH.

>> MAYOR LEFFINGWELL: COUNCILMEMBER SPELMAN?

>> SPELMAN: I WAS LARGELY PERSUADED BY THE ADVOCATES THE LAST TIME WE HEARD THIS CASE, BUT I'M FULLY PERSUADED WITH THE ADDITION OF THE NEW INFORMATION AND MR. SADOWSKY'S ARGUMENT THAT THIS HOUSE IS WORTH SAVING.

MOVE APPROVAL ON SECOND AND THIRD READING.

>> MAYOR LEFFINGWELL: COUNCILMEMBER SPELMAN MOVES APPROVAL ON SECOND AND THIRD READING.

THIS IS A VALID PETITION CASE, SO IT REQUIRES SIX VOTES TO PASS FOR SECOND AND THIRD.

IS THERE A SECOND?

LET ME ASK IF THERE'S A SECOND.

COUNCILMEMBER MORRISON SECONDS.

COUNCILMEMBER MARTINEZ?

>> MARTINEZ: YEAH.

I DIDN'T VOTE FOR THIS ON FIRST READING.

I CERTAINLY THINK THE HOUSE IS WORTH SAVING AND I CERTAINLY SUPPORT, YOU KNOW, TRYING TO DO THAT WHENEVER AND WHEREVER WE CAN, BUT WE'RE I JUST FEEL LIKE WHEN WE HAVE A PROPERTY OWNER WHO WHO IS OPPOSED TO IT, THAT WE'RE IMPOSING A SIX FIGURE AND AS HIGH AS HALF A MILLION DOLLAR FINANCIAL IMPOSITION ON THE ON A FAMILY THAT I JUST THINK RISES TO A GREATER LEVEL OF CONCERN FOR ME.

YOU KNOW, IF IF FOLKS IN THE COMMUNITY FEEL LIKE OR LET'S JUST SAY, LET ME JUST SPEAK FROM THE CITY'S PERSPECTIVE, YOU KNOW. WE, IF WE FEEL LIKE THIS HOUSE IS WORTHY OF PRESERVATION, THEN WHY ISN'T THIS COUNCIL CREATING A PROGRAM THAT WOULD RAISE THE FUNDS VIA TAXPAYER DOLLARS THROUGH OUR BUDGET PROCESS THAT WOULD GET TO A NUMBER WHERE THIS FAMILY WOULD SELL IT TO US SO THAT WE COULD PRESERVE IT.

I JUST THINK THAT THERE HAS TO BE SOMETHING DONE DIFFERENTLY MOVING FORWARD BECAUSE WE'RE GOING TO SEE THESE CASES WHERE INDIVIDUAL PROPERTY OWNERS DON'T WANT THIS IMPOSED UPON THEM.

AND SO IF IT IS THAT MUCH OF A VALUE TO US, THEN I WOULD LIKE TO SEE US IN THE BUDGET PROCESS CREATE A PROGRAM OR MAYBE, STEVE, YOU ALREADY HAVE SOME IN MIND TO WHERE IF YOU'RE WILLING TO STAND BEFORE US AND IF OUR HISTORIC LANDMARK COMMISSION IS WILLING TO RECOMMEND TO US WE MOVE FORWARD, THEN ULTIMATELY THE COUNCIL WILL DECIDE, BUT MAYBE IT'S PURCHASING THAT PROPERTY SO THAT WE CAN PRESERVE IT AND GIVING THE FAMILY, YOU KNOW, COMPENSATION THAT THEY'RE WILLING TO ACCEPT SO THAT THEY CAN MOVE ON AND WE CAN PRESERVE THIS PIECE OF PROPERTY.

BUT IN THIS CASE, I JUST CAN'T SUPPORT IMPOSING THIS ON THE FAMILY.

>> MAYOR LEFFINGWELL: ANY OTHER COMMENTS?

COUNCILMEMBER RILEY?

>> RILEY: I AGREE THAT WE NEED TO BE VERY CAUTIOUS ABOUT ZONING ANY PROPERTY HISTORIC OVER AND OVER A HOMEOWNER'S OBJECTION, ESPECIALLY WHEN THERE ARE VERY SIGNIFICANT RESTORATION COSTS INVOLVED.

I HAVE TAKEN A CAREFUL LOOK AT THIS HOUSE.

I THANK THE OWNERS FOR GRACIOUS ENOUGH TO SHOW ME THROUGH THE HOUSE THIS WEEKEND AND I CAN CERTAINLY APPRECIATE THE DIFFICULTY OF THE SITUATION THERE.

THEY ARE CLEARLY VERY COMMITTED TO PROTECTING THE NEIGHBORHOOD.

THAT'S WHY THIS HOUSE EXISTS, BECAUSE OUT OF CONCERN FOR THE NEIGHBORHOOD.

IT IS IN IT DOES REQUIRE A LOT OF WORK, AS THE PHOTOGRAPHS REFLECT.

BUT I'M ALSO CONVINCED THAT THERE IS REAL VALUE TO THE HOUSE.

AND THAT THERE ARE THOSE OUT THERE WHO WOULD BE WILLING TO INVEST THE FUNDS NECESSARY TO RESTORE IT, TO AN APPROPRIATE CONDITION.

SO THAT IT COULD REMAIN A HOUSE.

I SAY THAT AS SOMEONE WHO DID ONE OF THOSE FOOLISH THINGS MYSELF AND ACTUALLY WAS CRAZY ENOUGH TO SINK A LOT OF MONEY INTO A HOME THAT PERHAPS OTHERS WOULDN'T HAVE CONSIDERED WORTH IT.

STRICTLY OUT OF A IT BECAME A LABOR OF LOVE.

I KNOW THERE ARE MANY OTHERS WHO DO LIKEWISE.

AND SEEING THE HOUSE UP CLOSE, I'M CONVINCED THAT THERE ARE PEOPLE OUT THERE WHO WOULD BE WILLING TO DO THAT FOR THIS HOUSE.

IT IS, YES, IT'S CERTAINLY UNUSUAL.

YES, IT IS AT AN INTERSECTION THAT DOES HAVE A HIGH LEVEL OF TRAFFIC ON BOTH STREETS.

SO THERE ARE COMPLICATIONS, BUT THE HOUSE REALLY IS FAIRLY EXTRAORDINARY.

SOME OF THE THINGS THAT MAKE THE HOUSE PROBLEMATIC ARE ACTUALLY THOSE THINGS THAT MAKE IT THAT MAKE IT, SO HISTORICALLY SIGNIFICANT.

YOU KNOW, INTERESTING ONE OF THE PROBLEMS WITH THIS HOUSE IS IS THAT IT DOES HAVE THAT FLAT ROOF.

WHICH, YES, FLAT ROOFS DO HAVE PROBLEMS AND THAT'S BEEN WIDELY DISCUSSED AND WRITTEN ABOUT AS ONE OF THE AS IT WAS ONE OF THE HALLMARKS OF THE OF THIS PERIOD AS STEVE HAS NOTED.

AND HAS BEEN MUCH DISCUSSED BY ABOUT ARCHITECTS OF THIS PERIOD.

THEY DID FROM THE BEGINNING, FLAT ROOFS CREATED PROBLEMS AND YET THEY WERE STILL A VERY SIGNIFICANT PART OF THIS ARCHITECTURAL STYLE.

IT IS A IT IS PART OF ARCHITECTURAL HISTORY, IT'S PART OF AUSTIN'S HISTORY, AND I THINK IT MEETS THE CRITERIA OF OUR FOR HISTORIC ZONING, SO I THINK I WHILE I WHILE I REALLY EMPATHIZE WITH THE FAMILY AND APPRECIATE THEIR CONCERN FOR THE NEIGHBORHOOD, I'M GOING TO STICK WITH MY PREVIOUS POSITION OF SUPPORTING HISTORIC ZONING IN THIS CASE.

>> MAYOR LEFFINGWELL: ANY OTHER COMMENTS?

THOSE IN FAVOR OF THE MOTION SAY AYE.

>> AYE.

>> MAYOR LEFFINGWELL: OPPOSED SAY NO.

PASSES ON A VOTE OF 6 1 WITH COUNCILMEMBER MARTINEZ VOTING NO.

[]

>> MAYOR LEFFINGWELL: THAT BRINGS US TO ITEM NO. 186.

186 IS PULLED BY COUNCILMEMBER MARTINEZ AND WE DO HAVE SPEAKERS, SO WE WILL GO TO THOSE SPEAKERS.

DAVID KING.

>> THANK YOU, MAYOR, MAYOR PRO TEM, COUNCILMEMBERS.

I'M DAVID KING AND I LIVE IN THE ZILKER NEIGHBORHOOD.

AND I I USE THE I SWIM AT BARTON SPRINGS POOL AND BELOW THE SPILLWAY ON A REGULAR BASIS AND I'VE DONE THAT FOR 20 YEARS.

IN I'VE NEVER ENCOUNTERED ANY PROBLEMS WITH DOGS, WHILE SWIMMING IN THE SPILLWAY OR GOTTEN SICK OR HAD ANY PROBLEMS DOWN THERE.

SO, YOU KNOW, I I HOPE THAT WE ARE WE DON'T RESTRICT OFF LEASH DOG USE IN THIS AREA.

DOG OWNERS WHO LIVE IN THE ADJACENT ZILKER AND BARTON HILLS NEIGHBORHOODS NEED A NEARBY SPACE AND THEY DEPEND ON THAT SPACE, ESPECIALLY IN THE SUMMER MONTHS AND SPRING

MONTHS WHEN IT'S HOT, WHEN THEY'RE WALKING THEIR DOGS, THEY NEED A PLACE FOR THE DOGS TO GO AND RUN AND FROLIC AND COOL OFF AND FOR THEMSELVES, TOO.

THAT'S BEEN THE CULTURE THERE FOR DECADES.

AND IT'S IT'S BEEN THE CULTURE THERE FOR DECADES AND IT'S YOU KNOW, I'M CONCERNED THAT IT'S GOING TO GO AWAY AND THAT IT WILL JUST BECOME A STERILE PLACE LIKE ANY OTHER PLACE TO GO SWIMMING AND IT WON'T BE UNIQUE ANYMORE.

YOU KNOW, I DON'T HAVE A DOG.

I'M GOING TO GET ONE PRETTY SOON.

I HAVE A CAT NOW.

BUT I KNOW HOW MUCH WE LOVE OUR PETS.

WE LOVE THEM LIKE THEY'RE OUR OWN FAMILY.

WE CARE THAT THEY HAVE FUN AND THEY ENJOY THEMSELVES AND THEY ARE ABLE TO BE THEMSELVES.

AND TO HAVE A DOG ALWAYS ON THE LEASH, EVERYWHERE YOU GO IN THE PUBLIC SPACE, AND THAT'S THE WAY IT'S GETTING TO BE AS WE CONTINUE TO GROW WITH MORE DOGS AND MORE FAMILIES MOVING IN WITH DOGS AND THEY NEED A SPACE THAT THEY CAN HAVE THEIR DOGS RUN FREE AND ENJOY IT AND COOL OFF IN THE WATER.

AND HERE WE ARE RESTRICTING MORE AND MORE OF THAT IN OUR URBAN CORE.

AND I'M CONCERNED ABOUT THAT.

THAT'S THAT AFFECTS OUR LIVABILITY OF OUR CITY.

AND I THINK THAT'S GOING TO AFFECT PEOPLE'S WILLINGNESS TO MOVE TO THE URBAN CORE IF THEY DON'T HAVE THOSE OPPORTUNITIES.

AND AS YOU PROBABLY KNOW, THE ANIMAL ADVISORY COMMISSION VOTED, I BELIEVE UNANIMOUSLY, TO APPROVE THE OFF LEASH DOG USE IN THIS AREA AT THEIR MEETING LAST NIGHT.

SO I HOPE THAT YOU WILL FOLLOW THEIR RECOMMENDATION AND PLEASE DO NOT RESTRICT OFF LEASH DOG USES IN THIS AREA, ALLOW US TO CONTINUE TO HAVE THAT PART OF OUR PARK AS IT ALWAYS HAS BEEN AND DON'T LET THAT GO AWAY, THANK YOU VERY MUCH.

>> MORRISON: COULD I ASK STAFF A QUESTION, PLEASE.

I'M READING THIS AND IT SEEMS LIKE WHAT WE'RE CONSIDERING IS WHETHER TO ACTUALLY LEGALIZE HUMAN SWIMMING BELOW THE DAM.

AND THE ISSUE OF DOGS ACTUALLY WE'RE NOT POSTED FOR THEY ARE ILLEGAL, WE JUST DON'T ENFORCE IT; IS THAT RIGHT?

>> SARAH HENSLEY, DIRECTOR OF PARKS AND RECREATION.

THAT'S CORRECT.

WHAT WE ARE ASKING IS TO ALLOW PEOPLE TO BE ABLE TO USE THAT WATER WITHOUT IT BEING AGAINST THE LAW.

BECAUSE PREVIOUSLY IT WAS.

SO WE WANTED TO CHANGE THAT.

CURRENTLY, THOUGH, THIS IS THIS IS NOT AN OFF LEASH AREA CURRENTLY.

BUT WE DID NOT RECOMMEND THAT IT BE AN OFF LEASH AREA, BUT WE DID RECOMMEND THAT PEOPLE WOULD BE ABLE TO GO IN THERE AND USE THE WATER.

>> MORRISON: SO IF A FUTURE COUNCIL WANTED TO MAKE IT AN OFF LEASH AREA, THEY COULD INITIATE THAT ACTION?

>> SURE, RIGHT.

I MEAN, STAFF WOULD HOPEFULLY GET A CHANCE TO

>> MORRISON: YOU KNOW YOU WOULD.

>> OFFER OUR FEEDBACK.

>> MORRISON: AND YOUR RECOMMENDATION WOULD BE NO.

BUT IT'S JUST I JUST WANTED TO CLARIFY THAT BECAUSE THERE IS I KNOW THERE HAVE BEEN STUDIES AND ISSUES ABOUT BACTERIA AND OTHER PEOPLE ARE HAVING OTHER CONVERSATIONS, SO I JUST WANTED TO TO GET OUR ARMS AROUND THAT, THAT WHAT THAT DISCUSSION ABOUT MAKING THIS AN OFF LEASH AREA NEEDS TO BE A LATER, WILL HAVE TO BE A LATER DISCUSSION.

>> IF I MAY

>> MAYOR LEFFINGWELL: [INDISCERNIBLE].

>> KIM BEAR [INDISCERNIBLE], THIS WAS TODAY BASED UPON A RESOLUTION, THE RESOLUTION SPECIFICALLY ASKED US DIRECTING THE CITY MANAGER TO SEEK RECOMMENDATIONS FROM THE PARKS AND RECREATION BOARD AND THE ANIMAL ADVISORY COMMISSION REGARDING POTENTIAL CODE AMENDMENTS TO ALLOW FOR SWIMMING AND AN OFF LEASH AREA AT BARTON SPRINGS SPILLWAY, SO WE WERE ACTUALLY DIRECTED TO LOOK AT BOTH OF THOSE.

>> MORRISON: YOU ARE NOT RECOMMENDING?

>> WHAT WE ARE RECOMMENDING IS TO ALLOW HUMAN SWIMMING, BUT NOT TO ALLOW WE DON'T BELIEVE THAT HUMAN SWIMMING AND ANIMAL SWIMMING OR DOG SWIMMING IS A COMPATIBLE IS COMPATIBLE.

SO WE ARE RECOMMENDING, YES, LET'S ALLOW HUMAN SWIMMING, BUT CONTINUE TO MAINTAIN AND ENFORCE THOSE RULES THAT ARE IN PLACE THAT SAY DOGS ARE NOT PERMITTED TO SWIM THERE.

>> MORRISON: OKAY.

I HEAR YOU.

SO BECAUSE OF THE WAY THE RESOLUTION WAS WRITTEN, WE DON'T REALLY HAVE AN OPTION TO MAKE THAT DECISION ABOUT THE OFF LEASH TONIGHT, WHICH I THINK IS UNFORTUNATE.

BUT THAT'S ALL RIGHT.

DOES THE

>> JUST TO CLARIFY A LITTLE BIT, LAUREN [INDISCERNIBLE] LAW DEPARTMENT.

WITH REGARD TO THE POSTING, WE ARE POSTED TO CONSIDER THE ORDINANCE REGARDING SWIMMING IN BARTON CREEK.

WHETHER THAT BE HUMAN SWIMMING OR DOG SWIMMING.

BUT THE OFF LEASH AREA IS ADDRESSED IN A SEPARATE CODE SECTION THAT WE ARE NOT POSTED TO HEAR.

>> MORRISON: SO COULD WE SAY THAT DOGS COULD SWIM IN BARTON CREEK?

>> THAT WOULD ARGUABLY BE WITHIN THE POSTING LANGUAGE.

>> MORRISON: OH.

>> IF YOU ARE DISCUSSING IT IN THE CONTEXT OF SWIMMING IN BARTON CREEK.

>> MORRISON: OKAY, I THINK THAT MIGHT BE AN INTERESTING TOPIC.

>> MAYOR LEFFINGWELL: COUNCILMEMBER MARTINEZ?

>> MARTINEZ: I HAVE A QUESTION FOR THE LAW DEPARTMENT ON THAT.

SO IF WE WANTED TO MAKE AN AMENDMENT BASED ON THE POSTING LANGUAGE, WE WOULD JUST ADD A PERSON AND DOG AND DOGS?

>> I MEAN, I DON'T KNOW IF YOU WOULD WANT TO DO IT IN THAT PRECISE WAY BECAUSE OF THE ENTIRETY OF THAT SECTION.

YOU COULD ADD A SEPARATE SUBSECTION THAT ADDRESSES, YOU KNOW, OWNERS AND HANDLERS OF DOGS MAY ALLOW A DOG TO SWIM IN BARTON CREEK, THAT MAY BE A CLEANER WAY TO DO IT.

>> MARTINEZ: WHILE WE'RE TAKING SPEAKERS, COULD YOU HELP ME WITH SOME LANGUAGE BECAUSE I DO PLAN TO MAKE THAT AMENDMENT.

>> SURE.

>> MAYOR LEFFINGWELL: COULD I ASK WHAT WAS THE REASON THAT IT WAS NOT RECOMMENDED?

>> WELL

>> MAYOR LEFFINGWELL: SAYS THERE WAS AN OMISSION WITH REGARD TO DOGS.

>> WE PULLED IN THE HEALTH DEPARTMENT AS WELL AS OUR FRIENDS IN WATERSHED PROTECTION.

CHRIS HARRINGTON IS HERE, THERE WERE THERE HAS BEEN ONGOING COUNTS, BACTERIA COUNTS AT THIS SITE.

IT'S A VERY SMALL BODY OF WATER.

AND WHEN QUITE FRANKLY WHEN YOU HAVE HUMANS IN THE SAME WATER THAT YOU HAVE DOGS AND YOU HAVE HIGH BACTERIA COUNTS, IT IS NOT RECOMMENDED.

IT'S THAT'S I DON'T KNOW HOW ELSE TO PUT IT.

IT'S NOT A LARGE BODY OF WATER.

IT'S A STANDING STILL BODY OF WATER AND WHEN YOU HAVE LARGE NUMBERS OF DOGS COMING IN AND OUT OF THERE AND PEOPLE SITTING IN THAT WATER, THERE ARE ISSUES.

>> MAYOR LEFFINGWELL: SO IS THE CITY LIABLE IF WE EXPRESSLY SAY DOGS AND PEOPLE CAN SWIM IN A CONTAMINATED AREA?

>> I CAN'T ANSWER THAT FROM A LEGAL PERSPECTIVE.

I DON'T KNOW.

BUT, CHRIS, I WOULD LIKE CHRIS TO AT LEAST GIVE YOU HIS THEY'VE BEEN MONITORING THIS WATER.

MY CONCERN IS THE HEALTH AND WELFARE OF OUR CITIZENS.

>> MAYOR LEFFINGWELL: DOES THE HEALTH DEPARTMENT SAY IT'S UNSAFE FOR HUMANS?

>> I BELIEVE IT IS.

>> WHAT DOES THE HEALTH DEPARTMENT SAY.

>> JANET, THE EPIDEMIOLOGIST SAID SHE WOULD NOT GET IN THERE, NOT PUT HER FOOT IN THERE AND SHE WOULD NOT RECOMMEND THAT YOU HAVE DOGS AND PEOPLE IN THAT BODY OF WATER AT THE SAME TIME.

EITHER PEOPLE OR DOGS.

>> MAYOR LEFFINGWELL: OKAY.

COUNCILMEMBER MORRISON?

>> MORRISON: SARAH, I WANTED TO ASK.

WE'VE HEARD FROM FOLKS THAT LOVE TAKING THEIR DOGS THERE.

>> I KNOW.

>> IT'S REALLY MEANINGFUL TO THEM.

ONE SUGGESTION THAT I ACTUALLY THIS CAME FROM TWO DIFFERENT PEOPLE.

WAS THERE EVER ANY DISCUSSION ABOUT MAYBE ALLOWING DOGS TO BE SWIMMING THERE ON OR OFF LEASH, I'M NOT SURE, BUT LIKE OFF PEAK TIMES OR, YOU KNOW, SAY NOT ON SUNDAYS DURING THE SUMMER OR, YOU KNOW, ANYTHING LIKE THAT?

>> WELL, WE DIDN'T HAVE THAT REALLY DISCUSSION AND I WAS TALKING TO CHRIS ABOUT THIS, BECAUSE I GOT BILL BUNCH'S EMAIL, I THOUGHT WELL, YOU KNOW, IF YOU WERE LOOKING AT SOMETHING THAT WOULD BE AT LEAST A BETTER SITUATION TO NOT HAVE IT AT THE SAME TIME, IT WOULD BE MAYBE THE IDEA WAS OFF PEAK WHERE, YOU KNOW, THE PEOPLE GET IN THERE BECAUSE IT'S HOT AND THEY'RE WALKING OR WANTING TO GET IN AND QUITE FRANKLY, SOME PEOPLE ONLY WANT TO COOL OFF AND THEY DON'T WANT TO GO PAY TO GO SWIM AT THE SPRINGS.

THAT'S WHY WE THOUGHT THIS MADE PERFECT SENSE TO LET PEOPLE DO THAT AND NOT PENALIZE THEM FOR IT.

SO DURING THE COLDER MONTHS IT WAS MENTIONED MAYBE DECEMBER, JANUARY, FEBRUARY, WHEN PEOPLE USUALLY AREN'T IN THAT WATER, IT MIGHT BE MORE AMENABLE TO LET DOGS IN THERE.

AND I I REALLY AS LONG AS THE PEOPLE AREN'T IN THERE, THERE'S NOT THAT ABILITY TO HAVE THAT THAT CONTACT ONGOING, IT MIGHT BE A BETTER SITUATION.

I DID, THOUGH, SAY, I'M NOT THE EXPERT WHEN IT COMES TO WATER QUALITY AND I REFERRED THAT QUESTION TO CHRIS AND I THINK THAT I WOULD PREFER HIM ANSWERING THAT.

I SEE IT, I SEE BOTH SIDES.

I'M AN ANIMAL LOVER MYSELF, AND I REALLY STRUGGLE WITH THESE THINGS, BUT MY SENSE OF HEALTH AND HUMAN SAFETY FOR THE FOR THE HUMANS AND FOR THE PETS ARE OUTWEIGHS THE RECREATIONAL ENJOYMENT.

>> MORRISON: RIGHT.

BUT THERE'S THAT ELEMENT OF, YOU KNOW, ARE WE JUST CLEANING UP OUR ACT A LITTLE TOO MUCH AROUND HERE.

BUT, CHRIS, I HAVE A QUESTION FOR YOU.

IS IT POSSIBLE THAT SOME OF THE BACTERIA IS NOT FROM THE DOGS?

>> ABSOLUTELY.

IT'S POSSIBLE.

WE CAN'T TELL THE DIFFERENCE IF THE BACTERIA IS COMING FROM DOGS OR HUMANS OR ANY OTHER MAMMAL.

WHAT WE DO KNOW IS THAT THE BACTERIA IS ALWAYS HIGHER IN THAT AREA THAN IT IS EXITING THE POOL, IT'S HIGHER THAN WHAT IT IS IN THE LAKE, IT'S HIGHER THAN WHAT IT IS UPSTREAM IN BARTON CREEK.

SO THERE IS A CONCENTRATED ACTIVITY IN THAT AREA THAT IS CONTRIBUTING TO ELEVATED LEVELS OF BACTERIA.

>> MORRISON: OKAY, THANKS.

>> MAYOR LEFFINGWELL: OKAY.

SO SO I WILL ENTERTAIN WE'VE GOT WE HAVEN'T BEEN THROUGH ALL OF THE SPEAKERS YET.

WILL MCCLOUD.

ROBERT CORBIN.

>> THIS IS WHAT I CAME HERE ABOUT.

I HANDED OUT THIS LETTER ON AUGUST 4TH, DID YOU ALL GET THIS LETTER FROM ME ABOUT THE DOGS BELOW THE POOL?

DOES DO HAVE YOU ALL REMEMBERED GETTING THIS LETTER?

AND READING IT?

BECAUSE I ENUMERATE IN LIKE FIVE PAGES ALL OF THE ISSUES AND THEY'RE SERIOUS ISSUES.

I'M TALKING ABOUT DOG POOP FLOATING AROUND THE WATER, HUNDREDS OF DOG POOPS ALL AROUND THE AREA, NOT COUNTING WHAT WAS DRIED UP FROM THE TWO MONTHS OF NO RAIN.

PROBABLY THOUSANDS OF DOG POOPS ACCUMULATED.

COME RAIN, ALL GET WASHED RIGHT DOWN INTO THE CREEK.

YOU KNOW, RIGHT DOWN INTO THE RIVER.

AND I'VE SEEN, YOU KNOW THIS IS JUST A LIMITED AMOUNT OF TIME.

I'VE SEEN DOGS FIGHT DOWN THERE.

SOME KID IS GOING TO GET BETWEEN DOGS FIGHTING.

IT IS IT'S A CESSPOOL.

SO LET ME ANYWAY, I THINK DOGS SHOULD NOT BE ALLOWED TO SWIM IN THAT AREA BELOW THE POOL.

I WANT TO CALL YOUR ATTENTION TO SOME OTHER THINGS REAL QUICK.

THE PARK ITSELF IS BEING USED FOR PROFIT DOG WALKERS.

THESE ARE PEOPLE THAT WALK DOGS, DOG TRAINERS, DOGGY DAY CENTERS, DOG SCHOOLS ARE USING THE PARK FOR, YOU KNOW WHICH IS OUR PUBLIC PARK TO MAKE MONEY.

AND I I'VE SEEN THIS MYSELF.

FREQUENTLY.

AND MY WIFE A COUPLE OF MONTHS AGO, SHE SAW ONE OF THESE SCHOOLS THAT THEY WERE HAVING THE DOGS JUMP UP ON THE PICNIC TABLE AND BACK DOWN AGAIN AND SIT.

THEY WOULD GET THEM ON THE PICNIC TABLE AND SIT.

THE CITY SHOULD ACTUALLY OUTLAW DOG BUSINESSES FROM OPERATING WITHIN THE PARKS.

THAT'S WHAT I THINK.

THAT'S A LITTLE BIT DIFFERENT.

AND THE CITY DOES NOT ENFORCE THE LEASH LAWS AT ALL OR THE SCOOP THE POOP LAWS.

THERE'S ABSOLUTELY ZERO ENFORCEMENT.

YOU CAN GO TO ZILKER PARK ANY TIME AND YOU CAN JUST SEE POOP EVERYWHERE.

I'M TALKING ABOUT BIG PILES OF POOP.

JUST YESTERDAY I WAS THERE AND I SAW IT.

I MEAN IT'S UNBELIEVABLE!

I MEAN, I KNOW, OKAY, THIS IS THE LAST CITY COUNCIL FOR YOU GUYS AND I GUESS IT'S REALLY GOING TO THE DOGS, BUT THAT'S THE WAY IT IS.

PERSONALLY, THIS IS JUST ME PERSONALLY, IN THE PARK, I'VE BEEN BARKED AT, GROWLED AT, IMPEDED BY, SLAMMED INTO, SPLASHED BY, JUMPED ON WITH DIRTY PAWS, BITTEN BY AND HAD STRANGE Slobbering snouts shoved into my crotch.

I'M SURE PROBABLY ALL OF YOU HAVE HAD THAT HAPPEN.

DOGS DO THOSE THINGS, THEY PROBABLY LEARN THEM FROM THEIR MASTERS WHEN THEY'RE AT HOME.

[LAUGHTER].

SO ... YOU KNOW, I I DON'T GET MAD ABOUT THESE THINGS USUALLY.

BUT WHAT'S INTERESTING IS I'VE TRIED DIFFERENT APPROACHES [BUZZER SOUNDING] AND WHEN YOU DO GET MAD, YOU KNOW WHAT THEIR ATTITUDE IS?

YOU'VE GOT A REAL PROBLEM, MY DOG JUST

>> MAYOR LEFFINGWELL: OKAY.

>> PUSHED HIS SNOUT INTO YOUR CROTCH, YOU'RE MAD ABOUT IT.

WOW!

>> MAYOR LEFFINGWELL: THAT'S YOUR TIME, THANK YOU.

>> I'M GOING TO GIVE YOU ALL THIS LETTER AGAIN AND Y'ALL NEED TO READ IT THIS TIME.

>> MAYOR LEFFINGWELL: PASS IT TO THE CLERK.

CAM MAGER, ROB SWAFFORD.

>> HI THERE.

I KNOW IT'S GETTING LATE.

I JUST WANTED TO TO REGISTER MY SUPPORT FOR HUMAN AND DOG SWIMMING.

I'VE BEEN I HAVE TWO DOGS, I LIVE IN A CONDO.

I HAVE NO YARD.

SO I'M ONE OF THE PEOPLE THAT HE'S COMPLAINING ABOUT.

BUT I DON'T TRUST HIS CHARACTERIZATION, MAYBE HE JUST DOESN'T LIKE DOGS.

I THINK WE NEED TO KEEP MORE OPEN SPACE, NOT LESS SPACE FOR OUR PETS THAT THAT IT'S A QUALITY OF LIFE ISSUE.

IT'S WHAT MAKES AUSTIN UNIQUE.

AND SO SO PLEASE CONSIDER THE THAT THEY CAN'T SPEAK AND WE SPEAK FOR THEM.

SO THANKS.

>> MAYOR LEFFINGWELL: ALL RIGHT.

THAT'S ALL OF THE SPEAKERS THAT WE HAVE.

SO I WILL ENTERTAIN A MOTION ON THIS.

I WILL JUST SAY THAT I AM I'M NOT GOING TO SUPPORT AN ORDINANCE THAT GIVES OFFICIAL APPROVAL BASICALLY FOR FOR HUMAN SWIMMING IN WHAT WE KNOW TO BE A CONTAMINATED AREA.

I DON'T THINK THAT'S RESPONSIBLE DUE DILIGENCE AND CARING FOR HUMAN HEALTH AND SO I JUST I'M NOT GOING TO BE I CAN SUPPORT THE ORDINANCE AS IT IS NOW, BUT CHANGES TO ALSO ALLOW SWIMMING WITH DOGS IN THERE, I CAN'T.

COUNCILMEMBER MARTINEZ?

>> MARTINEZ: YEAH.

I WAS THE SPONSOR OF THE ORIGINAL RESOLUTION THAT BROUGHT THIS FORWARD.

SO I'M GOING TO GO AHEAD AND MOVE APPROVAL OF THIS ITEM, BUT I WILL MAKE SOME AMENDMENTS.

>> MAYOR LEFFINGWELL: MOTION FOR APPROVAL BY COUNCILMEMBER MARTINEZ, SECONDED BY COUNCILMEMBER MORRISON.

>> MARTINEZ: AND SO

>> MAYOR LEFFINGWELL: COUNCILMEMBER MARTINEZ?

>> MARTINEZ: I CERTAINLY APPRECIATE THE CONCERNS THAT ARE BEING RAISED.

AND I REALIZE THAT THAT, YOU KNOW, WE'RE MOVING FORWARD WITH ALLOWING PEOPLE TO SWIM, BUT YET WE STILL DON'T KNOW WHAT'S THE CAUSE OF THE BACTERIAL LEVELS INCREASING AND SO WE'RE GOING TO LET PEOPLE SWIM IN AN AREA WHERE THERE'S BACTERIA, BUT NOT DOGS.

UNDER THIS CURRENT PROPOSAL.

AND IT JUST MAKES NO SENSE TO ME.

PEOPLE ARE SWIMMING AT THEIR OWN RISK AS IT IS.

WHETHER THAT'S A HEALTH RISK, WHETHER THAT'S A SAFETY RISK BECAUSE OF THE ROCKS, IT'S VERY HARD TO WALK IN AND OUT OF THAT AREA IN CERTAIN PLACES.

AND SO I THINK LIKEWISE KNOWING THE RISKS THEY'RE TAKING, THERE COMES OTHER RISKS AND THAT MEANS POTENTIAL EXPOSURES TO DOGS THAT ARE ALSO IN THE AREA WITH THEIR OWNERS.

AND SO I'VE ASKED THE LAW DEPARTMENT TO HELP ME WITH SOME LANGUAGE, SO I'M GOING TO MAKE AN AMENDMENT THAT I CERTAINLY WOULD HOPE WOULD BE FRIENDLY TO ME.

[LAUGHTER].

>> MAYOR LEFFINGWELL: YOU CAN ALWAYS HOPE.

>> IS THERE A GOOD CHANCE OF THAT?

>> MARTINEZ: WELL, I HAVEN'T HEARD IT YET.

[LAUGHTER].

>> COUNCILMEMBER, LANGUAGE THAT WE THINK WOULD AFFECT YOUR INTENT TO ALLOW DOGS SWIMMING THIS THAT SPECIFIC AREA WOULD BE TO ADD A SECTION STATING AN OWNER OR HANDLER OF A DOG MAY ALLOW THE DOG TO SWIM IN BARTON CREEK BETWEEN LADY BIRD LAKE AND BARTON SPRINGS POOL, SECTION 341, WHICH IS THE SECTION OF CODE THAT PROHIBITS OFF LEASH DOG ACTIVITY, DOES NOT APPLY TO OWNERS OR HANDLERS FOR PURPOSES OF THIS SECTION AND THEN YOU WOULD FURTHER ALLOW US TO RENUMBER THE SECTION TO ACCOMMODATE THAT [INDISCERNIBLE]

>> MARTINEZ: I WILL ADD THAT IN AS A FRIENDLY AMENDMENT.

>> MAYOR LEFFINGWELL: AND YOUR SECOND ACCEPTS THAT.

COUNCILMEMBER RILEY.

>> RILEY: YEAH.

I WOULD LIKE TO ASK A QUESTION OF STAFF.

WELL, FIRST I WILL SAY AS A CO SPONSOR OF THAT ORIGINAL ITEM, I'M INCLINED TO SUPPORT THE MOTION BUT I DO WANT TO ASK ABOUT THE DATA.

THE THERE WAS A PRESENTATION AT THE PARKS BOARD ON OCTOBER 28TH, WHICH IS WHICH IS ONLINE ON THE PARKS BOARD WEB PAGE AND THAT HAS SOME INFORMATION ABOUT THE ABOUT THE BACTERIA LEVELS IN THE AREA AND THE FIRST BULLET POINT THAT I WANTED TO ASK ABOUT, IT

SAYS BASED UPON THE LAST FIVE YEARS OF AVAILABLE SAMPLES COLLECTED ON WEEKDAYS AND WEEKENDS, THERE WERE 22 SAMPLES, FECAL INDICATOR BACTERIA LEVELS IN BARTON CREEK BELOW BARTON SPRINGS POOL SUPPORT HUMAN CONTACT RECREATION, GEOMETRIC MEAN WAS 115 MPN FOR DL, I'M NOT SURE WHAT THAT IS.

BUT THEN I TAKE IT THAT THE TCEQ CONTACT RECREATION STANDARD IS A LITTLE HIGHER THAN THAT, 126 MPN PER DL.

I JUST WANTED TO ASK, GIVEN THE AVERAGE THAT WE ACTUALLY FOUND OVER THE LAST FIVE YEARS OF AVAILABLE SAMPLES WAS WAS BELOW THE THE WHAT TCEQ CONSIDERS THE CONTACT RECREATION STANDARD, AND THERE WERE DOGS SWIMMING, I ASSUME THERE WERE DOGS SWIMMING ALONG WITH HUMANS IN THAT AREA DURING DURING MOST IF NOT ALL OF THOSE TIMES, THEN WHAT WHY DOESN'T THAT SUPPORT THE THE MOTION THAT WE'RE TALKING ABOUT NOW?

>> SO THE STATE STANDARD IS A LONG TERM AVERAGE THAT YOU WOULD EVALUATE WITH AT LEAST 20 DATA POINTS OVER AT LEAST TWO YEARS AND IDEALLY OVER A FIVE TO SEVEN YEAR PERIOD.

SO THE DATA IS VERY SPARSE GOING BACK IN TIME.

IT'S BEEN REGULARLY MONITORED FROM JULY TO PRESENT, TWO TIMES PER WEEK, PLUS AN ADDITIONAL SAMPLING ON THE WEEKENDS.

THE SITUATION THAT WE SEE ARE THAT VALUES ARE VERY HIGH ON THE WEEKENDS.

SEVEN TIMES THAT LONG TERM AVERAGE STANDARD ESTABLISHED BY THE STATE.

SO THE BACTERIA ARE VERY HIGHLY VARIABLE.

AS I MENTIONED PREVIOUSLY, THEY ARE HIGHER THERE THAN THEY ARE UPSTREAM, DOWNSTREAM OR COMING OUT OF THE POOL.

SO THERE'S SOME CONCENTRATED USE GOING ON RIGHT THERE THAT'S THE SORT OF THE ADDITIONAL FECAL CONTAMINATION.

SO THE CONCERN IS THAT BECAUSE WE SEE THESE HIGHLY VARIABLE VALUES IN THE FECAL INDICATOR BACTERIA THAT DON'T CORRELATE TO CREEK FLOW AND THE BARTON CREEK FALL OR ANTECEDENT RAINFALL, THAT CONTAMINATION IS ORIGINALLY FROM THAT SPOT AND IT'S HIGH, WHEN WE SEE HIGHER USE, MORE PEOPLE, MORE DOGS WE SEE HIGHER BACTERIA.

OUR LITERATURE PREVIOUS EXPERIENCE TELLS US THAT HUMANS AND DOGS IN A SMALL BODY OF WATER IS GENERALLY AN UNSAFE SITUATION FOR HUMANS FROM A WATER QUALITY PERSPECTIVE, SEPARATE FROM ANY OTHER PHYSICAL SAFETY ISSUES.

AND SO WHEN WE LOOK AT THAT, IT DOES SUPPORT, WHEN WE TAKE ALL OF THAT DATA, AGAIN IT'S PRETTY SPARSE LOOKING BACKWARDS, IT DOES MEET THE CONTACT RECREATION STANDARD.

IF IT DIDN'T, THEN WATERSHED PROTECTION COULDN'T SUPPORT CHANGE IN THE ORDINANCE TO ALLOW PEOPLE TO SWIM.

BECAUSE IT DOES MEET, BECAUSE THE BACTERIA ARE STILL HIGHLY VARIABLE, WE THINK THIS IS A DELIBERATE MEASURE TO RESTRICT A DEFINITE SOURCE OF FECAL CONTAMINATION TO THAT AREA.

NOT THE ONLY ONE, BUT A DEFINITE ONE TO CONTINUE TO ALLOW THE HUMAN USE THAT'S BEEN GOING ON.

WE WOULD CERTAINLY CONTINUE TO MONITOR IT IN COOPERATION WITH THE HEALTH DEPARTMENT ON A REGULAR BASIS.

IF THE VALUES CHANGED ONE WAY OR ANOTHER, WE WOULD TAKE WHATEVER ACTION IS APPROPRIATE.

>> RILEY: WHAT I WOULD TAKE IS SOMEONE IS CONCERNED ABOUT THE BACTERIA LEVELS, THEY REALLY WANT TO SWIM HERE.

WHAT THEY OUGHT TO DO IS GO THERE DURING TIMES THERE'S NOT SO MANY PEOPLE AROUND, DURING OFF PEAK TIMES, OUR DATA INDICATE AT THOSE TIMES WHEN THERE AREN'T MANY PEOPLE AROUND, ESPECIALLY IF THERE HAS BEEN RAINS RECENTLY THAT IT GENERALLY IS WITHIN SAFE LEVELS.

THOSE WHO HAVE THOSE CONCERNS NEED TO AVOID THOSE PEAK PERIODS, IS THAT A FAIR SUMMARY?

>> YES, SIR.

HUMAN SWIMMING A HUMAN SWIMMER SWIMMING AT TIMES WHEN THERE ARE FEW PEOPLE AND FEW DOGS THERE WOULD BE AT REDUCED RISK FOR CONTRACTING SOME WATER BORNE ILLNESS.

>> RILEY: OKAY. AND IN FACT THE AVERAGE OBSERVATION WE FOUND WAS THAT IT WAS WITHIN TCEQ LEVELS OVER THE PAST FIVE YEARS.

>> YES, PART OF THAT IS GENERATED PRIMARILY FOR WEEKDAY SAMPLING, TUESDAY THROUGH THURSDAY DURING THE DAY FROM JULY TO PRESENT.

AGAIN WE SEE ON THE WEEKENDS IT CAN BE I THINK WE MEASURED IT MORE THAN SEVEN TIMES THAT.

>> RILEY: OKAY.

THEN I WILL JUST NOTE FOR THOSE WHO ARE INTERESTED IN THIS, THEY CAN SEE THAT WHOLE DATA BY JUST GOING TO THE WEB PAGE FOR THE PARKS BOARD AND LOOKING UP THE PRESENTATION FOR THAT DATA I MENTIONED AND THE WHOLE POWERPOINT IS THERE, THAT'S THAT SETS ALL OF THIS OUT.

THANKS.

>> MAYOR LEFFINGWELL: COULD I ASK YOU, DO WE HAVE OTHER PARK AREAS WHERE WE ALLOW SPECIFICALLY ALLOW DOGS AND PEOPLE TO SWIM?

I SEEM TO RECALL SOMETHING ABOUT BULL CREEK A FEW YEARS AGO.

>> NO, SIR, WE DO NOT.

SO BULL CREEK IS DESIGNATED IT WAS PREVIOUSLY AN OFF LEASH USE, A DOG OFF LEASH AREA., THERE IS NO SANCTIONED AREA WHERE IT'S DOGS OFF LEASH AND HUMAN SWIMMING, THE WATER OFF LEASH ARE IN LADY BIRD LAKE WHICH IS ALREADY PROHIBITED FROM

>> MAYOR LEFFINGWELL: THERE IS NO OTHER AREA IN THE CITY WHERE THAT'S SANCTIONED.

OKAY.

ANY OTHER COMMENTS?

>> COUNCIL, I JUST WANT TO LET YOU KNOW THAT IF IF WE DECIDE TO MOVE FORWARD WITH THE AMENDMENT, IF YOU DECIDE AND DIRECT US TO GO AHEAD AND MOVE FORWARD WITH THE AMENDMENT TO THE ORDINANCE, THERE IS A PARK RULE THAT STATES THAT YOU'RE NOT TO HAVE DOGS, HANDLERS ARE NOT TO ALLOW DOGS IN SPACES WHERE HUMANS ARE SWIMMING.

AND SO I JUST WANT TO ADVISE YOU THAT I WILL BE DOING WHAT I NEED TO DO TO AMEND THAT PARK RULE AND PARK RULES ARE ARE SUBJECT TO CHAPTER 1 2 ADOPTION OF RULES AND SO I I JUST WANT TO TELL YOU THAT OBVIOUSLY THIS ORDINANCE WILL TRUMP THAT, BUT I WILL DO WHAT IS NECESSARY TO MAKE SURE THAT THEY ARE COMPATIBLE.

>> RILEY: MAYOR?

>> MAYOR LEFFINGWELL: OTHER COMMENTS?

COUNCILMEMBER RILEY.

>> RILEY: I JUST WANTS TO ASK STAFF, ASSUMING THIS MOTION IS APPROVED WITH THE WOULD THE PARKS DEPARTMENT CONSIDER IS APPROPRIATE TO PLACE SIGNAGE AT THE SITE THAT GIVES SOME INFORMATION ABOUT WHAT WE'VE BEEN DISCUSSING?

>> I'M GLAD THAT YOU ASKED THAT QUESTION BECAUSE, YES, ABSOLUTELY.

I WOULD RECOMMEND THAT IF IT DOES PASS AND MEET APPROVAL, THAT WE WOULD POST SIGNS SUCH AS THE AREA IS NOT LIFE GUARDED, WHICH WE WANT TO MAKE SURE IS THE WATER LEVEL FLUCTUATES, BECAUSE WE WANT PEOPLE TO KNOW IT DOES RISE AND FALL.

THAT THEY SWIM AT THEIR OWN RISK BASED ON THE FACT THAT THERE'S NO LIFE GUARD AND THAT THE QUALITY OF THE WATER IS FLUCTUATES AS WELL, SO THAT PEOPLE UNDERSTAND VERY CLEARLY THAT IF THEY GET IN THIS WATER AND THERE ARE ISSUES, THAT THAT WE'RE WE'RE BEING QUITE FRANKLY, YOU KNOW, FRANK WITH THEM ABOUT THE WATER QUALITY.

AND, YOU KNOW, WE

>> MAYOR LEFFINGWELL: I DON'T THINK THAT REALLY TELLS THE STORY, IF I SAW A SIGN SAYING WATER QUALITY FLUCTUATES.

>> VARIES OR WE WILL USE THE SAME LANGUAGE THAT WE USE AT BULL CREEK.

>> MAYOR LEFFINGWELL: CONTAMINATE.

>> I WILL WORK WITH

>> MAYOR?

FOR THOSE PARK USERS WHO MIGHT NOT HAVE BEEN WATCHING THIS DISCUSSION, IT MIGHT BE HELPFUL TO CONVEY THAT THAT THE BACTERIA LEVELS TEND TO BE HIGHER DURING THE PERIODS YOU'VE DESCRIBED.

SO BEYOND SAYING IT FLUCTUATES, GIVE A LITTLE INDICATION OF HOW IT FLUCTUATES SO IF SOMEONE REALLY WANTS TO AVOID THOSE TIMES OF HIGH BACTERIA LEVELS, THEY WOULD HAVE SOME BASIS FOR KNOWING WHEN THEY SHOULD BE THERE AND WHEN THEY SHOULDN'T.

>> AND WE WILL WORK WITH THE HEALTH DEPARTMENT AND WATERSHED TO MAKE SURE THAT THE WORDING IS CONSISTENT WITH THE LANGUAGE THAT WE USED AT BULL CREEK.

IT WAS VERY CLEAR THERE IF YOU GET IN THAT WATER, I DON'T KNOW EXACTLY WHAT THE WORDING WAS, BUT IT WAS VERY CLEAR.

>> RILEY: SEEMS LIKE IF YOU TELL PEOPLE IT'S GOING TO BE WORSE WHEN THERE'S A LOT OF PEOPLE THERE, THAT WOULD TEND TO HELP WITH THAT PROBLEM.

THAT SOME PEOPLE WOULD LIKELY HEED THAT AND MIGHT AVOID IT, THAT WOULD TEND TO MAKE THE WATER QUALITY BETTER BECAUSE YOU WOULD HAVE FEWER PEOPLE SWIMMING DURING THOSE PERIODS.

>> RIGHT.

>> RILEY: SO THAT SEEMS LIKE THAT WOULD BE HELPFUL.

>> I WOULD HOPE SO.

>> MAYOR LEFFINGWELL: ALL THOSE IN FAVOR OF THE MOTION SAY AYE.

>> AYE.

>> THOSE OPPOSED SAY NO.

>> NO.

THAT'S TO CLOSE THE PUBLIC HEARING AND APPROVE ON ALL THREE READINGS, PASSES ON A VOTE OF 5 2 WITH MYSELF AND COUNCILMEMBER SPELMAN VOTING NO.

ALL RIGHT.

SO 189.

COUNCILMEMBER MORRISON WOULD LIKE TO I THINK TALK ABOUT WHAT SHE'S GOING TO DO.

>> MORRISON: WHY DON'T YOU INTRODUCE IT, SORRY.

>> GOOD MORNING, MAYOR AND COUNCIL, GREG GUERNSEY, PLANNING DEVELOPMENT AND REVIEW DEPARTMENT.

THIS IS AN ITEM REGARDING TO CONDUCT A PUBLIC HEARING AND CONSIDER AN ORDINANCE AMENDING THE IMAGINE AUSTIN COMPREHENSIVE PLAN.

THIS IS A RESULT OF COMING FORWARD WITH THE ANNUAL REPORT.

WE SPOKE ABOUT THIS AT LENGTH AT THE WORK SESSION, SO I'LL STOP AND LET YOU DO WHATEVER YOU WANT TO DO WITH THIS.

>> MAYOR LEFFINGWELL: ALL RIGHT.

>> MORRISON: YEAH, SO THE FIFTH ITEM WAS QUITE CONTROVERSIAL AND I'M I'M NOT SORRY THAT THE CONTROVERSY GOT RAISED BECAUSE I THINK THAT IT'S A GOOD CONVERSATION FOR US TO HAVE AND WHAT I WOULD LIKE TO DO IS THE ISSUE THAT WE'RE TALKING ABOUT IS THE IS THE PREEMINENCE OR NOT OF COMPACT AND CONNECTED IN IMAGINE AUSTIN IN GENERAL AND IN IN WITH REGARD TO WRITING THE LAND DEVELOPMENT CODE.

SO THAT CONTROVERSIAL ITEM AROSE BECAUSE OF SOME CONVERSATIONS I STARTED HAVING WITH THE PLANNING COMMISSIONERS WHO THEN PROCESSED AN AMENDMENT AND APPROVED THAT.

BUT BECAUSE IT'S SO CONTROVERSIAL, AND IT REALLY HAS RAISED THE CONVERSATION THAT NEEDS TO BE HAD, WHAT I WOULD LIKE TO DO IS, I KNOW WE HAVE SOME SPEAKERS THAT MAY OR MAY NOT WANT TO SPEAK.

WHAT I WOULD LIKE TO DO AND INTEND TO DO AFTER WE FIGURE THAT OUT IS TO MAKE A MOTION THAT WE PASS ONLY ITEMS ONLY THE RECOMMENDATIONS 1 THROUGH 4.

AND I WILL BE ASKING TO GIVE DIRECTION TO STAFF TO HOST SOME KIND OF FORUM OR SOME KIND OF MECHANISM TO HAVE A DIALOGUE ABOUT THAT ISSUE.

>> MAYOR LEFFINGWELL: THANK YOU.

THAT'S VERY HELPFUL.

>> MAYOR?

>> MAYOR LEFFINGWELL: MAYOR PRO TEM?

>> COLE: I WOULD LIKE TO SAY THAT I RECEIVED SEVERAL CALLS AND READ ALL OF THE LETTERS ABOUT THE CONCERN ABOUT ABOUT ITEM NO. 5 AND THE DISCOURSE THAT NEEDS TO OCCUR ABOUT COMPACT AND CONNECTED AND ACTUALLY URGED THAT WE COME BACK AFTER OUR WORK SESSION AND TALK ABOUT IT SOME MORE TO AVOID HAVING A LENGTHY PUBLIC HEARING OVER SOMETHING THAT HAS BEEN SO DISCUSSED IN THE COMMUNITY OVER TWO YEARS.

AND SO COUNCILMEMBER MORRISON HAS TAKEN THAT OUT OF PLAY AND SO I AM HOPEFUL THAT IF THE SPEAKERS THAT HAVE SIGNED UP TO SPEAK ARE DO NOT HAVE ANY COMMENTS ABOUT THE AMENDMENTS THAT WE ARE GOING TO MAKE, 1 THROUGH 4, THAT THEY DECLINE TO ADDRESS COMPACT AND CONNECTED BECAUSE I KNOW THAT COUNCILMEMBER MORRISON COULD HAVE FILLED THE CHAMBERS WITH PEOPLE WHO WANTED TO SPEAK IN FAVOR OF HER POSITION.

AND SO I I AM REPRESENTING THAT I DID MY BEST EFFORTS TO NOT HAVE A LOT OF SPEAKERS SPEAK IN FAVOR OF COMPACT AND CONNECTED AND ANOTHER POSITION.

>> MAYOR LEFFINGWELL: I APPRECIATE THAT, ALSO.

>> COLE: I'M SORRY?

>> MAYOR LEFFINGWELL: ALL RIGHT.

SO WE'LL START WORKING OUR WAY THROUGH THE SPEAKERS THEN.

WITH THAT IN MIND, WITH THAT IN MIND THAT WE WILL LIKELY ONLY CONSIDER PARTS 1 THROUGH 4.

FRANK HERON.

>> [INDISCERNIBLE].

>> MAYOR LEFFINGWELL: I'M GOING TO GO THROUGH THE LIST.

ROGER [INDISCERNIBLE], ROGER, DO YOU WANT TO SPEAK?

ARE YOU SURE?

GIVE US YOUR NAME.

>> [INDISCERNIBLE].

>> ERIC GOTH, IS ANDREW CLEMENTS HERE.

YOU HAVE THREE MINUTES.

>> JUST TO BE CLEAR ON YOUR MOTION BEFORE I GO INTO MY PREPARED REMARKS, WE APPRECIATE THAT VERY MUCH.

HOWEVER, WHAT WE PREFER IS FOR THE DISCUSSION AROUND COMPACT AND CONNECTED TO OCCUR WITHIN THE PROCESS LAID OUT WITHIN THE IMAGINE AUSTIN PLAN THAT HAS A SPECIFIC REVIEW PROCESS, THAT HAS AN ANNUAL REVIEW PROCESS, AND A FIVE YEAR REVIEW PROCESS THAT GO THROUGH THE THAT'S ON PAGES 203 AND 204 OF IMAGINE AUSTIN PLAN AND HOW THAT OCCURS, WE ARE PREPARED TO DO THAT AS PART OF A SPECIAL PUBLIC HEARING TOPIC.

MY INTENT WAS TO READ FROM THE PETITION THAT I'M SURE YOU ALL SAW, PEOPLE WERE SAYING [INDISCERNIBLE] COMPACT AND CONNECTED, BUT YOUR WILLINGNESS TO MOVE ON THIS I'M HAPPY TO NOT DO THAT IF YOU ALL ARE WILLING TO GO THROUGH THE NORMAL IMAGINE AUSTIN REVIEW PROCESS.

>> MORRISON: I HAD SOMETHING DEFINITELY DIFFERENT IN MIND.

SO I GUESS YOU'RE GOING TO HAVE TO READ IT.

>> MORRISON: OKAY.

>> WELL, THANK YOU.

I TRIED.

IT WAS WORTH A SHOT.

SO WE HAD A PETITION WITH ALMOST 400 SIGNATURES, MY NAME IS ERIC GOTH, ON BEHALF OF AURA, AND I'LL READ A FEW UNTIL MY TIME EXPIRES.

SO I CAN'T AFFORD TO LIVE IN AUSTIN, I'M SICK OF HAVING TO COMMUTE TOO FAR IN TRAFFIC.

I WANT TO RIDE MY BIKE TO WORK, I WANT TO BE ABLE TO AFFORD TO LIVE CLOSER INTO THE CITY.

BUT EVERY YEAR MY RENT GOES UP, I GET PUSHED FURTHER OUT.

JULIE LINDER.

MARTHA GONZALEZ WANTS MORE DENSITY, BETTER CONNECTIVITY.

ANDREW ELDER, OUR CITY NEEDS DRASTIC MEASURES TO OVERCOME DECADES OF SPRAWL.

PERPETUATED BY ZONING CODE THAT PREVENTS PEOPLE FROM LIVING CENTRALLY.

IF THE CITY COUNCIL TRULY CARES ABOUT SUSTAINABILITY AND ENVIRONMENTAL RESPONSIBILITY, COMPACT AND CONNECTED IS THE BEST PATH.

JOHN GONZALEZ I WANT TO BE ABLE TO USE, BIKE AND WALK MORE.

[INDISCERNIBLE], GLOBALLY IN TERMS OF USING LESS FOSSIL FUELS AND LOCALLY IN TERMS OF MAINTAINING WILDLIFE AND UNDEVELOPED LAND.

JENN SAYS BECAUSE URBAN DENSITY IS THE FIRST STEP TOWARDS SOLVING OUR TRAFFIC CONGESTION,
ALEX SCARBOROUGH IT'S IMPERATIVE THAT WE HOLD TRUE TO THE COMPACT VISION.

WES DAVIS, I MOVED AWAY FROM AUSTIN TO GET AWAY FROM THE BLAND URBAN SPRAWL FROM
ANOTHER CITY. BUT STILL BE IN TEXAS.

I LOVE THE CITY AND I LOVE THE PLANS TO KEEP IT CENTRALIZED.

DANIELLA OCHOA GONZALEZ, DENSITY EQUALS A SUSTAINABLE, CREATIVE, ECONOMICALLY VIABLE
CITY.

DANIEL MURRAY COMPACT AND CONNECTED MATTERS.

THESE ARE NOT JUST PLEASANTRIES, THEY ARE ESSENTIAL ELEMENTS OF IMAGE AUSTIN AND A
SUSTAINABLE LIVEABLE CITY.

I SPECIFICALLY CHOSE TO LIVE IN MY NEIGHBORHOOD BECAUSE OF THE GRID PATTERNED STREET AND
ACCESS TO BIKE LANES AND BUS ROUTES.

I CAN BIKE, WALK, TAKE TRANSIT AND EVEN DRIVE EASILY.

>> MAYOR LEFFINGWELL: THANK YOU.

>> MAYOR LEFFINGWELL: THANK YOU, ROGER KOVIN, I'M GOING BY THIS LIST NOW WHICH I'VE JUST
BEEN GIVEN, ROGER KOVIN.

>> ARE WE HAVING FUN YET?

>> MAYOR LEFFINGWELL: NOT YET.

[LAUGHTER]

>> I AM ROGER KOVIN, I LIVE IN THE DOWNTOWN NEIGHBORHOOD, I'M ON THE BOARD OF THE AUSTIN
DOWNTOWN NEIGHBORHOOD ASSOCIATION.

AND ALSO A MEMBER OF ORA.

AND MOST IMPORTANTLY, I SERVED ON THE IMAGINE AUSTIN TASK FORCE.

I WAS ON THE CITIZENS ADVISORY TASK FORCE FOR THAT COMPREHENSIVE PLAN.

SO I THINK IN THE IN THE WORK SESSION THAT I LISTENED TO, I WAS I DETECTED THAT THERE WAS
AT LEAST A PERCEPTION THAT THE PUBLIC WAS CONFUSED ABOUT COMPACT AND CONNECTED AND
THE ROLE OF COMPACT AND CONNECTED IN THE IMAGINE AUSTIN PLAN.

AS AN IMAGINE AUSTIN TASK FORCE MEMBER ON ON IN THE CONTEXT, PERSPECTIVE AND CONTEXT
ON THE ROLE OF COMPACT AND CONNECTED IN THE PLAN.

SO AS YOU KNOW, THERE ARE EIGHT PRIORITY PROGRAMS IN THE PLAN.

TWO OF WHICH ARE COMPACT AND CONNECTED ESSENTIALLY.

THE FIRST CALLS FOR INVESTING IN A COMPACT AND CONNECTED AUSTIN AND THE LAST ONE THEN TIES THINGS UP BY CALLING FOR A LAND DEVELOPMENT CODE REWRITE OR REVISIONS TO ENABLE COMPACT AND CONNECTED AND THAT'S SORT OF THE PRIVATE SECTOR ENABLING THE PRIVATE SECTOR, THE FIRST ONE IS MORE THE PUBLIC SECTOR.

WHAT I WANTED TO POINT OUT WAS ONE OF THE THINGS THAT I WANTED TO POINT OUT WAS THAT THE FIRST IS THAT THE CHOICE OF WORDS IN PRIORITY PROGRAM NUMBER 8, WHICH IS WHICH WAS AT ISSUE HERE WAS VERY DELIBERATE.

AND IT WAS VERY WELL KNOWN.

I MEAN, YOU GUYS HAVE HEARD COMPACT AND CONNECTED A WHOLE BUNCH.

BELIEVE ME, I HEARD IT TONS AND TONS THROUGHOUT THE PROCESS.

AND SO IT WAS VERY DELIBERATE.

VERY DELIBERATE CHOICE AND A VERY DELIBERATE EMPHASIS IN THAT PRIORITY PROGRAM NUMBER 8.

FURTHERMORE, IT WAS VIEWED AS A CRITICAL PATH TO ACHIEVING THE GOALS OF IMAGINE AUSTIN.

AND SO THAT'S TIED BACK TO THE FACT THAT THAT IT WAS VERY DELIBERATE.

IT WAS BECAUSE WE VIEWED IT AS, FOR ALMOST ALL OF THE OTHER GOALS OF IMAGINE AUSTIN, BEING SO CRITICAL.

SO IN CLOSING, WE HAD ABOUT 18,000 PUBLIC INPUTS.

WE HAD THOUSANDS OF PARTICIPANTS FROM THE PUBLIC.

WE HAD THE TASK FORCE ITSELF, ABOUT 40 MEMBERS OF THE TASK FORCE, MOST OF WHOM RECOMMENDED THIS WORDING.

WE ALSO HAD THE PLANNING COMMISSION AND CITY COUNCIL UNANIMOUSLY ADOPT THE PLAN WITH THE WORDING.

SO I JUST THINK THAT IT'S IMPORTANT TO TO TAKE THAT INTO CONSIDERATION IN IN CONTEXT AND I DO THINK IT'S IMPORTANT FOR THE PUBLIC TO [BUZZER SOUNDING] TO HAVE THAT CONTEXT AS WELL.

THANK YOU.

>> MAYOR LEFFINGWELL: THANK YOU.

JENNIFER HULLIHAN.

>> MY NAME IS JENNIFER HULLIHAN, I'M A MEMBER OF ORA AND I LIVE IN THE RANCHO ALTO NEIGHBORHOOD IN DEEP SOUTH AUSTIN.

TONIGHT I AM PRIVILEGED TO READ TO YOU A LETTER FROM GARNER STOLE, WHO IS A KEY FRAMER OF THE IMAGINE AUSTIN PLAN.

DEAR MAYOR AND CITY COUNCIL, THE THOUSANDS OF PARTICIPANTS WHO CREATED IMAGINE AUSTIN CONSISTENTLY STATED THEIR PREFERENCE FOR A PLAN THAT PROMOTES INFILL AND DEVELOPMENT OVER LAND EXTENSIVE SPRAWL.

A PLAN THAT PROMOTES WALKABLE AND CONVENIENT NEIGHBORHOODS, OVER ISOLATED AND DISCONNECTED PLACES.

THE PARTICIPANTS BROADLY UNDERSTOOD THAT ENVIRONMENTAL, PHYSICAL, TRANSPORTATION, AFFORDABILITY, HEALTH AND ECONOMIC BENEFITS OF GROWING IN A MORE SUSTAINABLE AND COMPACT MANNER.

THE PRINCIPLE OF COMPACT AND CONNECTED AND ILLUSTRATIVE GROWTH CONCEPT MAPS WERE DEVELOPED TO BROADLY REFLECT THE GOALS OF THE PLAN AND TO HELP GUIDE THE PHYSICAL DEVELOPMENT OF THE FUTURE CITY.

THE CONTENT ON PAGES 207 TO 210 FOR PRIORITY 8 REGARDING THE REWRITING OF DEVELOPMENT REGULATIONS WITH DELIBERATELY WRITTEN AS A BOOK END FOR PRIORITY PROGRAM ONE, WHICH DEALS WITH PUBLIC INVESTMENTS.

THIS WAS DONE TO ENCOURAGE THE COORDINATION OF PUBLIC INFRASTRUCTURE INVESTMENTS WITH PRIVATE DEVELOPMENT.

THE INTENT WAS TO USE IMAGINE AUSTIN TO HELP COORDINATE THE CITY'S REGULATORY AND SPENDING POWERS AS ENVISIONED BY THE AUSTIN CITY CHARTER.

THIS PROPOSED AMENDMENT CONFLICTS, CONFUSES AND DILUTES THIS COORDINATION BY RETAINING COMPACT AND CONNECTED DIRECTIVE FOR PUBLIC INVESTMENTS BUT ELIMINATING IT FOR REVISING DEVELOPMENT REGULATIONS.

PRIORITY PROGRAM 8, LIKE THE OTHER SEVEN PRIORITY PROGRAMS, CONTAINS SPECIFIC AND CONSCIOUSLY SELECTED LISTS OF RELATED VISION COMPONENTS, RELATED ACTIONS GOALS AND METRICS, SPECIFIC SHORT TERM AND LONG TERM STEPS AND RELATED CITY INITIATIVES.

THE SELECTION OF THESE PARTICULAR CONSIDERATIONS WAS MADE DELIBERATELY AND CAREFULLY OVER THE DURATION OF THE THREE YEAR IMAGINE AUSTIN PROCESS BASED ON INPUT FROM THE PUBLIC, CONSULTANT, CITY STAFF, NUMEROUS BOARDS AND COMMISSIONS, PLANNING COMMISSION AND THE CITY COUNCIL.

IN SUMMARY, PRIORITY PROGRAM 8 AS CURRENTLY WRITTEN CONTAINS THE PLANS DIRECTION FOR THE REVISION OF THE DEVELOPMENT REGULATIONS.

THIS AMENDMENT OBFUSCATES THAT DIRECTION BY ELIMINATING THE UMBRELLA TERM COMPACT AND CONNECTED AND SIMPLY INVOKING THE ENTIRE IMAGINE AUSTIN PLAN.

THE RESULT MAY BE THE RETENTION OF MANY OF THE CONTRADICTORY AND OVERLAPPING PROVISIONS THAT MAKE THE PRESENT CODE SO DYSFUNCTIONAL.

HE CLOSSES WITH A QUOTE.

IF YOU DON'T KNOW WHERE YOU'RE GOING, YOU'LL END UP SOMEPLACE ELSE.

BY YOGI BERRA.

THIS IS A SUBSTANTIVE CHANGES FOR REASONS DISCUSS.

WE MUST LOOK TO IMAGINE AUSTIN ITSELF AS THE GUIDE TO TELL US HOW IT WILL EVOLVE OVER TIME, THERE'S NO MECHANISM IN THE ANNUAL REVIEW TO ADDRESS THIS KIND OF SUBSTANTIVE REVISION, HOWEVER MAJOR OR MINOR AMENDMENTS TO IMAGINE AUSTIN CAN BE MADE BY FOLLOWING THE DIRECTIVES LAID OUT ON PAGE 224 DESCRIBING THE EVALUATION PROCESS.

THANK YOU.

>> MAYOR LEFFINGWELL: THANK YOU, I'LL GIVE YOU MY YOGI BERRA QUOTE.

WHEN YOU COME DID A FORK IN THE ROAD.

TAKE IT.

[LAUGHTER].

IS THERE ANYONE ELSE THAT WOULD LIKE TO SPEAK IN THIS PUBLIC HEARING?

I KNOW YOU SIGNED UP.

YOU MAY SPEAK IF YOU WOULD LIKE.

BUT I WAS GOING BY THE LIST GIVEN.

YOU WERE NOT ON IT.

DAVID KING.

>> BUT I DID SIGN UP.

>> MAYOR LEFFINGWELL: I KNOW.

>> THANK YOU, OKAY.

MY NAME IS DAVID KING, I LIVE IN THE ZILKER NEIGHBORHOOD, THANK YOU, MAYOR, MAYOR PRO TEM, COUNCILMEMBERS, I'M GOING TO BE SHE BRIEF.

YOU KNOW, THE IMAGINE AUSTIN COMPREHENSIVE PLAN, YES, IT WAS DONE, YOU KNOW, A FEW YEARS AGO AND IT'S YOU KNOW, YOU ALL KNOW IT'S ABOUT THIS THICK, IT'S ABOUT THIS THICK.

HOW MANY PAGES?

300?

350 PAGES?

AND IT'S THIS IS REALLY THE FIRST TIME THAT IT'S REALLY BEEN PUT TO THE TEST.

IT'S REALLY BEEN WE'RE TRYING TO IMPLEMENT IT.

SO NOW PEOPLE CAN REALLY SEE START TO UNDERSTAND WHAT IT MEANS.

IT'S A BIG PLAN.

AND SO IT'S UNDERSTANDABLE THAT NOW PEOPLE ARE HAVING REALLY SEEING OH, OKAY, I HAVE A BETTER IDEA OF WHAT OF WHAT THE GIST OF THIS IS.

AND THEY ARE CONCERNED.

I CAN TELL YOU THAT NEIGHBORHOODS ARE CONCERNED.

A LOT OF NEIGHBORHOODS.

THE NEIGHBORHOOD GROUPS THAT I'M A PART OF AND WORK WITH ARE CONCERNED THAT THE EMPHASIS IS COMPLETELY ON COMPACT AND CONNECTED.

THAT THAT OVERRIDES EVERYTHING.

AND WHETHER THAT WAS INTENDED TO BE IN THE DOCUMENT THAT WAY OR NOT, THE FACT OF THE MATTER IS TODAY MANY NEIGHBORHOODS ARE CONCERNED ABOUT THAT EMPHASIS BEING SO STRONG ON COMPACT AND CONNECTED.

THAT IS A REALITY.

AND IF WE'RE GOING TO HAVE A COMMUNITY THAT CAN WORK TOGETHER AND DEVELOP THIS NEW LAND DEVELOPMENT CODE TOGETHER, THEN WE NEED TO HAVE A BETTER BALANCE.

AND THIS IS A GOOD STEP IN THAT DIRECTION.

THAT'S WHAT WE NEED THIS IS ALL ABOUT HELPING PEOPLE WORK TOGETHER.

TO DEVELOP THE COMMUNITY THAT WORKS FOR EVERYBODY AND IS NOT DRIVEN AND OVERRIDDEN BY A CERTAIN SPECIAL INTEREST.

THAT'S WHAT OUR COMMUNITY IS ABOUT.

IT'S ABOUT INVOLVING EVERYBODY.

NOT JUST ONE GROUP.

BUT EVERYBODY.

SO WE SHOULDN'T WAIT ANOTHER YEAR TO START THIS PROCESS.

LET'S GET THIS GOING RIGHT NOW BECAUSE CODE NEXT IS BEING IMPLEMENTED AS WE SPEAK.

AND WE CAN'T WASTE ANY MORE TIME IN GETTING THIS ISSUE RESOLVED.

IT IS AN ISSUE.

AND THIS IS SLOWING THINGS DOWN AND CAUSING PROBLEMS.

LET'S GET THIS ISSUE RESOLVED NOW AND WE'LL HAVE A BETTER RESULT AND WE'LL HAVE THE BETTER PROGRESS ON THE PROJECT.

THANK YOU VERY MUCH.

>> MAYOR LEFFINGWELL: ANY OTHER PERSON THAT FEELS THE NEED TO SPEAK IN THIS PUBLIC HEARING?

OKAY.

SO I WILL ENTERTAIN A MOTION TO CLOSE THE PUBLIC HEARING AND ADDRESS THE ORDINANCE.

COUNCILMEMBER MORRISON.

>> MORRISON: THANK YOU, MAYOR, I WOULD LIKE TO I HAVE SOME COMMENTS TO MAKE, BUT I'LL JUST GET THE MOTION ON THE TABLE AND THAT IS TO CLOSE THE PUBLIC HEARING AND APPROVE ITEMS NUMBER 1 THROUGH 4.

>> SECOND.

>> MAYOR LEFFINGWELL: MOTION BY COUNCILMEMBER MORRISON.

IS THERE A SECOND?

SECONDED BY THE MAYOR PRO TEM.

ALL RIGHT.

>> MORRISON: IF I CAN SPEAK TO THAT, MAYOR.

I THINK THAT BASED ON THE CONVERSATIONS THAT WE HAD ON TUESDAY, IT'S MY UNDERSTANDING THAT THIS IS NOT A SUBSTANTIVE CHANGE, THAT THERE'S NOTHING DIFFERENT IN WRITING CODE NEXT WITH OR WITHOUT THIS LANGUAGE IN IT.

AND SO I THINK IT'S FINE TO JUST TAKE THIS WHOLE THAT ONE AMENDMENT OFF THE TABLE.

BUT I DO THINK THAT WE NEED TO HAVE THE CONVERSATION ABOUT BECAUSE THERE IS TENSION, THERE ARE SOME PEOPLE THAT THINK THAT WE NEED THAT COMPACT AND CONNECTED THAT DRIVES EVERYTHING AND THEN THERE ARE OTHERS WHO SEE IT AS A COMPREHENSIVE THING.

I'VE HAD THE OPPORTUNITY TO SPEAK WITH STAFF AND I WONDER, MR. LEWIS, IF YOU COULD COME UP AND TALK A LITTLE BIT.

BECAUSE WE HAD AN OPPORTUNITY TO TALK ABOUT HOW DO WE GET THIS HOW DO WE GET THIS CONVERSATION BROADENED AND WE HAD SOME IDEAS ABOUT MAYBE THROUGH THE IMAGINE AUSTIN SPEAKER SERIES TO REALLY BE ABLE TO DELVE INTO IT.

I WONDER IF YOU COULD TALK A LITTLE BIT ABOUT WHAT YOU THINK MIGHT BE APPROPRIATE.

>> YES, MA'AM.

GOOD EVENING OR GOOD MORNING MAYOR AND COUNCIL.

MATTHEW LEWIS WITH PLANNING DEVELOPMENT REVIEW.

IN TALKING WITH COUNCILMEMBER MORRISON AND THE MEMBERS OF THE PUBLIC, WE'RE PROPOSING TO HAVE A SPEAKER SERIES OR PECHAKUCHAS, WHERE VARIOUS COMMUNITY MEMBERS CAN HAVE CONVERSATIONS REGARDING THE VARIOUS TOPICS OF IMAGINE AUSTIN, HOW THEY INTERRELATE INTO CODE NEXT.

WE'VE BEEN WORKING WITH THE CODE NEXT TEAM ON BRANDING CODE NEXT AND BEING MORE INCLUSIVE OF THE OTHER ELEMENTS OF THE COMPREHENSIVE MASTER PLAN TO CREATE A COMPACT AND CONNECTED WITH THE UTILIZATION OF THE OTHER ELEMENTS AND I THINK THAT'S A REALLY IMPORTANT ELEMENT THAT'S COINED WITHIN THE IMAGINE AUSTIN TERMINOLOGY.

SO WE'RE LOOKING AT INNOVATIVE PROCESSES THAT ARE GOING TO BE COMMUNITY DRIVEN AND WE'LL BE WORKING WITH THE VARIOUS STAKEHOLDERS TO MAKE THAT HAPPEN.

>> MORRISON: GREAT.

I APPRECIATE THAT.

MAYOR, I JUST WANTED TO ADD THAT, I GUESS NOT DIRECTION, I GUESS WE ARE COUNTING ON IT IS DIRECTION TO MAKE SURE THAT HAPPENS SO THAT THE CONVERSATION DOES CONTINUE AND DOESN'T JUST GET SWEEPED UNDER THE RUG.

>> MAYOR LEFFINGWELL: OKAY, ADDITIONAL DIRECTION, OTHER COMMENTS, COUNCILMEMBER RILEY.

>> RILEY: IS THERE A MOTION ON THE TABLE?

>> MORRISON: YES, TO APPROVE 1 THROUGH 4.

>> RILEY: WELL, I APPRECIATE COUNCILMEMBER MORRISON I APPRECIATE THE IDEA OF TAKING IT OFF THE TABLE.

BUT I AGREE WITH MR. KING THAT WE REALLY DO IT WOULD BE HELPFUL TO GET SOME RESOLUTION ON THIS.

WE HAVE HERE WE ARE AT THE END OF THIS COUNCIL'S SERVICE AND WE'VE HAD A VERY IMPORTANT QUESTION RAISED ABOUT ONE OF THE MOST SIGNIFICANT THINGS THIS COUNCIL HAS ACHIEVED, THIS COMPREHENSIVE PLAN AND COMPACT AND CONNECTED CLEARLY IS A VERY CENTRAL TENET OF THE PLAN AND AS WE HEARD FROM A MEMBER OF THE TASK FORCE TONIGHT, IT WAS MUCH DISCUSSED AND CONSIDERED AND WAS VERY DELIBERATELY MADE A CENTER PIECE OF THE PLAN.

AND NOW THAT THIS QUESTION HAS BEEN RAISED, I THINK TO JUST SORT OF SAY WELL WE'RE GOING TO KEEP TALKING ABOUT IT, REALLY IS A DISSERVICE TO THE WORK THAT WE HAVE DONE IN ESTABLISHING THIS COMPREHENSIVE PLAN.

SO MY SUGGESTION WOULD BE GIVEN ALL THAT WE'VE HEARD AND ALL WE KNOW AND GIVEN WHAT THE WHAT THE FACT THAT THAT THE COMPREHENSIVE PLAN REALLY DOES NOT CONTEMPLATE SIGNIFICANT CHANGES TO THE CONTENT ON THIS TIME FRAME, WITH THIS PROCEDURE, I THINK IT WOULD BE VERY APPROPRIATE TO GO AHEAD AND DENY THAT AMENDMENT NOW.

SO I WOULD OFFER A SUBSTITUTE MOTION THAT WE APPROVE AMENDMENTS 1 THROUGH 4 AND DENY AMENDMENT 5.

AND MAKE CLEAR THAT WE ARE THAT WE EMBRACE THE COMPREHENSIVE PLAN AS WRITTEN.

>> MAYOR LEFFINGWELL: SO SUBSTITUTE MOTION BY COUNCILMEMBER RILEY.

IS THERE A SECOND TO THAT?

THAT MOTION DIES FOR LACK OF A SECOND.

SO THAT BRINGS US BACK TO THE MAIN MOTION.

THOSE IN FAVOR OF THE MOTION BY COUNCILMEMBER MORRISON SAY AYE.

>> AYE.

>> MAYOR LEFFINGWELL: OPPOSED SAY NO.

PASSES ON A VOTE OF 7 0.

AND NOW WE GO TO ITEM 201.

>> THANK YOU, MAYOR, JERRY RUSTHOVEN, PLANNING DEVELOPMENT REVIEW.

MAYOR, IF I MAY REAL QUICKLY, I WOULD LIKE TO TAKE THIS QUICK OPPORTUNITY TO THANK ALL OF YOU WHO ARE NOT RETURNING FOR YOUR SERVICE TO THE CITY OF AUSTIN.

I UNDERSTAND THAT ZONING IS NOT EVERYONE'S FAVORITE PART OF THE AGENDA.

>> ZONING IS BETTER!

>> ZONING ROCKS!

[LAUGHTER]

>> I BELIEVE TONIGHT WAS A PERFECT EXAMPLE OF THAT, BUT DIE APPRECIATE YOUR THOUGHTFUL CONSIDERATION OF EACH AND EVERY CASE.

I ALSO UNDERSTAND THAT THE FORMER

>> MAYOR LEFFINGWELL: WAS THAT MR. GUERNSEY WITH THAT OUTBURST?

[LAUGHTER].

>> WOULD YOU LIKE HIM REMOVED FROM THE CHAMBERS?

>> IT WAS DANIEL YANEZ, HE GOT BACK IN.

[LAUGHTER].

>> I ALSO KNOW AS A FORMER COUNCIL AIDE THAT YOURS IS A JOB, BESIDES THE LONG MEETINGS WHICH EVERYONE FOCUSES ON, YOU ALL ARE APPROACHED AT RESTAURANTS INTERRUPTED IN THE GROCERY STORE, ET CETERA AND YOU'RE NEVER TRULY OFF THE CLOCK.

I FIND YOUR SERVICE TO THE CITY OF AUSTIN VERY HONORABLE AND I THANK YOU VERY MUCH.

>> THANK YOU, JERRY.

>> SO WITH THAT [APPLAUSE]

>> WITH THAT, LET'S SHUT THIS DOWN.

I PROMISED MR. SUTTLE THAT I WOULD BE SURE THAT HE IS LAST.

THANK YOU FOR FOR HELPING ME WITH THAT COMMITMENT.

ITEM 201 IS CASE C 20 201 4024 THE AMENDMENT TO TITLE 25 RELATING TO THE CONGRESS AVENUE COMBINING DISTRICT.

IF THE COUNCIL WILL THE PROPOSED CHANGE IS TO CHANGE THE SETBACK ON THE EAST SIDE OF CONGRESS AVENUE FROM 60 TO 40 FEET FOR A HEIGHT ELEVATION ABOVE 90 FEET.

IF THE COUNCIL WILL RECALL WE APPROVED ON FIRST READING, ITEM 45, 7TH AND CONGRESS ZONING CASE, THAT IS THE CASE USING THE CURE TO DO THE SAME THING TO CHANGE THE SET BACK.

IT WAS DISCOVERED AFTER THE FIRST READING THAT WE CANNOT USE THE CURE OVERLAY TO AMEND THE SET BACK.

HOWEVER, WE HAVE DONE THAT FOUR TIMES IN THE PAST.

ONCE FOR THE FROST BANK BUILDING, ONCE FOR THE JW MARRIOTT AND TWICE FOR TOM STACY'S PROPERTY WITHOUT REALIZING THAT WE COULD NOT DO IT.

[LAUGHTER].

IN ADDITION WE HAVE THE DOWNTOWN AUSTIN PLAN WHICH RECOMMENDS A CHANGE TO THE SETBACK AND WE ALSO HAVE A STATE LAW THE INTENT OF WHICH WAS TO REDUCE THE SETBACK TO ALLOW FOR THE REDUCTION OF THE SETBACK ON THE EAST SIDE, BUT NOT TO ALLOW ANY REDUCTION ON THE WEST SIDE.

ASIDE FROM THE FOUR EXAMPLES THAT I'VE GIVEN, STAFF HAS ALSO LOOKED INTO IT AND REALIZED THAT THERE'S AT LEAST THREE OTHER BUILDINGS BUILT ALONG THE BLOCK, ALL THE WAY FROM 10TH STREET ALL THE WAY DOWN TO THE RIVER THAT DO VIOLATE THE SETBACK.

SO FOR THAT REASON WE RECOMMEND THAT THE COUNCIL APPROVE THIS ITEM TO CHANGE THE SETBACK ON THE EAST SIDE OF CONGRESS AVENUE IN THE OVERLAY.

WITH THAT I'M AVAILABLE FOR ANY QUESTIONS.

>> MAYOR LEFFINGWELL: OKAY.

WE HAVE TWO SPEAKERS.

TIM FINLEY.

WAIVING.

RICHARD SUTTLE.

>> COLE: WAIVED.

>> MAYOR LEFFINGWELL: DENIED, DENIED.

>> COLE: DENIED.

>> WELL, FIRST I SAID TO SAY ALISON, I'M STILL HERE, IN CASE YOU'RE WATCHING TV.

I'M NOT OUT ON THE TOWN.

I WANTED TO TAKE THIS OPPORTUNITY TOO TO THANK YOU.

I'VE APPEARED BEFORE MANY COUNCILS.

I HAD A COURT REPORTER ASK ME [LAUGHTER].

>> MAYOR LEFFINGWELL: DID YOU SEE THAT?

>> MAYOR, IF YOU NEED TO GET UP AND GO TO THE RESTROOM, THAT'S FINE.

[LAUGHTER].

THAT'S NOT ME.

>> MAYOR LEFFINGWELL: YOU DIRTY RAT.

>> COLE: WE'VE BEEN WAITING FOR YOU FOR A WEEK.

YOU OUGHT TO JUST LET IT GO.

EVERYONE'S GOT SOMETHING.

[LAUGHTER].

>> YOU KNOW, I DON'T THINK IT'S LATE, I'VE BEEN DOING THIS SO LONG, I PARTICIPATED IN THE HEARING THAT WENT UNTIL 6:00 A.M. I HAD A REPORTER ASK ME, WHAT DO I THINK IS GOING TO HAPPEN.

I HE SAID I'VE BEEN DOING THIS LONGER THAN YOU'VE BEEN BORN, I THINK IT'S GOING TO BE JUST FINE.

ANYWAY, THANK YOU ALL FOR YOUR SERVICE, I HAVE REALLY APPRECIATED BEING ABLE TO APPEAR BEFORE Y'ALL AND THOSE OF YOU THAT WILL BE BACK, I LOOK FORWARD TO WORKING WITH YOU.

AND AND I RISE IN SUPPORT OF THE CODE AMENDMENT.

IT MAKES SENSE.

AND I WANT TO THANK YOU ALL FOR YOUR SERVICE, BOTH THE UPS AND THE DOWNS OF THIS CITY AND THE ECONOMIC TIMES AND THE EXCITING TIMES WE'VE HAD.

WE'VE HAD A LOT OF GOOD TIMES TOGETHER.

I THANK YOU FOR LETTING ME BE A PART OF THEM.

THANK YOU FOR YOUR SERVICE.

[APPLAUSE]

>> MAYOR LEFFINGWELL: THANK YOU, RICHARD.

I WILL ENTERTAIN A MOTION ON ITEM 201.

>> SPELMAN: MAYOR?

>> [INDISCERNIBLE].

>> MAYOR LEFFINGWELL: COUNCILMEMBER MORRISON MOVES TO CLOSE THE PUBLIC HEARING AND APPROVE THE ORDINANCE ON ALL THREE READING.

SECONDED BY COUNCILMEMBER SPELMAN.

FURTHER DISCUSSION?

THOSE IN FAVOR SAY AYE?

>> AYE.

>> MAYOR LEFFINGWELL: OPPOSED SAY NO.

THAT PASSES ON A VOTE OF 7 0.

NOW WE GO TO THE LAST ITEM, 145.

>> ITEM 145 IS THE 7TH AND CONGRESS ZONING CASE.

THE APPLICANT HAS NOTIFIED ME THAT HE WISHES TO WITHDRAW THE ZONING CASE.

>> MAYOR LEFFINGWELL: SO WITHOUT OBJECTION, ITEM NO. 145 IS WITHDRAWN.

AND THAT COMPLETES OUR AGENDA FOR TONIGHT.

AND FOR THE YEAR.

AND FOREVER.

[LAUGHTER].

WITHOUT OBJECTION, WE STANDS ADJOURNED, SINE DIE.

[APPLAUSE]