

## Closed Caption Log, Council Meeting, 01/14/10

**Note:** Since these log files are derived from the Closed Captions created during the Channel 6 live cablecasts, there are occasional spelling and grammatical errors. **These Closed Caption logs are not official records of Council Meetings and cannot be relied on for official purposes.** For official records or transcripts, please contact the City Clerk at 974-2210.

Good morning, I am Austin Mayor Leffingwell and we will begin this morning with the invocation by Pastor Roy Jones from the New Hope Baptist Missionary Expenditure. Welcome, Pastor. Please rise.

Bow our heads, oh Lord, how excellent is thy name, in all of the years, you got to rule and super rule. You are the alpha, the omega, the beginning and end, the living water, the bread of heaven, we come this mornin' at the beginning of the year and we say thank you for new mercy and grace because we recognize this is the day the Lord has made. We will rejoice and be glad in it. We are here today and we first say that we ask your blessing upon this council as we embark on new challenges and a new year and new beginnings, we pray that you bless this council first we ask that you bless us with a spirit of unity -- a continued spirit of unity, because we recognize united we stand, divided we fall and so we say that you would bless this council to make -- come together in unity to make great decisions that would impact Austinites all over this state then we ask Father you bless every decision because you say law of ways acknowledge you and you will direct our path, and we acknowledge you today that you would direct every decision that will positively affect every Austinite all around this city and then Father, bless every councilmember, don't stop right there, God, we ask that you bless not only the local council but we ask you to bless the local government and state government and this nation, that every decision will positively affect Americans all over this nation, and then God as we close, we ask a special blessing on our troops, that we dare not forget our troops who safeguard this country all around this world, put a hedge of protection around them and bring them home safely and we add that you bless our brothers and sisters in Haiti, that you would bless them and send them speedy and quick relief in a terrible time such as this with the earthquake. Father we live in great expectations in the 2010, because we believe in the city of Austin, the best is yet to come. We love you and we thank you. The marvelous, magnificent, beautiful name of Jesus the Christ and we say amen.

Thank you, Pastor. Please be seated. Before I call the meeting to order, I want to mention a couple of things. First of all, as everyone knows, an 8.0 magnitude struck just off the coast of Haiti yesterday or the day before. Incredible devastation and loss of life has been reported in today's paper, they estimate over 100,000 people have lost their lives. So I want to take just a minute now to strongly urge Austinites to rally in support. The city has already dispatched 7 foodservice 7 firefighters and city personnel to go to Haiti when needed to assist in that effort and the Mayor assures me he stands ready to do more if needed but contribution and assistance is also needed from the people of Austin as well as around the

country. There are numerous organizations that is you can donate to. I will mention just one, red cross international response fund. You can make a donation to the red cross online org, or you can call 800-red-cross and you can also make an automatic 10-dollar donation right now on your cell phone by texting haiti to 900999. That the 90999. That will automatically result in a 10-dollar donation of the red cross that will appear on your telephone bill. So I urge all austinites to show their support and their compassion for the people of haiti in this very difficult time. I also want to mention briefly that monday is martin luther king junior day and there will be various it beginning at the university of the texas and the capitol culminating with a march to the houston tullitson campus in east austin. I urge all austinites to recognize this day to participate to the extent that you can. And I believe we have some folks here from the fire department to add a few comments about haiti.

Mayor, council, mayor, chief from austin fire department. This morning, the austin fire department received information from fema usar team that they will be deployed a to haiti, the largest international deployment has ever done approximately -- not approximately, but ten urban search and rescue teams which urban texas task force is one, 7 fire fights from the austin fire department and two paramedics from the austin ems are part of the deployment. They will leave college station about noon today, should be arriving in -- they will fly direct to haiti, the focus will be the -- the embassy in haiti, there es buildings they are going to be working on. They are also going to be working on medical delivery to the public, so a real dual mission in addition to structure collapse issues, they will be working with that as well and speaking with the manager and assistant city manager this morning, the fire department, police department and ems and city stands to assist in whatever way possible and we will stand by for information from the federal level as to whether or not they need further assistance.

Thank you, chief and I am proud of austin's effort in this regard. With that, I will call this meeting to order. It's 10:09. And we are meeting on thursday, january 14, in the council chambers, austin city hall 301 west second street, austin, texas, mayor pro tem martinez has sent me a message that he will be here within five or ten minutes, he is returning a little bit late. So we will begin with the changes and corrections.

Cole: Mayor.

Mayor Leffingwell: Did mayor pro tem martinez send you a text message? [Laughter]

Mayor Leffingwell: You know, don't ask don't tell. That is my answer to that. [Laughter] so the first correction is on item number 35, should add the word after austin municipal, add the word utility, so it reads northwest austin utility district number so on. Item number 43, we will add councilmember randi shade as a cosponsor and items 40 and 41, added certain or post postment -- request for postponement until february 11 will be made and we anticipate that that item -- those two items will be postponed. Our time certain items 30 briefings, we will have the briefings on the recommendations of the downtown austin plan density bonus report. At 12 noon, general citizen's communications, at 2 take up our zoning 00 o'clock we will recess the council meeting and convene a meeting of the austin housing finance board of directors, at we will address our two public hearings which are anticipated to be 30, we will have live music and proclamations, featuring the champs string chortet from kealing

middle school. 00 o'clock we will have our public hearings. The consent agenda will be items 1-31 and item 43. 43 With the following item number 43 has been pulled for discussion by councilmember spelman. Item numbers 21 and 28 have been pulled because of we have more than one citizen communication signed up. And I will pull, just for a very brief comment, anticipate approval, items 10, 11, 12. Are there any other items councilmembers want to pull off the consent agenda or clerk, are there any other items that have excess citizens communications. I entertain a motion to approval the consent agenda. Move approval.

Councilmember spelman moves approve. Shade seconds. Any further discussion? All in favor say i, i, passes on a vote of 7-0. So with that objection, I say I wanted to pull off 10, 11, 12 for a very brief comment. I wanted to say that -- to highlight this because it marks another step in our acceleration program -- accelerate austin program, items 10 and 11 involve in depth street construction projects, not only road resurfacing but replacing utility lines, water, wastewater and a lot of these projects are in southeast austin. Number 12 is noteworthy, one we have waited on a long time, especially councilmember riley will be construction of the truer bridge overpass which will go over cesar chavez and land, anticipated that further projects will connect that with the downtown street bridge. Did you want to make a comment about that, councilmember?

Riley: I appreciate you pausing to comment on it, it is significant, a lot of work has gone into it, we have a community advisory group talking about alignment for years and we have reached consensus agreement on that, it's taken a while. It has been a long hard struggle, so it is very exciting to see it culminating until approval of the construction contract today. It will be a tremendous amenity for the whole city and I am thrilled that we have gotten to this point. I am proud to support it. Ok ok ay. Since I can't make the motion. I will entertain a motion for approval of items 10, 11, 12. Motion by councilmember riley to approve items 10, 11, 12,. Second by councilmember shade. All in favor say i, i, passes on a vote of 7-0. Next we will take up item number 21, we have four citizens signed up to speak -- well, correction, two wishing to speak and we have two signed up ready to answer questions if there are any. The first speaker is dale platt who has signed up. flat, you have three minutes.

Thank you, mayor, council and city manager. I would like to go on record in saying I am for this proposal, it is passed over to the city of austin take a look on how we have been operating our city cemeteries, an opportunity have the students look at this objectively is a -- is a welcome thing in mind. There are going to be some hard questions that need to be asked and just as in the past, i am sure the city will come together, all departments, and work with the parks department on solving a lot of the issues we have with our city cemeteries. Thank you. Thank you. The next speaker is james blite, who has signed up against.

Thank you, I am against proposal because there was no public input until we got the information last night after the close of business and also, i believe, the costs are a little bit high for a project such as this, so it would be a good idea to have more public input discuss this matter. Thank you. Any questions for the speakers? Any comments by council? Entertain a motion on item number 21. Councilmember riley moves approval of item 21, councilmember shade seconds. Any further discussion? All in favor say i. i. Passes on a vote of 7-0. The next item is item number 28, we have four

folks signed up -- looks like five now -- all against -- gavin fernandez has donated against and donating time to him is marcella dafoyo, is marcella in the chamber? I see him, marisa, manuel escano? Gavin. He is on his way. fernandez, you have twelve minutes.

Good morning councilmember, I am gavin fernandez, coalition of american socials and i thank you for giving a letter to the cd, i the cdc and this talks about housing funds, grants that are made available to the homeowners to be increased from 5,000 to 10,000 and what we have learned is that the 5,000 is a far cry for meeting the basic minimum, for example, of a roof, cost has gone up real high, so you should have a copy of this letter and we endorse the letter. When we first started with the home mitigation program, we started start weatherization program and this speaks to that and we had 402 homes, all of this funding, it's an issue, its genesis was to mitigate the harm it did to our people while this government ran a very high toxic polluting power plant next to our people, next to our homes for 30 years. We are here to request in a civil matter. Not here angry, not here mad, we are here to discuss in a very civil way how we disagree how these funds are proposed to be spent by you, mainly issues of 125,000 for cultural and 125,000 for programs. And the reasons we would like for these funds to go back to housing is, one, to recoup what we lost last year, by \$150 that was appropriated for homes. The issue we have with those two categories is there is no accountability. For the cultural events, we don't want to see another \$50,000 insult to our community going to, for example, the [indiscernible] we have senior citizens that we have brought here that live in the area, geographically, but for the reasons or the rule that is were put in place, don't qualify. Or it exceeds the amount of the grant and we want a lien for bringing up issues of code enforcement, plumbing, electrical, this is what the purpose of these funds were for. We only have two more years left. We have a lot of need out there. I brought you a picture of a home on Ilow, where code enforcement ran off the senior citizen because it wasn't inhabitable anymore. We are going on three years, mayor, three years and that home is still sitting there in that same condition. I ask this government to take leadership. This would never occur, and I always use enfield, because that is the extreme from us, it wouldn't happen, and we have money available. We need this government to work with us because one of the biggest other sin that occurred here is that one of the things we made very clear when this agreement was put in place and when we agreed that the funds go to austin finance corporation to do the home repairs is they do not add federal h.u.d. Guidelines to these funds. This is a totally, totally separate fund. It has a totally, totally unique element of the delivery of these funds of what they were made for. Thirty years, before my dad passed away, he lives two blocks away from the holly power plant, before he died his hearing loss was gone and as we go and discuss the funds and how they are being used, we are being told, well, we just want to make sure we are not giving money away. Yet, our people gave their health away for this government to be realize, a billion dollars of revenue at the holly park bend at our expense, this is a mirror -- this is a far cry of meeting the mitigation of harm that you did to our people for all of these years. We did send to you around august what the commission -- the committee -- not the commission that is working with austin energy, of how we would rather see these funds and we feel they would be more accountable and restore integrity into the purpose of these funds. I don't know if they gave you -- were able to give you an updated copy because when we did this, we learned that -- [indiscernible] is already in place but i will read it for the record, mayor. 750,000 Home repair, this will assist in the convergence of [indiscernible] homes to solar energy. One hundred -- again, the other one is 150,000 for a quarter

study, east cesar chavez, we mentioned to you, it needs to be studied there, there are a lot of properties incompatible and we have to deal with it on a case by case basis. Hopefully this will provide the opportunity for resources and funds because we have come to you, we have come to planning commission with no avail so we are looking at backing and doing our own corridor study but we do need financial assistance for technical. The roy valasquez complex and then 50,000 for the repair, placement of chain-link fences. We have a lot of structure along the hike and bike trail and it's an insult that we have these moneys made available every year, yet our parks and -- our parks and hike and bike trails around the holly park plant are a far cry from being maintained and I understand we are not the only community in the entire city and we understand there are priorities and we understand there are others so that is a recommendation of how we think these funds should be spent. Again, the two -- if you are approve the cultural arts, there has to be accountability. Yes, this was a residue that was passed with the previous council but it doesn't mean it's right and when it was done, there was a 5,000-dollar cap per program. You couldn't receive any more. So we are trying here -- trying to find out and explain to our senior citizens who are here if they will please stand up, [[speaking spanish]] these are holmeses that have been there for over 30 years and were rejected by these funds. It should have a cultural arts group that comes and all you have to do is talk to one person and get 40, \$50,000. Out of these funds we have the music commission, we have all kind of other resources that are made available for those entities and those organizations. And they have received it for many of the years that this has been put in place. I do want to thank juan garza, when he came on board for making a little of justice by increasing and putting money into housing because that was the initial purpose and the initial intent. Other than that, this is why a lot of our people exercise apathy in the electoral process, we are lodged in a campaign of voter registration. I had somebody say, what for? Why should we vote? We see you go up there week after week and all they do is listen to you and new tech. Even get any questions asked, yet we see other folks from other community and they are turn it into a dialogue. We also have the issue of code enforcement that is now in full force in the community. Many of these homeowners that are here are here because of that, because the new homeowners, the new neighbors that is moved in were accustomed to a higher quality of living standard. So they weren't used to seeing an old -- a vehicle parked in your backyard, which to us is a classic, yet for them, it is junk. -- Yes we have code enforcement come out and then they open the ledger and we don't find one violation, we find 15 violations. So we also have the issue of the criterias that were put to these funds. You have home emergency funds, to help meet code, yet some of these -- some of our people, because they are indigent, because they are poor, went to brackenridge in their lifetime. Well, all of a sudden, they can't get \$5,000 because austin housing finance in their research learned that, gonzales, you went to brack, in 1975 and you still owe \$2,000, so we cannot come through in making these funds available. So, again, we come to you to work with us, to be able to deliver what was promised to our community for the harm that was done. And I always keep mentioning, all of you and other groups and this community that went to the bandwagon to stop ten power plants being built around central texas and I visited all of the reasons why. And I look and I look and I say, my god is that what we endured for 30 years? So I am kind of lost in words because I don't know what else to say. The issue is very, very, very simple, and that is that we want integrity restored back in the spending of these funds and if you are going to proceed with what is being recommended, we at least want accountability. We at least want accountability so that we know that if you gave 20,000 for x groups to do in x cultural program, that it did

happen. And I know that once this is out, people already starting to make contacts and to make calls and we want to do this and we want to do that and, yes, we go out there and we will help that reservation, those indianss out there, give me money and I can put on a show for them. And while I mention it in that fashion, that's the way it's being done. We recently, under this setting -- approval that you did submitted request for assistance, and we are there. And y'all denied us. Y'all said, we have other parties that we want to. [Buzzer alarming] entertain with these funds. So, again, accountability, please, if that's what you plan to do. You have to have some kind of accountability, mayor. Thank you. Th th ank you. Any questions for mr. fernandez? Councilmember spelman. fernande z, you were suggesting that the increase of the cap per structure, from 5,000 to 10,000 wasn't enough. How high should it go? If 10,000 isn't high enough, how high is the same amount?

I would like 25,000 just like travis county does and urban league does, 25,000 would be able to, per home, to be able to address code enforcement issues, but 25,000, councilmember, would be the appropriate amount that I say that each of the homes that we have visited with austin housing finance corporation comes and tells us.

That would reduce the number of houses that could be improved, however, if we spend more money on each structure to do?

That's correct and that's why we ask the increase to be 750 as opposed to 550 so we will be able to meet that need.

Spelman: Thank you. Co co uncilmember shade.

Shade: What are the rules about, if a house gets other sources of funding? I don't understand how they all intersect and maybe this is a question for somebody on staff but I know there are limitations, for instance, you mentioned urban league -- you are saying they can give \$25,000 in --

yes, for example, the travis county housing finances -- obviously they can only cater to folks who are outside of the city limits, they give you a 25,000-dollar.

Shade: Does that disqualify those houses for any other sources of program or urban league?

Usually what some of them do is they leverage that for other programs and this is the other purpose of these funds going in austin housing finance is they could leverage. Let's say they want to do a home and it is 40,000, holly do 20 and maybe austin finance through other program also match 20.

Shade: So there is no qualification if you get funding from one source or another, they are all independently looked at,

that's correct.

Shade: Okay.

We have two more speakers, ovintina martinez signed up against, pedro kuoros, pedro. martinez is coming up. Okay.

My name is juvina martinez, I reside 2203 garden street, by the holly plant, and they told us that we could borrow some money to fix our houses, but there was a catch to it. We have to live there for 7 years, and you would have to pay nothing, but if something happens to me, if I die, whoever gets the house is supposed to start all over again and I said, well, maybe if my son or my daughter stays with the house and they don't pass their regulations, I am going to lose the house, then they are going to have nothing. The only thing I ask was I didn't want the -- didn't want the houston torn down, fixed, I just wanted them to fix my kitchen and they said I had to go to borrow the money and I cannot do that because I don't know the future. I will be here alive right now and maybe tomorrow I die and my house won't be there. Somebody else will take it. Born and raised here in austin all of my life, i worked real hard, as a widow at 40 years old, i raised my kids. I didn't get no help. I used to work at brackenridge, they said I earned too much money. So I think that we deserve and our people deserve what is coming to us, to -- the only thing we ask is for them to fix our house. That is all we ask. That's not people from -- other people from other countries, the government helps them a lot, and we are born and raised here. We didn't get that help, so, please, I am just asking to consider all of us that are people to fix our house. Thank you.

Thank you, ms. martinez.

Do you have any questions for her?

Mayor Leffingwell: I have question for staff with regard to something she mentioned. And the question is, at least at first blush, it does seem reasonable that, in the event of the demise of the homeowner, the applicant, do we have an exception for that? Okay.

Good morning, my name is margaret shaw, director of housing and community development, we worked with the holly good neighbor oversight committee in the updated guidelines which you received in a memo last february, one of the accommodations we made for the situation that martinez is talking about ista if an immediate family member inherits the home is eligible, we went up to 100 percent which is 48,000 for a single person or 69,000 for a family of four, we would allow that nonpayback loans so the lien would sit for 7 years. For instance, if someone, an elderly person received a benefit, unfortunately passed in the second year, the child who inherited the home earned within those income limits, we would continue that lien through the 7-year process as issued with no payments, just as long as they keep the tenure of the home as their homestead.

Could you have someone -- some staff member get together with martinez and explain that and make sure she fully understands all of the ramifications.

Yes, we met with him tuesday night at cdc and I would like to take the opportunity -- we did discuss this

with cdc on tuesday and staff does support cdc's recommendation of increasing the limit to \$10,000 for grant and we will be updating the guidelines to do so. Th th at sounds like a good idea, as time goes by, these things become more expensive. Thank you councilmember shade and councilmember spelman.

Shade: I was going to ask you the off line but since you are up there, are there rules about caps? It seems like I remember that, but if you -- if you have multiple sources, how does that work? Like the state, put a cap on the amount and it disqualified you for other sources if you have gotten money from one source? It is complicated, i know.

It is for us, so regulations say that -- and the cap exists because if you go above the 5,000-dollar limit, then you have to bring it up to code. S thats certainly some of the issues, so the program that fernandez described from the county is actually a major repair program. Our repair programs, as y'all may recall are for emergency issues. In this case, in many of the other ones, electrical repairs, plumbing repairs, paining, roof repairs, some that affect condition of the home. So we do have rules wher separations but that doesn't mean -- he is absolutely right, this is where it becomes confusing -- we may do architectural barrier removal program where we are doing grab bars in the bathroom, the urban league can come through and do assistance there but the city of austin couldn't do that under one program without having to bring the whole code -- whole home up to code.

Which then increases total cost of repair?

Correct.

Shade: Okay. Thank you very much for that. Co co uncilmember.

Spelman: That was where I wases going but let me clarify, if we went over \$10,000, it is federal rule we put the house up to code or city rule.

Federal.

Spelman: S so \$10,000 is as far as we go without having to incur a lot more expenseses depending on the course to bring it fully to code?

Correct and I do want to acknowledge and we we have discussed this many times with advocates and residents themselves, these are local funds, what we are trying to do -- and this is part of last year's update to the guidelines is be consistent with our programs across the board so families who live one block or two blocks outside of the holly program are not eligible for some of the flexibility. So it is true. This is now consistent with our go repair program and others we are doing \$10,000 worth of grants eligible for each home so we are staying consistent. Where the holly program does different is much more flexibility is with the higher income limits, up to 100% of median family income and that it is 57 year lien and it is a short -- a 7 year lien and that is one of the confusions we continueo address in educating and we ask them to help us -- there are no repayments on this lien. It sits silent solely to



ensure that that long-term resident stays in the home.

If there were \$550,000 delegated to the program, and you operate \$125,000 for the austin energy program, if we had people -- more requirements in the austin energy program than for yours, is there a means of transferring money back and forth between these two pots of money?

I am going to defer that -- I am not sure how the budget structure is on the programs. We received this 550,000-dollar under one structure, I am sure we can work with the austin energy something along the time lines, we might have to bring back a budget amendment.

Spelman: No worry, we had allocated of roughly the same size to the same program, yes?

It was transferred to the parks program to plan the festival parks program because we had over a million dollars left if this program we were working through the applications so we had funding available to address the applications we were seeing so it was a one-time transfer to be able to address the festival beach needs.

Last year when we operated this program, did we spend all of the money?

We are in the process of that right now.

Spelman: Will we spend all of the money from last year or two years ago or whenever it was allocated?

I don't think we will spend it all down this year and that is part of the flow of the work that is being done.

Spelman: Thanks.

It is not we haven't received the applications, we are just in the process of processing them, it takes longer than a year.

Spelman: Do we have sufficient applications for the 550,000-dollar program?

Not at this time but we are doing more outreach and more efforts.

Spelman: Thank you. Ma ma yor pro tem.

Martinez: I certainly appreciate the questions and I appreciate the request from the citizens, in fact we find ourselves more in agreement than disagreement. We agree that there needs to be funds set aside for things like code compliance. We agree that having a lien placed on you because of a bill to brackenridge, that policy was put in place when the city owned brackenridge, so in those times, I think it was a reasonable policy. Now that we have no longer a part of brackenridge, we agree. It shouldn't be a disqualifier for the program. But what this addition of \$550,000, it brings the fund almost to 2 million-dollars in available funds for housing repair. And I think that's very significant. I think that should be

pointed out. My office and my staff specifically have worked shaw on 13 cases that were brought to us, of those 13 cases, there are 7 that don't have an application on file. And so we are still researching that. Doesn't mean they didn't apply, we just couldn't find one. But, you know, every specific incident that is brought to us us, we look into it and shaw, you know, bends over backwards trying to help us. Words like accountability come up when we vote on things like this. I think -- I would argue that there is way more accountability and oversight in this program than there ever has been and I believe that it's for good reason, because we don't want a system where folks are just given money. We want you to have to qualify. We want you to want to stay in the community. That was the whole premise of setting up good neighbor program. As far as the cultural arts program, what is culturally significant to one may not be to another but it truly -- the funds that are allocated for cultural arts truly do go to that and there is oversight and there are reporting requirements, so, again, fernandez mentioned, this is going to -- this fund is going to cease in two years, and it's unfortunate; but I think what we have done and what this council has committed to doing over the past and in the next two years is very significant to the community. What I would like to begin is a two-year conversation about what do e we do in 2013, when this million dollars isn't available? , There are still going to be needs in the community, specifically in the holly neighborhood and we need to plan for that. And we, as a council need to contemplate what is going to happen beyond that point. But I do want to thank shaw and her staff for the efforts they put forth in trying to be responsive to these concerns. We just received the recommendations from the cdc yesterday and as shaw mentioned, staff and I think those of us on the council have discussed this, we agree. \$5,000 For today's place tag of repairing a home is just not enough. So we are going to continue making changes and making this program as flexible as possible, but with some -- some guidelines that is have to be met and so with that, I want to move approval of this item. Mayor.

Mayor Leffingwell: I want to make sure that pedro guraz -- pedro guraz is not in the chamber. Did you want to speak, sir? Okay. All right. Thank you, sir. So motion to approve item 28, by mayor pro tem. Second. I will second. Any further discussion? Councilmember morrison.

Morrison: Thank you, I appreciate everybody's work on this and especially the cdc throwing out this additional recommendation which i think is great and shaw, I don't know if this is for you or somebody else, mayor pro tem mentioned there is oversit in reporting required for the cultural arts programs and I wonder if we can get just a little description of what that actually entails.

I will defer the podium.

Councilmember, can you ask that to me again, I stepped out to talk to the chief and i want to make sure i answer your question correctly.

Morrison: Yes with the funds that go to holly good program that come from there that go to k-8al arts, I want to know what kind of -- the cultural arts, I want to know what kind of oversight may be required for the programs that receive those funds.

There are two ways, one is we receive funds this last go around for the planning and the master plan for fests value beach and fiesta gardens ands thats athat is that is a major process we are going through

now and sending request and qualifications to do a hases ter process with the community and we have had one meeting so far and developed the scope of work. When it comes to cultural arts, I think the money goes to our -- our friends in egrso, economic growth and redevelopment, and so i am going to defer that, but I will stand up here tonswer any questions that also -- am I --

hi, good morning, council, jf fise with austin energy, actually the moneyses come directly from austin energy when it is regarding the holly good neighbor program and the cultural events and i think councilmember spelman may have asked about this previously, when we solicit t grant applications from folks in the neighborhood, entities in the neighborhood, our letter talks about certain requirements, reporting requirements we want to receive a budget from them, we want to receive any sort of product that they might be issuing, a flyer, to be sure it has a city of austin logo or austin energy logo, things of that nature, if it is a program at a school, we will reach out and have contact with the principal and ensure the program is being conducted, things of that nature. If it is an event, we will -- sometimes we will attend the event to ensure that it has happened, things of that nature, those are some of the measures we put in place.

Morrison: Great. Are they selected on first come first serve basis, or do you do a call for --

we have some criteria, it has to do with being in the neighborhood. We try to minimize the dollar amount of the grant so we can spread it over more entities. We consult with at least one of the council offices in advance to go over the material and the potential applicant. Th th ank you, we hear you and realize there are needs out there and ongoing concerns about the way the program is administered and continue to address these concerns as, mayor pro tem said, making sure we provide accountability, and so -- and also looking ahead to beyond 2013, when this program runs out of money, what are we going to do then? We have to start thinking about that, as well. So with that, any other all in favor of the motion, say i?

I. I. Opposed. Passes 7-0. Thank you. Without objection,s council, I realize we 30 time certain but we have a requesting ahead and address item 43 which is the last item on our morning agenda, i anticipate it will go fairly quickly, so without objection we will take up 43 and then do the and do the briefing after that. Councilmember spelman if you would like to make a comment.

Spelman: Yes, I have a couple of questions, i think chief curry is around. There she is.

Good morning, everyone.

Good morning chief. It has been considerable discussion on the second floor as to exactly what the terms for the safer grant are and what strings are attached to it. I was wondered if you to walk through it if we were to apply which is the issue before us, not to accept money but apply for money, if money were offered at some time in the future and we accepted it, what -- what kind of strings along would go with that grant from the homeland security department?

It sounded like two questions there, one is if we make application for the grant and we are awarded the

grant, we are not obligated to take the grant, and there's been some discussion between our experts and they have said that previously, in previous years if you applied and turned down the grant, then it was usually held against you but because of today's economic times that would not hold against an entity for turning down a grant if they were awarded that.

Spelman: It has not occurred to me to ask that but it is a very good question, thank you.

You are welcome and then the other part of that is in the first two years of the grant, if we are awarded the application, we are not allowed to have a reduction in force. We have to maintain our force throughout those first two years. And the grant would cover all of the -- 100% of the salary and benefits. In the third year of the grant, we would be allowed to have a reduction in force, but we could not be -- we could not terminate or put on leave any one of the 25 personnel that were hired under the grant.

Okay.

Spelman: Okay, we hire 25 people and that will bring total strength from 1074 to 1099, correct.

Yes.

Spelman: And two years the 25 people are hired we have to maintain 1,090 firefighters in the field.

Question we have to maintain 1,099 firefighters, not all are in the field in operation, some are in support or staff positions.

My mistake so we have to keep 1,099 firefighters?

That's correct.

What happens if we get a thousand firefighters or so, something like 2 or 4% of them are going to retire over the course of any given year, so what happens to attrition?

We have to -- we have -- during those -- the two years, you have six months to bring your force back up to the 1,099, so primarily, what that would mean is that we probably would be running a cadet class which lasts six months full-time, all yearlong.

Spelman: Two cadet classes per year for that two-year period?

That's correct.

Spelman: Okay. At the end of the two-year period we would then have flexibility to allow our force to drop below 1099 if we decided to do that but we cannot terminate those 25 people we hired at the beginning

of the two-year period?

That's correct.

Spelman: Got you. If -- now, this is a hypothetical question, my apologies for asking hypothetical, but I don't think any of us have the information necessary to turn it into a real question, so here is the hypothetical version. If, over the course of the next two years, you are asked by the city manager, the assistant city manager to reduce the total spending in the fire department, which I know you have been asked to do that in the past and conceivable you will be asked to do that in the future, what kind of limitations would accepting this grant put on your ability to fulfill request?

With the limitations would be -- first of all couldn't have a reduction in force, so it would have to maintain 1,099 and since 92% of our budget primarily goes to personnel costs it would be extremely difficult, and so it would limit how we can find ways to have a reduction or make a budget reduction proposal.

Remaining of your budget would be equipment or a small number of civilians and there is only so far you can cut that?

We are already understaffed when it comes to civilian workforce and support.

Spelman: My apologies for the hypothetical, thank you chief.

That is okay. Thank you.

Spelman: And I would like to ask a couple of questions of financial services staff, if they are available. Ed.

Good morning.

Spelman: Good morning.

I am afraid I will have to ask you a hypothetical question, too, but I know that's what you deal with in the budget world so I feel less apologetic in your direction. I understand that over the course of the -- [laughter] -- I get this, if I will recollect the smile, you probably can't see it on television, I realize over the course of this current fiscal year you had to make certain assumptions about what revenues were coming in, sales tax revenues, development fees would look like, property tax collections would look like and so on and I wondered if you had had a chance to examine the extent, that it is possible, to look at it three months into a long fiscal year, whether so far all of those assumptions have actually been met?

Well, we -- we do. We have been tracking this and in terms of sales tax numbers, we have two numbers to date for this fiscal year, the first month of the fiscal year we were down 4%, relative to the amount we

received the previous year. The second month of the fiscal year we were down 6%, that is against an assumption we would fall further 5% this year, so right now, two months of behind us, we are a little bit behind the pace where we thought we would be. We anticipated we would be down but we have been down a little bit more, in those first two months. I don't think that's outside of the parameters of what we were expecting, though, quite frankly, we expected these first few months to be a little bit more on the worse side and then seeing improvement later on in the year and then starts to pick up.

Spelman: 5 Percent assumption was on average.

5 Percent was annual assumption and it was not expected that the first two months were worse than that, but we are expecting the remainder of the ten months to see improvement.

Spelman: So right now, it would be okay to say we are not on track but not too far out from expectation at all?

We are not too far out because last year we ended a little better than what we expected and April forecast we projected 10% slide in our fiscal numbers and we ended the year only 9 and a half% down, so we ended last year a little bit better because it helps us for in year because when you talk about percentages, you talk about percent savings when you end.

Spelman: I haven't had a time to congratulate you on your excellent forecast if you are forecasting 10 and it goes 9 and a half, that is a remarkable job. I hope you were accurate this year as last year, it is not dumb luck. Is it possible our sales taxes could begin to slide by more than 5% over the course of this fiscal year?

I certainly think it's possible, but, I would also say it's consistent with most of what the economic experts for this area are predicting. You are all familiar with John Hawkin and I know he made a presentation just the other day that he is predicting that we hit the bottom and we will see a flattening out of retail sales and start to see improvement starting next fiscal year, which is consistent with what we projected for the budget as well.

Spelman: What is the range of possibilities -- I understand we have to talk about ranges for the next fiscal year and the next, where at some point in the next few months having to make a decision about this grant, which would, as Chief Kerr mentioned, reduce our ability to move pretty substantial part of our general fund? Would it be able to reduce the Austin fire department very much if we accepted that grant. That, I am suspecting, would require us to have a better sense of what we are getting ourselves into over the next couple of fiscal years. Is there a range of possibilities as to what our general fund outlook is going to look like for the next fiscal year?

I can tell you what we assumed and certainly there is a range of possibilities. In regards to sales tax, one of our key revenue sources, I already mentioned, we assumed would fall 10% last year, we were close, assumed further 5% reduction this year and then we did project and I think it's still a prudent and sound projection in fiscal year 2011, we assumed a bump up, 3% increase, not a large increase, but a

slight increase. One thing that we did in all of our projections for last year, we assumed we would continue at rollback rate for the next few years to help fill the hole created by sales taxes slide and that is a critical assumption and huge amount of variability could be created by which property tax rate the city council decides to ultimately go with.

One of your risks you are talking about is the political risk and you are assume we are go back to rollback rate the next couple of years.

Projections we made in april, five year projection assumed we would stay at the rollback rate on the forecast of that period and under assumptions we are projecting revenues will be able to keep pace with our built in cost drivers associated with the budget. That is the single, probably largest area of variability in the forecast, one penny on it equates to about \$8 million of general fund money, so that is really, I think, largely where the variability lies of course on the sales tax, you hear some things about a double dip recession, possibility, a lot of people say that is not going to happen. You know, that's the other largest potential source of variability. Other revenues are a lot more stable than those two.

Spelman: Is it realm of possibility that our next fiscal year will look, from budgetary point of view like our current fiscal year, with where we would lose 10, \$20 million from the general fund budget? Or is that beyond the realm of possibility right now?

The single biggest factor in that would be the property tax rate. We know what our built in cost drivers are, we have contract with labor groups, we can make fairly reasonable assumptions like health the insurance cost increases, workers' compensation increases, inflationary increases so we have a good handle on what the cost drivers would be, what factors out there as far as the revenue is the property tax assumption and again at the rollback rate assumption that we, you know, brought forward council last year, as part of our five-year forecast, again it would appear revenues will be adequate to keep pace with those built-in cost drivers, it is a political decision that has obviously not been made.

Spelman: Speaking from my own position feel more comfortable of going to to the rollback rate in the next fiscal year after we have heard back and heard from people of how much pain the last increase of rollback rate has caused people. I am guessing, also, in five, six, 7 months we will have more information on our sales tax revenues and you will, I am guessing, hear that you will have a better -- a tighter forecast as to what to expect in next fiscal year with other sources of revenue. Would that be a fair assumption?

Yes.

Spelman: That's what I needed to know. Thank you very much.

Cole: Mayor I have a few questions. Councilmember councilmember cole.

Cole: I want to start with chief kerr but don't go anywhere yet. When we apply for the time we apply for

the grant and likely receive the grant, what is the length of time?

The information we get and there is no real specific -- specific information comes back but the first award period would start in June, that is the information we would get.

Do you have any idea about the percentage of the grants that are awarded?

The -- in this particular grant, they have the designated amount of dollars that came through congressional authorization, and they -- they spend all of that down, so sometimes the grant award periods take, you know, first round might be in June, and then the second round might be a month later, until all of the money is spent down. Now, the largest grant a fire safer in previous years was just a little over a million dollars for 18 firefighters, but they -- that was under the previous guidelines, so this -- the guidelines have changed significantly in this year's grant period.

Cole: I guess what I am really trying to figure out is how likely is it -- or do we know, that we would actually receive this grant?

I don't think that we really know how likely it is because we don't know how many departments are actually applying. Applying -- applying, the grant period was extended and the rules were actually changed because the original deadline date was back last year, and I think that there is not very much different departments that applied and that why they extended the deadline and did change the rules.

Cole: So if we received this information sometime in June, based on your best guess, that's plenty of time before we actually don't have the budget? Adopt the budget?

That's correct.

Cole: And I assume there are no repercussions that exist if we do not accept the grant?

Previous years you were not allowed to apply but it was held against you, but the information that I am getting from the various grant officers is that, that would not be held against you because they know that, you know, many cities are in the influx and they just don't know, when they make the application if they will be able to accept the grant at the time of the award.

Okay. Let me ask a couple of questions and thank you, Chief Kerr. Based on Chief Kerr's comments, it is my understanding that we are estimating a potential 1 million-dollar a year budget impact over the next two years if we were to be awarded the fire safer grant? And if those aren't the numbers, then help me understand what the numbers are, if you know that.

I don't have all of the numbers. One of the things we said in this resolution is that we would analyze the cost of actually accepting this grant. The only information I do have -- and I am sure Chief Kerr has more, there are certain costs that would not be eligible under the grants, cost related to equipment and overtime cost that the grant would not cover but I think we need more time to fully analyze what those



costs would be and it would happen as part of the application process.

Cole: And I really appreciate the information -- sorry, chief kerr did you have additional followup to that?

I just wanted to say that the -- that the million plus are the salaries and benefits for 25 firefighters and the 100% of salaries and benefits are covered by the grant. There is no city match for that.

Cole: Okay. So ed, if I remember the timing right, you guys usually lay out the budget projections just before we go on break in june, and then we come back in august, and you kind of update that and then we actually our three reading vote early september?

You will get budget information -- forecast information in us earlier in june, it will usually will be late april we will be before council talking about forecasttions in the next five years.

Cole: I guess I am getting comfortable with the idea that if these grants are awarded in june, then that is ample time for us to look at our financial situation and determine whether we think it's prudent to accept this grant, based on many things that will stimulus still be up in the air, such as the sales tax proceeds and property tax rate and maybe even some financial implications from our utilities, but we will have the information at that time to make a good decision.

You will have a lot more information than you do now. Obviously the one thing you wouldn't have at that point in time would be the actual budget proposal, which, you know, may need to address other fiscal considerations that aren't even on the table at this point in time.

Cole: But we will have a lot of information, as you said.

You will have -- you will have our forecast information, the assumptions for what we are looking at and what we think will happen for sales taxes, property taxes, things of that nature to see --

Cole: Understanding that we will be able to analyze later with more information the financial implications of accepting this grant, I do not see any problems with us making the application, so mayor, i would move approval. Councilmem councilmem ber cole moves approval of 43, seconded by councilmember spelman. And I just want to say, the reason that we are doing this here today is the deadline for filing the application is tomorrow. We are fully aware that we did not have all of the financial information that we would need to make a final approval of this, but the resolution specifically states that it would require a council action to accept this. So between now and the time the awards are made, we will have the time to study the full fiscal impact, both next year and in the outyears and, at that time, the council can can come back and analyze, not the hypotheticals, but the actual financial situation and make that decision at that time. Councilmember shade.

Shade: Those are excellent points, and I just wanted to -- it reminded me to make a point to recognize bob knicks and chief mcdonald and chief kerr for pulling together quickly the circumstances and not only that we had a holiday and an important football game which had several people out of town and this

was a scramble the last couple of days and I appreciate city staff and the association working together to get to a place that we could do something that's sensible that doesn't miss a deadline. So thank you.

Mayor Leffingwell: Again, this is basically a free. What we are doing today costs us nothing. We will have ample time to analyze it and make a fully informed decision later on. Mayor pro tem.

Martinez: I want to thank you for cosponsoring this with me because I think had we not put this on the agenda, the in depth conversation that is taking place the last five days wouldn't happen and what we see is there is no risk whatsoever in simply making applications. And could actually be a potential budget savings measure for us over the next two years with some economic uncertainty. I think the programmatic changes in the safer grants are specifically indicative of the economic times that we are in. That is why they made these rule changes that you can have a reduction in force after the two-year grant and you can control your destiny, if you will, in outgoing years, because of all of the financial difficulties that many municipalities across the country are facing. As it has been said, we have no idea whether or not we are going to receive this grant, but that's what I consider a happy people problem. 2 million grant, it's going to be a good thing for the citizens and for the fire department, so, again, I thank the council for the conversation and the questioning this week. I think we will be in a better position to make a deaf anyonetive decision once and if we are rewarded that grant later this year. Thank you, mayor.

Mayor Leffingwell: Thank you. All in favor of the motion say i. Any opposed. Passes on a vote of 7-0. Before we go to morning briefing, I want to very quickly as part of the consent agenda, we made several appointments to boards and commissions. I just wanted to formally read those into the record. To the renaissance market commission, cecil hollyfield is councilmember riley's appointment and also rama puramalakar, is that correct, -- mayor pro tem? That is pro tem's appointment, rama? Okay. And also, by resolution, we are approving resolutions appointing mayor pro tem mike martinez serve as alternative on the campo policy transportation policy board which means he will fill in for regular members when they are unable to attend and resolution appointing bill spelman to the city of austin employees retirement system board, so just reading that into our record and now we will take up our 10:30 briefing. S.

Good morning mayor and council, I am jim robinson, the member of the planning and design and review department and coproject manager for the downtown austin plan, I have a short briefing presentation for you this morning, just a little housekeeping item, I think the handout you have in front of you has two or three pages that i apnot going to literally cover in my presentation, that is background information I wanted you to have but in the interest of brevity, I didn't feel any need to actually walk through each of those pages. I am here -- excuse me, to talk about our recommended downtown density bonus program. This slide is the sort of -- what, why, how and when summary of our work. It is worth mentioning that back in 2005, when council created the downtown austin plan process and project, one of the items that was specifically mentioned in the resolution that initiated this project was the direction that the project should produce for council consideration, a proposed density bonus program. Prior to actually getting down to business on that, we conducted what has been known as phase one of the downtown plan, where we produced a -- sort of what we called our issues -- i have gone blank -- it is

essentially a diagnostic tool that was presented to you on february 14th, 2008. Shortly after the presentation, where we identified the key elements where we believe to be at risk downtown, the council directed us to amend our scope of services to get to work on specifically a density bonus program for downtown, we had this specific task 2008 and it continued from 2009 to today, and I will tell you more about a process in a few minutes and during that process, we conducted a lot of output in various forms, we had small stakeholder meetings, meetings with various of our residents of various of our downtown districts to understand the priorities for those districts, we conducted an online survey and through those projects reached out to 3,000 people and that is. [One moment, please, for change in captioners] nadler-olenick.

Prepare code amendments amendments, go through typical board and review process of code amendments and ultimately return to you for council adoption. As I go through the presentation today I want to highlight five issues. These are -- we have received input on a whole host of factors, but these are the five sort of clusters of issues that we have received particular attention to, one being just sort of the nature of the process th conducted, second one being the economics that support our recommendations, the third being the community benefits that we have recommended be addressed by our program. Just so we understand the terminology, when I use the word "community benefits," what I'm getting at is what are the community goals that we would use this program to achieve, an example being affordable housing. The fourth item is a cluster of issues related to affordable housing and then the fifth item is strategies we're proposing for preservation of the warehouse district. A little bit more about our process. We conducted two joint town town hall-style meetings where several hundred people participated. We also conducted a joint meeting of the planning commission, downtown commission, design commission, and the community development commission. That occurred late last spring, early summer. As I mentioned, we did on-line surveys to understand people's priorities for various districts in downtown, and of course we've presented and had briefings and questions and answers at a number of board and commission meetings. Specifically, the areas that I can point to that were directly influenced by that is I'm going to show you in a few minutes a map that identified areas of downtown that are eligible to participate in our proposed program, and for those areas that are eligible what we propose would be limits on the additional density that could be achieved. The boundaries of those districts and achievable densities were highly influenced by the input we received. The menu of community benefits that we hope to direct this program towards achieving also was directly influenced by that input and the final thing that I'll talk about in my presentation is a recommendation for a downtown-specific compatibility standards was a direct result of a lot of discussions we had with downtown residents. I know you've seen these six sort of underlying principles. They bear repeating, though. Probably most important is the first one, density should be encouraged downtown, not penalized. We take seriously our policy direction from council that downtown is an area that we as a community want to achieve density. There are a whole host of reasons for that, both fiscal in terms of the property tax generated from downtown. There are a multitude of environmental benefits towards achieving density downtown reflecting energy consumption, transportation use, water consumption, land and other resources and so forth. We are proposing that existing zoning downtown be used as a baseline. We are not proposing that we change what it means to have cbd zoning, for example. Our fundamental goal here is to produce an administrative -- essentially an administrative program that's predictable. That is -- I don't

think that can fairly be said about the current pathway to get additional density downtown, that being sort of the cure zoning mechanism, and it is part of our recommendation that we're a program like this to be developed and adopted that we would -- would no longer be available as a pathway towards getting additional density downtown, that this program would be that pathway. And then the final thing I'll mention from this is that these at risk elements. That's where we drew a lot from both the community input we've received as well as the work that had been done in phase 1 of the downtown plan, that being what are the most at risk elements downtown, affordability being an example, that we might choose to address by this program. Our process essentially has several large components to it. First of all we wanted this to not be a totally abstract exercise, so we picked nine different sites in different parts of downtown so we could really look at them both from a building form, urban design and financial perspective. We wanted to approach this like the market would approach it and apply that level of financial and feasibility analysis to it. We did very substantial financial modeling. Fortunately our consultant team includes economists that were able to approach this like a developer would and look at the feasibility of projects we have an appendix to our report for late night reading, about 75 pages of excel spreadsheets that represent a hypothetical pro formas for those projects, and then of course we've done a lot of input over the last year. A key thing that we all need to bear in mind is that density bonuses must produce a system where both the community and the owner of the project benefits. If a proposed project does not recoup any additional financial reward by coming denser, taller, whatever, that program won't ask for any additional density because it return any economic benefit to them. If it returns a little economic benefit, to get taller or denser, but through a program like this you extract all of that economic benefit, likewise the project won't happen. That project won't ask for additional density because there's no economic incentive for them to do it. Where programs like this work and they are successes is where the additional incremental value produced by additional density is somehow shared between the community and the owners of the project. So that's -- that's what a successful density bonus program does. This slide just lists some of the things we looked at in our financial analysis. It's the same things that a developer or a property owner like at in analyzing the feasibility of a proposed project on their site, land costs, cost of financing, cost of construction, how long does it take to lease a building up, what are the market rates they can get for rentals or sales and so forth. A couple slides summarizing what our economic analysis revealed. One, first of all, we looked at residential projects, and the bottom line here is that residential projects in downtown austin do typically recoup a financial benefit by getting denser, taller, if you will, and we believe that that incremental additional benefit to the project is substantial enough that that benefit could be shared between the project and the community. Now, that incremental difference varied by the part of town. There are certain parts of town, and I don't think this is a surprise since I guess the mantra of real estate is location, location, location -- there are certain parts of downtown where additional density is more valuable than others. That's why we have proposed that a fee in lieu, you know, if we are going to have as an element a fee in return for additional density, that's why we are not proposing a single fee for downtown but two different levels, depending on where in downtown the project is proposed. For commercial development. In this area the economics is different. Our findings here through our pro forma analysis is that residential projects do not consistently return additional value by getting bigger. There's a whole host of reasons for that. Of course these non-residential projects in downtown austin take the way of austin or hotel development. -- Office or hotel development. I'll give you an example why that is with regard to office development. If I'm doing a

residential project and I want to add a two bedroom unit, let's say it's a 1200-foot unit. I'm going to provide one parking space per bedroom. If I'm in an office project and I want to build an additional 1200 square feet beyond what I'm entitled to, the market is generally requiring these projects require about one parking space for every 300 square feet, so I have to provide twice as much parking for that office project as I do for a residential project and that comes at a cost of perhaps \$25,000 a parking space. So the bottom line here is that for non-residential projects hotels have a whole different set of economics -- the bottom line is that it doesn't necessarily pay to get bigger for office and hotel projects. And that's reflected in our recommendations, as I'll talk about in a minute. This is the map I referred to. This does two things. One, it shows where in downtown we believe projects ought to be allowed, or not allowed to participate in this program. It's a little hard to see on the map. Hopefully you can see it better in your handouts, but much of the northwest portion of downtown is a shaded area, and that's because that's an area where we don't believe, based on the input we received and the character of those neighborhoods -- that that is an area where we ought to be in the business of allowing projects to go beyond their baseline entitlements. There are a few other pockets, the vermon block area, east sixth street, which is a national historic district and has height limits on it and so forth. The second thing this map does is for areas that are eligible to participate in our program, it identifies what is the absolute maximum that we would allow those projects to go up to in terms of floor area ratio and height. As I mentioned, this is a map that was highly influenced by the input we've received over the last couple years. This is a diagram that illustrates the sort of pathways towards achieving additional density. I'll walk you through this very rapidly in just a moment, but I will use this occasion to mention a key element of our recommendation. One is that a program like this should be reevaluated and recalibrated on a regular basis. We're proposing five years. The reason for that is that you want to be able to do two things. You want to be able to recalibrate it if the economics have changed, either that it's too aggressive and you're asking for too much from the community, or perhaps you're not being aggressive enough and you are, in essence, you should be charging more for a density because it has become more valuable. That happens as a real estate market matures. Downtown manhattan real estate is worth many times more than it is in downtown austin. The second reason for recalibrating is you might find that certain of these community benefits never get used, which is tell you something is wrong here. Either we have the ratios set up improperly, maybe they're not important, maybe it's too much trouble for the developer to pursue them, but you need to go in and reevaluate those. We have what we call gatekeeper requirements. They're listed here. These are the community benefits that we believe any project that participates in the density bonus program should -- should achieve. Great streets, one-star greenbuilding, so forth. And then the affordable housing. Any residential project that seeks to participate in this program, what we're recommending is that at least 50% of the additional square footage that that project is seeking should be achieved by a means that provides affordable housing benefits to our community, and those benefits can be provided one of two ways. You can provide on-site affordable housing, and we have proposed requirements for what the levels of affordability would need to be for on-site, and -- for both rental projects as well as ownership projects. If you choose not to provide on-site housing, then you can meet your affordable housing goals by paying a fee in lieu into the city's trust fund. That goes towards providing affordable housing. And as I mentioned, that fee in lieu varies depending where in downtown the project is located. You could achieve all of your desired density through affordable housing, but we're proposing that at least 50% of your additional square footage needs to be achieved by that. If you

provide only 50%, then the other menu of options that I'll talk about in a moment would be what your other choices are. For non-residential projects, this is influenced directly by the economic analysis that I just summarized for you. Non-residential projects would need to meet the gatekeeper requirements, one star, green, austin energy, soferlt. We have proposing they could receive a 50% bump in their baseline density. Take as an example if a parcel of land is zoned cbd, which gives them an 8 to 1 floor to area ratio, they could go up to 12 to 1 ratio meeting the gatekeeper, and that's influenced by the economic findings, which is in a community, for these projects, it might mean those projects don't happen at the proposed density. Now, for either residential projects that don't meet all of their -- that don't earn all of their additional density through affordable housing benefits, or for non-residential projects that receive more than 50% increase in their density, the center section is -- I'll call it an ala cart menu of other community benefits that can be provided by the project in order to achieve their additional density, and these sprang directly from the input we received as well as the phase 1 work that we did in the downtown plan. I should also mention they influenced by two important studies in our opinion, which was the task force work, affordable house, that contributed to density program we have today, as well as the design commission's density bonus work that also led to that interim density bonus. These are things like providing live space for live music and cultural facilities, additional levels of sustainability through the greenbuilding program, publicly accessible open space. Take a second and talk about one of the other areas that has been a sort of cluster of questions and issues in the meetings we've had over the last year, and that's the warehouse district preservation, and that's what we've characterized as part of the historic preservation community benefit. What we're proposing here is a sort of -- sort of a collection of three basic strategies for preservation of the warehouse district, and I guess is worth saying as a predicate that we received a lot of input. I can't say it's, you know, uniform and you mean, but that the -- yunnan mu but the warehouse district is an important asset to our downtown. We -- when I say we, downtown austin plan team believed that to be the case. Those three strategies are, one, a proposed 45-foot height limit for what we have called the core of the warehouse district and I'll show you a minute, it shows where the core is. It's a one-block area. Second strategy is a proposed transfer of development rights program, that being that parcels of land within our proposed warehouse district would be able to sell unused development to other areas in downtown that are eligible to participate in a density bonus program, and that would be a way that those other projects could earn, if you will, their requested density, is by buying unused development rights from owners in the warehouse district. And then third, we have a fairly small set of design standards that we would propose for the warehouse district. This map shows that core area. Just to orient you, it is a one-block-long segment of fourth street between colorado and lavaca. It extends from the alley south of 4th to the alley north of 4th. This is the sort of inner sang tum, if you will of what we think of the warehouse district, cedar street is along there and so forth. It is the -- it's the greatest single collection of warehouse buildings from the era -- you know, from the turn of the century and early 20th century eras. This is the area we're proposing the height limit to 45 feet. In this area also we would propose that properties in this area can sell up to 25 to 1 floor area ratio of unused far. In other words, if it's a one-story building that occupies all of -- 100% of its site area, it has 24 far worth of development that it could sell off to property owners elsewhere in downtown that want to participate in the density bonus program. Outside that core area but within the broader area that we've described as the warehouse district, parcels here could participate in the transfer development rights project. They can sell unused far up to 8 to 1, but they're also allowed to

purchase -- be in the density bonus program. In other words, if they want to build a dense building they would be allowed to do that, and they could purchase far from elsewhere in the district. There would be caveats to any project that sells unused floor area ratio. They would either need to pursue landmark status or otherwise ensure the building preservation. That's to ensure there is a pro quo between our pro quo between our benefit to sell it and using far. There would be a restrictive covenant entered into that reflects the reduced far of that parcel. The design standards we're proposing are pretty minimal. They have to do with preserving the existing elevated sidewalks, which are a pretty important physical element of the warehouse district. It's in part what gives its unique feel. Buildings would require to step back a little bit above 30 feet so as to create sort of a street wall more consistent with the feel of the warehouse district. Buildings would need to have awnings and canopies consistent with what has been there for years and years and years and projects would be required to minimize curb cuts. These are -- this slide just summarizes three things that we recommend that the program be amended since we briefed you on July 23 of last year, and this is based on input we have received since then. We are proposing that there be some slight modifications to the areas showing areas of eligibility and available density. This reflects conversations we have had with downtown residents and near downtown residents. We have also proposed that when we brought this to you back last summer, the greenbuilding requirements were a little different and now we're proposing that one star greenbuilding be require a gatekeeper and you get additional density by going to levels 2 and 3 of the greenbuilding program and we've tweaked a little of what would be the requirements for any open space you prior in return for square footage. The last thing I want to just touch on is in the course of our conversations, really last spring before we came to you in the summer, in a number of our meetings with members of our community there was legitimate concern with all this talk about a density, how do you propose to deal with compatibility downtown? And it's -- isn't it only fair enough that if you want me to get on board with your proposed density bonus program, that you be transparent as to how you propose to handle compatibility downtown? Fair enough. So we -- so we developed what we call this framework, which if you authorize us to move forward, we would bring this back in ordinance form as well simultaneous with bringing you a proposed density bonus ordinance. And what this does is we currently, of course, have a compatibility standard that applies uniform throughout the city, the same compatibility that currently applies downtown is worn on that applies in far southwest Austin. So we tried to make a compatibility approach. In this map the yellow area shows properties that would trigger compatibility because of their zoning. It's particularly important on the west and northwest portions of downtown where we have very intact and wonderful existing single-family neighbors. So what we've done -- neighborhoods. So what we've done and I won't walk through the exact details, is take a little bit of a wedding cake approach. We have been play specific, we have literally gone street by street and even taken into account topography to identify a strategy by which land near these single-family neighborhoods would have restrictions placed on it to ensure that any development that occurs there steps up as you move away from that single-family area. That's a summary of the program. We would propose that if we turned this into ordinance form, that it would in essence take the place of the city-wide eligibility standards and would be the standard that applies downtown. So my last slide, I believe, here. Once again, the action that we've requested from you is that you approve a resolution directing us to begin to get to work on developing code amendments that would put in place the objectives that we've laid out for you. Once again, the process, we would continue to refine this. We might even through our continued work in the downtown

plan or additional community input have refinements to this that we think would better achieve the goals of our community, so we would do that. We'd prepare code amendments and we would take them through the typical boards, commissions, planning commission and ultimately return to you for council adoption. We believe that -- of course you're posted for action on this two weeks from today on January 28. We believe this -- these recommendations are ready for your action and we stand ready for your guidance on that.

Cole: mayor? council member cole. first of all I want to thank you for all your hard work on this and I know that you and the department have been working extensively to try to get us to this point where we can start thinking about what actions that we want to take. My first question has to do -- I know that we had some input on the community benefits that are listed from affordable housing to family-friendly. Has there been very much stakeholder comment on that?

Short answer, yes. The slightly longer answer is that -- a couple things. One -- we took -- one of the starting points we had was the interim density bonus ordinance that council passed in I believe January of 2008, which sprang from the work of both the affordable housing incentives task force as well as the work of the design commission. Of course there was -- you know, reaching back to that, considerable community input on that, and that input and your input created a list of community benefits that is in the existing interim downtown density bonus. Now, fair -- you know, in the -- to be fair, our proposal as to community benefits is somewhat condensed from that, and the reason for that was -- the main reason for that was in looking at best practices across the country and density bonuses elsewhere in the country, the -- one of the general findings is that if you make a really long list of community benefits that you hope to achieve by this program, 12, 18, 24, whatever, you may end up getting a little bit in a whole lot of different areas and no meaningful amount in any one area. You might achieve a little bit of historic preservation and a little bit of street scape improvements, et cetera, et cetera. One of our guiding principles was to try to keep, on the list of community benefits that we brought to you in our recommendations, relatively condensed so that you would actually have a likelihood of producing meaningful benefits in each of these areas. We did, however -- we had a multitude of meetings where we talked about community benefits, and we also tried to match those with what we heard from the community about what are the big priorities for downtown, and that's also where we drew on the work that we had done in phase 1, you know, which had, as I said, over 50 stakeholder meetings. Well, the reason I ask that, and I confess to you that this is the first time that this issue actually jumped out at me, and that is that my guess is that if you were to poll the people who live downtown and to poll the property owner and to poll the people who visit downtown, such as Sixth Street and to poll the social service agencies and say, what is your biggest concern with downtown, what is -- when you come downtown, besides entertainment, what is on your mind, I think they would say the homeless population. And I don't think that when we say that we want to make affordable housing a priority that it is necessarily clear that that might include some dedicated by fee in lieu for services to the homeless population. And so I'd like for you to just really think about that and maybe do some outreach on that -- to the stakeholders in the community and the community in general, because as much as I am committed to the community benefits that are listed here, I don't think that if we did a survey, that many people would come up with their top ten priorities for downtown being historic preservation or family friendliness, and nobody on this council has more kids than me and nobody wants to move their kids



downtown more than I do, but in terms of you know, how we allocate public dollars and what we are asking the development community to do, we might not have, perhaps, as much resistance if you know that they will be able to contribute a sum for somebody that they are deeply concerned about, and that's something not necessarily being -- putting that community downtown but addressing the needs of that community so that it's not concentrated downtown.

Uh-huh. One of the -- as I mentioned, for residential projects, at least 50% of their additional density has to be achieved by providing affordable housing benefits. Now, one of the companion pieces of work we did in the downtown plan was, of course, the downtown affordable housing strategy document, and of course that's not posted for your action today, but one of our major recommendations there was that we spend money on supportive housing downtown. The number that we recommended, I believe, was 170 units of supportive housing downtown specifically for the type of population that you mentioned, the population that is availing itself of the services also provided downtown, like the average and so forth. And so if projects participated in our recommended program and achieved some of their additional density by paying a fee in lieu, that -- the fund into which that fee in lieu money would go could go towards achieving that very same supportive housing that we recommended be created downtown. So - well, I just think that the issue of some, or community benefit, not necessarily being allocated to supportive housing downtown but just social services to deal with the homeless community that exists downtown I think is a high priority for that community, and myself and several other council members, council member shade and council member riley, have actually visited some other cities and have noticed that one of the many things that they do is they try to commit a steady stream of money to deal with that issue, and, you know, up into the future we all will be looking at it because I think this council has made a pretty clear commitment to deal with it, but I don't want us to take off the table the density bonus as being a partial optional function for the development community to use their funds for and not just committing to, you know, more downtown housing but also to the social service agencies that exist downtown as well as those that exist throughout the community.

That's great to hear. I mean, obviously we are open to any direction you want to provide us as we move forward. If you direct us to move forward in developing code amendments, you know, we would love to get your specific direction on particular issues you would want us to focus so that we could bring back an actual ordinance that would sort of meet the direction that you set for us.

Cole: okay. I'd like to do that, because actually it was council member shad brought to my attention that when we talk about affordable housing, that it's not always clear to the public that that may include housing for zero mfi, the homeless community, because we talk so much about 50% and 80%. Now, I want to move on to the density question, because you said something that was very interesting to me, which was that if a developer did not see a process and actually more density, then they simply would not go forward with the development, and I was trying to figure out after you said that, because I do think that density in and of itself, because we have made the commitment to move the population out of the sense -- sensitive areas in the environment -- critical environmental zone to downtown, that it has value, and especially when we are talking about an urban rail system. So I don't know the answer to this question, but I'm hoping you will have some reply, and I understand that we can't, you know, give density to somebody that's not going to be a part of the program, but is there any way that someone

who makes a determination that there's no profit in it for them to be denser, that we could offer them something else so that we encourage density anyway? Do you understand what I'm saying?

I think I understand your question. Maybe council member spelman, in case I can't on the wrong foot, he nodded his head, so between the two of you steer me in the right direction. It's my thumbnail understanding of the development business that anytime a project builds more square footage, gets bigger, they are taking greater risks. Their finance costs get greater. They are expecting to have a longer period during which they either sell their product or lease their product, which exposes them to risk, so it takes longer to build, which exposes them to economic uncertainties and so forth. So generally it's my understanding that rational developers, and I think most of them -- the irrational ones have been weeded out, generally don't take additional risk unless they see a benefit in return for that additional risk. We are not proposing a program that would turn a risky project into a non-risky project. That's not what we're proposing to do here. What we are proposing to do, though, is that for projects that -- where there is a -- you know, where the project comes out ahead, they are willing to take on that additional risk associated with building more building, that that project would participate in this program, and in essence the additional benefits would flow partly to the project in the form of greater returns to the project and partly to the city in terms of achieving these community benefits. But I'll -- if I understand your question, we are not proposing that projects -- there's nothing in this program, I don't think, that would take a project that otherwise would not happen because it's financially infeasible and make it feasible. I guess at this point -- another idea, because I know we have talked about making a commitment on congress avenue for retail development, and so maybe we need to think about certain areas that need to be developed that cannot make a profitable benefit being excluded from the density bonus, and I'm just throwing that out there for you to take back to the planning commission, because certainly dave sullivan knows more about this than i do, but I guess I just -- i don't want the decisions that have been made like that, which would ultimately lead to our overall vitality of downtown, to be left off the table.

I hear you, and one of the things we have specifically said is that as we continue to move forward on the downtown plan, specifically are district planning in the downtown plan process, that if we have conclude that there are specific community benefits in a particular part of downtown that are a good fit for being addressed by a program like this, then we would come back to you and tell you, by the way, since we briefed you back in january of 2010 we've discovered that we've -- we've come upon what we think is a really good fit for this program and here it is for your consideration. That would be the type of thing that we would do.

Cole: okay. Thank you.

Mayor?

Thank you, mayor. I wanted to make just a couple of quick comments. I know we're coming up on noon and citizens communication, but I want to thank you for your work on all this. I know it's been a lot of work. And just to follow up on the whole issue of district planning that you addressed, can you tell us -- I

know that's part of phase 2; is that correct? Is it actually under way right now?

Oh, yes, it's definitely under way.

Okay. Because that's one of my concerns, and that is i certainly get the points that council member cole was bringing up in terms of other things that we might want to incentivize, but there are elements of sort of the blanket general low density program that we might want to not incentivize in some districts, so I think that it's really important that we take a look at that before we actually go forward with the general bonus denies at the. For instance, one of the discussions we've been having a lot is live music venues and that we have great areas in downtown where live music -- for live music venues but it's not clear that they would be appropriate in the middle of judges hill, for instance, so I want to make sure that we take care about doing that generally speaking. And then --

just to be sure one point I made is clear, judges hill is not eligible to participate in this program.

Okay. Well, then let's say 9th and west street then might not an appropriate place for them. But also I know that we had a hearing -- the planning commission held a public hearing finally I think in december regarding the bonus density program, and i noticed that we have a planning commissioner here in the audience, commissioner dly, who also happens to be, I believe, the chair of the downtown commission, and so i wondered if we might -- if we might ask commissioner dealy to come up. I think that the planning commission came up with a recommendation on this density bonus program, and i think it would be helpful if we could hear from her also. Side enberg

welcome, commissioner.

Thank you. My name is mandy dealy and I'm vice chair of the planning commission and chair of the downtown commission. Tuesday night at our planning commission meeting we did vote on a recommendation to forward to you-all asking for a delay in making a decision about codifying the density bonuses. We think that it's been a really good process so far but that it's not quite complete, that there are a few conversations that we just have not had the opportunity to have yet. And so we have asked that you appoint a citizens group to oversee a short extension and to further investigate a number of issues. They are affordable housing, historic preservation, a business retention fund policy for businesses that face relocation, green roofs, infrastructure needs and a completion of the subdistrict plans. We would really appreciate having an extension so that we can have further community conversations about that. There have -- I know there have been a lot of public meetings about this. However, most of them have been more like seminars in which a lot of information has been disseminated, but there hasn't been much opportunity for individuals to just sit down and talk about it. We did have the planning commission's public hearing that started in december. We continued that through last tuesday night. We also had a planning commission executive committee meeting last week at which we invited people to just come and talk, and it was expressed at that point how much people appreciated it and felt that that was needed. And there were a number of people at that who agreed that an extension to have these kinds of conversations helpful.

Shade: okay. Thank you, and just as a reminder we're not posted for any action so if we wanted to consider your recommendation or the staff recommendation we would be doing that on the 28th.

Did I answer your questions, though?

Yes, you did. Thank you very much. Thank you, mayor. well, more than not just being posted for action, by code we actually have to have a planning commission recommendation before we can act on it, unless the council specifically waives that requirements, and I'll just say, speaking for myself alone, I'm not@ motivated to waive that requirement, so lacking specific action by the council to the contrary, we'll proceed on course to --

well, we did vote on the recommendation of the delay, and -- let's see, the vote was 6 members for, two absence and one off the dais, but it was unanimous among those able to vote. But we do forward that recommendation to you-all. i appreciate the need to take the time to get this right, and since we do have an interim bonus program in place, there's no real imperative to rush it through, I don't think. That's my personal opinion. Council member spelman? commissioner dealy, was there a time placed on the motion that you passed?

We asked for a four-month delay.

Spelman: okay.

That is up to you-all. It probably could be done in a slightly shorter amount of time, but then again, the full four months might be needed as well. We also included in our recommendation a list of stakeholder groups that we thought should be represented on the task force.

Spelman: okay. Could this be done without our appointing a task force? Couldn't you assemble a group of people on your own and work it as a subcommittee of the planning commission?

I suppose we could, but it would be helpf to have some direction from council, I think, to do this. having just gone through the drill of coming up with 50 or 60 people to appoint to commissions and boards and tasks forces by a time deadline, I'm leery of appointing yet more people to yet another commission or task force and I'm wondering if there's a way we could do this informally, which would also give you the flexibility to bring in people if needed if it turned out there was an issue you needed to talk to somebody else.

That's certainly a possible. Also, one of the charges -- or one of the responsibilities that the downtown commission has that we have not yet acted upon is holding public hearings for the downtown plan. So I could go back to that and we could start having public hearings for that -- for this as well. could I ask the city attorney to weigh in on that, the question about the planning commission itself being able to appoint a task force?

And I'm going to call upon deborah thomas, who's in the back, to come forward to the podium since she

works much more closely with the land use commissions than I do. Boys year and deborah, did you hear the question? Okay. yeah, the question was asked by council member spelman if the planning commission -- the planning commission has recommended that the council appoint a task force to provide input to them on the subject of the density bonus plan for the downtown plan, and so my question is, can you do that? I suspect that probably they would be sort of ex officio in their capacity vis-a-vis the planning commission, but I'd like to hear your answer.

Well, the council could always appoint a task force to -- the council could, we know --

I'm sorry? we know the council could. We're asking if the planning commission could.

Oh, if the planning commission could. Does the council want to authorize the planning commission to select a special group of people, people who have identified expertise and ask the planning commission to get that group of people together and to function in a certain capacity? The council could definitely do that, could authorize a planning commission to do that.

But that would take formal action by the council?

At this point there's nothing in the code that authorizes the planning commission to put together its own citizens group.

Mayor leffingwell: okay. Well, we couldn't do anything today anyway, so we'll flesh that out in the interim. Our next regular meeting is the 28th and perhaps we'll --

mayor? council member spean. I know that gentry and I spent quite some time on a task force, i think it was a task force, considering among other things issues like this, and I wondered, shirley, if you have something to say about this.

I was just going to say by the board ordinance that was adopted in 2007, it precludes a council appointed body from creating bodies that do not have council-appointed members on them. So the subgroup of the planning commission would have to be planning commission members under your board rules, unless, of course, you wave that with a new provision -- but we could wave that?

But under the current rules they couldn't just go out and form their own group without the group being council-appointed officials. but we could delegate our authority to establish a task force of some sort to the planning commission, say you put together the group and report back to us at thus and such a time. Gotcha. Thanks, shirley. well, in either event it will take some council action, and so we'll plan oncoming back with something on the 28th to deal with that particular issue. I have one final question for staff, just a real quick one. I know you mentioned early on that the historic judges hill area does not include a density bonus plan, but there are issues with regard to the areas adjacent, and you said you weren't going to do into detail, but you did have some provision, perhaps compatibility mod figureses for things adjacent -- modifications next to judges hill. I know this is a concern and we've had discussions with stakeholders out there. Is what you're proposing -- again, you don't have to go into all the details. Is

what you're proposing, is this a consensus that has been achieved in working with the people in that area?

It is my understanding that the answer to that is yes, based on the conversations we've had with judges hill residents, that what we're proposing is acceptable to them as well.

Mayor Jefferingwell: okay. That was my question. Council member Morrison? there were also issues about compatibility down the west side of downtown, and correct me if I'm wrong, but it's my understanding that we -- that consensus had not been reached on that.

I think that's probably right, that I think we -- we did not achieve by any means unanimity or consensus as to exactly what the solution was for that sort of area, east of Lamar but near the old west Austin neighborhood. We are proposing as part of this compatibility framework some adjustments -- or some accommodations to ensure compatibility-type things, but I think you're right, that it would be unfair to say that what we are proposing -- first of all, it's not quite the same as what the city-wide compatibility standards would apply, and I think you're right, that there are still people who feel like what we're proposing is probably insufficient for their interests. Right, and I'm also talking about the folks that they are as far east as Rio Grande, maybe, maybe a little bit farther. I think there's still discussions that they were interested in having too, but anyway, that's for future discussions. Council member Shade?

Shade: I had a question. I've talked to some people recently about the -- how the triggers work, and I realize that it's, you know -- most of the areas it's 8 to 1. What about lots where they're too small? I mean, that issue that people raise where they wouldn't be able to hit that to be able to qualify for the benefits?

--

can you address that one?

We do not have a provision that's sort of specific to small parcels that treats them differently than parcels that have been aggregated to, say, a quarter block or larger. Certainly small parcels are subject to their own challenges. Generally in downtown once you get less than a quarter block in size, the limiting factor in terms of your being able to put any substantial development on it is parking. The physical dimensional requirements of structured parking, whether it's aboveground or below ground, are such that you can't build a structured parking facility on anything that's much less than a quarter block, and that -- that's an issue that we've identified in the downtown plan as a really big issue, which is why we've spent a lot of time working on transportation issues, because we believe that you could unleash the development potential of a lot of small parcels downtown by providing a robust selection of alternative transportation means downtown so that the small parcels are not held hostage to the limitations placed upon them by the fact that they can't build a parking garage. But there's nothing in this program here that somehow treats small parcels differently from big parcels. I realize that it wasn't in the program, and I'm trying to grapple with should there be some different treatment for the smaller lots.

I don't think the smaller -- if I'm understanding where you're going here, I don't know that a smaller lot needs more far as a product of being small because it's small. Really, what it needs is some relief on the parking front, and that's where we get into issues like perhaps joint public/private ventures to provide off-site but nearby parking, transit rail and bus transit and so forth. Those, to my understanding, are really the key to unlocking the development potential of those small parcels rather than providing relief in far, in the form of additional far.

Shade: thank you. thank you, and --

thank you. and pending -- with regard to the planning commission's request for extension, no action is necessary for that. The only action would be to bring the item to council without their action, so as it stands right now, the planning commission has three months, four months or six months to act on this before it comes back to council. Thank you. Now we'll go to our citizens communication. The first speak is rae nadler-olenick speaking on water fluoridation. Bows year

good afternoon, mayor leffingwell and council members. It's well over two months since I spoke here, and meanwhile much as occurred. Water fluoridation received serious local media coverage by the austin chronicle in november and december. Several smaller outlets followed and before I had action network bulletins carried our word worldwide. But what happens here at home is most important. And the main news item locally is an ongoing issue which I'll sum up.

Could you hold on just one minute? Could you hold your conversations until you get out of the room to courtesy to our speaker? Thank you. You may start over at your discretion.

Okay. Thank you. Good afternoon, mayor leffingwell and council members. It's well over two months since I spoke here, and meanwhile much has occurred. Water fluoridation received serious local media coverage by the austin chronicle in november and december. Several smaller outlets followed and fluoride action network bulleti carried our news worldwide, but what happens here at home is most important and the main news item locally is an ongoing issue which I'll now briefly sum up. Last august 19 the environmental board unanimously issued a recommendation that council set up an independent task force to reexamine austin's 35-year-old water fluoridation policy. The operative word here is " just to look at fluoridation, from the standpoint of new science, economics, track record and so forth. Rather than being conveyed to council in a timely fashion, the recommendation apparently stalled in the city manager's office. There in an embarrassing end run around the environmental board's specific request, staff assembled a biased all internal committee that failed to address the questions the board had posed. The resulting report predictably could have come straight from the web site and promotional -- excuse me -- brochures of the centers for disease control and the american dental association. The very institutions whose policies are in dispute. At the environmental board meeting of december 2 where representatives of the austin water utility, health and huma services and watershed protection department presented their rubber stamp report, the environmental board voted to request once more the independent investigative task force they had originally called for. There to my current knowledge the matter rests. We recognize that the environmental board acts in a strictly advisory capacity and cannot compel any particular action of the council. Still, as a city advisory board they merit an official

response. It's my hope for this new year that council will respond by convening the truly independent study committee the board has requested. There is no shortage of highly qualified people to serve. Some of you have already heard from a few of them informally. To place their expertise on the table in a formal setting would be a great learning experience for everyone concerned, both the citizens of austin and their elected leaders. Thank you, and excuse me. thank you, s. olenick. Our next speaker is gavin fernandez, but I believe we had a communication saying that he was not going to be here for citizens communication. Is gavin in the chamber? And the next speaker, dan McTEE, LIKEWISE, SENT A Message that he would not be here. Is dan in the chambers? Next speaker is carolannerose kennedy. Topic is when beneath your wings, a song by jennifer gale. Is ms. kennedy in the room? Boys year make lar that elliot trettter kennedy, we're going to have to get started. If your program is not ready you may have to wait. Would you like to go at a later time and let somebody else go before you? Okay. Go ahead.

A later time meaning like next month or what? no, what I meant was let somebody else speak and you could speak after them, but you're ready, so go ahead.

I'm never ready to come speak in front of the nine of you, believe me. Thank you for your patience. And welcome back, council. Happy new year. Let's start over. I don't really care, in other words, I really don't care what the doctors say, what the austin cops say, what the medical examiner says, what the bloody relatives say, what the paparazzi said, jennifer gale died of a broken heart. And before I leave here today, please, council, somebody out of the nine of you-all, tell me, what kind of progress we, w-e, have made since december 17, 2008. This one. [ â™ªâ™ª Singing â™ªâ™ª ] â™ªâ™ª did I ever tell you I'm your hero â™ªâ™ª and everything you want to be â™ªâ™ª well, you could fly higher than an eagle â™ªâ™ª because I am the wind beneath your wings â™ªâ™ª it may have appeared to go unnoticed â™ªâ™ª but you had me right here in your arms â™ªâ™ª I want you to know we know the truth â™ªâ™ª you would be nothing without me â™ªâ™ª did you ever know that I'm your hero â™ªâ™ª and everything you want to be â™ªâ™ª well, you could fly higher than an eagle â™ªâ™ª because I am the wind beneath your wings â™ªâ™ª wind beneath your wings â™ªâ™ª thank you â™ªâ™ª thank me â™ªâ™ª thank god for me, the wind beneath your wings â™ªâ™ª play ball. thank you.

Will somebody answer me before I leave today? we@ will -- I'm not sure that i understand your question, but if you --

I'll repeat my question. all right.

Do I have time -- time to repeat my question? ask your question.

I'm asking one of the nine of you to either give me an answer before I leave this courtroom today or call me, what progress have we made, we -- what progress have we made in austin, texas, to home the houseless since december 17, 2008, which was before most of you came on board.



Mayor Jefferingwell: ms. Keene, I understand your question.

Okay. I can't guarantee you we'll have an answer, but if someone wants to answer your question, that will be the case.

I know there's no guarantee in this business. We need to go on to the next SPEAKER, WHICH is McLar malartha bosier. Topic is community safety.

Thank you.

Good-bye afternoon. My name is malartha bosier. I live at 5701 Felix Avenue and I'm here today to speak on behalf of my friends and neighbors, a few who are here today, about the urgency of installing sidewalks and what's been described in a letter to us from the Austin Transportation Department, traffic-calming devices. In the letter, and I apologize, I probably should have given you copies, but it's dated December the 15th, 2009, signed by Robert Stiller, director with the CC, to Michael Curtis and Ronnie Bell, the division manager and supervising engineer. And in the letter, in paragraph 2 they speak of the street that we were concerned about, which is -- this is -- these are photos, and I apologize. I just got these last night, but traffic from [indiscernible] Riverside has increased on our street, and this park here as you see, we believe that it influences the speed of the cars, and in the letter, in paragraph 2, they state that -- actually paragraph 3, "in a 24-hour period on a survey that was done --" I'm not sure when the survey was done, but 685 vehicles passed along our street in a 24-hour period. And then on the parallel street, Hogan, 1934 vehicles passed along the street in the same period of time. And the point we want to make shall that comparing Felix to Hogan is really not a fair comparison, in our view, because Hogan has sidewalks and Felix does not. And so the children and the people on Felix are forced to walk in the street, and with that type of traffic it makes it more dangerous, and actually two incidents recently, in December, walking out to open the gate, and I heard screeching car wheels a thump and a cry, and that's the fear that we all face daily, that somehow we're not doing enough so that rather than -- two incidents, like I said, last month and then last week I just found out, it was a dog and a cat. And our fear is that we want to be proactive so that it's not a child or a person who's being harmed. Back on the letter, in paragraph 3 -- I'm sorry, paragraph 5, they've described language that we don't quite understand. We're not familiar with the 85 percentile speeds, traffic operations analysis and other things, but we do know -- time up? Is that it? That is your time.

Okay. I'd be happy to submit these to you, if you'd like. and if I could ask the city manager to have a staff member consult with you and get the specifics of your problem so that we can attempt to deal with it.

Thank you, Mayor, Orlando Fernandez is standing at the back of the door and he'll contact you and assist you in this area, Robert Goode as well as Rob Spiller, so that they can explain what sounds like a very technical letter and to explore what we might do to calm traffic on that street. Ott, may I say one thing?

Please.

And I didn't mean to imply we don't understand the essence of the letter, which is written from an austin transportation department point of view they're focusing on vehicles, and our focus is on people, and I think the last part of the letter he says that we could work with the city in partnership in order to team with the city of austin financially to accelerate sidewalks, and i just wanted to let you know that we are willing to do that in any way that we can financially. We can raise funds. We have people on our block who work for highway installation department -- I'm sorry, businesses that can provide materials for the speed bumps, so whatever we can do we're willing to work with you.

Well, I think that's excellent and we'd welcome the opportunity to partner with you and your neighbors to make your circumstances safer than they are today.

Thank you, sir.

Mayor? thank you. Council member morrison, and then mayor pro tem. I also wanted to mention in this regard, when the neighbors get stiller and the transportation department, it might also be nice to have one of the neighborhood advisers attend the meeting because it looks like this might be an issue beyond -- that they can get involved beyond the -- just the sidewalk and transportation issues. So --

yeah, I think that's what I was hearing.

Morrison: okay. mayor pro tem?

Mayor, I just wanted to let the rest of the council know that my staff did talk bosier back in october, november, and this is a follow-up from a request from staff, and so i think we need to make more clarifying points and specifically address concerns they brought forward, which relates to the sidewalk issues. When you look at this area of austin, hogan is directly a cut-through street between montopolis and the acc campus, and one of the things that staff points out is -- and it is from a traffic standpoint, hogan is actually more dangerous than felix is, but again, I think we just need to take a little bit more of an in-depth view of that area to determine what we can do on hogan to relieve some of those traffic and safety concerns, because a main cut-through between montopolis and grove boulevard. But we are looking into it. Thank you, mayor. thank you, mayor pro tem. Next speaker is michael ray. Subject is economic stimulus package for austin's poor community.

Thank you, mr. mayor. First of all in obedience to almighty god, I always give him praise because if it was not for him I would not be standing before you in this distinguished body. First of all I'd like to [inaudible]. As I said, my name is winston michael ray. I'm a second time flier. I've been here 70 days ago, thursday, november the 5th, 2009, and the message is still the same. Economic empowerment for the poor. Austin has been blessed to be chosen by the divine, by the most high, because i know no man has chosen to be -- to be the first city in the world to introduce a 100 billion, b as in baby, as in boy, marketing. It's not going to go away, not with a wand, in order even with hand. I'm calling you upon you, mayor leffingwell, rick perry, as I have stated many times and most recently in the last communication i

sent to you and the mayor -- and by the way, all the attachments I sent you, president obama has it, the leadership of new york where we're going to set up, patterson, the governor, the senate -- that whole crowd has it. We're going to harlem, to get married, february 20, to 4 trillion marketing. You say, way, this guy is exaggerating. He's jumping -- when you look at the scope of things and look at the situation of the world, including the devastation in haiti just a few days ago, I think god set it up for this plan to be used. Now, what's my point? I would like you, mayor -- I'm calling you and all city council members of austin, texas, you're going to hear and see this again over and over again, i can assure you, world news, cnn, so forth -- to be the first mayor to stand with me, winston michael ray, to proclaim for the world that austin, texas is the first city to [inaudible]. Earlier I was by the homeless at the arch and -- I talked to them till I got hoarse and notoo many showed up. That won't stop up. king used to say keep the ball rolling and that's what we'll do. I want to say, I personally take this time to invite mayor, governor rick perry. I sent the same information you have, ofours with their respective cover letters to the five major candidates for governor, to take leadership in saying that austin will go down in history as the first city in the world to promote the inevitable. There's no more much to be said. The work is finished. We needed ten years, 9 monthsand two days to complete the job, from april 22, 1999 to dr. king's birthday. So rest assured this is going to get that much stronger. Look at it like this. Determination to me is -- your time expired, so please conclude.

I'm sorry? your time has expired.

My time expired. Well, thank you, sir, and i hope you take note of this and call me at that number and get with governor perry because I can assure you, this is literally the last time I need to, to make this request. I will be sure to follow his lead on the subject.

Thank you. Thank you very much. And each councilman can call me worldwide. Next time you see me it's worldwide. next speaker is elliot ttreter. Speaking topic is city-owned land.

Mayor, members of the council, I'd like to thank you for the opportunity to address you today. I'm elliot ttreter, [inaudible] geography and the environment at the university of texas at austin. I'm an urban geography and specialize in issues related to urban development. I'll talk about a classes my students were engaged in in the fall of 2009. We were close to the association poder and helped the project that brought students into the community, run a stated need via an organization. I'm here to state findings of the project. I should note that all the material I present to you today was compiled and gathered by 20 students in five groups. The project developed over several stages and involved mapping the city's undesigned properties and doing on-site inspections of these properties in order to, one, provide a better sense of where the properes were in the city, and 2, determine the potential -- what their potential use could be. Poder wanted to know if there were unused city properties that could be used for other purposes, such as providing land as part of an equity swap with peer castings to move its facility presently located at 2110 east fourth street next to zavalas elementary school. The company includes heavy metals and hazardous materials and many in the neighborhood would like it to relocate. I understand the company has promised to move from present location if it receives compensation. After detailed exploration the students found there are potentially several sites where peer fast nings might be more appropriately located. I have identified two sites on this map but others were found. I will go to the

map. Okay. So the first -- this is on -- is this on? Oh, there. Okay. I understand. Sorry. The first site here located in the north is at 10414 McFALLA PLACE, IS Commercial, easily accessible by car bike or public transport with bus stop close by. The students identified this plot as a substantial parcel that contains train tracks. In south austin, the south austin site here identified is also a substantial parcel, and is zoned commercial. It is located at 1213 bastrop highway, and is accessible by car or bus 350. They noted it was very close to the airport and probably not usable for non-commercial purposes because planes fly close overhead. There are some residential housing in the area but the property might be large enough to avoid the potential land use contents present in pier castings. The information included in the reports have been proved to poder who will leave copies with you. There is an interactive map created by the students there will provide detailed informational properties that works with rts software. Poder will contact you to set up a meeting to discuss cost. Thank you very much for your time and I am available now or later if you have any questions for you. Thank you. thank you. Council member morrison? I'd just like to make acquit comment. Thank you -- a quick comment thank you for your work and students' work, professor tretter. I look forward to meeting with you-all. A lot of us have been touch in council offices and mayor pro tem has been working on it also and a very, very one of the things that I'll look forward to talking with you about when you come in is our potential for partnering with other governmental entities because I think we have some -- we have s many challenges and being able to actually work an equity swap from the owner's point of view, I think it really will take a village, as they say. So thank you for your work. mayor pro tem?

I just wanted to offer up -- I don't know if you realize this, but when you do research in the future, feel free to contact my office. We actually have a book that's probably about 5,000 pages of every single parcel of land that the city of austin owns. Now, not all of it is developable. Some of it is parkland, some of is is right-of-way easement. But we have the actual addresses, size of the plots of land, where they're located and a visual map to give better reference.

So -- may I respond?

Uh-huh.

So, yeah, laura morrison's office gave us the map, the data, of the students, and took that data which was all unspecified and actually did this remarkable job of creating this map, of then replotting it and actually creating an interactive map from it. You may have had that. I wasn't aware of that. It's a shame --

I just want to offer it up for future reference if you need it.

That's fantastic. Thank you very much.

Sure. next speaker?

Thank you. -- is rob seidenberg. His topic is east 12th street.

Thank you very much. My name is Rob Seidenberg. I live in Sweet Hill east of I-35, just north east 12th street. I serve on the board of the Sweet Hill Neighborhood Organization and share that organization's east 12th street's subcommittee. In late 2009 Sweet Hill wrote a letter to the mayor and council about the sad state of affairs on east 12th street. Unfortunately we've received no response. We have plenty of ideas and energy to put towards what is one of the city's biggest impairments when I contact you in the near future I hope that you'll grant a few minutes of your time. This city's neglect of the east 12th street corridor is beyond frustrating. It is epic, it is tragic and it is appalling. Every morning the Statesman features yet another story about another city backed revitalization or project. More money to Mueller, huge spending on 17th street, incentives to Hanger Orthopedics and now a plan to quote, reinvent airport boulevard spearheaded by members on the dais now. Fine projects but not before you address the tragedy that is east 12th street. As the recent audit concluded, east 12th street exhibits slum and blight conditions. Just take a look. At the gateway sits a long abandoned supermarket, graffiti, parking lot littered with bottles, empty overgrown lots and buildings, remains the charred remains of a burned down house, sat there for two years, a constant reminder of how forsaken this corridor is. Need anybody mention the open-air drug and flesh markets at the corner of Chacon. I don't understand how you can justify focusing energies on something like a, quote, reinvention of airport boulevard when such a sham blink mess of substandard infrastructure, dilapidated buildings and rampant crime persists and worsens a mere half mile from the state capital. The Ara, Ura and NHCD have presided over this disgrace for over a decade. It is now your right and your duty to acknowledge their failure and remedy it, to either radically recraft or push aside the tri-party agreement which has produced zero results, being we need a different approach. We need for you to take responsibility and make this a priority. Make this a project about which the city of Austin can be proud. Why not, for example, make this the pilot program for corridor redevelopment. A few weeks ago city leaders expressed support for a private commercial project near Waller Creek. Council member Cole remarked, quote, we'd like to do all that we can do to jump-start that. I'm here to ask, what does it take for somebody on this dais to say, we'd like to do all that we can do to jump-start the redevelopment of 12th street. I truly hope that your actions, not words, become concrete evidence that you agree. Please don't continue to let us down. Thank you very much. Thank you. [Applause] Next speaker is -- and the last speaker, is Ronnie Reeferseed. Topic is freedom and peace and the fallacy of city communication censorship. Mayor, and yes indeed, I am Ronnie Reeferseed, saying, hey, kids, cherish your fellow -- your fleeting childhood hood and all of us grown-ups wish we still had some, with your first alcohol, or joint, you cancel your own childhood with drugs. In the meanwhile we thinking citizens are trying to help save our world by just saying no to the criminal bankster bailout by punishing the politicians who sold our future to the same bankster criminals who are right now destroying our nation's commission. Ob-GYN doctor Ron Cawlt call AAA 2014, for weekly updates from Dr. Paul. Free press. Paul regularly contributes to AFP on-line, and I suggest one com, on 91-point -- fm, 11:00 a.m. to 3:00 p.m. Monday through Friday and 4:00 to 6:00 on Sundays. And briefly Jennifer Gale was a courageous citizen soldier, a former marine who gave more than any of us here to help save our world, and in memorial Jennifer was a devoted citizen who happened to be homeless, who happened to have sexual ID issues but almost always continued to love and ideas -- she attended city council meetings, Travis County court sessions, political demonstrations. I believe she was assassinated by evil forces, not merely a broken heart as expressed earlier. I hope this council sees the need to allow speakers who bother to show up to speak, whether they have in the past or not, to speak. Political

speech is now and should always be without restrictions, and why not allow political placards to be displayed in I mean, what are you afraid of? Of your -- our very own ongoing ob-gyn, dr. paul. Is that what everyone is afraid of? Moving into the austin city limits and right now I'll suffer from the poisonous fluoridated water that this city council still hate fully shoves down our collective throats. Thank you, rae, for trying to share some facts for so long on this crucial health issue, and what's the matter with you people? Can't you read? Why do you want to continually poison citizens with this toxic sludge that was used by the nazis by the jewish -- in the jewish ghettos and the concentration camps. The facts are out there. Why do you want to punish and poison us? It costs us money. That that's the thing that blows my mind. The facts are out there and I want to thank rand all the work she's done for all this time and the other activists, like jennifer gale. And I do want to thank you you-all for giving me this opportunity to speak to you right now. Thanks again. that concludes our speakers and citizens communications for today, so without objection the city council will go into closed session pursuant 071 of the goad for consultation with -- government code for consultation with legal council to take up two items, item 34 concerns lions municipal golf course and the university of texas land known as brackenridge tract, and item 35, concerning northwest austin municipal utility district, , versus the city of austin and bapi et versus the city of austin. The council will go into closed section pursuant to 086 of the government code which allows discussion of competitive matters on a public power utility to take up one item, item 33, concerning matters relating to austin energy -- renewable energy regeneration planning. Is there any objection to going into executive session on the items announced? Hearing no objection, the council will now go into executive session.

## **End of Council Session Closed Caption Log**