

## Closed Caption Log, Council Meeting, 2/25/10

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morning everyone. I'm austin mayor lee leffingwell and we will begin today with our invocation by pastor jacquelyn donald-mims and imani community church. Please rise.

Good morning, let us pray. Eternal god our lord, we give you honor, praise and thanks for the wonder of this day and for your sustaining love. Oh, god, today we ask that you oversee these proceedings. Anoint once again these representative and leaders, this brilliant council and mayor and their genius. We thank you for their commitment and ask your blessing upon them to love your people, walk among your people, feel their pain and share their joys. Commission them to a noble discontent of things as they are and that they will tear down every barrier that prevents your people from the highest god-given best. God, even in the midst of the tragedy of last thursday, a senseless, cowardice crime, we still give you praise for those who are in the bis of saving lives, for the hard job of first responders, offsetting destruction and minimizing loss, executing their craft with excellence. We give you praise, and, oh, god, we ask now for your presence. We know are sympathetic ear and heart and healing is on the family of the one who was lost, vernon hunter, a veteran, hero, child of god, man of god, husband and father. We pray your comfort in their moments of distress. Usher them through the long night of despair. We pray your continued healing on those who experience bodily harm and those who emotionally are in distress for witnessing such a horrific tragedy. Now, we even ask your blessing on the family of those, the one who committed the crime and the pain. Oh, god, now we just know that there are those in this city. We just ask you for your blessings on us all, both those who live in security and those who feel insecured, employed and unemployed, those who feel the stress and weight of despair, we pray, lord, that they know that all is not lost. You know our needs better than we do, lord. Touch, heal, make whole, deliver, redeem, and give us your peace and power. This we pray in the strong name of our lord and savior, jesus christ, amen. thank you, pastor. I especially like that part about the genius of the mayor and council. [Laughter] please be seated.

We haven't called the meeting to order yet. a quorum is present so I'll call this meeting of the austin city council to order on thursday, february 25, 2010. We're meeting in the council chambers at austin city hall, 301 west 2nd street, austin, texas. We'll begin by reading the changes and corrections for today's agenda. 28, add the words "recommended by the electric utility " 40, add the phrase after the word "reimbursement" -- add the phrase "in an approximate " 46 is postponed until march 25, 2010. 58, add as an additional co-sponsor council member randi shade. 61, add as an additional co-sponsor mayor lee leffingwell. On item 63 change the suggested time and date from march 25, 2010 to at -- change that to at the request of council member morrison. 64, add the words "recommended by the electric utility commission to be reviewed by the parks and recreation board on " 77, add the sentence "at its 4:00 p.m.

Time certain, a postponement of this item will be " so our time-certain items for today, 10:30 briefings. First briefing on the needs austin's homeless and near homeless, the second on transportation system. At 12 noon we'll hear general citizens communications. we'll take up our zoning matters. we'll hold 30 live music and proclamations. The consent agenda for today is items 1 through 66, and i will read item 56, which is appointments to our boards and commissions. One appointment to the austin music commission, michael beperman, is that correct, by council member riley. Items pulled from the consent agenda are item no. 32, Which will be pulled for a brief presentation. Item 50 will be pulled until after discussion in executive session. 52 is pulled for discussion by council member randi shade. The following items have been pulled because they have excess speakers signed up to speak on these items, 29 and item no. 30. Council, are there any other items to be pulled from our consent agenda? Hearing none, I'll entertain a motion on the consent agenda. Mayor pro tem moves approval. Second by council member morrison. Any discussion? Before we vote let me check and see if we have citizens signed up to speak on items on the consent agenda. 50, birdie perkins, who has signed up against. -- Well, correction on that, item no. 50 is pulled. It is not on -- it is not on the consent agenda anyway, so we'll handle that later. Okay. So all in favor of the motion to approve the consent agenda say aye.

Aye.

Mayor leffingwell: aye. Any opposed? Passes on a vote of 7-0. So council, now we will take up item no. 26. 26 is pulled for speakers. The first speaker is bill bunch signed up against, with the donation of time from jill carpenter. Is jill in the chamber? And pat broadnax. You have nine minutes.

I have a couple of handouts real quick. pass them at the end. They'll be passed down.

Thank you, mayor, council members, I'm speaking against this propod \$6 million on top of the previous \$3 million for the jolly ville transmission main, 7-mile, 7-foot to 8-foot diameter pipe that would connect the proposed water treatment plant 4 through the bull creek preserve over to the jollyville storage tank. I've sort of highlighted a map that's in your backup that I'll reference in a second. This pipeline and the plan itself is unneeded, and you have very stark and brand-new information telling us this, and that's the first handout. From enfakh daily reporting that our utility is a full \$12 million below its expected water sales and only the first quarter of fiscal fy 2010. This should be a loud, very loud wake-up call to go back and relook at our capacity needs, going into the future. So please conder that. The next chart that I handed you is from your own staff and gives their pricks of predictions of water use and population predictions. This is about four months old. These projections show that your own staff don't see us using as much water as we used in '08 until 2015, that we actually are projected to go down in water use for the next five years. , And that's projecting that our 2015 water use is at 162 gallons her capita per day. If you factor in the new 140-gallon per capita per day goal that your own water utility staff has embraced, that the water conservation task force has embraced, you prorata that out, what it shows is that we'll be using substantially less water in 2015. In 2020 we'll still be using less water than we used in 2008, and then if you give us just a little bit of -- in savings from 2020 to 2025, going down to 135 gcpd, we're finally getting back to the amount of water we used in '08. We can safely, and your own staff numbers clearly demonstrate, that we're not going to be using more water over the next 15 to 20 years. A billion dollars is tow much money to waste, especially in these hard times. So the item before you right here especially is

the transmission main. The map that's on the overhead shows going from the new plant site at the intersection of 2222 and 620, over to 183 and the jollyville pump station. The blue shading is the creek preserve. This is the most critical preserve in our entire 20-year endangered species conservation effort that the city and county have embarked upon and pumped over \$100 million into. You can see it goes straight through that preserve. This map doesn't show the creek head water springs, but your staff should have given you that map and shown that it goes right under those head water springs, where the warranted but not yet listed jollyville salamander resides. Your staff's memo on this item that was posted as background says, we looked at four alternatives, and we wanted to find the most environmentally sensitive one. Well, look at the map. All four alternatives follow 90% of the exact same route. That's not looking at alternatives. That's not trying to find an environmentally responsible route. That's finding the route that's cheapest, most direct and is already subject to approval under the bcp, or so the city hopes. That bcp was put together without regard for the jollyville plateau salamander or a number of other new conditions that arise since the early '90s. So this is not environmentally responsible alternatives analysis. The alternatives are essentially the same. The environmental -- the -- it goes on to explain, we're -- we're still studying this. We still haven't figured out what the real risks are to the creek headwater springs. We don't know. Does it really make sense to keep throwing money at a project that you still haven't -- don't have the information on to know that you can build it safely without, essentially, destroying the biological integrity of your number one top priority preserve for preserving biodiversity in the whole county? I submit to you that that's not a responsible course of action. We've seen the course of cost overruns upon cost overruns upon cost overruns for this project, and we haven't even started it yet. For the decommissioning of green right down the street, which should have been a simple task, with the you ulrick expansion, that was completed way behind schedule and way overbudget. What is this billion dollar project really going to cost? How long is it really going to take to do it? What is it really going to do to endangered cave critters on the plant site, to endangered golden cheek warblers in the creek preserve and to the endangered jollyville plateau salamander that has its most critical spring habitat right on top of the route of this pipeline. I submit to you it can't be built safely and environmentally responsibly, that it's a huge waste of time and money, and your own numbers should tell you, it's time to wake up and reevaluate. Make the comprehensive plan process, and it's mandatory water element be meaningful and honest over the next few years. Focus on conservation. Keep that money, most of that money, in rate payers' pockets when they need it most during this economic recession, and I'll just leave you with the mayor's advice, quoted in the front page of the statesman two days ago, referring to the austin energy plan. The austin water plan, like the energy plan, needs to be flexible, as the mayor said, needs to be open to new ideas, as the mayor said, and it needs to abandon dead ends. This project is a dead end. You're only throwing good money after bad at this juncture. And again, we don't need it. Your own staff is telling you now that we have adequate capacity and we can keep our water use flat to declining for 15 years at a tiny fraction of the cost of trying to build this plant. Thank you. next speaker is roy whaley. Roy, you have three minutes.

Howdy, you-all, my name is roy whaley. I serve as the vice chair of the austin sierra club and i appreciate your time this morning. bunch just used the same information that I have here and said much of the same stuff I would have said, and so I won't repeat it. What I will say is that i learned a lot from my old daddy when I was young and a young man, and one of the things I learned from him was, he always said, it doesn't matter how far down you've gone on the road. When you know you're on the wrong road, turn

around and go back, because it's not going to get you where you need to go. And we're on the wrong road, and we can stop now and turn around and go back, much like we did with the site on bull creek that was determined not to be feasible because they drilled a test hole there and we drained a spring, and that's right on top of the route that's planned now. And as I was -- as I was told at the concordia open house, that how they will handle checking to see if there are any voids that -- since they don't know what's down there, they don't know what they're boring through. They will be drilling test holes as they go along, and possibly draining another set of springs. And if we find that we have a major void, a major problem in the route, are we going to stop at that point? When do we stop spending this money? I do believe that we need to save this money for our rate payers. I'm a rate pa just like you-all are, and keep that money in their pocket to spend on other infrastructure that we do need at this time. We have bv discussing and there was an article today about urban rail. Now, that is something that would be a jobs program. P 4 was referred to as a good stimulus package. If we have good urban rail there's a good job package, and it truly serves the needs of our people and we save them money by holding down the cost of their utility bills, and we already know the electric bills will have to go up too in 2012, so we keep money in their pocket so that they can actually use the rail system that we want. It will be an easier sell on transit bonds if we're saying we're saving you the money to actually be able to use it, and that will in turn help our air quality. That in turn will help us stay in compliance with the epa regs, and so we can start right now, say we're on the wrong road, kids. Let's turn around and go back. Thank you very much for your time. thank you, roy, and that story reminds me of my favorite yogi bara story. When you come to a fork in the road, take it.

That's true, and nobody wants to come here anymore because there's too many people here. thank you.

Thanks. nobody goes here anymore because it's too crowded. I'll entertain a motion on item no. 26. Mayor pro tem moves approval, second by council member cole. Any discussion? Council member morrison. thank you, mayor. I want to make a couple of comments. First of all, I did ask staff some questions about what they were finding so far in environmental impacts and all, and I'll make sure that you-all get a copy of the answers. They were provided to all of council this morning and -- but I wonder if I could ask staff to speak to another question I have just so everybody knows where we are on this issue in terms of timing and what we might expect. This is a design contract, and when will we next see you-all, assuming this process -- see you-all in front of council again?

Good morning mayor, council, greg mazare, austin water. In terms of upcoming transactions besides this one, over the next -- probably the next three or four months through june, there's three transactions that would be coming up. One would be an amendment to the corolo design agreement for construction phase services so that they would provide engineering services throughout the construction phase. That would be sometime in the next couple of months. We have two additional construction packages. One would be an excavation package for additional site excavation work and in addition equipment order package, where we would order equipment that either had long fabrication times or the cost pricing is to our advantage to order it now, and again, both of those would be coming forth through boards and commission and council through about may-june kind of time frames.

Morrison: okay. And then also some of the issues that are raised in particular concern with this contract are environmental issues with the drilling and all, and can you tell me how we might be able to -- what we

might be able to expect in terms of findings and analyses and reports coming to council and being made public?

On the tunnels?

Morrison: yes. Yes.

Well, as we progress through the design we'll continue to keep the council and boards and commissions updated. We're work on several fronts. One, we started a dialogue with fish and wildlife on a candidate conferencation agreement with assurances, which is again an optional step. We don't have to do that but we're taking that step to be additionally protective of endangered species, particularly the salamander, so that process we'd be able to keep up-to-date. As we work through specific issues with our shafts or our tunnel, we'll keep up-to-date on that. Realize that the bulk of this project is a tunnel. It's 50 feet underground. It will be in the glen rose formations, well below the edwards formations. On the bull creek side it will be 50 feet below the bull creek springs in the site, and again I think those are things we've already communicated, that we've selected 100% tunneling on this project even though it was more expensive for us. We've also selected material like welded steel pipe that is virtually leak proof. So we had other less expensive options. We've been trying to communicate those decisions to our boards and commissions and councils through memo and other forms, so as that continues to progress, as our work with fish and wildlife progresses we'll be able to keep the council and community up-to-date on those. thank you and one last question in your memo, talking about avoiding and minimizing impacts to groundwater and that's how you'll be solidifying the design. Are there actually any sort of minimum standards of impacts to groundwater that we have to make sure we stay above and achieve? you know, we're minimizing -- we're going to obviously pick the least invasive or least impactful, but how do you know what the floor is in terms of what we have to achieve?

I would respond that anything that would endanger habitat for the jollyville plateau salamander would certainly be a goal that we would see, so any kind of disruption to spring flows or groundwater that would in any way endanger the salamander, we would seek to minimize or avoid, that that certainly would be one of our floors, is to see that we don't in any way endanger the salamander. There's no, you know, specific design number that we -- you know, we would work for. I think it's more of a goal, being protective of habitat-related issues.

Morrison: thank you. And I'll just comment that I'll be maintaining my position of opposing this project. Thank you.

Mayor leffingwell: okay. And I'll just emphasize that extensive environmental studies have already been done, but they're a continuing process. As you go through the construction phase, and not just for here but for virtually anywhere, you're constantly evaluating environmental obstacles that might come up. For example, if in the course of drilling or tunneling you encountered avoid, that would automatically cause stoppage of work until the environmental aspects of that were evaluated thoroughly. And so that will be continuing on as we go through this. So, council, motion on the table, all in favor say aye.

Aye.

Mayor leffingwell: aye. All opposed say no.

No. passes on a vote of 4-3, council member riley, council member morrison, council member spelman voting no. 29 has also been pulled for speakers. First speaker is gus pena. Gus pena. Is lucio pena -- I see lucio. So welcome, gus, you have six minutes. And you're signed up for the item.

Thank you, mayor, council city manager, gus pena. I'm here to speak on item 1 is 29, about child visitation. Having worked with judge scott mcgowan and jeanne muerer, friends of mine who are retired civil court and district court also. I want to tell you this item is very important because sometimes one or the other parent does not receive the visitation rights they should have, and I can tell you from personal experience that has occurred, but I'm glad this will change the equations on what funding is -- even though it's \$28,000, you know, more is needed because there are a lot of problems when a divorce or separation occurs, visitation sometimes is not there. 30 I'll keep it brief. Health screening, et cetera. This is a good item and a good, good expenditure from the city. I hope the county would pick it up. I hope the school district will pick it up also and increase it, because a lot of parents are not able to afford health insurance, and I will tell you this much, that there are a lot of people, a lot of kids out there that are ill, continuing to be ill, and maybe infect everybody else, and that's not good. Judge -- commissioner, i should have called you genius, anyway, mayor, council members, I want to also speak briefly on item no. 40. I forgot to pull that up, but we -- I guess lieutenant jeff hampton left already. He's in charge of the family violence unit. That's a very important unit also, and a lot of violence going on out there. We need to tackle it, anger management, assets. I know bill left already, but I wanted to echo his comments also. It is a brunt on the taxpayer. I heard all the testimony. I heard all the staff presentation and everything, but let me tell you something, from the mexican-american community, traditionally does not come out for -- regarding environmental issues. We're environmentalists. We had a tank farm in front of you, brick making, slaughter house, where capital metro is now. That's contaminated -- that's environmentally unfriendly. So we tackled that back in the '50s and '60s. My dad did, lucio pena, and I wanted to let you know that I just -- I should have signed up, I didn't even know -- I didn't read that, but I should have signed up in support of what m bunch whaley's comments were made, and I think a lot of our people in mexican-american community also feel the same way. We need to protect the environment, make sure everything -- everything is investigated and done to -- adhered to protection of the environment and et cetera. Anyway, last item, mayor, i wanted to also echo our condolences to valerie hunter and the hunter family. vernon hunter not only as a marine corps vietnam veteran and throughout the organization of veterans -- organizations, excuse me, but also I served in the irs, also at the district office, the service center, the compliance center. It is a loss to me and a loss to austin. It was a horrific tragedy that occurred. It's beyond -- I tell you, i cried when I saw that. Anyway, our condolences to the hunter family, and i would also hope that the city of austin, as I did to the county commissioners court -- did a presentation, randy dehaven, the worker who pulled out the ladder and saved a lot of lives, would also be recognized by the city council, and the county commissioner, hopefully at the state legislature. This guy sa hero, among first responders, police. This guy, randy dehaven, i appreciate you because you did a lot for the public, irs employees, even former, are not well liked, but i tell you what, I served proudly for 17 years at the irs, and I miss you, vernon, but, you know, -- anyway thank you for our service to the community and your country.

Thank you very much. thank you, gus, and in case you didn't know, we did hold a memorial service before the council meeting and we did dehaven for his valiant efforts for the people in the office building.

I saw that also, mayor, but it would also be pretty good to give him a proclamation. This is extraordinary human efforts, and this is my boy lucio, who hopefully will take over me when the lord pulls me up, but anyway, thank you for your time. And thank you for your good work and kudos to everybody and to the vern and hunter family, and valerie, our condolences and god bless you. did i hear you say this constitutes your speaking time on item 30?

Yes, sir. the 29 is james caldwell. James caldwell? James caldwell, not in the chambers. So I'll entertain a motion on item no. 29. Excuse me -- yeah, item no. 29. Council member shade moves approval, mayor pro tem seconds. Any discussion? All in favor say aye.

Aye.

Aye. any opposed? Passes on a vote of 7-0. 30 was pulled for speakers. The same speakers were signed up for these items and they have already spoken or in the case of caldwell, is not in the chamber, so I'll entertain a motion on item 30. Council member spelman moves approval. Second by council member shade. All in favor say aye.

Mayor leffingwell: aye.

Aye. Any opposed? Passes on a vote of 7-0. So with that, council members, we do have some more items that were pulled off the consent agenda, but I would now like to take up 30 briefing item, which is a briefing on the homeless. Staff briefing on the homeless. Mr. flurry.

Good morning, mayor, council members, lurie, director of health and human services. This morning I'd like to give you a briefing in terms of our homeless needs within the community. The first slide is a continuum of services associated with the homeless, and the first one on the left is, of course, the prevention services, which includes emergency assistance and utility assistance, case management, activities that help individuals retain their home to avoid homelessness, in some instances where people may be on the verge of homelessness, step in with some support, again, primarily things like rent/utility assistance and other supportive services. The next box over in the middle actually of the chart is the short-term services, which is a period of up to 18 months, and this includes transitional housing, recuperative care, emergency shelter services, also case management and rent and utility assistance and in some cases rapid housing helping people get back into housing. As you go to the right side of the chart you see more of the long-term permanent situation, typically more than 18 months, the model we're looking at there is permanent supportive housing and again it's really critical there be case manage, there be supportive services to assist individuals to be able to sustain their permanent housing. Now, below that you'll see support services, and this sort of ranges across the entire continuum, things like legal assistance, healthcare, assistance with tenant and landlord mediation, substance abuse, mental health services, employment and child care, and then at the bottom is really the ultimate solution in terms of providing affordable permanent housing within -- within the community. And I really want to stress that this

continuum is reflective of input from many stakeholders within our community, and what's extremely important is when we look at capacity within this continuum, that we attempt to have the right mix of capacity across this, because in some instances if you're out of balance in terms of that capacity, that puts pressure on other parts of the continuum, and that's an important point because I want to stress that as we look at our current gaps and recommendations. The next slide is priority needs. We've been working, and I say we, I mean again, community partnerships including the end community homelessness organization, reentry roundtable, mayor's mental health task force and many others. We did engage a national nonprofit organization, the corporation for support of housing, to assist us in looking at a needs assessment and gap analysis, specifically as it relates to permanent supportive housing. And the reason this is very important is, one, we do have a significant gap in this part of the continuum, but also it represents a national best practice. It's been identified very clearly that the outcomes for individuals who are in permanent supportive housing are much more positive, that the cost to the community, in fact, is less because you see a reduction in use of emergency room services. You see a reduction in the use of the judicial system, and there have been demonstrated successes in terms of people becoming more stable in terms of their housing in these environments and with those supportive services. So based on that assessment done by the corporation for supportive housing, looking at what the amount of homelessness is in our community, both in terms of the annual count and the data system that's managed by the providers looking at the capacity within our system, and then projecting need, not only currently but looking into the future, their findings include an estimate that over the next ten years an additional 1900 units of permanent supportive housing are needed in our community, and based on the more current need and looking at our ability in terms of bringing these units on-line from sort of a practical perspective, they're recommending a short-term production goal over the next four years of 350 units of permanent supportive housing. The next slide is just a listing of the many partners in our community that are engaged in addressing the needs of the homeless and providing services. As you can see, it's a very long list. We're fortunate in that we have a lot of providers doing a lot of good work in our community. The next slide is a budget, the funding, and this funding, by the way, it's city of Austin funding through the health and human services department. Of course, there's a lot of work occurring within the neighborhood housing program, particularly as it relates to what I mentioned earlier as kind of the ultimate solution, when it comes to affordable housing. But these are the funding through the health and human services department. And actually this particular pie chart is aligned with the continuum, so you get a sense of where our current investment is, and as you can see, the major investment is in the short-term crisis-related kinds of services, and again, to give you a sense of that, those crisis services are intended to help people get off the street, but then as you move across the continuum, the transitional housing is to help people stabilize and then ultimately move into the more permanent supportive housing and eventually hopefully affordable housing in general. But again, this just gives you a snapshot of where our investments are currently, the majority, about 59%, in short-term services, 25% in the prevention services, another 6% in some related supportive services. But I think the important message in this particular slide is the investment in the long-term part of the continuum, and that represents 10%. That's 1.1 million. Now, this next slide also relates to our budget, and this shows you the funding sources, again, through the health and human services department. About 62% is city general fund, and that's the social services contracts associated with the homeless, about 11% from the -- from the new state program for homeless services, and then the remaining 27% is a mix of federal -- federal dollars. And the federal dollars go primarily into prevention, short-term services. The city general fund is generally across the board in terms of



the spectrum, and the new state dollars have been invested in long-term permanent supportive housing. So looking at capacity within -- within our community, again, this gives you a snapshot in terms of our current capacity, emergency shelter, 719. This includes the austin resource center for the homeless operated by front steps, salvation army, life works, transitional housing, 562. This includes operators like safe place, life works, green doors, black land. Permanent supportive housing, 453. Examples there include caritas, green doors, foundation communities and front steps. And then the last additional 46 in permanent supportive housing which we just brought on-line with the new state funding is 46 additional, and that's through life works, vinca, foundation communities and caritas. So then coming to recommendations in terms of the most critical gaps have been identified by the -- by the community, and I might mention the assessment that I referenced earlier is a very new report. It was just recently released. There's going to be a community forum in march to review that report and those findings, but the recommendations we feel for future investment, and we have pretty good support and consensus community-wide in terms of the stakeholders that have been involved in this effort is to focus on that significant gap we have within the system, the best practice model, which is permanent supportive housing, and so that would be the primary recommendation, and in particular the populations that we feel need to be served include the chronically homeless and individuals reentering the community from the criminal justice system. This is a recommendation from the reentry roundtable. And then secondly, and this does go back to the shorter term part of the continuum, there is a gap as it relates to services for families and children, so we also are recommending as we look at future investments that we enhance that part of the continuum, specifically for that population in need. And with implementation of these recommendations and building this capacity within that part of the continuum, it will help relieve other parts of the continuum, particularly the short-term crisis area where we're seeing excess demand largely because we do not have these investments in the longer term within our continuum, so we're limited in our ability to help people move through this -- this continuum. With that, mayor, that concludes my briefing. Thank you. [inaudible] [inaudible] lurie, and I really appreciate you putting this presentation together so that we could begin to wrap our brains around how extensive this problem was and to what extent we were going to make it a priority. But I do have a -- priority. But I do have a couple of questions. First you mentioned about the corporation for supportive housing, and their estimate of 19 units needed in ten years, and I thought you said that was a part of a national best practices program?

Yes, council member. Their finding is a need for 1900 additional units over the next ten years, and, yes, the permanent supportive housing is the best practice model right now that has been identified nationally, and I'll just give you some of the data in terms of some of the research that is done -- has been done related to this. For example, more than 80% of individuals stay housed for at least one year. Incarceration rates are reduced for this population by 50%. Emergency room visits decreased by 57%. Emergency detoxification services reduced by 85%, and a 50% increase in earned income. So when they have analyzed this in other communities and compared the costs of these particular programs or opportunities or capacity, if you will, within the system relative to their previous cost for the same population, they experienced dramatic -- dramatic benefits. so there's really no question that it is actually more expensive for us to leave people on the street, our poorest of poor, without a home, from what we know about that population, than to actually provide the services is this.

I would say in terms of this research, yes, that's true.

Cole: okay. And the 1900 estimate, was that for travis county?

Yes, I believe so, for this community, yes. and I know that we received a recommendation from the travis county judges to commit the gl bond fund for zero to 30% of the population of medium family income individuals, and that that would really be needed. And so what I'm asking you to explain to the public is why would the travis county judges weigh in on whether or not we expend or commit funds for this issue.

Well, council member, i don't want to speak on behalf of the judges, but i think if you look again at the research and the findings as it relates to incarceration, and of course the costs associated with that, the pressure that puts on the system, some of the other things here, you know, I mentioned in terms of the service needs for individuals in the community short of having this capacity, I would assume there are probably, you know, a number of folks out there that would, you know, view that as a cost-effective and socially beneficial investment. and that's basically what I have heard from the judges, just that our actions and their actions at the county, not only with the judges but for the other social service pr that the county provides are very critical to helping reduce this population and that we have to work together to do that. do we have any cost estimates as to either the 1900 units that are being recommended or even the immediate short-term 350 units?

There are estimates included in the report. I don't know if -- margaret shaw might want to help me out with this in terms of a response. There are estimates included within the report, but i think it also has to be looked at in terms of our local experience, how we leverage other resources in the community. So maybe with that I think I'd defer to margaret. Thanks.

Good morning, margaret shaw, neighborhood housing and community development. Yes, we pulled some statistics together that we've seen. The city of austin from 1998 till today with all funds included to federal go bond we've spent \$128 million to create 833 units that serve directly homeless or near homeless people. I call these as estimates because the definitions of homeless, we can get very wongy about what it means. This is our best estimate of serving folks below 30% of median family income in a variety of providers and ways. So folks like green doors run family cottages with supportive services. Foundation runs award winning multifamily projects. To the arch shelter which we as you may recall took a loan out from hud for \$6 million that we're in the process of paying back to create that shelter. So our per unit estimates are ranging between 33 to \$40,000. That does not include -- that's just the capital side. That does not include the operating side on an annual basis.

Cole: okay. I know that our partners are doing a terrific job and working very, very hard to help us with this issue, but it's generally my understanding, and I guess i need this answer from lurie, that within this last ten years the population of homeless that we have, or the poorest of the poor, has not fluctuated much, that is, generally between 3500 and 4,000. [One moment, please, for ] do you recall how the city of -- how much the city of miami had reduced its homeless population within the last eight to 10 years?

I think the city manager might recall, I know it was very dramatic. [Laughter] in my recollection serves me correctly, I think it was over 15 years is when they really started in earnest their efforts to deal with their homeless population. And generally, I recall a number in the area of 10,000 or so.

8 To 10.

And some 15 years later, they had reduced, they thought, to about 1,000.

Right. As I remember it, their operation had actually been up and running for about eight to 10 years and they had reduced their homeless population from 8,000 to 1,000 and then there was kind of some question about what point do you start to count getting started. Like with us right now, but what I was so glad to see you providing this presentation is the number of partners that we already have and could you just give my colleague as sense of what we saw in terms of collaboration among partners.

In miami?

In miami.

Well, they certainly have a very robust system there. The partners are extremely engaged. When I talk about this continue continuum, they have a good balance and are able to place people in the most effective part of the kontinuem and they have an out reach system with people on the streets identifying people in need of support and all of the partners are committed within that system as these out reach workers identify people in need to immediately accept those individuals into their system. They have a single entity, an organization that is really made up of the partners and a local officials and leaders that are involved in the coordinated planning for services. Again, looking that the very comprehensive continuum and they have this allocation of resources within that system. I happen to be fortunate to have a dedicated revenue source on a food and beverage tax on the services for the homeless. They also utilize a lot of formerly homeless people within their system as employees among these various organizations so there is real, I think effective workforce in terms of identifying the population that they're serving, and all of the organizations in this system are essentially mandated to participate in the information system, the tracking system, so they have a much better handle on the population, utilization of services, their needs and so forth.

What was my big take away from that experience was the collaboration between the city, county and mental health services coupled with the business community at the table, sometimes leading the effort and raising funds coupled with the faith-based community actually delivering food inside a facility in that commitment from the faith-based commune toyota do that every day of the year. I believe it was 340 days of the year and what a tremendous savings that was, and then finally the social service community in that they all participated and had input, even though there was an executive committee that made a lot of decisions for the organization. And so that really struck me as making a difference that we need to think about as part of potential best practices in austin. And the second thing that struck me, of course, you already mentioned it, they had 35% former homeless people who worked in the facility so they actually understood the circumstances that some of the people living in the facility were actually going through. And the third, which is probably the most important, was that they had a committed, a committed attitude to self sufficiency. Not enabling, self sufficiency. They were really trying to turn people's lives around. And I guess I'll go ahead and say this, which I've been in most of the shelters in austin and of course I support all the shelters in austin and we didn't cut any funds from the shelters and I think we have great people

working there, but I have never been in a shelter where I saw so many happy people. And I actually received a hug from an 8-year-old boy, and I believe you did too.

Yes.

And that's never happened to me at any shelter. And so that moved me all about the fact that we need to be seriously contemplating some changes if we're going to consider ourselves a number one city in terms of investing in our infrastructure for the poorest of the poor.

Council member cole, that group oversees the sectors of the business community, faith-based, providers themselves and government, yes.

Okay. How many years have you been working with this issue, or social service issues? Or do you not want to say? [Laughter]

I've been at it a while.

I thought so. I really appreciate this presentation.

Thank you.

Any other questions?

Mayor.

Council member spelman.

A couple of follow-up questions. Margaret first, for a second.

Yes, sir.

One of the frailties of this particular council chambers is they give us access to Microsoft Active Sell on the dais and -- Excel on the dais --

you're not going to make me pull out a calculator.

No. If we were to build it at the current cost per unit you cited a few minutes ago, 33 to \$40,000 that would cost minimum of something like \$12 million, if we want to build 350 units for this population. Does that sound about right with you?

I'm trusting your math with Excel.

I'm trusting your figures so that goes both ways. What is the best way, to have a lot of small complexes or one large one? How does that work is this.

Most of the solutions we see in our industry are mixed and I kind of highlighted the fact that -- and I know that he said too and you all have said it, we have an amazing group of providers here so I recapped for you all a few of the examples, so we have things like Spring Johns which is about 150 units that foundation communities run, four star green building, with a lot of services on site. We have safe place that runs both for me a real continuum of care, beds overnight to grove place apartments which provides permanent housing starting at 30% of median family income going up to market. So I would say we want to talk to industry, folks like cooperation of supportive housing. It was very lucky for Austin, they chose Austin as the headquarters for their southwest regional office and hired Diana Lewis who is a wonderful addition to the community here in the housing world of helping bring these kinds of numbers so I would want to tap their expertise. Then we start with a whole process of input and then again citing I and moving forward but I can see a pretty good array of different models.

We're not talking about one 350-unit complex but lots of little pieces, associated with market rate housing or with other units provided for higher income levels.

Right. And mostly in the industry no one would support a 350 unit intensive concentration of poverty.

I would certainly not want to staff and operate something like that.

Correct.

If we were to build 350 units scattered over a lot of little places like this, presume a plea that is a construction cost. \$33, \$40,000 For construction do we have a sense for how much it is going to take to provide the kind of services they're providing at some places you cited a moment ago?

That is where I'll defer back. I'm capital and he is operating.

Got you.

The estimate in the report is about \$10,000 per year per unit. I think the important point we need to look at or keep in mind is the impact this has on current expenditures and opportunities to maybe redirect some existing resources within the community. So that is an analysis. You know, we haven't thoroughly completed but we need to work with our partners on.

We're already spending that much per person now. Is it your sense by providing a place for people to live in general we would reduce the amount we're spending on this population or would it increase?

I hesitate to say it would be necessarily a net gain financially, but I think it is pretty clear it would be a much more effective investment and particularly if people, a number of those potentially can, can graduate if you will to self sufficiency.

So in the short run we may have to spend a little bit more in long run we will be spending less because we will have more productive citizens.

That's correct.

Has anybody tried to estimate the cost, you mentioned when you provide people with housing or visits go down, detox visits go down, crime is down and that sort of thing and earned income is up 50%, which I think is the most interesting figure you cited. Has anyone tried to estimate the cost of the homeless problem for all the citizens of Austin taking into account or visits, detox, not just the direct costs that we're spending now that was in that pie chart?

Probably the closest I have to that again is from the study from the organization that did this research and I can cite you and certainly provide you a copy of the report but there is a reference here to findings that were in the journal of the American Medical Association that was a review of a program in Seattle, a similar program, and it's referred to as the 1811 East Lake Project for chronic -- in Seattle and their conclusion it saved taxpayers over \$4 million in the first year of operation and the first six months, even considering the cost of administrative housing for residents, the study reports an average cost savings 653%, nearly -- of 53%, compared to the, what they have referred to as a wait list control group of 39 homeless people so there is research out there that I believe, you know, confirms there is the potential for significant savings, yes.

Sounds like a return on investment, just doing the math in my head real quick, talking about \$2,500 a month per person is our savings but our cost to operate these units and provide full services is only \$10,000 a year and we're talking about a return on investment well over 100% on the people we're able to provide housing for.

It is well over 100% or not, it is a big return on investment. What we just need to do is gather up the people affected by this and run costs and say we will be better off with our heads together.

It takes pressure off other parts of our system when people serve in ways that are not nearly efficient or effective.

Thank you very much.

Thank you. We'll now take up our transportation system briefing.

Council, Robert Goode, city manager, thank you for the opportunity to bring up-to-date on the city transportation plan. My job is to tell you about the bigger things we're working on and I know is preaching to the choir but emphasize some things we're focusing on with staff as far as the transportation system. Today's presentation is twofold. An update for the strategic mobility plan status and focus on the remaining milestones to give that you information on our transportation system and proposed recommendations on a go-forward basis. Just to back up slightly on what we've done in the last few years to remind the audience the focus on transportation. In '08 we really began aggressively approaching the transportation system in Austin. The city manager recommended to you all to create a transportation department that was launched to really focus 24/7 in 2008 to focus on our transportation mobility issues in the community and try to come up with some solutions that would take the community board. 2009, The council authorizes the

strategic mobility plan that response on how to put together a system investment plan for the community that we can go forward and guide us in the next decades on how to invest in our transportation system. We also had in 2009 some early successes with your support on some pass-through financing agreement. Rob will talk about that a little bit later in the presentation. We've had some good success in the federal, aside from the stimulus funds on our transportation system, as well, and the city launched the accelerate austin program to launch forward infrastructure projects in our community. We have over the past four years, the city has focused public input in many areas in this transportation system. You will recall the anal capital metro ran through a knew years ago, the downtownustin plan you all have supported and I look at our transportation system. More recently the east river side plan and the comprehensive plan needs to tie into the fabric of the community, as well. More recently, the strategic mobility plan after launching that we've had six public input sessions,ix public workshops, stake holder meets and we continue to work in an on going basis to engage the community in this important discussion on our transportation system. Just to remind the audience why this is important for the community to discuss, you all know we're the 15th largest city and one of the things we're leading in which we're not proud of but one of the most congested cities in the country. We were number one and rated as a middle sized city and we've fallen down because we're rated as a larger sized city so there are some more congested than austin but that is not a proud category we want to lead the effort in so we continue to focus on this for our city and the liveability for austin to make important investment decisions to help us get out of that area, being the most congested. One of the things I wanted to remind the audience again is, from the staff standpoint it is important we not focus just on our internal issue bus focus more broadly, more regionally, even thinking about the state situation and then pulling down into our region and then into the core situation so we foe from a transportation system that we're not just thinking locally just for one street to the other street but also making sure that our system fits into the regional concept and state concept this map will maybe help us think about that. Austin really is in the center of the central texas region, san antonio, houston, dallas, you draw those trianges, almost all roads lead to austin and we are the center for create creativity and innovation, hub of passenger rail and investments and it is important for us to get it right in the central part of texas to ensure the state system will work efficiently, as well so it is not just for our community but even from a statewide and regional effort it is important we make the right decisions on a transportation system on a go-forward basis so there are a lot of important reasons to continue this discussion. Our region through the 2035 plan is already engages in that discussion. They've realized the growth in population and jobs is coming and it is very perform for the community to understand that growth is coming and to manage that growth in a way that we hope is sustainable and doesn't negatively impact our quality of life here in austin. The region has decided to go in a new direction that balances growth and the quality of life and what are called activity centers and it is our job as a major player in the region to make sure there are system supports that planning decision. Wanted to ensure you are we're working with oreology million to partners. TxDOT AND -- ARE BIG PARTNERS In the transportation system in the community and we're engaged more than in the past. We ensure any decisions we make and they make are seamless and we will work well together to produce a system that works well for our community. Loan star rail, we're working diligently with them to make sure we will link to any town town system we would envision and it is important that coordination would work so we have systems that would talk and work together so our community can move and have good mobility options. We continue to work with our partners at capital metro to ensure all the transit operations and transit decisions and our future mobility decisions mesh with their system, as well. We work with the cities and

counties around us again, this is a regional issue to continue to make sure that we're coordinated. Our part of the answer to the mobility question and congestion really did launch with the strategic mobility plan. Rob will get into a greater detail about a status report of that plan and I invite him to come up and I will close the presentation with a schedule of our next milestones. Thank you for your attention.

I want to bring you up-to-date on where we are in the strategic mobility plan specific with the activities that we've been involved in as Goode mentioned, we have been talking to the citizens of Austin and really larger than just citizens of Austin in terms of folks that have been participating but we've been working with the public to define community values with respect to mobility, identify the gaps within the network, define what success looks like and tell us what barriers to success might be as we start to hone in on all the elements of the strategic mobility plan. What we've heard so far and heard this uniformly throughout the different forms we've been through in terms of values, Austinites are telling us give more choices. A deliverable transportation system and make sure we're partnering with our area agencies that provide regional transportation systems so we've heard it loud and clear. We've heard about addressing existing needs, protect the future, options, think about cost-effectiveness as we go forward and most encouragingly what we've heard from the public whether in terms of describing the gaps within the network or their values is that they understand that throughout our network different mobility challenges are caused by different issues and that there is this fundamental understanding within the public that different mobility challenges may require a different solution as we look at that individual mobility issue and so there is a pretty good understanding within the community of that issue. In terms of defining success, again, what we've heard is think regional as hopefully you will see the discussion today is all about. Again, choices. Give us multi-travel choices and make sure the right tool is applied to the issue we're trying to solve. Affordability, financial health and quality of life are all concerns about how we define success. We ask if this is 2040, look back to 2010 and what did we do to assure success. And these were the issues that were brought forward but Austinites throughout our discussions. In terms of the gaps, and this is here I want to slow down and talk about some of the issues that were brought forward, we've had well over 1200 gaps identified by the public as well as technical experts as we start to look at the system, certainly we're not just relying on the foul identify where the holes in the network are, we're relying on data and analysis too. But one of the critical things is we know there are gaps perceived by the public throughout the community and it is a variety of items, everything from roads and bridges, bicycles, sidewalks, transit gaps, missing pieces, missing mobility capabilities in and out of the central business district and central part of Austin as well as projects that we just haven't finished as a region for a number of years. So we're hearing good ideas from the public as a whole. Some of those gaps are gaps we didn't know about, many of them are ones we have had on plans for years so a really good response from the public that continues and is not going to stop. I want to make sure you understand we're not drawing a line in the sand and say nothing more gap identification, we continue to receive a good input through our websites and so forth and we'll continue to include those. In terms of barriers to success, another question we asked the public, what are the barriers that have kept us from realizing our full mobility opportunity that we're looking for. And clearly, some of the concerns are the funds, do we have the funnels within the region to address these as we see state and federal funds shrinking and the local entities start to step up for that, how do we balance those with other cost items, making sure that we have strong leadership, both technically as well as from a policy perspective. And show what's in it for me and that is one of the concerns we've heard is that, you know, in this community we're fond of talking about what is it for me but helping the



community understand this is a regional discussion and that issues in different parts of the community may generate the need for a different solution, depending on where you are. Again, it seems that understanding within the public is just that. Goode indicated, we've already had some success this year. This slide talks about our early response, things we've already jumped into with both feet and done. Of course, top on that list is the funding through past refinancing that this council assisted with on the mopac, the wider loop one and 290 interchange, but we've also been partnering with our other agencies so the i-35, Ben White interchange is moving forward this summer. WE WILL BE ASSISTING TxDOT ON The rerouting of traffic during construction of that. We've recently received news that we are going to get the grant from the leftover federal funds funds funds from the stimulus funds from the dynamic message signs that will provide better information to the community as they start to drive in. For instance, like this morning there was an incident on the commerce avenue bridge and everyone switched to south first, I'm sure they would like information about what was going on at the last minute so that is what that system is designed to do. We are also working diligently to support van pool and carol programs, more problematic type elements. Improving coordination with regional transportation partners. There is a robust and on-going conversation with our partners on many of their projects that may be planned over the next nine years or so, but looking for ways that some of those critical projects may be accelerated if the city of Austin were to participate financially as part of those projects, so those are all ideas that are circling around that we can count as early wins, if you will, for the city of Austin. I would like to address the next piece of the strategic mobility plan and that is roads and trails and why would we consider roads and trails. We've heard from the community from Austinites about a number of roadway gaps within the system, and clearly, as we learn from the mopac and Ben White interchange there are significant environmental benefit that can be achieved, so a list of roads up here, I want to make sure I characterize this correctly, these are projects of high interest, they're not projects being recommended at this time as part of the strategic mobility plan but certainly roadways, projects of high interest to the community that we are evaluating and closely scrutinizing for possible recommendation four later in this process. But there are projects like can we find a quicker operational solution to why to immediately bring some environmental benefits to the that part of the community and mobility benefits while this community continues to debate and consider a bigger project. Can we assist in getting the mopac-managed lane, talking about accelerated and can we as a community make sure we get hook ups to central Austin. I-35, we know there is a lot of interest. I-35 right here near river side corridor was named the 4th most congested frequent link in the country so although we're not the most congested mid 40s or large-sized city any more we certainly have a wound in our side here called i-35 that we need to start to think about how we can address so we're looking at ways can we improve the operations without a major construction project there and get some early benefits by considering that as part of the strategic mobility plan. So a variety of roads that could render major environmental benefits, so we're looking at those as we go forward. Similarly, we know that there is a number of gaps within our bicycle trail pedestrian environment. The one that seems to always come to the top of the list is this Barton Creek bike pedestrian crossing that could be hung underneath the mopac bridges. The reason I point that out is if right now you are a bicycle rider and use mopac, you're able to go south fairly safe slowly. If you're a courageous rider using the shoulder, but it is used by cars right now so a project that if completed, would open up a significant part of the network that is not really available to most riders right now, much like the bike bridge over the mopac the Colorado River has done in terms of the trail so projects that had a disproportionate benefit come to the top. My question, do you wait until the end of the strategic mobility plan to start on some of

these projects and I would propose many of these projects have been in our plans for some time. They address projects we know exist today but not addressed will exist in 20 years so proposal is as we move forward to present you all a pragmatic recommendation over the coming years that allows us to start contemplating addressing some early projects as the strategic mobility plan continues in parallel to the comprehensive plan, we don't need to wait to contemplate some earlier investments, if that is what this council chooses to do. Let me turn to the central area of Austin and answer the question why consider urban rail. We know from studies as recent as last year that central Austin, the central business district, university of Texas and capital complex, are wringed by a series of constraint points. The circles there represent major arterial intersections that come into central Austin. We know you can connect all those dots and we have a ring around central Austin that becomes a barrier to growth in terms of people movement across though the barriers, and so we have a challenge as we look at that central Austin area, continuing to grow to get more people in and out of central Austin. Over the last 20 years that barrier has resulted in really a stagnation of growth of trips. Now, that is not a bad thing, it is just a fact that we haven't seen a growth in trips over that barrier in terms of vehicle trips. But the reason is, is because we've exchanged retail and discretionary trips for work trips so that has worked in terms of sustain. For the past 20 years. The real question is can we sustain that over the next 20 years and the reality is I don't think we can. If we went downtown in central Austin, these continue to be vibrant areas and continue to grow. I think we have to figure out to get people into that central area. The lone star rail, blue line, and the red line coming in on the east side of Austin get through that barrier but you can see they're disconnected from each other and they're also really disconnected from the major employment centers and the central business district and we need some type of system that not only connected those but distributes and collects people to and from the major employment areas. We also know that the region is making a considerable investment in regional transportation elements as well as roadway elements. You know, even things like the managed lane on Mopac that is being considered along with the sound walls and other real elements of that project is important for transit because it would allow us to bring transit from near northwest Austin down the Mopac corridor and into the lower part of downtown and circulate north whereas right now all that traffic gets off at about 38th and has to come through the university district. Similarly, the bus rapid transit investments being made coordinate well with a proposed urban rail system that would allow greater mobility as we start to build out that system and feed the entire network connecting those very important regional transportation investments being made. So what I would like to do is walk you through the evolving urban rail system plan. You will not be getting a recommendation today. That will be coming later after we have some details work opportunities with you and that you're able to ask some questions, but I want to give you the evolving sort of theme as we go into it. First of all, consistent with the previous capital metro alternatives analysis, we are serving Mueller, consistent with the downtown Austin plan we are proposing to serve ABIA, the airport corridor, through the river side core I do which was backed up by the east river side community plan. Downtown we're serving major employment centers of UT, capital come planetrx centers, downtown and -- complex centers, downtown, the river side corridor, sea home, green water area developments as well as the Palmer Center. Those are all very consistent with what you heard today and what we've been telling the community. When we look at the detail of central Austin, I want to make sure that you all are aware that what we have been hearing from the public, as well as from our technical evaluators, is that we really need to plan for success in central Austin. We really need to plan a system that has the capacity that can accept future additions to the system as we build this system out. One thing we're concerned about is if you have a single street

running system, you have to contend with the 150-plus special events that may affect that single system, you know, during a year you also have to be concerned about the capacity a single line would provide. We understand that Dallas has a single line running through its central business district is experiencing constraints on that capacity as they try to add new lines into that single line is what you're going to see discussed as a very strong option of a future system plan is really the concept of two north-south corridors. A north-south corridor as previously proposed in the capital metro alternatives analysis up to congress and jacinto core done and the guadalupe and vavca corridor. The previous quarter identified by council which is the 4th street corridor, I think that was identified back in the early part of this decade as a desire, reaching over to seaholm as well as another east-west corridor somewhere north of the capital. It also gives you the capacity to handle additional extensions of the initial system as we grow as a community and consider those opportunities. There are two concepts for a river crossing, one being using an existing bridge that is either south first or south congress. Each of those options had their benefits as well as their challenges and I won't elaborate on that but you can imagine where those are but also to consider a new crossing somewhere between south first and about the wallecreek entrance or delta into the river there, that is sort of the optimum area from an operations view to look for the possibility of a new bridge. That is a decision that I think would need to be handled or staff believes needs to be handled through an environmental process we believe the system planning is that such either of the two basic concepts would work in terms of meeting the system needs. The evolving system plan would definitely connect to the I-star, lone star rail, that is evolving to connect san antonio to georgetown. It would connect to the red line at the convention center station and provide that circulation distribution. Obviously with the two north-south concepts that gives us better coverage of the entire central core, be it both downtown, the capital complex and university area. It gives options, multiple options for moving north of the university, it gives us multiple options for moving south of the river as we start to contemplate as a community what those future additions might be. With that, I would like to turn good to give you a feel for the schedule over the next several months.

Thank you, rob. I just want to reemphasize the opportunity we have to really invest in our transportation system on a long-term basis, to really help us focus on preserving our quality of life and that Los Angeles bullet I want to focus on that we're trying hard to make sure our local investments reflect our local values and also our regional responsibilities and that is the first, one of the first things we will provide to you in the schedule. We are working toward doing a prioritization methodology gap report, to reflect those values and we plan on producing that in the following month in March in April, and this really is in line with the schedule we gave you in December that's just confirms that we are on track. I wanted to remind you of that presentation in December. Our April the plan would be to come back to council with the needs briefing and that really is a conglomeration of all the gap analysis we've done this far and project out in the next decade two decades. Here are the needs we see in the community that we need address from the transportation system. Take that back out to the community for more mobility for them to see if we missed anything from the community standpoint. Did we have gaps we just didn't hear about or we need to add to that needs statement. Go to the campo transis working group to make sure they are engaged and involved in this discussion, as well, April 21 you know you have a work session planned for the general fund to give you a financial forecast on that element so you understand and we understand where we're from a financial standpoint on any investments that we would go forward on a capital side and I think that's very important framework for your consideration. April 22 we plan to come back to you in a briefing

to talk about here are all the needs we identified in the April 8 discussion, here are the prioritized needs we think we need address in the next decade in the city of Austin to make sure we have our mobility needs addressed. April come back to you with a funding plan not only on the long-term plan on that decade the next two decades worth of investment you but then what you could consider an initial system investment. Not only from all our mobility standpoint on what we would think would be the first projects out of the gate as Rob mentioned earlier that seem to be very high in the interests of our community, these are no-brainer projects we know we will be important now or will be important in 10 years if we haven't solved those so we will come out with that initial system investment, briefing and alternatives in the latter part of April. Then in May we go back again to Champo transit working groups and engage in other workshops as well we haven't identified here but we plan on doing this in May, early part of May. Then the plan May 27 to come back that locally preferred alternative for the entire transportation system. The next decade worth of investments and ask you how you want to approach that initial investment in our community and that would be our planned schedule and at this point that is the end of our presentation and we would be glad to answer any questions you may have.

Thank you very much. Great presentation. I want to make just three points before we open it up for questions and we may have to bring you back depending how many questions there are. The first point is why we're doing. Is right now the city demographer estimates the net population gain is 1500 people a day. In Austin alone, within the city limits, we gain 50 people a day. Every day. Every day of the year. So what that translates to is approximately 1500 more cars on our roads every month. So every month that we fail to address this problem, we're obviously getting much, much worse, in my view, you really, doing nothing is not an option. We've been doing that for way too long. The second point that I want to make very strongly is that this is a multimodal proposal, although you would probably never guess that from reading the daily newspaper. It is focused with equal emphasis on several different modes of transportation, as you mentioned. Roads, bike lanes, sidewalks, and of course an urban rail component. We're not proposing one solution. One solution wouldn't work. The solution that works downtown won't work somewhere else out in the suburbs so we've got to look at a comprehensive plan that will fit the city of Austin's over 250 miles, square mile area. Finally, I want to emphasize once again, we know that we don't have all the answers to some very important questions. Not just about the rail piece but about all aspects of this transportation proposed proposal. And we know that we must have the answers before we put this question before the council and certainly before the voters. And you outlined a schedule for going through that process and there has got to be -- process and there has got to be a time we make that decision. We either have good answers or we don't. I have been optimistic all along, I remain optimistic, that we can get good answers to the important questions, but the point is I've also emphasized all along if we don't have those answers we're not going to go ahead, we're not going to put this question to the council and we're certainly again not going to put it to the voters. We're not going to put forth a proposal that is not completely cooked. So I guess just wanted to make those points before we go ahead. It is time for citizen communication. Do we have an idea of -- do we have a lot of questions or -- Mayor Pro Tem, go ahead.

Thank you, Mayor. I just wanted to ask one question. First of all, I appreciate all the work on this. The one element I don't see in the presentation I wanted to ask if we discussed this or what our thoughts are about it is we actually move forward and, you know, without a crystal ball, if everything happens the way we would like for it to happen and we build this urban rail project, I don't see anything in the proposal

for the infrastructure to maintain and work on the system, so to speak, the cars in the system. Are we looking at a major transit center somewhere along this route in the downtown area where buses can interface and cars to go and car share and, you know, every other transit component that we have in this community.

Yes, we are. That's part of the analysis is to make sure we're as seamless as possible with all the modes of operation, so we will continue it.

Thank you.

Council member Riley.

Just one question. With respect to the rail that is contemplated along Guadalupe and Lavaca, can you explain how that would interface with the bus route that Metro is contemplating along the same corridor.

Absolutely. Thank you for asking that question. We have already been talking to Capital Metro and we need to do modeling to see how the vehicles would interact but in concept they don't conflict with each other. You could run them in the same lane and the buses and the rail could be timed so that they don't interfere with each other. In terms of the two modes coming together, of course in that downtown piece, both of those modes would be in a collection distribution mode. The bus rapid transit as it comes in is making its contribution to mobility improvements before it gets to downtown and central Austin it is collecting and distributing the same as the urban rail would be so it is not in conflict with the two. So the two could run together is the point.

There has been a dedicated bus lane along that corridor. Would that be consistent with -- help me understand how that would look.

Yes, along there, those are still details we're analyzing but you remember this mode is one, the rail mode is one that can operate safely with other types of transit as well as other cars and so the idea would be if they were in the same lane that they would move together or if the bus were able to pass a train that was stopped picking up people it could move out of that dedicated lane. That is an operation used in other cities.

Would we see the same stops be used for both systems.

You would probably do them different stops so one block might be the urban rail and the other block the bus rapid transit. That is a detailed operation analysis will come later in the design -- analysis that will come later in the design process. But to 06 set, they are very compatible.

Mayor, I have about five minutes. I can wait if you would like to.

You play some also?

We will come back, unfortunately there is going to be citizens communication then executive session, come back for a few questions. So with that, we will go to our citizens communications. And the first speaker is Linda Greene. Speaking on fluoride free Austin needs your help.

Thank you, Mayor, thank you city council members. Today is a special day for me because I recently celebrated my 61st birthday, and as of February 12, a year ago, I've been petitioning my city council and mayors, both Leffingwell and the previous mayor to do the right thing when it comes to fluoride waste in our water. For about 40 years, the city of Austin has been adding fluoride waste to the water, it is a toxic chemical found in many pharmaceutical drugs, including Prozac, and it's my feeling that the city should not be paying to drug our 750 or so thousand citizens. We just need you to vote fluoride waste out of the water. We would like to see an economics as if people matters. There is a book written in THE '06s. The sub title is economic as if people matter as if we were to do the right thing, green thing and healthy thing and recycling thing properly we would take fluoride out of our water. We would save the city taxpayers about a million dollars a year which could go to better needs. We ask your help in getting fluoride out of the water. We've done your homework for you for over a year. But it to our website, com, you will see countless resources, scientific studies, facts like 98% of Europe no longer fluoridates their water and you will take action soon and not threat go on, we at fluoride free Austin request you take stand to speak for the thousands of citizens here and take the right action and remove fluoride waste from our water. Not only do we get when which drink it but when we bathe in it, it ends up in our dirt and I've asked over and over again for us to study and test dillo dirt for fluoride, from drugs and heavy metals. I think this is an important issue and it also addresses economics as if people mattered. And this waste comes from the big agribusiness in Florida so we ship it toxic chemical, almost five states are involved in adding it and I appreciate you addressing this matter in a timely fashion. Thank you.

Thank you, Linda. [Applause] next speaker is Carolannerose Kennedy. We'll hold her name to the end. Nailah Sankofa. I don't see Nailah, as well. Walter Olenick. Welcome, you have three minutes.

We have a quorum, within continue doing business, the council members have monitors in the back they can continue to watch and listen, as well.

I'm going to talk about the thyroid gland that controls spotty metabolism. During my parent's childhood an underactive condition called goiter was evidence, characterized by a swelling in the neck area. When I was growing up it all by disappeared in the United States because the cause and cure had been found. The element iodine is necessary for health it comes from seafood and people in the inland areas were not getting it in their diets. And the solution was to add iodine into salt and flour and milk were enriched, as well. Nearly everyone no matter where they lived, was assured of consuming an adequate amount of this vital nutrient. Today, however, underactive thyroid is much more rampant in the United States but without the outward manifestation of a goiter, at least 28 million Americans have this condition, one out of 11. What happened? During the 1970s, the increasingly concentrated bread and dairy industries mind 68 of the bottom line abandoned it. Currently, there is a push for fluoridation that exposed us to the toxic affects of fluoride. One way is to replace iodine in the fluoride. In fact, fluoride compounds were once used to treat an overactive thyroid by slowing it down. So on one hand it promotes thyroid function and on the other hand we stop thyroid function. If any of you think this is a good way to treat the citizens who

elected you, please tell me now. Well, since by your silence i see that you agree, my next question is when are you going to vote to do something about this? Any answers? You know that inaction is an action. Nothing?

I've got a comment.

Council member spelman.

Thank you, mayor pro tem. I noticed in one of the things you handed out there are serious symptoms of hypothyroidism including feeling fat, fuzzy, sometimes from the will, if tired, depressed, intolerant and annoyed by problems and i thought it was just because i was a member of the austin city council. Maybe I'm drinking too much water.

Our next speaker is, actually I saw carolann come in. Are you ready or what you like to wait until the end? Okay. Valerie romness. Welcome, you will have three minutes.

Thank you. I'm valerie and I'm here to speak on the gaps in the homeless care. We have a lovely care going on now and I work with the street people on a personal basis, I do life coaching with them. I've been doing it for 20 years and I've been a member, wanting to address five gaps. The women, couples, people with pets, and transsexuals and the chronic enebriates, so I've been a member of the austin advocate newspaper for some years, I have worked with the ac show called "dialogues about homelessness". I've been on the coalition for the homeless group and the task force and working with the street people, I feed them four times a year and so specifically I want to talk about the women. The women out there, some of them don't feel comfortable to go into our existing shelter so I want to talk about satellite shelters where we have extended locations and the women need a place that is a safe place that they can go to on short notice that's not filled up and I would like to ask us to reinstate the couples cold weather shelter. The couples aren't able to come in right now and a lot of people don't like to be split up, to split the family. And people with pets, if we could address that we could have people come in if they had crates for their pets. So we're doing really good on our campus area where it's all close together it allows people to be more efficient and I think so we're doing a really good job every different aspect is good and I just want to kind of identify what I see from talking with the street people about where we could help close in the gaps because it's not good to have a hypothermic death and we've had a really cold winter. I believe the last one we had was jennifer gale so that is another area where people have alternate lifestyles with come and stay and feel safe and not feel jeopardized. And then the biggest thing i want to talk about is the chronic drinkers or the chronic enebriates and that is what i call landing pad place where they can come and feel like they're in the park and they don't mess with the people who are on the mats and have showered and if we can step them in this little baby steps and tell this person we got coffee or a shower and work them in gradually but an alternative to jail.

Thank you.

Thank you for letting me speak.

Can I ask you a couple of questions. You talk about the deficiency in women shelters. Do you have any idea what that number is?

The girls throughout have to pick a man to be safe and so if their man is angry or mean, because they can't be by themselves, and the only place they can go is salvation army and sometimes the people who are chronic on the street don't feel welcome. They get ostracized by the others.

Thank you.

Our next speaker is Jake Stewart. Welcome, Jake. You will have three minutes.

A positive comment in presenting well over 500 signatures supporting the protection program and the efforts to keep Austin on the map as the leader on this issue. Myself and a few other Austinites, including council member Spelman's wife attended the conference in Copenhagen. A chance to meet with the mayor there and she knew what Austin was up to on the climate front so it is a reminder we viewed as global leaders on this issue and what fits this city's reputation for innovation to take on global issues but innovate here at home. A lot of the start-up companies here in Austin are focused on clean energy, efficiency and going after the climate problem in innovative ways. Part of the reason we end up here, myself included is because the city is known for innovation and willingness to step out and take leadership role. The climate protection program is a perfect example of that. The mayor has been very active and I know many of you are signatories so this is more of an encouragement to a formal recommitment to the new members would send a positive message to those watching us around the world and around the country that we are committed to this and that we're channeling it through innovation in our city and creating economic stimulus by tackling a global problem. I would encourage you to read the comments, people spent some time on them why a diversity of celebrities and the business community are continuing to read why Austinites believe this is a powerful issue and it is something they're interested in. The mayor stepped out but I want to commend him for taking a leadership role, he is active in creating a community engagement, working with Austin Energy. One comment on that front, I think there is growing opportunity for council and the board of Austin to play a more active and interactive role with what is particular on these types of issues with Austin Energy and there is motion towards that but I think it is a unique sort of move in and sort of modify that dynamic in a positive way. Another topic, just because I have a few seconds, start a nonprofit with other folks called for me and you will all be getting invitations on the day before Earth Day we will be having an event on Earth Day, thanks to Mayor Pro Tem for helping on that and where he will be having a slow food event on Earth Day, a nonprofit focused on moving slow ethical money into our local sustainable food systems so thank you for your time.

Next speaker is Colin Clark. Water. What else?

Good afternoon, Mayor and Council, Colin Clark with Save Our Springs Alliance. I would like to bring your attention to financial status of the rate payer water utility. They're running a \$12 million revenue shortfall through 2010. They said we are very weather oriented in our revenues, meaning when it rains people water the lawns less and the utility collects revenue. They cite watering selections in November and



december of 2009 so if it rains, water utility revenue goes down and we are in a drought and people water once a week, water utility left rev goes down. Climate models predict summers in texas are likely to be hotter and drier and there is a good chance any given summer will have lawn waters restrictions. We really shouldn't water our lawns more than once a week anyway. They're projecting to sell less water on an annual basis for each of the next five years thanks to current conservation practices. If we get serious about water conservation and everyone on this day toias claims to support that, the water utility sales will drop further so it should be very, very career to you that the water utility's ability to increase left rev and pay back -- increase revenues and pay back borrowed money is linked solely to raising water rates. It is the only way to increase revenue when the sales are going down. Imagine instead of being the board of directors of the austin water utility you are the board of director a widget company, they say sales were down and we will have to raise prices which will device sales but we want to borrow \$400 million and spend the 100 million we have on hand to build another widget factor. Would any board of directors with a fiduciary duty to protect customers sign on to such a proposal. That is exactly what they are asking you to do, take the onliers of the austin water utility into massive dote no way benefit the people of austin. And it predicts the water use per person will stop going down in 2015. Council member spelman found a decline in water use. They've found a new water use trend to try to justify adding water capacity when it is simply not needed. If three of you join mayor leffingwell in forcing austinites to pay more money for the same water you will be come police sit in higher water -- complisit in the higher water bills. Stop fund the billion dollar mistake on the lake. Thank you. [Applause]

next speaker is pastor essie barnes and the subject is false arrest and the statute of limitations is pastor essie barnes in the chamber? Apparently, she not in the chamber. So we will go to nailah sankofa. Top six peace and freedom, generally speaking. -- Ronnie reefersseed.

Thank you, mayor and city council. I suggest you stop poisoning us all with your toxic sludge called fluoride. And free toilet replacements at \$200 a pop are not free, they are counter productive and get out of my bathroom you power tripping so called public servanted. By the way, jennifer gale was assassinated. It proves all this power grabbing tax pay we are wastefulness is proven by these e-mails by a few dozen coconspirators in england and they went to nasa, all kinds of things over here. It has been proven. Their release of the world but free-come to loving patriots, it is a scam. Climate changed started here about 4 billion years ago. Saying kids, cherish your childhood as long as you can because you spend the rest of your life trying to recapture because with that first swig of alcohol your childhood is over. Our love of limit in our sacred constitution keeps on keeping on in a stunning upset that the founder father among us now, ron paul, won over 31% of the vote as the preferred president in 2012. That is over 2,000 conservative leaders nationwide voted for paul and he won big time and of course in lock step our controlled media ignored the stunning victory or twisted it beyond reason and being a paul understands, he protects and appreciates the precious blood of every soldier as much as anyone who has ever lived. And thus he wins their vote overwhelmingly consistently, proves the true conservatism demands to protect peace through nonconventionallism. We don't have the money and thank you stooge banksters, obama, and all the criminals who should now be in jail, they are all responsible for this premeditated economic melt down with derivatives as a smoke careen. I predict peace-loving patriots paul into the white house starting here and now with two conservatives and we will see paul get support from at least two parties and beyond. He is again, delivered over 4,000 babies by the way and will earn the

endorsement from at least the repulicrats if we can wrestle it away from -- take over your local libertarian party chapter by going to the meet, and taking it over. 888-322-1414 --

next speaker is walter olenick. is city issues.

That might have been the only time you are ever happy to speak my name. I'm paul robbins.

That is only lately, paul.

And I'm an environmental activist and consumer advocate of water treatment plant as colin described we've been calling it mistake on the lake. During the deliberations on this, you are one of the salient arguments for this plant was that with the recession in effect it was going to cost less. So I downloaded some commodity costs and these are both boring and interesting at the same time. You will see that over the last 10 years, cement costs have gone up and in the past couple years since the recession it is still pretty level. Next slide. This is from the international monetary fund, the metals index and you will notice it hit an all-time peak about two years ago and then plummeted but it has now gone up every month for about the past year and it is getting perilously close to where it was at the beginning of the peak. Next slide. Here is the 10-year metals index and you can see where it peaked a couple times in 2007 and '08, went wack down because of the recession but a despite the recession still in effect it is going back up. Next slide. This is the international monetary fund's fuels index. I mean, you need fuel to make steel and cement, right? And you can see that over the past couple years it has hit an all-time high of about 250, plummeted back down about 89 but is almost back to 150. So it's bouncing up despite the fact that we're still in a recession. Next slide. And this is the 10-year window. You can see that even though it's still below its peak, it's coming back up and it's about 200% more than it was 10 years ago. In summary, all of you pro or con have some common sense about u. You were promised a bargain plant, I would take closer look at that. I don't have fuel costs up here, I don't have engineering costs up here, but materials are a big part of the cost. Thank you.

We will go back to carolannerose kennedy. Topic is black christmas. You have three minutes.

It's black christ mass.

Pardon me.

Thank you for having me. Welcome back, council. I, carolannerose kennedy, i should be homeless in bed right now. I'm very sick, I think I have the measles. But just don't touch me and nobody is going to get hurt. I didn't want to give up my three minutes a month but I feel like poop. On the screen is, I'm trying to find the artist. Somebody gave me this and it is the most beautiful depiction of jesus christ I have ever seen in my life and I've had decades growing up and being in the white catholic irish kennedyfamily. But I need find this artist, if you guys can help me in anyway. But that's -- black christmas. ?? I'm dreaming of a black christmas, just like the ones we've never known, where the black girls glisten and the white boys listen while building a big man out of snow, ho, ho, ho, ho, ho. May your christmas be merry and bright, and may all your snow flakes remain white ?? ?? I'm looking for a blue christmas, just like the one you

never heard, because you spend your money on the rich and the funny then you went to the midnight mass to spread the word, ho, ho, ho, ho, may your christmas be over tonight, and may all your snow flakes remain white ?? ?? I'm scheming of a christmas, just like the ones we've never seen. When we work together and we play with whoever, we keep our homeland so serene ?? ??

I hope this is it.

?? May all your snow flakes remain white ?? ?? I'm sorry?

Your time has expired. Your time is up.

How did I not know that. Thank you.

Next speaker is nailah sankofa. Topic is african arts and cultural programming in east austin.

Wow. Good afternoon, thank you for having me. And let's see if my three minutes can feel like an hour. I'm here to talk about african arts and cultural programming in east austin. In the city but specifically in east austin. I wanted to basically try to get an -- wrap my mind around and understand how and why we have a designated heritage district if the city of austin can't or won't support the related programs in the district and in a very consistent, significant less tokenistic way and the times of programmings that I'm talking about that are not being supported and that I'm interested in and also attempting to facilitate in our community are programs that directly address a lot of the issues specifically related to or just confronting black youth in the city, especially especially in east austin. Programs that would address some of these issues such as, you know, high drop out rates or disinterest in school and failure rates, lack of self-esteem, of love, pride, pros miss cuety issues, pregnancy and so on, or just issues with the legal system. When you are asked to you a peer at schools but then told the )[issues you want to address with black youth and teens you can't do them because they are for black teens or youth, I don't ever see anyone doing any programs with the latina or hispanic commune toyota address their issues and then told that you have to include everyone else to address your issues and concerns and of your specific geographics of your community. It has to stop or we need to, you know, really, really understand why we're not getting the support we need address and bring to the city and our neighborhoods, our community, programs that are for and about the district that it was designated for. Thank you.

Thank you. Before we go into executive session, council, I want to just say, we have three items to take up after we get back. On one of the items, item number 52, we have 18 people signed up and a total of 54 minutes of public comment. This is not a public hearing and as cost customary, skill the council limit input to 30 minutes on this or any other item so many i say this so that those of you who are signed up and the speakers are signed up against, by the way, I believe. There is one signed up for but not wishing speak. So you may have time to coordinate with one another and organize your presentations but anticipate the public input period will be limited to 30 minutes. So wh that said, without objection, the council will now go into closed session pursuant 071 of the government code for consultation with legal council to take on two items, item 50 concerning the contract with mid america recycling and green star and item 69 concerning agreements with cat metro relating to construction projects is there any objection

to going to executive session on the items announced? Hearing no objection, the council will now go into executive session.

Council, we are out of closed session, in closed session we took up the legal issues related to items 50 and 6 and no decisions were made so we will begin by resuming our question and answer part of the transportation system briefing. Council member spelman security council -- council member cole. spiller a couple of questions. I know you guys guys have been doing some pretty extensive out reach efforts and I'm wondering if you can give us a flavor of what you're hearing opposed to the, you know, kind of roads and trails verses trails.

Okay, get my slide show back up so if I can back and refresh my memory. What we're hearing is as we talk to the community throughout austin, what we hear is that there are a variety of gaps within the networks, both roads and trails and certainly transit. There seems to be a pent-up desire for addressing some of these gaps in the network and@ you know, benefits, let me go through here and I can -- hang on one second.

I'm looking at the slide that says many problems suggest many solutions is that where you're headed?

That's where I'm headed.

I was real impressed with this slide because it actually hit the whole city.

Absolutely. It is all over.

And I wanted to emphasize that because I think in a lot of our discussions people think that one we're just talking about rail and two, we're just talking about rail downtown so i wanted to be clear we're talking about a regional system when we talk about rail, even if we're only going to put in one phase.

Yes, ma'am. Two of the things we've heard absolutely throughout this community is that we have mobil pinch points throughout our community and you can see from this map we've pulled out a few we've repeatedly gotten comments about and I appointed out the bike path, the wyatt oak hill and things as seemingly nonregional as simple u-turn lanes under interchanges at breaker and mopac, the community is identifying issues throughout the community and we said here over 1200, the issue is one of the many mobility challenges we've identified and likewise as we work with the community in identifying potential solutions, they are real keen on understanding that in some places it is a road solution that is needed and other places it is a transit or other places it is a bike solution.

Okay. Let me ask you about, I noticed in the long range regional transportation plan where you have the dots showing ut, the capital and the cbd there is no connection actually to the lone star rail. And there has been a long time we talked about that and we're emphasizing a regional system and it is going to go from georgetown san antonio and it is generally my understanding that having that type of regional system really is almost outcome determined for federal funding. So can you sort of address that?

Well, what we are trying to show on this slide, this does not show the proposed urban rail corridor this shows the regional systems coming into central austin. As you pointed out, there is a disconnect between the two regional systems here in central austin. Have you the red line, metro red line comes in from the lower right side of the screen and it gets to the convention street station. That technology really can't go much further in the streets of austin because of its maneuverability characteristics. Similarly, on the, I always say the left side of downtown, you've got the lone star rail coming into town. And again, it touches our downtown at the seaholm facility and that technology really can't come into downtown by itself. And so there is this disconnect that we need to connect to really generate that regional system that we've been talking talking about, yes, ma'am. but that is not a part of our current plan and it is something we will have to con them plait long-term.

contemplate long-term.

It is evolving through campo, lone star and capital metro rail line are part of what I believe is the staff recommended proposal to the campo 2535 plan so the work that the city of stick has been doing to plan transit connections in the center area is assuming that lone star will eventually come as part of our regional system some of yes, it is part of our network system. let's get my favorite subject, funneling. I only say -- funding. I only say it is my favorite subject because we've got to take it to the voters and fast and I don't think we can do that unless we can nail the numbers or have some semblance of how we will nail the numbers. You mentioned ut and the state of texas and we're going through extensive efforts to include them in the rail system and I'm wondering if there is any updates that you can give us in terms of your discussions with them.

I don't have any updates to give you today with regards to those two entities, other than we are talking with them directly and hope that as we move towards may we will start to have some of those answers for you.

Okay. On the last slide, you talk about the transportation program schedule.

Yes, ma'am. Hang on, let me get there. Here we go.

Cole: okay. I noticed that we're contemplating a work session for the city's general fund financial forecast. And I'm trying to figure out what portion of that is going to deal with rail or is that all rail or is that how rail is going to interplay with the general fund or what are we thinking about doing there?

Couil member, I would like to ask greg to talk about that and he can better answer that.

Thank you, rob. Finance department. Council member, up there in the calendar we put on here, I think goode talked about earlier this morning just to put it in context that we are, as typical this time of year, starting our annual budget process with the kick 06 of the financial fecast so that work session you see on april 21 will be a typical presentation where we go through the five-year outlook for the general fund, the operating cost of the general fund, all those departments where we stand as well as looking at the revenue and expenditure side. We think that is important that we have that discussion first, something the

city manager has indicated all along this process that we have this discussion first to give an overall context of the city's financial position moving forward in the next five years, and then we would come back specifically over the next several weeks after that specifically on april 29 to talk about long-term funding plan for transportation system investments that would include a piece of which would include urban rail

mayor leffingwell: Can I interrupt here.

Yes. Mayor leffingwell. [Laughter]

the question is about the general fund and the answer is none. There is no contemplation this operating fund or construction funds would be paid out of the general fund for this project. None.

That is correct. Mayor, to follow-up on that, we would treat this two stages, one at the capital program, and for any operating costs associated with any piece of the capital program, specifically urban rail, we would look at the general fund would not be an option to be funding any urban rail piece.

Okay, walk me through that because I understand that we're going to issue bonds and we will have to -- we will have to service that debt with property taxes.

Orrect. Sorry. That would be, council member, when we work, a we continue to work on our long-term funding plan, one of the potential options for funding are transportation system improvements, whether they are road improvements, bike way improvements, trail improvements, or an urban rail system, one of those options we will lay out is our bonding capacity and our bonding capacity is supported by a piece of the tax rate, the city of austin tax rate.

Okay. And the bonding capacity is -- i mean the tax rate is two portions. Debt service portion and if we issue the bonds, wouldn't the debt service portion go up so that the amount that is left for other contributions to the general fund go down?

Well, I don't know if the debt service tax rate would go up or not. When we come forward to you in april we're going to lay out various options for bonding capacity that would look at current capacity, future capacity, depending on changes in that debt service piece of the tax rate. But that is a separate calculation when we go forward and when you adopt the entire tax rate each september.

Okay. We just want to -- I mean, of course I would love to have that presentation sooner but I know you all are under ats of pressure to figure out lots of things before you can do that but I would like to give you direction when we actually do have that presentation, that we ake it as clear as we possibly can to the voters the impact of issuing the bonds. And I think the clearer we make it, the more they're going to be willing to accept it or whatever options that we want to put on the table, including capital cost and operating cost and if we're predicting we're going to have to pay, I don't know what percentage of operating costs, if that is 70% or 90%, the question is where is that money going to come from, are we going to borrow it all and is it reasonable to tell people we don't have to pay it back by any method so we have to nail the numbers and be as clear as we can about that. I finally want to compliment spiller on the

routes through downtown and your actually contemplating the routes along san jacinto where we actually have the most potential for a rise in property values and that that would help finance the rail system.

Okay. Thank you. [Laughter] anything else, council? Thank you very much, we'll see you in a month or two. Before we go to the next item, i want to reiterate what I said earlier. When we take up item 52, cncil is only going to take 30 minutes of public input. This is not a public hearing, it is basically a consent item. We take public comment because we're nice guys, basically. So currently we have 60 minutes worth of folks signed up so if you would like to organize yourselves, get with the other speakers that are on your side and all the folks really signed up are against, except for one, so that it might be to your advantage to do it that way rather than cutting off the bottom of the list when we get to 30 minutes. Now we will go to item number 32, which was pulled for a staff presentation.

Thank you, mayor and council. I'm ann morgan with the law department here to recommend you settle a case, rodriguez barr verses the city of austin. The suit concerns the construction improvements to city sidewalks to make them ada compliant. We discussed this case in executive session earlier this month. The settlement agreement generally contains the following provisions. The amount to be paid to the barr company is \$290,000. The amount will be paid as follows: 174,350 Will be paid from the ada sidewalk fund. The remainder 115,650,000 will be paid from the city's liability reserve fund. Thcity will issue a check jointly to the barr company and central texas barricades in the 05 and that will come from the ada project fus. dismiss the case with prejuce and we recommend the settlement.

Questions? Mayor pro tem.

Martinez: no questions. I have wants to make about this case, it has been pending maybe four and a half years, maybe longer. This is something that was brought to my attention during my first election cycle and it is frustrating because I'm glad it is finally going to be settled but at the time that it was brought to my attention the discrepancies was about \$340,000. We've spent four and a half years and now we're going to settle for \$300,000 and tall took was our staff going out and measuring units with the contractor to determine what level of compensation was owed. And so I just want to express publicly my frustration because this is something that I've been having to try to address and deal with the concerns that were brought forward before it got to the litigation point but I'm glad we're settling it today but I hope that moving forward when issues like this come up we can get to the bottom of what really is the disputed issue in a much more timely manner than four and a half years and potentially agree on the same figure that was originally proposed. Thank you.

I'll move approval. mayor pro tem moves to approve item 32 to approve the settlement is there a second? Second by council member spelman. Any discussion? All in favor, say aye. Any opposed? It passes on a unanimous vote. Now we will take up item 50. And that wa pulled for executive session. I think it would be appropriate have a very quick outline of what the item is from staff. Three minutes. We've already been brief so just give us the highlights.

This item before you today is your conversation of an extension or recycling project with green far which would take the material would require us to take material to march of 2011, 100%, and then after that 50% of our material in six month increments. -- Six month increments. Happy to answer any questions.

Questions? We have one person signed up to speak who is in favor of the item and that is Birdie Perkins. Birdie Perkins is not in the room. Council, is there any discussion or a motion on item 50? Council member Shade. I think this has been a pretty complicated issue and we have had requests from members of SWAC, the solid waste advisory commission, asking that we postpone this item. I make a motion we postpone this item so the commission will have an opportunity to take a look at this as well, so we can get their input. They had to cancel the meeting this week because of the snowstorm. Do you have a date suggestion?

Shade: I will say March 25? I don't have a calendar in front of me, I apologize.

I think it is March 22.

Shade: I'll say March 25. Motion is to postpone item 50 until March 25. Is there a second? Second by council member Morrison. Any discussion? All in favor of that, say aye. Opposed? Passes on a vote of 7-0. Takes us to item 52. Item 52 was pulled by council member Shade. Comments? I pulled this item because I heard from a number of folks but since they're signed up to speak we will let them make their 30-minute presentation and then have discussion after that, if that is okay with you.

Mayor Leffingwell: okay. The first speaker signed up against is David Kelly. Webble blow. Ray Anderson. Ann Darbon. I don't see Ann Darbon. Daniel Buffington. Ann Darbon is not here. You are here. Mr. Kelly, you have 15 minutes. That is half 9 time allotted to your side. So if you take all 15 minutes, there is only 15 minutes left.

Thank you, sir.

Thank you, Mr. Mayor. Thank you members of council. And thanks for being nice guys and letting me speak. Appreciate it. My name is David W. Kelly as you stated and I have driven professionally in the city of Austin for 12 years, I currently drive for Austin Cab, and we are here about the proposed rate increase, item 52, by the franchises I've traded I've read it through and I can tell you it is not an increase to us and we will not make any more money it as stands. Mostly because of the maximum rate, the \$23 rate. Let's see. I told them at the meeting, the one meeting that I went to that it was misrepresentation of fact to include as an increase, and they told me then that they were doing it, number 2001 was some kind of marketing plan to compete with Super Shuttle. There is nothing about a marketing plan in the proposal, it is supposedly an increase in rates. Then they told me it was because of a multitude of complaints that they had about drivers taking the long way. It seems funny they would have a multitude of complaints, I've never had one, but maybe they did. If they did, if we're going to change something because of complaints, how many complaints, which who, when, about what? None of this was covered. It was just said it's only worth \$23. Then they told me they derived this rate by one time driving the route from the airport, taking the most direct route which we're supposed to take unless directed otherwise, and I can tell you for a fact you can't



drive the route one time and know that's what it's worth. Many times there's -- in fact, there is traffic every day at rush hour that slows you down. This is when the waiting time kicks in which we will lose if we do a flat rate. The waiting time kicks in when there is an accident, every day when there is traffic, even there has been a presidential motorcade one time and I waited like 30 minutes just to get downtown. Of course the fare was way more than \$23. And the other is, many times customers direct me to take the freeway downtown. It is faster, it is safer, and it is more scenic, a lot of people like that especially new visitors. So all of those times, under a flat rate that I'm directed to take the freeway, I'm going to lose money. If you really read the lamp report on our income, we can't afford to lose any more, this is why this proposal was made. We're supposed to get reviewed every five years for an increase in rate. The \$23 maximum rate or even worse the \$21 flat rate that someone said the utc recommended, is not an increase. I just want to emphasize that. I went over that. Went over that. Okay, in addition to the lost revenue from waiting time that we would lose, it's my understanding that they want to put a sign in my cab that says maximum fare downtown \$23. I can tell you for sure, people won't want to tip on top of that. That I make a lot of money in tips and I can't afford to lose them and says -- because someone looks at a sign and says well, maximum. I can't go over that. One said he took a cab downtown and tipped, well that is you. Every time I've agreed with a customer to do a flat rate, they don't do a tip. That's the agreement. It's a flat rate. Okay, my last point that I would like to make is, the flat rate or maximum rate to and two the airport to downtown or it is approximately 80% of the trips for two smaller cab companies. Yellow cab has 455 cabs. They can cover the whole city. Our smaller companies don't, we have to work the airport. Therefore, any rate that affects only airport trips like this one is going to affect, you know, hinder the smaller cab companies, lone star and austin cab far more than it hinders yellow cab. They already have more cabs than the other two companies combined. If it cost us flat rate or the maximum rate that gives them even a greater advantage over the smaller companies. I think we should be interested in making it more competitive, not less competitive between the three companies. And this is the last item, this just happened this morning to another driver who donated his time to me, he happened to see the chief outside from the meeting this morning and right, and he asked him what he was doing here, has given him a ride before and he told him about the flat rate and the maximum rate and the police chief said what's wrong with the meter? Well that's what I would like to leave you with, what's wrong with the meter? It has worked worked universally in almost every country. I never have complaint about the meter. Why do we need to shift to this flat rate.

I guess that's it. I don't know how much time I have left but that is all I have to cover and I want to assure you that flat rate and/or the maximum rate is not an increase to us and believe me we can't afford to make any less than we're already making. Thank you for your time. You all have a good day now.

Thank you. You used six and a half minutes. So that time will be available to other folks.

Thank you. and the next speaker is jeffrey jones. Okay. Merga? Is merga in the room? Okay. Tigabu. Okay. You have nine minutes, jeffrey.

Thank you for giving us your time today. My name is jeffrey jones and I'm a taxi driver. I've driven a cab for 13 years in the city of austin and we really want to thank you guys for considering our interests and giving us the time to speak before you. I just want to say we oppose the rate increase as proposed by the franchises because, number one, we support a minimum out at the airport of \$18, not 13. We support a

flat rate of \$25 to downtown. In 2010. Twenty-six dollars in 2011 and \$27 in 2012 for fares and for ut a flat rate of \$27 for 2010, \$28 in 2011 and \$29 in 2012. 7% increase in the metered rate immediately, rather than a partial increase over a three-year period of time. We work long hours for little pay. If you had a chance to read the lamp report you will see this many drivers are below minimum wage. We need a sufficient rate increase to support families and ouelves as individuals. Cab drivers, they don't have a lot of benefits as far as the health insurance, dental insurance. They don't have a lot of protection as far as insurance goes covering drivers in case of accidents and so forth so we need -- all you have to do is pay for a ride for the price of one. That is \$25, if it is \$30, whatever the case is, a customer is still going to pay less than on super shuttle but if you narrow it down to \$19 to \$23 or say the max is 23, drivers get paid for their time and the general consensus amongst the drers they feel like the cab companies are saying you have, you can only make this amount going downtown and they just feel like this is not a rate increase because drivers can go multiple routes. It is sill not 1068ing anything because you can go any route so most drivers are going to go the route they get the maximum amount. If you have to go that route you might as well have a flat rate and that makes sense because it takes all the questions out of it. So we would rather go by the meter, but as part of our compromise we say let's have a flat rate.

Just make sure it is a higher flat rate, the number proposed is too low.

Right.

Got, thank you.

Mayor leffingwell: okay. Next speaker is deanne johnson. And whitney cox. Is whitney cox here? Okay. Abraham gabru. Abraham, are you in the room? Evidently not. Remmy. Christian obiama. Is that you?

He yielded his time.

I'm trying to make sure you're in the room because that's the rule. I've only got one person so far of the four people who donated time to you what have signed up.

Whitney is in the room.

Okay. What is your name? Whitney cox. And christian obiama. So you have nine minutes.

Good afternoon. My name is deanne johnson and i clearly have a sore throat tay so you might have to -- it might be hard to understand me. I think it is interesting that we're here in black history month because I was watching channel 6 and then saw channel 9, a pbk documentary called walk in my shoes and I was reminded martin luther , was in memphis in support of low wage sanitation workers when he was shot so it is important we think about not just an honor, the fight for civil rights, and educational rights and the right to vote but to economic rights that he recognized were a path to true equality. Some of the speakers have spoken about the report and we know that this system is not paying a fair wage for workers at this point. We're pretty close on this discussion and I think it is important to look at this, i want to thank mayor pro tem and council member riley and spelman for introducing resolution 60 which passed. I think some

more difficult issues may be discussed later as a result of that resolution. And thank council member shade for pulling this one and giving us an opportunity to speak today. So the issue is small. We're not here for the millions of dollars you've been hearing about on these other projects, we're here for \$1. If you look at your back up staff recommendation, in paragraph 3, you will see the cost of living increases from 2005 to 2009 were 12 to 21% for cab drivers. What they came up with and the proposal to increase the meter rate is only 12.7. Clearly, the lowest part of that range, 12 to 20 president. 7% suggestion. This is for the belt tightening that the drivers have already done each year tighter and tighternd tighter so that it is 12 to 20% behind where they are right now so a 7% on the rate increase should happen today. That is the first proposal the franchises gave in november, but city staff kicked it back. Utc and you did not get this proposal but that is what the franchises first proposed and that is what you should have now. This cost of living increase has there were happened. Don't make them wait three years to catch up to what they've already had to tighten their belts for. It is \$1. You're going to give them, this consent item, 50-cents, you're going to approve it, all they're asking for is another dollar for an average six 46-mile trip. One dollar. I don't know where the chicken little is here who is advocating on behalf of poor people but i don't see anybody in this room that advocates on behalf of poor people other than me and you've seen me at metro and other places and you know those are my clients and I'm not making an argument to thaw is going to hurt our other clients who is the chicken little that is going to hurt poor people? Transportation is an advocate for poor people? I don't think so. Don't insult with us that. It is one dollar. One dollar, give them a dollar extra today. You don't have to study it for six months, it is easy. Legal is smart, they can fix it ordinance. Let's look at max. Resolution 60, wear going to study some stuff. You haven't heard of min max except for the last two weeks. It is a wig change from the current ordinance but you have heard that all the cab drivers don't like it. The utc suggested what about a flat rate. The cab drivers went back as utc asked them to do to consider whether or not a flat rate might be something they could agree with. They would rather have the meter as jeff said and as another speaker might say, but they had agreed to go with a flat rate it does solve some problems, it eliminates the issues on direct route because it's the cab driver's incentive to get the customer the fastest way they can go and it is only going to be a certain amount. Of money. So they would rather have the meter but they agreed to a flat rate. If you're going to study anything, study min max but ebb hate it is go back to the current system and increase the meter rate 12.7% today. It is not hard. This one is not hard. You don't have to study it. It is the change that was brought before you that you didn't have good information on. So this min max is a head's i win and tales you lose to the cab drivers, they got it, they understand it and they didn't need to study it. They do the meter rate or flat rate, protect the customer and protect the drivers. This is an urban share cropping system, it should not make you proud the way the cab drivers work 70 to 80 hours a week with very little income. So I'm asking you to look at this, to pass the metered rate today 12.7%. I'm free to answer any questions, especially about the impact on poor people. question, council? Thank you, deanna.

You're welcome you.

Only used six minutes. Available for somebody else. Now, the next speaker, I want to confirm, anna rittering you're signed up in favor of this item? Just say yes or no. I use the democratic process, there are four issues in one thing so I had to go this one, four, four, four. okay i wanted to find out that was a type-o. So I will take joseph eely who is signed up against. Not here. How about miss deena. Not here, okay. So hanna, I'm sorry, I made you walk all the way back. You're now up and johnny hernandez, he's gone.

My name hanna rittering. I have one of the first two hybrid taxis on the streets of austin. Had it for three years. I signed up in favor of this because I am in favor of the meter increase immediately as deanna. I am in favor of more frequent review of the price of gas. It went up 8-cents just between tuesday and wednesday. I am completely against a flat rate at min max, anything like that. If you are bound and determined to have that, you need legal definition of downtown, not just some map. Because we're talking about an issue that drivers will actually receive citations for and then have to go before a court of law and if you don't have it nailed down in law what is downtown, what is campus, if downtown is define from i-35 to lamar, is waterloo downtown or not? I know people who live in allendale who think they live in downtown. I saw a carpet company with two locations, north of 183, yes, that is north, we can all agree on that. Then on the right hand side it said central they think central is 360 and 22-22 so this is all you will a matter of sper techtive unless you nail it down legally before a judge. We need more money. The yellow cab has already announced they're going to raise our leases again in may. They announced that at the early transportation commission. There is no control. They don't have to come to you to ask permission for that so had a is what we're maced with within a few months, before the summer when our business really goes in the the toilet, even traditionally when we're not in a recession/depression. This' why I signed up for this i can't remember what the fourth issue was. The other thing was the minimum, maximum, all of that, it ivery insulting because there are a few guys who do try to rip off the public that therefore we're all paint with the same brush, you know, we've got some few bad apples so let's throw out the whole bushel and that is not right, it is not fair. Your children would tell you that, grandchildren would tell you that, don't punish me because they did something wrong. Thank you.

Mayor can I ask a quick question.

I don't mind walking back and forth. I sit most of the day.

I understand. You were suggesting the fuel cost recovery fee ought to be reviewed more frequently.

Right, current three is every three months and what is asked for here is every two months.

How often do you want to see it reviewed?

I would like to see it reviewed monthly.

Okay.

Because it fluctuates so greatly, you although that but we feel it every day, it is instant for us.

That means when things are going up, that you would get the benefit of the review quickly but when things are going down you would get the cost much having it reviewed quickly also.

Yes, yes. And I would rather have it be more in balance with, more responsive to the situation.

Thank you. one more speaker signed up against. Peggy robson. Those are all the speakers we have signed up who wish to speak. So open for discussion, council member shade or open for a motion.

Shade: thanks. First of all, I appreciate those who came up and spoke and being so organized and accommodating the mayor's request, that is great, thank you. Secondly, I do have a comment that I want to make which is to say that we're about to get into the south by southwest festival season and, you know, i communicate with several cab drivers over the course of a/c and we know what an important tourism business, how important tourism is so I want to say with this many cab drivers in the room how much I appreciate the work that do you. You're the front lines for our city, ambassadors for our city and I couldn't agree more with the western of having a few bad apples contaminate the whole group because the vast majority are honest, local small business people that I want to support and I think my colleagues do too. I do have question about the mechanics of, this I hadn't really looked at this issue until reading some parts of the lamp report, which I appreciate from deanne. I don't know if there is somebody from staff who can help me out here but -- thank you. But my question is, first of all, what is, in your opinion, wrong with the meter?

Council member, I'm going to introduce any acting manager for the program and what I would like for do is ask him to explain how we got to here and expectation plain the proposal.

Great. Thank you.

I'm steve brassfield with the parking enterprise and I'm sorry, your we was?

Was is wrong with the meter?

We looked at the meter, the taxi franchises, what they do is come to us with requests so they came to us with the request and this request was a maximum of \$23 or the lesser of whatever the meter had. And this had been used in the city of houston for the past four years without any problems and this protects the customer from being overcharged. To answer your question, there is nothing wrong with the meter rate.

But the franchisers, not the cab drivers, brought this idea to you.

They brought it to us. And it seemed reasonable because weid get complaints on people, we had a complaint fairly recently that it cost an individual \$21 to go from abia downtown to a hotel and it cost \$29 to go back. And so they call us on the phone and complained about why is it \$8 more.

So giv me an idea how many complaints we get for stuff like that?

Oh, we probably get a couple complaints a month regarding that.

A couple a month.

My understanding is, you know, a lot of times the customers will call the taxi companies also, so those aren't registered with us as a city but those are registered with the taxi companies themselves and they said they -- at least they told us they received a fair number of those. We would have to ask the taxi company what is that number is.

And we have three franchises here.

Yes, ma'am.

And are there representatives from those three franchises here.

Yes, yellow cab, austin cab --

maybe you could let me know how many complaints you're getting. I'm curious about it. I'm really interested in protecting customers and tourists. We want them to spend their money here but how pre excellent this problem? Maybe ed or somebody can address that.

Specificall regarding -- good afternoon, I'm the general manager at yellow cab of austin. Specifically regarding the number of complaints for overcharges we probably get about five or six a week so it is a pretty significant number. And you also have -- we had an instance where we had one of the from the ground transportation department out there helping to try to police the situation so it had increased to a point where it was important to get one of the only two enforcement officers at the ground transportation department to police the situation. same experience with --

I'm I am with austin cab company. We get a change of three five per week, overcharging and sometimes it can be as little as 75-cents, some customers will call to complain about it and we have to explain how it works, on a live re meeting. Sometimes it is on distance, sometimes on time so that is why it fluctuate bus do we get complaints.

And we have one more representative so we will have all three. Sorry. Good to see you again.

I'm with lone star cab company. We make it about close to five or six in about a month.

Fewer but you are have a smaller number of cabs out in the fleet. And because this came up earlier, because we have all three up there, what is the significance of the issue that i think eddie brought up about it being more of an issue for yellow, you know, thislat rate is the competitive issue because yellow cab is more prevalent city wide verses the two smaller franchises which you are doing primarily airport to businesses. Can you speak to that?

I'm not exactly certain what the question is if that regard. Would you clarify that?

The comment is that this flat rate has a much more negative impact on the smaller, on the cab drivers who are working for the smaller companies, I think it actually was the first speaker david who made this point, not the second speaker, but yellow cab has business not reliant on the airport to the central

business district so have you more to gain, I guess, by doing a flat rate because your drivers are in a different category there.

I think the way it is proposed, it actually, all three companies and independent contractors have to gain from the proposal as we've prepared this every step of the way, the other two franchises have agreed with the way that it's proposed. The reason we think it is going actually generate more business is because, as you market it with this maximum rate at the airport and throughout the city, it encourages more passengers so it actually grows the business for both of the other franchises and drivers who choose to work strictly at the airport. So every step of the way, all three franchises have been in agreement and it actually, as we see it, it is going to generate more business for everybody involved.

Okay. And on the marketing question, since that is a good segue, my question, I thought the point about four for the price of one was interesting regardless whether it is rate or meter. Can you speak to that. It is more simple for a customer to understand that.

The problem is if you advertise it four for the price of one and it is by the meter, if you don't have a set price and the unfortunate instance you get a driver who does take somebody the long way to get downtown, that group is still being overcharged. I think what you take into consideration when we set up the rates is that we measured them to the farthest point in each of the two zones, and additional added wait time to those rates and so what we find is that we expect 95% or more of the trips, the meter is going to indicate the accurate price for that trip. And in the instances where, unfortunately, you have the meter is a little bit more than what that maximum rate is, I think 365 days a year with the implementation of that minimum price coming out of the airport, the drivers are going to win it each of those circumstances. You look at trips coming out of the airport, it is one of the closest points in that zone to the airport and comparing that to what is measured for that maximum rate you know that builds in a little bit more wait time if a driver gets caught in traffic on one of the six days that it has a home football game and most of the people that are leaving home football games aren't going directly to the airport so they're taking trips around town and the meter rate will be in effect. I think it is really important to run the meter on all trips because there is information that all three companies have to gather for the city that we submit to them on a monthly basis when we do the meter readings so that allows you to continue to capture that information and report that to the city.

Okay. And so do you have anything to comment on how the pricing rates were developed or you just -- I mean, he explains how those came so they were proposed and they weren't checked or validated or anything.

No, that is not quite correct. You are correct, the order states they must give as you proposal. What we did then was we then went from Abia, we did check it from Abia to, like, off to a congress for the central business district and we checked the rates, we checked all their rates and see if it was accurate and it was.

And the process was just, you know, multiple times a day over several days. Will you give me some idea -  
-

yes, that is correct.

It wasn't one trip?

No, it was a number of different times. Again, where you had different traffic. Now, we took the fastest route, we didn't take the highway because i-35, if you're on i-35 as you probably have been on, there is a lot of waiting time there. We would go down river side or those types of routes.

Okay. And then one other question is, to the point of the various options that have been provided in terms of the tiers and what those flat rates would be, how significant to your marketing program would it be if it was, you know, we've gotten piles of letters from various cab drivers from all the different companies but if the fare was, instead of what's proposed I guess at 25, it was 27, what would that do. I don't know what a super shuttle costs any more. I mean, how significant is that dollar that deanne was talking about?

I think the dollar she was talking about was just 7% increase at this point in time.

But I mean, the tiers, the flat rate, in other words I think it was asked instead of it being \$23 for the central business district it would be \$25. I mean, can you speak that in terms of the price sensitivity because I don't have a feel for it.

I think if you consider going to a flat rate and setting it at that mark, that's above what, you know, an average trip into that zone would be. I think you may run some people off and lose some business if you went that way. I will say this, the zones, the zones were all measures and defined, clearly defined in the ordinance that you see and regarding those rates, I think I showed you earlier some feedback from the riding public. An article in the statesman and some of the comments had mentioned, you know, if my trip is 15 or \$16 into that downtown zone, which is one of the shortest point into the downtown zone and I'm being charged at \$25 flat rate or maximum rate, you know that person mentioned that they wouldn't ride a cab any more so I think there were 12 comments on there and up to 12 comments left, three of them indicated the pricing being above what the fair meter would be they wouldn't ride again so I think you would significantly impact the ridership and lose rider fuss charged that flat rate.

Are you suggesting the fare, the rate could be that varied into the shortest distance \$13 and the longest distance as high as 23, so there is a \$10 variance from the closest point and further he is point? You will have that problem whether the maximum is 23 or 25, right? I mean --

yes. If you set it, if you start to raise that maximum rate and it goes higher, yes, you have that problem --

I'm saying the maximum, if I'm in a cab and see the maximum rate is 23 or 25, it is not that significant of a difference to me. What you're talking about is if the gap is \$13, I'm going to have just as much sticker shock if I drive into the shortest point of distance in downtown and it's \$13, the meter says 13 I'm going to pay the lesser of the two I'm going to think that maximum is too high. But again, the maximum is the maximum. I'm not following -- my question how sensitive do you think --



I was stating the example from the statesman, the shortest trip into that downtown zone is not? It is not \$15. It is not \$16. About 19 to \$20.

So what you're say sergeant statesman, I don't have that in front of me, but whether it is the difference between \$19 and \$23 verses \$19 and \$25, I'm asking what is the sensitivity to that to a customer? Is it that big of a deal? They're going to feel ripped 06 either way if they got charged the higher amount.

That is why this states that it will clearly state for the passenger they paid the lesser of what meter says or what that maximum --

my question is what do we have the lose to have the maximum be a dollar higher. That is really my question.

If you set the maximum at \$1 higher the drive kur go that long way or run up a little bit more time to get to that maximum, which would discourage that passenger from riding. If they ride with one driver and he or he is takes them the direct route and their charge is \$19 and the next time they ride somebody runs them up to the max they discern what that difference is.

Okay. All right, I'm taking up enough time, I am antipe sure there is probably others that might have questions but I'll let them ask.

Mayor. mayor pro tem. it is confusing to figure out the best policy to implement but this council has demonstrated its commitment to our cab drivers and our cab industry, but in this instance we also have to demonstrate a commitment to consumers and visitors to austin, texas, and this creates protection protect the business model of the industry but as well as the consumer taking that cab because it is the lesser of two. It is either \$23 or the lesser so let me give you the example of what the let'ser would be because I explained this to the statesman this week. If central business district is a geographic area, and it is considered downtown, but if you're going to the ihop on cesar chavez and i-35 you're in the cbd. But if air going to houses park on mlk and lamar,er' in the cbd. But try taking a metered cab from ihop to house park and i guarantee it will be \$10. So by putting the provision it is the lesser of the two, it absolutely sets, it pays the right amount because it is still the metered rate if it is the lesser and it protects the consumer from being taken advantage of. And most ordinances aren't crafted for general day-to-day operations. Most laws and ordinances are crafts for the extreme case. We're not doing this to penalize drivers and not doing this to say all drivers are bad or all drivers can't be trusted. That is absolutely not true and I know that first hand. But there are some cases there are some cases where folks have been taken advantage of. That is why you create laws, for the extreme cases. 99% Of the day-to-day operations were not going to be affected by but the rare intanses somebody is someone is taking a cap and will be taken advantage of we now have a protection in place the maximum regardless of what route is taken they will know before they get into the cab what the bottom line is going to be coming out of that cab. So I'm going to support this item moving forward. But because we meter it, even though we hit the max, we're going to be able to have that information so if \$23 isn't the right number, we have the data come back as soon as possible or as soon as necessary to readjust that. So with that, mayor, I'm going to move approval of the item. mayor pro tem moves approval. Is there a second? Council member riley, you second?

I'll second that but would like to ask a question first of staff. She raised a question about the definition of downtown. You could speak to that?

Yes. Yes, we've got that right in the ordinance. Let me get my glasses on. Let's see. This is in partly of the ordinance, says the central business district zone is the area bounded on the north by 19th street, on the south by river side drive between i-35 and barton springs. And bar tron strings road between refer side drive and lamar. On the east by i-35 and the west by lamar boulevard.

One question she asked specifically, you mentioned the westbound area is lamar. She asked if someone is going to -- is that within, is that considered within the district.

Right across the street, yeah.

It's on lamar.

That would be, yes, if it is on lamar that would be part of it.

It would be in it even though it is on the west side of the street.

Yes.

Thanks.

Mayor.

Mayor pro tem.

I want to make a suggestion or if necessary make an amendment to this motion that we refer to the street as martin , boulevard and not 19th street.

Yes, sir.

Mayor pro tem, if I can ask gregory miller from my office, the mission I'm looking at says , boulevard so since council votes on what is in back up, I want to make sure.

That was the intention, to , boulevard.

Do you know that is what is in back up?

It should be.

I'm sorry, if I could have one follow-up.

Yes, sir.

Is the district, is there a map posted in the caps? Is that the idea? What reads as part five indicates that the maps will be posted at the airport and in the taxi cab.

Is there anyway we can indicate the bottom of the map or something? Because not all cab drivers and customers are here in this room. I'm sure people ever are going to have that question if the future is there a way to put language on the map that the boundary, the district includes both sides of the street.

Sure.

And your name for the record.

Gregory miller with the law department.

Council member shade.

I have another question. You mentioned houston.

Yes, ma'am. Where else are cities using these zones and how much research did do looking at other cities on this in.

We looked at flat rates and we looked at houston's model. Houston, there were flat rates in many cities, to be honest there is probably dozen cities that have a flat rate. Houston's model, country put a was little fairer, as council member martinez mentioned, if somebody drives in from abia to the ihop, we would like it to be fair to them, the lesser of whatever the meter rate is or this \$23. We thought it's been in houston for four years and 95% of the rates are used the meter rate.

Has it worked in washington, ? The zones?

I don't know about washington, I can tell you about dallas, texas. The flat rates work fine in dallas.

And how long have they been there in.

Able couple years.

Do you in the business know , the zones? had a little bit of a different system and kind of chattered about this, they had flat rates from zone to zone and so you had the entire city was mapped out and so it got a little bit confusing and I know they've gone away from that system. But it was because they're the only city in the country that had it for every zone in the city as they were marked.

Your recommendation is to start with just the small, these two zones.

Yes. Initially we proposed doing the whole city and through the discussion with drivers, with ground transportation, the other two companies and the urban transportation commission decided to start with these two zones.

I have to be honest, I haven't looked at this as long as I would have liked to because it really didn't get my attention in this last week but I'm not very comfortable with what we're doing here and I'm very thankful for the resolution we passed earlier on consent that would allow us to address many of these issues and have a little bit more input from those people who are on the front lines and actually doing the work that is what -- you know, that the drivers themselves participating in this. I haven't, admit I haven't ridden in cabs between the airport and downtown often enough to be able to understand it our franchisees are very important. I don't know if there is a way to amend the current ordinance to adjust the numbers up by a dollar in each of the categories and then examine it through this process, if that would be a friendly amendment that you would accept. Mayor pro tem. But in other words, the lesser of the meter or \$24, just add a dollar to each number is in here, which would mitigate some concerns I think were raised by the taxi cab drivers and we will be looking at this, monitoring it carefully, which I have the commitment. I spoke to Ed before the meeting, we will be looking at this in short order to make sure that we don't have numbers out of wack. But if we were to adjust it up by a dollar it would at least give some rather relief in case this is really off.

Let me see if I can understand your motion as to increase each one of the zone max rates by \$1.

Yes.

Pretty simple. Mayor pro tem, do you accept that?

I won't accept it at friendly at this time. I want to hear from staff on the potential ramifications of that as well as the cab industry. But let me just say what I will support is because of the item we passed today on consent we can immediately go into conversations with UTC, with the cab industry and with staff to determine the full ramifications of. That I hate to do that ad hoc out here after all this work has been done so I would suggest that.

Well, let me just explain why I propose doing this --

council member, shade.

Why I propose doing this now rather than later is those running small businesses have much shorter time frame in which they are negatively impacted by this and they don't have the time to make up for it opposed to the bigger considers which do have a little bit more leeway and since we were going to be reviewing this by June and get through festival season, I'm willing to experiment with this idea but we've heard pretty compellingly there is not a whole lot of price sensitive sensitivity that went into this and the difference between \$23 versus \$24 is the max doesn't sound like it would affect your marketing program at all, especially knowing it is \$13 per person, I've looked it up from the Hilton on the Super Shuttle that would be \$26 if you took two people in a Super Shuttle, it is right in the range for the marketing program so that is why I proposed it. But anyway shall staff.

Yes, council member. Transportation department. I'm not able to comment on that we've explained how the maximum rate was calculated by multiple measures, but certainly that's your progressive as a council

to make that decision. I was going to reiterate and you picked up on item 60 did pass as part of the consent agenda does direct staff to a six-month study but if we have findings before then we will bring those to you. There is that mechanism already built in by an earlier vote today.

And I appreciate that very much.

I would like to ask the operators, it double seem to me like adding one dollar to each maximum zone rate would have a big effect but I'm not in your business. Would you explain to me how that is going to be adverse to your operations.

So I want to state for the record that we are, we want the drivers to do well. They are, you know, they are in the business to make money, they maoney, they're able to pay their leases so that is important. But we also take into consideration your constituents who are the citizens who are riding in the cabs, take into consideration the people visiting this great city of austin, so the initial proposal, I think I got you a copy of what we initially submitted for the rate request, had certain numbers for those zones and we went back and we studied that through discussion with everybody who had access to the process and actually already raised those maximum rates. What do you is as that cap keeps getting higher, you now create loopholes for -- and it is not every driver but for that one percent or two percent that now chooses to go down a side street to thravn meter a little bit longer, you can do that more and start to get to that cap and as people, passengers, realize that, you lose people. People stop, look for other options opposed to cabs.

From your experience, can you tell me a customer is going to say, wait a minute, if the cab is going to downtown was \$23, that would be okay but 24 is too much, I'm not going to do it.

Yes, there is a price point where you start to lose ridership.

Is that it?

Is that the price point? I'm not certain that the difference between the 23 and \$24 is for everybody, but it absolutely is for some people. We don't know what percentage that is but that is volume of riders that are lost, so yes.

You agree with that? I just have a hard time believing that \$24 verses 23 is going to make that much difference for anybody riding a cab. If it made that much difference, they would be riding the bus i think. Comment?

I don't think the \$1 increase would be that big of a difference. But I do understand his point. His point being is the more you increase that maximum, the more drivers go around to get to that maximum so by increasing it to 24, they will try to go around and eventually get to that 24 rather than being cut off at 23. That's the point he is trying to make. We increase it to 25, then that's the point.

I understand. That any more comment?

My experience, well, I think it doesn't make much difference, but out of the majority of the passengers, some of them may consider, make a difference paying additional \$1. But overall, I think it's okay.

Okay. Thank you. Council member shade. [One moment please for change in captioners]

council just asked me to clarify that's for all three zones, the minimum zone, the zone to the central business district and the university of texas. yes, just for simplicity sake and especially now this is short-term, we'll be doing more serious analysis here in the next couple months so that's with that understanding that I would agree to that.

And mayor, if I could ask for more clarification. The ordinance that I'm looking at not only breaks down that maximum amount as to fare zones, but there's also time intervals that has a progressive increase, and as the proposed amendment to increase by a dollar to each of those progressive time periods, from march 8 to --

yes, my suggestion for simplicity sake is that you add \$1 to each of the numbers listed on page 2 of 6 here in section 3 of this, and I'm not so worried about what happens in 2011 or 2012 at this moment in time because we're going to be knowing something here in the next three to six months, it looks like, without a doubt. So I don't think there's much risk in adding the extra dollar. We'll be looking at this again, it sounds like. Substi substi tute motion by council member shade. Is there a second to that motion? Second by council member morrison. Is there any more discussion?

Yes, mayor. council member spelman. if we're going to be considering this in three months, what new information will be available to us three months from now that is not available to us now?

We were just discussing, I think what we can do for the next three months is start getting the information from the three taxi franchises on the trips from abia to these various areas and ask for specific information. what specific information will we be asking for?

If it was lesser of the rate or what the actual fare was to various areas during various times of the day.

Do we have a -- are we setting that lesser of the meter or the target -- are we setting that target at a specific target, 95% of the time they'll be paying the meter and 5% of the time they'll pay the maximum? How are we going to do that?

That's what houston came with, but I would think we would give that you information back, how many -- or, you know, what percentage actually used the meter rate and how many reached the maximum, and if they reach the maximum, where was that trip to. we do not, however, have that information now. We could not, for example, get from the cab companies what the cost was, currently, the meter cost, from aibd to someplace in the cbd?

We can get that information, but we don't -- you know, the trips from abia to, let's say, 6th and congress everybody it's itsgoing to vary in cost dchg depending on the time of day.

It's going to vary with the time of day depending on the information you're going to collect over the next three months. Exactly the same thing.

Well, I'd have to ask the taxi companies. We'd have to do the survey, an independent survey rather than getting that information solely from the taxi companies. Let me ask you the follow-up, then. You verified these numbers, you say, by doing some runs yourself.

Yes, in the taxi -- in a CITI VEHICLE, YES.

That was equipped with a meter --

yes. That was able to estimate the meter charge.

Yes, exactly.

How many runs did you do?

Probably half a dozen on each area, to different -- well, I shouldn't -- about a dozen in each area, because we went to different points around the central business district. For instance, we did go to ihop. We went to 6th and congress. We went to the far reaches of that area.

Okay. Well, you're working off of a sample of somewhere between six and twelve. I imagine there's a whole lot of range in times of day, if there's an accident on 71. There's a whole lot of things that could be happening.

Yes.

Did you have a wide range in the dollar figures that you came up with?

It wasn't too -- it wasn't a wide range. It wasn't, you know, an exorbitant range, like \$10 or, you know, even 6 or \$7. It was 2 or \$3.

Spelman: okay. So 2 or \$3 if I go from abia to house park as opposed to going from the abia to ihop.

Approximately, it depends on the types of day and those types of things. Mayor, I'd like to make an amendment. I'm not going to pretend this is a substitute motion but this is an amendment. The best way to go about this is do the analysis in advance rather than fix a number. Any number we choose it seems to me is going to be kind of arbitrary given we've only done 6 or 12 runs, and I suspect that the cab companies haven't got a lot more information on this. Perhaps they do, and if they do they might want to tell me about it.

Yes, we actually measured the mileage to get the rate and added rate time to that. We've actually had it run in meters in the cabs to get those rates, and we get feedback from both sessions with the drivers about the rates, and that's why the initial proposal was adjusted up. So there's been input into the process.

from drivers from the companies from ground [inaudible], so that information -- from ground transportation so it wasn't just gathered from ground transportation.

So in addition to the discussions you had with your drivers about this, you actually did base this \$23, 24, \$25 figure on a bunch of runs or a bunch of empirical data as to how much it actually cost to get from abia or haas park or farther reaches in aiba.

Yes, the most significant being from the drivers at the driver meetings regarding these rates and that was the reason they were adjusted up. we're hearing from a bunch of drivers here who disagree with that judgment, a I understand that you got input from them and that you made a decision as to what that rate you were going to see on the basis of the discussions you had with the drivers, but their objecting to it right now. Did you provide all of that to our city staff, the basis for \$23 from the cbd to the airport? Do they have the benefit of all the empirical data that you base that on?

Based on the measurement of the mileage --

yes.

Yes, because the meter in their vehicle gets set on that same information. It gets calibrated the same way --

you've got runs from real honest to goodness taxicab drivers at all times of day and night from abia to central business district. You've got a lot more information than just the mileage that you can work off of. You've got traffic conditions to work about, you've got time waiting to worry about because you're stuck in traffic and things like that. If that 23-d is based on real -- 23-d -- \$23 is based on real runs -- was it based on real runs or just mileage?

The initial \$23 was based on real runs. The feedback to change to the \$23 is based on real runs by drivers and the information that they gave us in the drivers' meetings, yes, sir. you've seen that information?

I haven't. What the information -- all we did was verify the information that they had and we verified, you know, what would be the maximum rate. So I think if I'm hearing you right, you want a lot of information. It really gives an overriding -- I don't need a lot of information. I just need to know the information we've got is reliable, and six to twelve runs -- I usually drive myself or take some other form of information, often the metro bus when I'm going to the airport. My apologies for that, guys, but it seems to me six or 12 runs won't be sufficient to capture all the variation in times of day and traffic conditions that a larger sample would have. We have access to a larger affirm from the cab companies themselves, or they could provide you with a lot more information. It seems to me that we'd make a much better judgment as to what that cap ought to be, if, in fact, there needs to be a cap, on more information.

If I can clarify.



Please.

The information we had was drivers that showed up at the two driver meetings that said they drive those routes, make those trips all times of day, and they stated that the initial amount that was proposed was too small and suggested raise it \$2. So we went from \$21 to \$23 to the flat rate -- the maximum rate from the airport to downtown and up for the rate from the airport to the central business -- or the ut area, forgive me. if I were on city staff and asked you for a larger number than six or 12, 30 or 50 actual runs from the airport to the cbd, just a random sampling of all the runs that your drivers would make, would you have access to that information? Could you get that for us?

Not recorded data information from drivers. so you don't have a way of capturing that information. What you would be able to do is ask the drivers, how much was the fare.

We can capture that information by driving it, which that was done. We can capture that information by having drivers drive it. We got that input. We captured the information by ground transportation, driving it, and get that input. mayor, i understand that this is -- this is -- this is one of those cases where we don't have an easy solution. I thought thereight be an easy solution given that you were suggesting that 95% of the cases in houston are under the maximum fare. Somebody in houston figured out how to collect information on a fare by fare basis. I don't know that we figured out how to do that, but it seems to me the faist thing for us to do would be for us to -- this is my formal amendment, would be to strip sections a, b -- remove part 3 from this ordinance, renumber appropriately all the rest of it and pass the ordinance with the removal of part 3. So my amendment is remove part 3. we can take that up again [indiscernible] city attorney. Would that be considered to be an amendment to the substitute motion?

The -- and I'm -- so those of you will no, I have roberts rules up on my screen as I'm going through. In order of precedence, i believe that the body should vote on the substitute motion prior to considering the amendment because the amendment seems to be an amendment of the current main motion, which would be the mayor pro tem's motion. So what I'm hearing is council member spelman movi to amend mayor pro tem's main motion to approve the motion that's in backup, but you already have before you a substitute motion with the modifications outlined by council member shade. that's a good point, and a second substitute motion would b out of order. So we're left with -- so you can make that amendment in the event that a substitute motion fails. now, if the substitute motion succeeds then I'm out of luck. you're out of luck, basically. may I make this amendment to the substitute motion instead of to the main motion? i think the city attorney, his opinion is that what you're doing is you're asking to modify the main motion. In other words, you're using the main motion as a base, but you're -- mayor, let me try -- you're ripping a section out of it. can I may -- consider this to be a friendly amendment. that was my question. Can I take a friendly amendment on that or can i make my own amendment to my amendment? well, let me say, I think the safest course of action would be to modify your own motion, your own substitute motion.

Shade: okay. So I'll modify my motion to just strike part 3. I'm a happy guy, mayor. well, your hard work sometimes here, but we got it, i think. Okay. So the substitute motion -- yeah, and I'll just say -- I will -- the substitute motion is to strike part 3. I had considered that initially but felt likf from the input that we got from these taxi drivers was that -- that they could -- that a dollar increase would meet their requirement

and it was something that at least, you know, the two of the three, and probably all three could live with, and then we'd get data to see. So that was the reason why -- but I'm perfectly willing to accept --

mayor leffingwell: okay. Part 3 is the part that refers to the zones, is that correct?

Shade: yes. so we're back to the meter. Is that what we're saying? the meter rules, and I don't know how that affects the other portions 4 and 5, but the lawyers can tell us that. we're back to the meter, but at the same time we have this motion that we've already passed on consent saying that we're going to study this, or the transportation commission is going to make a recommendation back within a few months. Okay. So that's where we stand. If there's no more discussion --

greg -- with the law department. I'd like to point out that parts 4 and 5 also refer to part 3. so are you modifying your motion to strike 3, 4 and 5? I believe that's -- I believe to accomplish what council member spelman was asking, that I would have to do that, so yes, I would agree to do that. so is there anything left in this motion -- [chuckle]

yes, we still have a few bit of substantive -- so it does make sense with those parts stricken?

Yes, it does. so substitute motion is now been changed -- modified to say the same as the main motion with the exception that parts 3, 4 and 5 are omitted, or marked out.

And mayor, the modified substitute motion still requires a second. well, we have a second. Does the second agree with the -- council member morrison? yes, that's fine. you accept --

morrison: yes. you reiterate your second for the modification.

Morrison: yes.

Mayor leffingwell: okay. All right. Is there any more discussion? I would think not, really, at this point. [Laughter] mayor pro tem first and then you, council member shade. I would I want to make the same emphasis that council member shade made, it's surprising this is over \$1 and especially for the work that's been done and the information presented. I think moving forward with the original motion and continuing the study based on the resolution passed earlier would be appropriate as well. So I won't be supporting the motion as amended, but I do want to ask -- I want to ask a question. If we were to have raised by \$1 all of the rates that are proposed, does that dollar go to the cab drivers or does that go to the cab companies?

The money goes to the cab drivers, the drivers collect every penny off the meter. so by setting the ceiling -- or the maximum rate at \$23, all \$23 would go to the cab driver, but I guess what I'm saying is their owe they still have to pay the same amount of rent for their -- still have to pay the same amount of fees to operate their cabs, correct?

Yes, sir. so I guess -- so the net effect would be for every airport trip they would have earned one extra dollar, minus the fees?

Not necessarily, because the meter rate was -- it's still the lesser of the meter rate and the max. I mean, they're earning less on the meter.

Martinez: understood. Thank you. council member shade? I want to reit your point, mayor, there are substantive items in this even with striking these sections. We are seeing an increase in fares and it's with the meter rate, so what we're basically striking is simply this idea of trying the zones in these couple of areas. So I just wanted to clarify that. Striki striki ng the caps. we're striking the maximums for those few zones, yes. council member morrison? I just wanted to quickly mention why I'm supporting this alternative, and that is I thinkthat clearly we need to have more study. We need to have our numbers based on a more rational approach to things. I think that we have a really big season coming up. There's no doubt about that, so I'd rather err on the side of ensuring that the focts that are most -- folks most vulnerable in this in terms of losing funds, protection of them. I'd also like to just mention that the -- thatn terms of it being an issue of -- to protect our riders and the tourists that are in town, we heard that maybe five complaints from each of the companies. I think that as we look at this we really have to keep that in context of if there are five, but how many rides there really are, there must be hundreds and thousands of rides, so that's a very, very small percentage, so we need to be real clear about -- as we go forward and look athis, and i think the additional discussion will be important. did you have another comment?

Just a quick comment, sir. go ahead.

I think you look at situations where you get five or six complaints a week, but there are a lot of instances where folks don't complain and they stop riding, and you also expose yourself without that max through this ceasing to have -- the riding passengers, the driver's customer, your constituents exposed to be overcharged on and overcharged more because they're going off the meter. all I know is i won't be able to find a cab come march 13. well, let me just say that i totally support the idea of caps, but apparently at this point we don't have any kind of agreement as to what those caps should be, but we do have a process in place now to make that determination in fairly short order. So I think that's what we need to do because the caps are very significant. I think it's important that we get it right, and I have to agree with council member morrison that I want to err on the side of those that i think are most vulnerable, the drivers themselves, so I'm going to support the substitute motion, with the proviso that I do like the caps and I want to see that recommendation come back. Back. Any more? All right. The vote is on the substitute motion. All in favor say aye.

Aye.

Mayor leffingwell: aye. Any opposed? How did you vote, council member riley?

Riley: aye.

Mayor leffingwell: okay. The vote is 6-1 with mayor pro tem martinez voting no, so the substitute motion passes. Okay. We'll now take up our 2:00 p.m. zoning matters. I believe that's all we've got left, is it not? guernsey on the premises? Inspire shall nier

my name is greg guernsey, director of the planning and development department. I'd like to offer the items 00 that we could offer for consent. The first one I'd like to offer is c14-2008-0123. This is for the property located at 7309 south ih-35 service road northbound. And this is a postponement request on this to your march 11 meeting. This is on a property known as bennett tct, and that's what I can conclude or offer 70 under this portion of the agenda. For consent. so the consent agenda for those items where a public hearing has already been held is to 70 until march 11. Is there a motion to approve? Motion to approve by council member spelman, seconded by council member morrison. Any discussion? All in favor say aye.

Aye.

Mayor leffingwell: aye. Any opposed? The vote is 6-0 with council member shade off the -- oh, there you go. Vote is 7-0, unanimous. We'll take up the public hearing items.

Thank you, mayor and council. 00 neighborhood plan and zoning items. These were where the public hearings are open. There's possible action. The first item I'd like to offer for consent is item 71, case c14-72-015 rca. Property at 1517 east anderson lane. Staff is requesting a postponement of this item regarding some of the issues related to the restrictive covenant and we'd suggest a postponement date to your meeting on march 26. 72, case c14-2009-0110, for the property located at 13505 north fm 620 road. This was a zoning change request to gr-co, community commercial district zoning. The zoning and platting commission's recommendation is to grant community commercial conditional overlay or gr-co combining district zoning. The applicant and the neighborhood are now in agreements with the zoning and platting commission's recommendation. They will be working together regarding a private restrictive covenant suggested by the commission, 72 for consent for first reading only. 73 is case c14-2009-0155 for the property located at 3505 villa court. This is to zone the property to sf-6-co, which is townhouse, condominium residence, conditional overlay or -- the planning commission was to grant the sf-6-co combining district zoning and this is ready for consent approval on all three readings. 74 is case c14-2009-0157. This is the property located at 7201 and 7207 albert road and 1304 to 1407 mathews lane. We have an applicant postponement request of this item to your april 8 agenda. 75 is case c14-2009-0158. This is for the property located at 7211 albert road. This is to zone the property to single-family residence, large lot or sf-1 district zone. Zoning and platting@ commission recommendation to us grant the sf-1 zoning and this is ready for consent approval on all three readings. And that concludes the items I can offer for consent. so council, the consent agenda for those items for which we have not yet held a public hearing is to postpone item 71 until march 25, i believe you read 26, but it should be the 25th.

25Th, I'm corrected, the 25th. the -- to close the public hearing and approve on first reading 72, to close the public hearing and approve on all three 73, to 74 until april 8 and close the public hearing and approve on all 7 is there a motion to approve the consent agenda? Motion by council member spelman. Second by council member riley. Any discussion? All in favor say aye.

Aye. aye any opposed? Passes on a vote of 7-0. Council, we stand in recess for three minutes until 4:00 p.m. Nailah sankofa rom nes he isy reeferseed guerns guerns ey? I believe you have one item to offer for -- -- offer for postponement on the public hearings. We'll take that one first, then. mayor and council, I have a staff-requested postponement on item no. 77. This is the appeal by the north university neighborhood planning team regarding an outdoor music venue permit for a place called little woodrow's at 2610 guadalupe, and I have spoken to representatives of the -- actually the owner, cooperative, which is cleng housing, the adjacent property owner, and representative zonuna, and they would agree for a two-week postponement, i believe to your march 11 meeting, to allow dialogue to continue between college house and little woodrow's for possible methods of mitigation regarding the sound on the little woodrow's permit. Allen with college house i not representing noona, which is the appellate ant, but the appellant -- appellant is agreeable in order to delay this and hear back from both parties, and they certainly reserve the right to request a future postponement if there is such an agreement for their member to consider -- or reconsider their appeal. Council I, the staff recommendation 77 until march 11. Is there a motion to do that? Council member cole moves to postpone 77 till march 11. Is there a second? Second by council member morrison. Any discussion? All in favor say aye.

Aye.

Mayor leffingwell: aye. Any opposed? Passes on a vote of 6-0 with council member spelman off the dais. So then that brings us back to no. 76.

Thank you, mayor and council. 76 is to conduct a public hearing and consider an appeal by the river bluff neighborhood association of a decision to approve an outdoor music venue permit for an establishment known as sustainable waves located at 4822 east cesar chavez. The planning and development redepartment approved the outdoor music permit on october 30 of 2009. danny yanez representing the river bluff neighborhood association appropriately filed the appeal and stated reasons tt 65% of the area is residential, that the east austin residents had endured the pollution from the tank farm, bfi and a number of unregulated businesses in the area, and during the south by southwest event in 2009. The chapter 9-2-25 b and 9-2-27 of city code provides an interested party may appeal and they qualify, the river bluff neighborhood association qualifies for the appeal. Staff has recommended denial of the appeal, and I wanted to give you some information regarding a little bit about the area, and also the uses that are in the area. before guerny, i want to interrupt you.

Guernsey: okay. and ask if there is anyone that wants to raise any preliminary issues, such as postponement or standing regarding to this ca no. 76. Hearing, seeinnone, you can continue with your presentation. thank you, mayor. Neil turly is the represents for sustainable waves. Again the property is 4822 east cesar chavez. It is a new permit, an outdoor music venue permit. There are limitations on the hours of operation that limit the property from operating basically between sunday and wednesday. The hours are limited from on to and then on friday and saturdays from 10:00 a.m. to midnight. The property itself is a solo power sound stage company and currently zoned cs-1. On the property adjacent to the north, and this property would actually be across east fifth street, is a truck service parking area zoned csmp. To the south is a restaurant, a used car lot, a tire store, zoned cs-mu-co mp. To the east is equipment company, welding company, an li-co mp, and to the west is a hair salon company sowed cs-co

mp. Further to the south of the businesses, basically one block south of east cesar chavez is a street called red bluff, and this runs along the north side of lady bird lake and there are residences that exist to the north and west of the site. Further to the west along springdale near east fifth street, there are some residential uses that are further away. But the adjacent uses that are across the street next door to this site are commercial orndustrial in nature by zoning or by use. I think I'll pause at this time, mayor and council. If you have any questions regarding this application, if you'd like I could go through a really quick refresher of these permits since you haven't really considered an appeal. This is actually probably the first official appeal you'll be hearing since the enactment of the ordinance last year, and I'll be happy to do so if you would like. council member riley. could you help me understand the role of our music officer in this context? I thought there would be a dialogue and the music officer would mediate between the --

yes, we held a meeting. Daniel yanez and neil turly with sustainable waves. We had a meeting that was held and we actually had -- well, it was actually a pretty pleasant meeting. Went through the different issues. The neighborhood basically is not opposed to outdoor music venues in their neighborhood, with many conditions, and I think daniel will probably outline those. There was some agreement as far as, you know, part of the staff recommendation to orient equipment and to go through sound limitations, but in the event neither party could agree -- or come to an agreement to allow the outdoor music venue to move forward, and I think I'll probably let daniel yanez explain in a little bit more detail the neighborhood's concerns. The application that's before you, although it's a renewal, last year the permit holder was, i believe, red bull, a company that came in and operated during south by southwest, and there was incidents that have been related by the neighborhood to me that they operated beyond the hours that were permitted previously, that the community has told me that it's not necessarily the nature of filing complaints because complaints have not been -- in the past have not been acted on quickly or appropriately, they felt, by the city regarding noise issues. I think daniel can probably explain it. It has greatly improved since then, and since the issuance of this permit, and there has been one documented incident that on the -- at a -- I think it was called a zombie party event on october 30, that under the curre permit that we've issued, after the permit was issued there was a violation of the decibel level, I think of 95 db's instead of 85, which is in your backup. So I think those are some of the reasons why the neighborhood is not agreeable to support this application. The owner still feels that they are limiting the number of events to a certain number per year. This is not a cktail lounge use or restaurant use. The way they hold these events is based on their zoning and in conjunction with something called a temporary use permit, that they obtained from my office, that they are open to have a limited number of days in any given month to have a special event or festival or outdoor gathering. And so that's how the events have been operating in the path, and I would imagine that's probably how they'll operate in the future. The property owner also indicated that they probably would not be having any events during south by southwest of this year at this location, but did not necessarily -- I'll let him explain that. It wasn't stated as a guarantee, but it was basically saying that he would not go forward and do so. any other questions before we go to the appellant? Next we'll hear from -- who represents the river bluff neighborhood association in this appeal? Okay. yanez, you're entitled to five minutes, but you also have several people who have donated time to you, but you are limited to a maximum of 15 minutes.

Yes, sir. so let me go through these. Michael behr. Michael behr in the room? Jeff jack? Jeff jack is in here. Rosa santis. Rosa is here. Allen robinson. Allen robinson?

[Inaudible]

mayor leffingwell: okay. Anna rodriguez. Anna rodriguez. Okay. So you have 15 minutes.

Before I start my remarks I would like a clarification from city staff, and this came up at our meeting this week with the applicant, and that is, here we are today talking about a permanent permit, outdoor -- permanent outdoor music venue permit. guernsey just now stated, and he stated to us the other day, that that sustainable waves on halloween was able to operate because of a temporary use permit, and this was the source of our confusion from day one, when the permitting office would not tell us if they were applying for a permanent permit or a temporary use permit, and they never answered that until -- they never answered that, and then they granted them a permit. So before I give my remarks, I'd like clarification as to why are we here now? And how does them having been able to do an event on halloween under a temporary use as opposed to this permanent one -- and see -- I'm going to pause your time.

Yes, sir. you've used one minute so far, so you'll have 14 left, but we'll get a clarification guernsey on that question. thank you, mayor. I'll be happy to answer that question. There are two permits that are necessary to hold basically an event at sustainable waves. There may be, actually, additional ones as well, but the two I'll talk about. One, there's a permit, which is the outdoor music venue, which is the subject of the appeal today that daniel has timely filed. The second is what's called a temporary use permit, and a temporary use permit, very quickly, is a permit that can be issued by our office for the approval of various activities that may occur on properties throughout austin if they have the appropriate zoning. They are limited in nature to -- let me give you some examples. Christmas tree sales, pumpkin sales, church revivals, outdoor sales that may take place on a weekend event. But one of those is basically for a gathering or an outdoor festival --

mayor leffingwell: mr. Gu gu ernsey, this appeal is on the granting of a music permit.

Guernsey: that's correct. outdoor music.

That's correct. not with regard to the --

the temporary use permit. but both permits --

both permits are required for sustainable waves, or maybe for other venues in the city to operate if they're not a cocktail lounge or they're not a restaurant. that's an issue for another day. Today we're considering the petition on the issuance of the permit, correct?

Yes, it's the outdoor music venue permit, and there is no appeal to a temporary use permit. all right.

Mayor? so council member shade and then mayor pro tem. I just -- I just want to clarify because of continued confusion, that an outdoor music venue permit is also not permanent. It carries with it one year.

Guernsey: that's right. and if you behave badly, then the next year you'll have the same appeal. I mean, the appeal [indiscernible] thing that's been added. if there are provisions in the ordinance would actually -- may end up where the director or myself would end up denying the application. You still may have an appeal. It may be a different party. It may be the actual venue or owner of the property coming forward and making that appeal, but -- the difference between the temporary that was talked about versus the outdoor music venue permit is one is a year long -- it's really just a duration that we're talking about, and then the appeal aspects; is that correct? well, the two permits we're talking about, one has nothing to do with outdoor music per se. It's a temporary use permit that we issue for various types of events that may occur in austin throughout the year. There are two types of music venue permits. The outdoor music venue permit is before us today which is an annual permit which may be appealed. There's another type of permit that you recently amended just a couple weeks ago which is basically a sound amplification permit, and those are one-time event permits that are limited to a 30-day period, and with the recent amendment it allows you maybe four consecutive days in a calendar year or one outdoor music permit within the period. Those are not appealable. So you're correct, council member, there are two types of permits, the sound amplification permit. It's basically a one-event permit through 30 permit, and then a outdoor venue permit, which is the one today.

I want to make sure everybody understands that because we've had a lot of confusion around that and in the last discussion. It's always -- an outdoor music permit like today, it's always up for review. Nothing permanent about it. It's just the duration is longer than the other option. Okay. mayor pro tem?

And just to add to that, greg, in -- in this case the outdoor music venue permit if it's denied, it doesn't preclude this property owner from coming back for a temporary use permit and amplified sound permit on a once per 30-day basis. that's correct, they could actually come back -- if there was -- nor does it prevent hem from seeking a [indiscernible] sound permit once every [indiscernible] once a year.

Once a year until the ordinance expires in the summer, that's correct.

Martinez: thank you.

Mayor leffingwell: okay. Mr. yanez. Are you clear? You now have 13 minutes and 54 seconds. Go ahead.

Thank you, mayor, you're so exact. [Chuckle] my name is daniel yanez and I represent river bluff neighborhood association. Will everyone here who is in support of our appeal please stand up? All of my neighbors? And everyone that's here? I'm going to briefly read off to you -- so -- and this is actually for your benefit, council member shade, because oftentimes those of us who are used to coming up here and speaking can do it. Michael behr, for example, he came, signed in, had to go to work. A lot of people are terrified to come up and talk, so I just want you to know that it's not just daniel yanez here. It is our neighborhood association. I'm going to read off the names of every single household on red bluff road and ever single household on cesar chavez on both sides of sustainable waves. Michael j pruit, michael behr, thomas atkinson, david more ar ti, lind -- sylvia MARI KEEN, kelly McBride, nathan daily, eugene a than, , javier luis, juan castro, andres castro, david perez, emilio ar manda, max garcia. Rosa san tis, richard musgrove, fernandez, suzanna almanza and poder. Mayor and council, we're asking you-all, all of



you council members, to support our appeal to this outdoor music permit issued to sustainable waves. We ask that you deny this permit and give them the opportunity to apply for a temporary one if they like. The outdoor music venue permit was issued under what we consider to be a flawed ordinance. I know that a lot of work has been done to create it, but much has been left out and it does not afford adequate neighborhood protections. The ordinance under which this permit was issued is backwards in nature and is contradictory to many of the other existing ordinances right now. An application -- for example, in zoning cases, an application is received, permits are reviewed by all stakeholders and then it's determined whether this is appropriate or not. In the case of the outdoor music venue permit, we have no recourse or no ability to dialogue before the permit is granted, and we consider this to be contrary to protecting all the stakeholders that are affected by this. Another aspect of this permit is that permit holders are exempt from the established noise ordinance. I want to say that permit holders of this permit, at least from the paperwork we've seen, are exempt from the existing noise ordinance. A holder of this permit can go up to 85 decibels. 85 Decibels is considered by state law to be a health hazard, so I'm not sure how that interfaces how city law interfaces with state law, but if state law considers 85 decibels a health hazard, then I would consider that the city of Austin should have to adhere to that. What I'm pointing out to you is once again that this ordinance needs work, and that's what we want. We want to go back and fix this ordinance so somebody like Neil and Sustainable Waves and something like our neighborhood are on equal footing here, and at present, the way this ordinance is written, we are not. Sustainable Waves also is not an established music venue, and they informed us, and they have said it several times, that they only applied for a permanent one because that's a simpler process, and there again, I say, if we go back and we rework the outdoor music venue permit, and I think that a lot of attention has to be placed on the whole notion of these applications for music venues. As you can see, it's very, very confusing. We have to recognize that there is a big difference between a permanent established venue and an entity that is not an established music venue and wants to have events on a temporary basis. Much more consideration must be given to permanent applications or year-long applications. And the surrounding neighbors must be able to participate and give their input to the issuance of something that has this level of impact in our neighborhoods. Sadly to say, because I've gotten to know Neil, and really he is a good person, and it's unfortunate what happened during South by Southwest last year, but from the perspective of the neighborhoods, this happened on his property and he was responsible for this. South by Southwest -- during South by Southwest the events held at Sustainable Waves were in total disregard of the noise ordinance, of the limitation to the sound permits, and disregard to the well-being of the neighborhood. One of our neighbors, Sylvia Martin, has comments on this and on the history of South by Southwest event, which included the operation there, Mayor, of they went until 5:00 a.m. No -- no permit in the city of Austin is issued past, yet they were able to do this. Even when code enforcement went there. So this is why we are here now, because we don't want this to happen again, and we're -- we don't have confidence, and they do not have a track record of compliance. It's just the opposite. Further, the ordinance as written also contradicts established procedures and established ordinances. The permitting office did not follow its own criteria in the issuing of this permit, and the whole process was extremely confusing. There was no consideration for provisions addressing the appropriateness or the compatibility of land use. There is nothing right now on the web site or on their application that indicates that there was any consideration to any kind of building permit appropriateness to this, and there was no consideration to the appropriateness of the size of this venue. We are not against outdoor music. What we are against is huge uncontrollable events. Sustainable Waves has a

capacity for 1800 people, but they do not have the parking for 1800 people. There was no consideration in the issuing of this permit for the requirements for fire safety, for parking, for crowd control or alcoholic consumption. As I said last time I was here, our neighborhood plan discourages businesses that bring alcohol and alcohol events to our neighborhood. Our neighborhood is 65 to 75% residential, even though sustainable waves is in a cluster of neighborhoods 360 degrees around them there are homes. Our neighborhood is 65 to 75% residential and growing. Our planning team just approved two zoning changes for a single-family house two or three doors down from sustainable waves on east 5th, and in the block east of -- on east 5th, an approval for eight townhomes. So our area is heading towards residential, not towards industrial. There is next to no lighting on cesar chavez, and sustainable waves, ai said, does not have adequate parking, so during the events that they had at halloween and during south by southwest last year, their events created double parking on cesar chavez, double parking. There's no sidewalks or anything like that. And their parking went almost all the way to shady lane. To complete the situation -- to complicate the situation there has been inadequate response by apd and code enforcement, and there is a lack of documentation of complaints. Many of my neighbors have complained, oh have -- have complained to 311 and 911 but they're not recorded. A few weeks ago when we met with city staff, out of this whole two-hour meeting one germane and very important thing came out, and one of the captains of the police department said this. He said we go out and give a warning. Well, a warning doesn't document anything, and one of my neighbors asked, can you give a warning ticket? And they said, oh, we could do that. If they give a warning ticket, there's no arrest, but it's documented. So when somebody says that they have had no complaints, that is no true. There have been complaints, but apd and code enforcement have not been documenting I will conclude by saying that we also ask the council to issue a moratorium on the issuance of these outdoor venue permits and allow all of us to apply for temporary ones. That is a remedy that everyone has right now and they're not getting an outdoor -- an outdoor venue permit does not preclude them from having an event. As you know, much work has already been done by city staff and us to identify and understand how to correct the deficiencies in this flawed ordinance. This will give -- if you grant our appeal, we will go back and we will work with sustainable waves, with the music industry, with city staff and with the new director of music, don pits, who came on board very late and is only now starting to kick in. So we'd like the opportunity to go back and make this right so that it's a win/win situation for everyone. Let's see, oh, yes. This would also give time for the neighborhood and all of us to - - to bring back to you recommendations that will not have conflict, recommendations that will have all of us in consensus. So in closing I ask you once again, council members, please do not set precedent in my neighborhood. I want to say also that planet k was a co-sponsor of these events. Planet k illegally built a stage last year down on the colorado river. They right now are in court with thousands and thousands of dollars of fines because they also wanted to do outdoor music. We have had in the blue warehouses someone tha has a carpet place, and periodically they have music events. These are renegade events. The reason I'm saying this to you is because people are targeting govalle johnson terrace as the next music district, and as I said, we are 65 to 70% residential, heading that way more and more. The warehouses are diminishing. In our neighborhood plan we've downzoned over 600 properties during the adoption of our neighborhood plan. We are no longer the edge of town. We are no longer a warehouse district. This is the last cluster of warehouses on fifth street. We are heading towards being a downtown neighborhood, as you can see by all the condos that are built in our neighborhood now. So I would love to answer any questions that you might have and make any clarifications. Thank you. council member riley? daniel, just one very general question. I heard a couple things. I heard -- I think I heard that the

neighborhood is open to the idea of having some music venues. I also heard some concern about the fact that this neighborhood is becoming increasingly residential and music might not be such a good fit. So I'm just -- I just need to understand going forward, if there were a process that worked better, would the neighborhood be open to engaging in a dialogue with music venues toward some mutually agreeable arrangement that would allow for live music within the neighborhood?

Yes, sir, and I'm glad you asked that question, because this is a very important point. We are not against outdoor music. For example, justine's is a small restaurant that opened on fifth street. They have a patio. They might have outdoor music. There's the scoot inn, for example, historic. They have outdoor music. There are smaller venues. What -- what this permit does is open the door to big events, to huge events, similar to town lake. Like I say, he has an 1800 capacity. They have -- they have had 500, a thousand, 2,000 people. There is a lot over on shady lane and 7th street where someone from nashville rented it under the guise of wanting to do -- to build a restaurant there. They didn't do anything except take out a liquor permit and an outdoor music venue permit. And when the owner brought this up to them they said, hey, well, we could make a lot of money here. We can draw 3, 4,000 people. Lucky for us the owner of that property is conscious of our neighborhood and is part of our neighborhood and declined. So it's not about the size of the venue, and like I say, sustainable waves is not a music venue. They're a warehouse. They're not a restaurant, they're not an established place. They have a big building, and I've said this to neil, and they have a big lot too. If they want to have music events, they could have them inside and park everybody inside of their lot, and it wouldn't have the adverse effect that it has under this present -- under these present criteria. And the reason that we're asking for you to support our appeal is because the paperwork -- even though neil has said that he only wants to do it a few times a year, there's no indication on the paperwork that that's the case. The paperwork says, "hours to , monday through to on thursday, " so I want to say that they don't have a track record of compliance. They have a track record of ignoring compliants. -- Compliance. And the way it's written right now they have a blank check, and that's what we're opposing.

Riley: okay.

So to answer your question, it's more the size of the thing, not that we're against outdoor music, because I'm a musician too. I play on patios, but under 70 decibels. so ooj site in particular, in -- on this site in particular, in light of the history with this particular site, it's your sense that outdoor music may not be oh.

It's not appropriate there. may not be workable going forward and in the future that indoor music would be okay, but really there's no set of conditions you can imagine that would make outdoor music workable on this site?

It wouldn't, because those warehouses also -- they just stored -- amplify the sound. I had a reporter come and say, well, you have these warehouses between them. However, they're ten buildings and they just -- I think there was someone from the music commission who went out there and was surprised they had given them a permit. I'm sorry, I don't remember your name, but you-all know who she is. She gave you a letter today. Thank you very much, mr. reilly.

Riley: thank you.

Mayor leffingwell: okay. We'll go to the next speaker.

Thank you, mayor. suzanna almanza. And lebrago almanza. Okay. Daniel cueros. Carmen yanez. So suzanna, you have 12 minutes.

Good afternoon, ayor and city council members. I'm suzanna almanza with poder and I have a presentation. Okay. And this is just to show you -- this is the site where sustainable waves are because I want people at home to -- also to be able to see, they're at 4822, and you see that address that's 4704. It's not working. Okay. And this is the back entrance of sustainable waves. You see that truck, says sustainable waves. Well, this is fifth street, so you can imagine, it starts on cesar chavez street and it goes all the way back to fifth street. So it's a very huge site. And right next to sustainable waves, this is right next door, is a house. People are actually living right next door to sustainable waves. You see, there's the house and then there is the apartments that are right next to that house, so it's like everyone has said, it's within feet of sustainable waves. It's not an empty warehouse district. There you can see the apartments on cesar chavez and springdale that's right next to that house white right there, so you can get an idea of where we're at. And then you can see right behind sustainable waves on vermont, there is people living there. The's the intersection of fifth and allen where also new housing is built, but further down that street there's also housing. Meals on wheels is a little bit d from there. That's supposed to be river bluff and not red bluff. That's my error. You'll see that there's also housing. That is in front of sustainable waves on cesar chavez, river bluff is right behind there. And here's another house that you can see that there is actually people living, and daniel sai on river bluff. And right here at this intersection, that's 5th and till ri, a couple blocks, is the tillery subdivision houses. And it's just a couple blocks down from there, if you look at the fifth street entrance, on if you want to look at cesar chavez entrance, is brook elementary school, just to give and you view. And here you go on springdale and fifth street, so I showed you sustainable waves, the back entrance from cesar chavez to fifth street. So you'll see the housing that is there, so people live very close by. Here's another kind of efficiency apartment unit. They're right on cesar chavez street and two blocks from sustainable waves. And this is a view that gives you the view where you see the little armadillo and next to that with the first -- was the first slide I showed you of where sustainable waves was at. So it's like daniel says, when a lot of people come into our particular area you have to remember that the land use study that was done by the city in 1996 showed that 90% of all the industrial zoning was in east austin, and not only that the industrial zoning was there but a lot of these homes were zoned also industrial or commercial services. So you might come in and you might -- because it's such a mix of, you know, industrial and commercial together, you might just think it's a whole warehouse district, but in reality people are living north, south, east and west of sustainable waves, and there is a big fear. The big fear is that -- that they're carving -- they're carving the next warehouse music district, and unfortunately we're in that industrial zoning where 90% of all the industrial zoning was in our community. So there is a big potential -- and we've seen, and I'm sure you have, and maybe you haven't, that there has been a wave of permits in east austin that have come forward and we haven't had the chance to map those and show you but we have been inundated in east austin with outdoor music venues. So just like gentrification that comes, you get artists and studios, the next thing you do is you get the music venues. All of these things are things that are going to impact long-term residents that have

been there for generations the. So we have a lot to be alarmed. We have places where you can have parties. That's what fiesta gardens was built for, saragosa center was built for. That's what the collie -- senior center is for. There are places in the communities where you're allod to have music and loud music and certain times, and now people are going out of those different venues, and it's creating a lot of concern in our communities, because we too love music, and I can tell you, every time we play our music somebody calls the it's like that. But then we get these big venues that come in and it's not okay to call the police, you ow, and people are afraid. But we have to. We have to create a balance here in our community because we don't want there to be -- we don't want to become the next warehouse music district because there is a large potential for that happening, especially when we got zoned commercial services/mixed use along that whole corridor, so that could really hurt us in the long run. So we're really concerned about that, and we're concerned too that this is a permanent permit. It's a permanent permit for one year. When you look at a temporary permit for once within 30 days or four consecutive days, that's very different from seeing a permit where you can use it seven days out of the week, and we were not able to negotiate with neil about, hey, can you just do it, you know, two times a week, you know, and only agree to do it four times out of the year. We couldn't get that, because I'll tell you why, because he paid an agent and he paid a lot of money, and it wasn't his fault that this ordinance was, like they say, flawed, and is very biased, is biased towards those that want to do music venues, because, because it does put it backwards. You only can appeal after the permit has been given. You can't have a public hearing on it, so it's already a done deal. By the time they get the permit now you're over there trying to appeal a permit, which makes it very, very hard, whereas you know that a temporary was something that was going to come and leave your community, versus a permanent, when you do have the capability of functioning seven times out of the year. So maybe neil might not be doing that, but the next person, they could easily do that and say, we have a permit, and they could play that music, you know, to 00, midnight, and there would be no recourse for the community. We'd have to wait one year for something to happen. So I think that it's very important that we deny sustainable waves' permit and give them the opportunity to apply for a temporary permit, but that we also waive his fees, because he's already paid in advance. That's the big issue here. He's paid out and he's put out money. So if there is some compromise about him doing -- going back to temporary, which he says he's not going to do that many times, well, then, let's make sure if he wants to do that temporary, that we waive those fees so that he will not be charged double, you kn, for already paying the up-front cost. And I think that that might be an opportunity to make a fair process here, because i do think we need to go back to the drawing table on this ordinance. I realize that austin is the musicapital of the world, at least that's what it says, but I also realize that there is residents that also should have a right as to what comes into their communities. So I'm in agreement with a lot of the different solutions of bringing this back to the task force to make sure that there is a public process. There has to be some transparency. How can you have a process that doesn't allow public you know, we complain about this all the time, the public has to be involved, and yet we create an ordinance that denies public participation until after the fact. So I think that we've got to adhere to a lot of policies to make it fair, to make it sure that it is fair across the board that public participation is allowed in the process. And I can't tell you when i went down on cesar chavez how terrible and frightful that was, because there's not appropriate lighting on cesar chavez, and to have cars parked on both sides of cesar chavez, of the street, all the way up and down, almost going up to the bridge when you go to montopolis and inside the community. You really were fearful, anybody running across that street, how dark it is, and how dangerous it is also, and then having people who have also had a little bit too much to drink and trying t

those things. And so I think this doesn't make for a good thing. And Neil said when he had the capacity, 1700 or 1800, that's real scary, because I don't know how many people were there on that particular date, but I can tell you it was packed in our community, and it was not safe. And so I think that those are the things we have to look at, that there's no adequate parking. How can we do an ordinance and not require parking is way beyond me. We require it for building multiple families, for doing a restaurant, for doing a clinic. You think of every little thing that we require parking, and yet we're going to give someone who has the capacity to bring 1700 people to our community no kind of parking restrictions. And not to mention, you know, patrol, safety issues, all of these things come into play, and I can tell you that this ordinance needs a lot to go -- and we need to go back to the drawing table and look at it. And so I just want to thank you for giving me the time to bring out these concerns, and hopefully we can work out something that will benefit everyone. Next speaker is Alejandra Rias. Is Sylvia Maraquin in the chamber? Sylvia? Okay. So you have six minutes.

Thank you. I'm standing in for Sylvia Maraquin. First I want to say I'm not against live music. This issue is about specifically this venue. Sustainable Waves has had several events at 4822 and 4704 Cesar Chavez during the past two years. Also, I have requested on several occasions to get copies of the permits that applicants received for 2008 and 2009. For the 2008 and 2009 South by Southwest festival. And complaints -- we have not received them. We have a spot before you in -- about how Sustainable Waves operates until on weeknights, Wednesdays, Thursdays, Fridays and finally on Saturday night they were shut down at 2:00 a.m. The permit that they receive for South by Southwest 2009 was a sound ordinance permit. I have a copy here that I received from Clara Huwese this past okay. This permit was issued for March 13, 2009 to March 29, 2009. The sound permit, according to Austin ordinance, can only be given for one day in any 30 days permit. So the question is, how does person who issue this permit given authority to issue the permit for so many days? In addition to having been given this unlawful permit, the applicant tampered the permit to say that they could operate until 5:00 a.m. The off duty police officers on-site enforced a 5:00 a.m. Cutoff and sent city code enforcement away. Also, all agencies involved have stated that they must have tampered with the permit. There has been no penalty. For this reason, the permit should not be awarded to be a music venue but to be denied. This neighbor Sustainable Wave has shown no concern or respect for their neighbors, even after all complaints and concerns they were -- they have been in violation of the decibels limit. During the first event in October with this permit. Thank you. The next speaker is Sabino Raturea. Sabino?

Mayor, council members, my name is Sabino Raturea. I'm chair of the East Austin Cesar Chavez planning team, also chair of the East Austin coalition and I'm here to support Daniel in his case. I just want to show you, these are the -- these are the outdoor applications that I received just last week. This is one week of applications here. There are eight of them, you and I mean, we're really getting concerned because last year when South by Southwest -- the walking traffic and traffic was so severe, and our neighbors -- we have a lot of seniors, and unless we work out a way, you know, to make sure that, you know, our people are -- emergency service in case there's a need, could get to them, you know, we're -- you know, the way the procedure is, we get the notice last, they get the permit and then we get informed of it, and, you know, another example would be raining. There's -- rainy, Delgado lives on rainy and needs constant care looking out. Now when the South by Southwest function, there's not going to be any marking, no way of accessing that if there's an emergency there or home care, a person can't get to her, going to have a very

difficult time to get to her. So really, what we need to do is really find a solution to this problem. You know, I -- we support outdoor music. I live a block away from fiesta garden, and a week ago people came to me and said we need to stop that outdoor music. I said, there's no way. You know, there's a designated area to have music. You know, we need to keep -- keep the other folks that are doing illegal functions, you know, getting these temporary permits that doesn't have parking, they haven't set up a way if there's an emergency, how emergency vehicles are going to get to them. You know, we need to really sit down and really work this out, and I urge council to listen to our other planning teams and their concern. Thank you. thank you. Last speaker in favor of the appeal is cory walton. Walton.

Good afternoon, mayor and council members. My name is cory walton. I'm president of the austin neighborhoods council, but I'm speaking as an individual who lives in a neighborhood that's been impacted by the same sort of evolution that these neighborhoods are now, and i just want to express my support for their request for appeal of this permit, simply because I've followed the task forces, I saw the resolutions that came out of the task force, the request to the city manager to come up with a solution to implement those solutions. City manager in turn turned it over to staff, and it just appears from all that you've heard that the implementation really wasn't taken seriously, and guernsey spoke to our group just last night and assured us that he was taking a closer look at how this was being approached in terms of staff assuring us that it would be taken more seriously, and I hope that you begin that by kind of starting from scratch on this permit and take another look at it. Thanks for your consideration. thank you. Now, there's one speaker signed up against the appeal, neil turly. Neil turly. Are you the applicant? Okay. So you have three minutes. Three.

I think all this could be clarified really quickly. The red bull that took place, if you look at the permitting, it's on the -- the address is 4704 cesar chavez. The permit for sustainable waves is 4822 cesar chavez. They're totally different addresses. Where sustainable waves was involved in the production of the red bull event, we are not the property owner. We did not get the permits and we were not in control of the party. It's a red bull event. So it has really nothing to do with what we're trying to do at sustainable waves. Sustainable waves is a solar powered sound and staging company. By the nature of what we do we need the sun in order to generate power to do electricity and do our shows, so our primary goals are to be shows that are by day. I have no problem stopping the shows at midnight. We did do that for the halloween event that we did. Everything stopped at 12 midnight in accordance with the permit that we had. Today is honestly the first day I heard anything about a noise complaint regarding that event. To me there was no issues at all. Furthermore, you know, I did pay somebody to get a permit because I wanted to do it properly. I wanted to go through the process and make sure everything was done legal and everything was done right, as opposed to a lot of things I think the neighbors experienced are people are coming in and renting warehouses and doing late night rave parties, which I totally agree are disturbing but I think it's very important to recognize that is not the intention of sustainable waves. I absolutely agree to never do any shows after midnight. It's not something that, you know, is our goal and what we're trying to do in any kind of way. In fact, what we're trying to do is, you know -- and we work as -- you know, as a consultant for the city of austin to develop a new program for the green standards of which -- how you get a permit in the city to do an event, and that includes waste management, policies, energy, consumption rates and the monitoring of all those events. So we're really trying to develop what the model is to do things better. You know, so I really hope that people understand that that's what we do, and i understand

people have had a bad experience, but I really hope that what has taken place with red bull is not -- and other promoters in the neighborhood is not kind of what everybody is anticipating that sustainable waves is going to do. Furthermore, I'm also willing to, you know, reduce the number of days. I'm not interested in doing shows five nights a week. That is not what we're here to do. I'd be more than willing to find a number that everybody would agree on. What I do have issues with is the permanence aspect of things. Like you had mentioned, it is a year. You know, we're not talking about a permanent thing. It's up for review every year. However, what we need is we need time to prepare. For the halloween event i was here at city hall the day of the event trying to get the permit, and I can't be in that position. I have, you know, \$100,000, you know, of risk, and if it says I can't do the show -- that noise you heard was -- your time is up. So finish your sentence.

Okay. Well, I mean, that -- really --

mayor leffingwell: okay. Thank you.

Yeah. council member shade. neil, I have a question for you. On the -- you know, the thing that I'm perplexed about is how to do the temporary -- I mean, you seem like an ideal candidate for the temporary. I understand you spending the money to try to get the permit the way that you did, and I know my office has been in touch to make sure you know about all the different tools and that there wasn't any misunderstanding about what those were. But I guess my question is the experience that you had on halloween, would that have to happen or could you have sought that permit 30 days in advance? I mean, explain to me why you were in that position because I really want to understand it better.

I mean, I think because the, you know, the neighbors were appealing the permit. You know, so I applied for the permit. I actually live on east sixth street. I got the notice in the mail 30 days before the event, and there was no complaints up until literally three days before the event, or a week or so. I don't know -- you know, someone could clarify that, but it was very close to the event itself that the complaints actually came in. but that was the application for an outdoor music venue permit, correct? That's for an annual permit, which has an appeal aspect to it.

Right. that's part of -- you know, it's part of the risk, but, you know, the reward is that it works for a year as opposed to only for 24 hours, or for 96 hours, the new tool that we just recently created. So I guess my question would be, why wouldn't it have been easier for you to get a 24-hour permit where you wouldn't have had to endure an appeal, you wouldn't have to be doing what you're doing right now. You could have planned it ahead, you know, even a couple weeks, and my impression is that that process works -- that 24-hour permitting works -- for the temporary use permit works pretty easily, in a situation like yours.

Well, my understanding is the new permit is the 96 hour permit, and I don't know if you're referring to that or something else -- I'm actually -- there's two temporary options. One that's 96 hours, one that's 24 hours, neither of which have an appeal process. The 96 hours has a notification but not an appeal, but the 24-hour there's not even notification or appeal. So I mean, my question is looking at your current situation and what you're enduring right here, my question is why wouldn't you select that option as



opposed to the annual outdoor music venue permit that comes with all of this. That's, I guess, my question.

Probably because of the confusion around the process, and all the details around each permit are kind of overwhelming in a certain aspect. The other way I look at this is, you know, what sustainability means to me is that we are going to be here tomorrow, and what I'm looking to do in my business is give people in the music industry a full-time job. I'm not interested in hiring people to come in for a day and pay them \$10 an hour to set up a tent and strike a tent. What I'm looking to do is give people a job, and I need, as a business owner, I need to have some kind of permanency to invest that money to give people a career. and I totally understand that and appreciate that, and that's why my office -- because I totally -- it is so complicated, I agree so completely. I'm thrilled we have somebody on staff that can dedicate themselves to it. I recognize that. Even hearing that response makes me question, are you really interested in doing things occasionally or are you trying to do something on an annual -- you know, on a -- I don't even want to use the word permanent, because again, it's an annual renewal, but an ongoing thing. What? Permanent as a guest. Which is it?

I'm interested in having the option to be able to do events when we can.

Shade: whenever you want. Ets -- you're not willing to like be bound to --

I mean, there are about four events that we produce a year, that we are -- that we are kind of behind, you a couple more examples, you know, Josh Tomler who runs -- would like to get married on May 1. Would I say yes, you can get married on our property if I have to go down to the city and get a permit to do that? No, I won't. Will I do any kind of nonprofit fundraiser last minute for Haiti? No, I won't. So to me those are the kinds of events that become at risk is that I'm not going to make any money as an organization doing, but if I have the tools that I can help, you know, a benefit or a cause or a friend or a member of the community, I would love to have that option. Like I said, I appreciate that. It is two different things, then. You're definitely interested in an ongoing --

Yeah. and therefore the -- the outdoor music venue permit, the annual is what you're really looking for. You're not really looking for the temporary that doesn't deal with the appeals. And I think that shows that there's been a real disconnect between the conversations, I think, that I've at least heard conveyed to me between the neighbors and the people who participated in the meetings, and so I just -- I'm going to have to make a motion to support the appeal, because I think, you know -- [applause] and it troubles me because I really hear that there's a way that there could be a compromise, but not if there's not a willingness to commit to, in this year I'm going to do these three things. This not sure is what gives the neighborhood the uncertainty that, you know, I have to support that. But I appreciate the time you've put into it, and I really would love to encourage, you know, you to take Daniel up on the offer, work with Don Pits, who's now on board and come up with some way to do the events that you want to do using the temporary and building the relationship that you might need to so that you can avoid an appeal in a future year.

Second. She made a motion, I was just seconding it. I'm sorry, what was the motion? to support the appeal. motion is to support the appeal. Second for the mayor pro tem. That is actually a little bit premature because we need rebuttal from the appellant -- he's the applicant. So just hold that thought. [Laughter] and --

if daniel wants to come up and talk us out of it, he can --

don't do it, daniel. Don't do it. I do have kind of a question for you, kind of a hypothetical. So assuming that cost is not a factor, wouldn't you be better off having this venue in an -- inside a building that was sound insulated so that the noise you make really wouldn't be a factor in the neighborhood? Would that be preferable to you?

We need the sun to generate the power. well, if you had sun on top of the building? Solar panels on do that of the buildings?

Well, it's not really a feasible question. not an option? Why not?

Well, because the sun generates electricity to run the instruments, and we need -- but i mean, you could have photo photovoltaics on top of the building with wires running into the building.

I mean, I suppose i could -- that could happen, you know, but we would have to build a venue. well, I'm just kind of wondering. I'm saying assuming that cost is not a factor, are there any other reasons why you wouldn't be inside a sound insulated capsule?

I think it's a very different experience, i suppose. You know, I mean -- part of what we do at sustainable waves is try to bring power out from behind the fences and to show people that if you don't recognize that you're utilizing power, you don't realize that it's the largest source of air pollution. So if you don't get that, you don't get it. So -- is there anyone else in the chamber that wants to speak for or against this appeal? None. So now we have allotted three minutes for rebuttal by the appellant.

What you just heard from both us and neil is the reason why we're asking you to do a moratorium, declare a moratorium on the permanent -- or the one-year outdoor venue permit, and let all of us go back and -- we're not posted for that tonight.

Pardon? we're not posted to act on that.

I understand. But as part of my rebuttal this is what I'm asking you-all to do. Now, like I say, this would set precedent. I'm happy to hear that there's two council members willing to support our appeal. I hope the rest of you do, and I personally, and i think that a lot of my neighbors are committed to going back and working with one of our neighbors, who is mr. turly. He is also one of our neighbors, but all of us, him included and us, we're trapped by this flawed ordinance, and that's the problem. Thank you. thank you. [Applause]

mayor leffingwell: okay. Council member shade moves to close the public hearing and grant the appeal.

Shade: yes. Second second ed by the mayor pro tem.

Martinez: yes. mayor pro tem? well, you know, I certainly want to support the appeal, but I do want to make some comments, because I think there were some things said that may be very frustrating and may feel like things are broken, but let's dial the clock back just a little bit before we had the outdoor music venue permit and the current conditions that we operate under. All you had to do was apply administratively and pay 50 bucks, and you would get your amplified sound permit. With this you're now noticed and you now have an appeal, and you have an outcome on that appeal. And while I don't believe that it's a perfect process, I don't think there is such a thing, and it will evolve and change over time. It is far better than what we've had in the past. And the reason for the fees that are required and associated with petitioning for an outdoor music venue permit is because we want the venue operators and owners to have skin in the game. We want them to realize, when you put that money up on the table, you're taking that -- that business risk, if you will, and so you're going to have to sit down with your noticed neighbors who have concerns and try to work the issues out. I don't think that we're that far apart in terms of being able to work something out in this case. I think there are some that will simply be against it because they don't believe this is a venue that's appropriate for this area, and that's fine. I absolutely respect that position. But for me the appeals process is, it was approved appropriately by staff because of the zoning, because of the proximity to single-family homes, and the appeal is appropriately being brought forward. I think there are some areas that we can work towards and hopefully achieve an agreement, but what we have to know is by denial of this -- or by acceptance of this appeal and denial of the permit, this venue operator has the right to come in every 30 days, seek an amplified sound permit and a temporary use permit and have a music venue, at least once every 30 days. With this annual permit it would have -- you know, it gives us the ability to put some parameters in place that hopefully make it a little more palatable. I'm going to support the appeal, but again I'm going to encourage everyone to continue the dialogue and keep working on it, because I think the process that we do have in place now is far better than it was before, and I think we can improve on the process as well. And so I remain committed to working on it. Thank you, mayor. council member morrison. did you want to speak also? You don't have to. Go ahead. thank you, mayor. I'll also support the motion and support the appeal, and I know that there's a lot of frustration out there about the process and the sequence of the way things are happening, but I need to support mayor pro tem martinez's comments because we worked really, really hard on it. I believe that now that we have someone in the position of the music manager, by the name of don pitts, who will be working with these permits from the very beginning, and we will be able to more fully consider the things that the ordinance allows us to consider, and that is land use as well as mitigation. The issue here, I think, is that, you know, the music on the parking lot of sustainable waves would just broadcast all across that flat area. So if there were some way to be talking about perhaps limited decibel limits or mitigation or particular baffling or something like that going on. The other thing that can be considered in the ordinance in giving out -- in allowing a permit is size and capacity, and so I think that that -- you know, if we can really evolve and have these conversations in the beginning, you know, there's 30 days' notice that's given for these, I think we can really hopefully get moving through these more productively, and I'm with mayor pro tem, but I'm behind trying to make this ordinance work, and I think we're taking steps to get there. And I know it's a little bit painful. Painful for all of us. It was painful to get

the ordinance in place in the first place, but we really need to work hard at this so we can find the appropriate balance. any more comments? Motion on the table to grant the appeal, which denies the permit. All in favor say aye.

Aye.

Mayor leffingwell: aye. Any opposed? Passes on a vote of 7-0. [Applause] council, without objection, we only have 14 minutes left until we go to live music and proclamations. I'd like to move to item no. 79, Which has only three folks signed up to speak, and we may be able to get through that, may not. So to item no. 79.

Does this present a a problem for you? Is it more convenient to be item 78 first since they're related?

Well, we're considering them as related cases and we would prefer to consider them together, I guess following the break. I'm going to get through this so you can start on 78, 79 toget if you like. [One moment, please, for ]

change is indeed underway with or bought this plan. And this plan can help guide that change. The planning commission did recommend adoption of the plan with two amendments. Those amendments are that existing single family property should be changed to the residential land use district and that all capability standards should apply for all current and future single family land uses. At the briefing two weeks ago, we mentioned that the planning commission recommendation concerning compatibility standards could have a significant impact on the vision described in the plan. Including potentially the viability of rail on the corridor. So we want you to consider this very carefully. This map shows that -- that the compatibility standard amendment could have the impact of limiting height in the areas shown in dark orange to 6 on feet or less and -- 60 feet or less and the area in more yellowish orange to 60 to 120 feet in height. Some of the impacts of that planning commission recommendation concerning compatibility standards are that it really removes the possibility to discuss compatibility publicly during the development of the regulating plan. And we really have not had that conversation yet. And we feel like it deserves discussion. And that should take place in the next phase while we're developing the regulating plan. Also limits the exchange of public benefits in exchange for increased height and/or density, that includes things such as affordable housing, et cetera. That also limits the potential for greater height and/or density to support rail ridership and t.i.f. Funding so these are important elements to keep in mind. For these reasons, staff recommends that compatibility should be discussed during development of the regulating plan and the density bonus program for this area, rather than taking this topic off the table. So that we can really discuss it in relationship to other important issues, such as affordable housing, density bonus program, other community benefits. Density bonuses could support affordable housing, as I mentioned, density is really important to support a transit line and also potentially to fund that transit line. As we strongly -- focused on during the briefing, urban form is essential for this density. There is quite a lot much density in some portions of the corridor right now. But it is not of an urban form and it's not a really -- overly supportive of rail. So to summarize, compatibility for single family houses should be discussed as part of the regulating plan that's specifically tailored for this area and can deal with compatibility with single family houses but in a specific way. Therefore as I mentioned staff recommends that city council

should adopt the east riverside corridor master plan without the pc amendment concerning compatibility standards. Density does matter. This is actually a slide that was prepared by our transit oriented development consultants who worked on the station area plans. And they list a range of potentials and cities to support bus versus rail. You will hear, if opportunity already, that there is -- there is some density in particular areas of -- of the planning area. But there are other areas with very little density. To be able to support rail we need to be able to ensure that there is sufficient density for the corridor as a whole to be able to support that rail. So, again, in conclusion, we would ask that you adopt the east riverside corridor master plan as the vision for the area without the planning commission amendment concerning compatibility standards and that you reclassifies riverside drive present pleasant valley road and highway 71 as a core transit corridor. Thank you, we are available for questions.

Mayor Leffingwell: Could you explain to me the first condition that you posed that the planning commission put on this, had to do with single family residences?

I missed the very beginning of your question.

[Indiscernible]

gotcha. Staff is neutral on that item and as we mentioned --

Mayor Leffingwell: Explain to me what it is, first.

Okay. I think she's going to bring up a slide. There is one area in the corridor planning area that -- that is zoned single family and it has duplexes on it at present. And so the -- the planning commission recommended that that area be changed from a land use designation of urban residential, which is more dense, to neighborhood residential, which is less dense and could --

Mayor Leffingwell: You are talking about the flum.

Land use district would guide new zoning districts that would be developed during the regulating plan, but it's similar to a flum.

Molly, planning development and review department. If you look at the screen, this is a map of our proposed land use districts as part of the master plan as erica said. It would be sort of guidance for the development of the regulations is the next phase. If you watch, we have animation, do you see that blue, lighter blue area that just popped up, I'm going to go back again. One more time. Popping up. That's the specific area that the planning commission would like in this sort of guiding land use document to change to neighborhood residential land use to guide regulations.

Mayor Leffingwell: From -- from neighborhood --

and in the plan initially it's shown as urban residential. As erica said, that's more --

the in the staff recommendation.

That's the staff recommendation as part of the plan. But as erica mentioned we're neutral, if you say, on this -- on this planning commission recommendation.

Mayor Leffingwell: Can you encapsulate the things that would be covered in the regulating plan, which is yet to be done.

Certainly. The regulating plan is intended to be a type of form-based code design base code that would really combine both urban design standards and zoning regulations in one stand alone document. This would include standards for wider sidewalks, for building things being built up close to the street. For potentially -- potentially building articulation, so that you don't have large blank walls. It would also identify what's typically zoning standards such as maximum height available allowed, maximum density, that sort of a thing. We also envision a density bonus system, so the regulating plan would have base entitlements for each of these land use districts and then could have as part of the density bonus program additional entitlements that could be received in trade for certain public benefits.

Mayor Leffingwell: What I'm trying to get at, why are we even talking about compatibility right now? Because it seems to me that in the regulating plan, that's where you address the capability issue. So why is this condition opposed -- composed on the -- whatever you are calling this plan?

That was a recommendation -- that is not the staff recommendation, that's the recommendation of the planning commission.

Mayor Leffingwell: I know.

I believe that there are some neighborhood representatives who will speak to that, why --

Mayor Leffingwell: Is it appropriate to --

we don't believe it's appropriate at this time because the master plan does not set any regulations at this point. And so we want to hold that conversation, that detailed conversation with all of the other conversations regarding height, affordability, density, in development of the regulating plan.

Mayor Leffingwell: So compatibility would definitely be addressed without question in a regulating plan phase.

Without question. It would be looked at in a multitude of ways. One potentially through design, because again this is going to be a special zoning district that will focus on design so there may be some specific design components that may be required to address that compatibility between single family uses and future development. But it could also be addressed through -- through -- through other compatibility standards.

Mayor Leffingwell: Are you also going to address issues like landscaping and parking lots that are in front of the buildings correct.

Mayor Leffingwell: All right, one question, then we go to recess.

Morrison: I'm just wondering if there is anybody in the planning commission here who can help explain their motion and recommendation. I didn't really hear much of a rationale for the discussion so far. Okay. apparently not. --

Mayor Leffingwell: Apparently not. Maybe they will be here later. Council, it's now time for live music and proclamations. Without objection, we stand 00 at least. Austin, mackey,.

Good evening, everyone, we're going to start our live music and proclamations, I want to welcome this evening, tye austin, an indy r and b singer, he opened for musicians such as trey songs and anthony david. In 2008 he released his debut album love me not, featured with a's arc and on the today show. This year he was included in the austin music volume nine, an annual compilation of austin music produced by the austin convention and visitors bureau, which rose I don't think that I have gotten a copy of that. He recently released his sophomore album experience, which displays a diverse mix of genres, everyone please welcome tje austin. [ ?? Music playing ????? ] ????? ????? [ applause ]

thank you. Wow. That is pretty special. Thank you so much for that, tje, I look forward to checking you out soon. Speaking of, where can we go check you out?

On tjeaustin.com. Or also my space.

Can we buy your music somewhere here in town?

Yes, my music is on i tunes, if you want to come and check out a live show we also have that on com, also pick up a physical cd at a show.

Where is the next gig. in the student union this saturday for a fashion show.

All right. This saturday at the student union on the campus of u.t. Great, I'm going to present a proclamation from the mayor and the council. If you don't mind.

All right.

It reads be it known that whereas the city of austin texas is blessed with many creative musicians whose talent extends to virtually every music genre, whereas our music scene thrives because austin audiences support good music producedly legends and local favorites and musics alike. I lee leffingwell the mayor of the live music capitol of the world do hereby proclaim FEBRUARY 25th, 2010 AS TJE Austin day. Join me in congratulating him. [ Applause ]

Martinez: Now, we will go to proclamations and recognitions and I saw angel. There he is. Come on up, angel. Another one of our local well-known artists, angel quesada, we have a certificate of appreciation that I would like to read and present to him. And then I'll say a few words and ask him to say a couple of words. Angel quesada is deserving of public acclaim and recognition. angel quesada creates a variety of

visual art, colorful drawings, paintings, photos and sculptures, his murals are probably the most widely known works in austin. I'll tell you why in just a minute. He has worked for several years with mexic-arte museum and also served the city during his employment at the mexican-american cultural center on works reflective of his upbringing on the texas-mexican border. We are pleased to recognize his contributions to the visual beauty of our city, with this certificate presented the 25th day of february in the year 2010 and signed by mayor lee leffingwell and bears the names of all of the councilmembers, I want to present this to angel.

Thank you. [ Applause ]

very briefly, before angel speaks, I want to let you all know, not only am i recognizing angel tonight for his contributions to the community in terms of his art. But more specifically, some of you may have heard or seen the story, angel took it upon himself to take a graffiti laden wall in his neighborhood and really change it into a work of art and something that was beautiful for him and his community to enjoy as opposed to the graffiti that existed there. Unfortunately, and maybe fortunately because hopefully good will come out of this, our ordinance doesn't speak to what constitutes art and/or graffiti. angel quesada was arrested for -- for taking the graffiti down and putting something beautiful on this public wall. It's in the right-of-way. It's not privately owned. It's owned by the city of austin actually. What it did was opened our eyes to people doing wonderful works like this, but really not having the ability or the codes in place to provide protections and provisions to allow some of this beautiful art work to be displayed and produced in our city and so I -- i want to apologize to angel for the experience that he went through. But ladies and gentlemen, he -- you know, he has blazed a trail for artists to come because of the sacrifice that he made in that one incident. Many artists moving forward now will be able to hopefully display their work and not fear persecution for it. Thank y'all. [ Applause ] approach.

I want to thank i, councilmember martinez. And the office. An oasis for artists of all types, austin has always been known mostly for its music scene. I've lived in austin for -- on and off eight years, over eight years. I always find artistic nourishment here. Austin is for many texans a cultural mecca. Many flock here yearning for sponsorship and opportunities, not only in the music business, but in other cultural disciplines such as literature, theater, dance, more specifically the "arts. " many are students who stay here after school, many are wanderers and poets who rest their head in this beautiful city. A city which belongs to the young at heart. And we are the future. The energy and the hope. Saying that youth is wasted on the young is possibly applicable here, but this comes from seeing our children get caught up with drugs and drinking and distractions, lots of parties here in austin. This I can see. But the energy of the young, which harnessed correct -- which harnessed correctly, can actually be the fuel for dreams. And this is the place for them, austin. By teaching our children that the virtues of completion, they will understand that it's sometimes a struggle and daring to go ahead with their dream. It's here we find one of the pillars for our city and as a former city employee, with parks and recreation department at the mexican-american cultural city, I became familiar with some of the principles that all city employees are familiar with. One much those principles, was, I remember, integrity, integrity speaks of righteousness, of honesty, wholeness, and soundness. For me, integrity is a means of completing a project which was begun at any cost. This recognition is not just an ornament or a band-aid, it's a commitment to integrity. For me this is a recognition which honors the same principles that are aligned with the city. Thank you very much.



Thank you. [ Applause ]

Mayor Leffingwell: Well, it's now my pleasure and privilege to present a very distinguished, distinguished service award. To a long-time employee in many different roles in the city of austin. Roger duncan was a city council member back in the 1980's, worked in many capacities around the city, of course now he's the general manager of austin energy. Has been for two years. But worked as the number two man in that organization for many years before that. Many people, including me, believed that roger duncan may austin energy what it is today and that is a national and international leader in renewable energy. And for that, to roger, we're very grateful. All of us as a city and i will say this, roger has always been a role model for me and a mentor, even though he is a lot older than I am. [Laughter] it still doesn't matter. Kind of a father figure, you [laughter] we wish him well. At the same time, we hope that we'll see a lot more of him. After he gets back from -- it sounds like about six months of vacations, new mexico, tahiti, all of that stuff. I keep hearing that tahiti is boring by the way, but you can tell us about that when you get back. Anyway, I'm sure we'll see a lot of roger duncan around city hall for a long time to come. So I'm going to read this distinguished service award. For his years of public service with the city of austin, especially the past two as general manager of austin energy, roger duncan is deserving of public acclaim and recognition. Roger has been an unwavering helmsman in guiding austin energy through difficult economic times while constantly striving for a more sustainable future. His visionary leadership throughout his career at the city has always been grounded by his desire to make austin and the world a better place. His kind heart, his calm and thoughtful demeanor, good humor, superb strategic prowess and artful advocacy for the public interest served his staff and the community well. Under his leadership, austin energy consistently exhibited the environmental stewardship so important to our community, often leading the nation with its initiatives such as the successful plug in partners campaign, green choice, the number one green power program, and nationally recognized energy efficiency programs, and the largest solar array under development in the country right now. [ Applause ] a truly, truly dedicated public servant, roger has succeeded in making austin and the world a brighter, better place and we are so grateful for his efforts. This certificate is presented with our admiration and appreciation, this 25th day of february, the year 2010. Signed by the city council of austin. Lee leffingwell, mayor, and all of the other councilmembers listed below. Congratulations, roger. And that is the longest certificate I've ever read. [Laughter] [ applause ] now, before we bring you up to -- to say your parting words, I would like to ask our city manager, marc ott to say a couple of words.

Thank you, mayor. Well, roger, I -- I come to the podium today with mixed feelings. Obviously, as you know, we've talked about it many times, I certainly hate to see you go but at the same time I'm very much excited because I know that you have some interesting plans for yourselves in the weeks and months and years ahead and i look forward to hearing about some of those things that you are going to be doing in the months and years ahead. I guess what I will speak to, though, is a privilege that I had when I first arrived here. Since I've been here I've had opportunity to appoint a number of executive positions, probably approaching 20 or so, but one of the first opportunities that I had to make an executive appointment was for the general manager of austin energy. And, of course, that was roger duncan. And it was -- it really wasn't difficult for me to make that decision to appoint roger as the general manager of austin energy as the mayor has just described in the most eloquent terms, roger has garnered and earned a reputation that quite frankly precedes him, so I knew something of mr. Duncan before I arrived

in austin. Once I got here, of course i heard many, many wonderful compliments about the leadership that roger has provided to austin energy over the years, as general manager and in positions that he held prior to becoming general manager. I have gotten to know roger as an individual who -- who is selfless and I have often used the phrase of how important it is to put public interests before self interests. And I think that roger exemplifies that. In everything that he's done. And that's truly been a mark of my experience with him. So i, roger, was very proud to have the opportunity to appoint you and to work with you. I've been in this business quite a long time. So I have worked with many, many executives over the years, department heads. And I can tell you without hesitation that this gentleman is one of the finest that I've ever come across. It was an honor to spend the last two years with you. While I was roger's boss he was indeed my teacher, that has been exceedingly more important than being your boss, roger. I appreciate all that I have learned from you over the past two years. I know that you are not moving away, so you can certainly expect that I will be calling on you from time to time to pick that very powerful intellect of yours to help us in the days and years ahead. So congratulations to you on your retirement. Before I give things back to the mayor, we do have another token that we would like to give to you. If jason would come over. You probably recognize this. [Laughter] I think it's the right size.

You are not expecting me to climb a pole, are you?

This is an austin energy construction helmet here signed not only by myself but by the mayor and the entire city council. So thank you. Something to remember us by.

Congratulations.

Thank you very much.

Mayor Leffingwell: Roger, would you like to say a couple of words?

Absolutely.

All right. Thank you very much, mayor. I -- I appreciate all of the kind words. You know, I recall it was about 35 years ago, in 1975, actually, that I first came to city hall. As a -- as a city council aide at that time. To councilmember margaret hoffman. And I was young and full of energy and enthusiastic and I was here to solve the problems of the city. And I remember one of my first assignments given to me by my councilmember was to go and handle this argument that had started to develop between some members of our environmental community and our water and wastewater department over something called water treatment plant number 4. [Laughter]

Mayor Leffingwell: Thanks for solving that problem.

You're welcome, mayor. ..

Fortunately, I've had more success with other assignments. [Laughter] since that time. But it has been wonderful over the years. As the mayor mentioned, I've had many different roles in city government. I've

come to really appreciate the dedication and service of all of the players here. The employees and staff and the city managers that i have worked with and the mayor and councils that i have worked with and -- and the citizens, whether they have been serving on boards and commissions or just active in the process. And we've all worked together to make this one of the greatest cities in america. And I've come to understand personally how much my happiness is tied to the happiness of others. And so I -- I thank you for this recognition. As the mayor and others have noted, I'm not going away. I'll probably be back at some point on some issue. Although I will say I will appreciate being limited to three minutes this time at the podium when I come back [laughter] but thank you very much for this honor today and thank for you the great opportunity to serve this city over the years. Thank you very much. [ Applause ]

McCracken: Don't go away just --

Mayor Leffingwell: Don't go away just yet, we're going to take a picture. For everyone who is interested, as soon as we get through this with -- with this, we are going to have a little party over across the hall, milk and cookies for everyone. Okay. All right. Okay. Now it's a privilege to make a proclamation that has to do with our environment here in austin. Some of you may know during the last few years here in austin we've done a lot of things, specifically we have gotten the city of austin declared as a wildlife habitat certified wildlife habitat by the national wildlife foundation and the city of austin was a cooperating partner in that -- in that endeavor, along with the travis audubon society, which is also represented here today. This is one more of those steps. We -- alice nanse who used to be the national wildlife federation is now with our parks department. Just keeps working on different things. Wildlife habitat, neighborhoods, native plant days, and we've even had the city hall here declared a native wildlife habitat. Of course, many of us knew that there was wildlife in here long before it was ever declared to be a habitat. But that's kind of beside the point. At least it was made clear that there were -- there was grass for us to eat out front and there was a watering hole. So -- anyway. The city of austin long known for its environmental activities and credentials adds one more feather in its cap today and accepting this proclamation and speaking on behalf of it is going to be a woman who has done so much for the environment here in travis county, for many, many years, valarie bristol. My friend and a former travis county commissioner. And still at it. Still doing good work. The proclamation reads be it known that wrestle great urban birds -- whereas celebrate urban bird is run by the cornell lab of ornithology that encourages everyone across the country to watch birds and focus on activities on birds and neighborhood habitat. Whereas the travis audubon society is hosting events at the nature and science center including bird walks, citizens science projects, activities for kids, informational speakers, and tourists of the nature center's natural habitat and birds of prey exhibits and whereas we encourage citizens to push back from the computer, detach their i pods, go outside and recommit -- reconnect with nature at this fun and informative event with activities for all age groups. Now, therefore, I lee leffingwell, mayor of the city of austin, texas do HEREBY PROCLAIM MARCH 6th, 2010 As celebrate urban birds day in austin, texas. Congratulations.

Thank you.

Would you like to say a few words?

I would. Thank you very much, your honor, we're deeply grateful. The city of austin of course has always been one of the greatest places to live and part of it is where we live. We live in the crossroads of many different ecosystems here, so we have this great natural environment. Wonderful water and as we know trees, et cetera. But birds are often the thing that takes a child and adults out into nature. They see, they think hum that's interesting. And you following that and then you become engaged with the land around you. Which of course is our environment. We can't live without that wonderful water, the clean air, and the excellent places to go that we enjoy here in austin. Only because this constituency here, this wonderful people, support making sure our city literally sits well within its environment and does not harm it needlessly. It's with great honor that i accept this. I also want to recognize that mayor leffingwell serves on the balcones canyonlands coordinating committee which oversees now over 28,000 acres of habitat here in travis county, which is for endangered species of which the city was the first in the nation to have a multi-species habitat conservation plan. Again, leadership. Thank you very much. I want to introduce alice nance briefly to tell you about the actual event next saturday. A week away.

Thank you. Hello, my name is alice nance with the parks and recreation department. There are any bird lovers out there? My birders, raise your hands, clap. Any birds? Well, I would like to invite you all to come out to the celebration of urban birds on saturday march he have at the austinites and science center located in zilker park. As the mayor mentioned lots of fun activities, we will be submitting data collected from the 10 minutes bird counts to the cornell lab of orinthology, it is also free, please bring friends, family, tell everyone about it. Thank you [ applause ]

now I believe councilmember cole has a proclamation to issue.

Thank you, mayor. I want to thank you for coming out on this special indication. I have asked a -- special occasion. I have asked a few people here mostly because it is african-american history month. Please come up. Lots of times in this job i get asked questions about the african-american community and where it's headed and what's it going to do, population is declining, we get questions about education and crime and just lots and lots of issues. One of the things that i have learned to say, or learned to respond is do you know ms. willie mae? Have you ever looked into her eyes? Do you -- do you know mr. Galloway? Have you looked at his steel gray eyes? Have you ever sat down with mackey, who has been involved in austin politics and charities for many years, let's just say. And they say well, no, i don't know any of those people, sheryl. I go, well, you should. Because if you did, you would know that we are a very strong people. And we are not going back. And so I want you to know that I drug you down to city hall in the traffic and the parking garage, because i wanted to make that statement and for the whole city of austin to see you as representative of not only where we've been, but also where we can go. So with that, I am going to marvin douglas, who was a retired firefighter, fourth african-american firefighter to work for the city of austin. First black officer of fire prevention in the state of texas. Rosewood advisory board and avid support of huston tillotson. And I'm going to read your proclamation. Community service award: For your years of volunteer service to the citizens of the city of austin. Marvin douglas. In deserving of public acclaim and recognition, one measure of the success of our city is the willingness of caring community members to support our public institutions. We are pleased to recognize your gift of time, talent, and knowledge in support of the citizens of our community. This certificate is issued during black history month in appreciation of your generosity on behalf of our city and its residents. Signed mayor lee

leffingwell, mayor pro tem martinez, chris riley, randi shade, laura morrison, bill man and sheryl coal.  
Would you like to say a word?

Yes please.

[ Applause ]

thank you so much. To the mayor, city manager, council person cole. It is very nice. I think of a very outstanding musician, luis armstrong said, this was a wonderful world. It's beautiful. I was taught very young to have god in your plans, have a family. I cannot accept this without my wife. Because we've been partners for many, many years. I won't tell you how long. But we've been partners for many, many years. The other thing is education. We both attended houston tillotson university. A beautiful university and i was very fortunate to be employed by one of the outstanding fire department in the united states, austin fire department. For 32 years. So you can see it's very important for us to give back to the city. It's a labor of love. And I'm so glad that a lot of our friends are here to see us receive this deal. My daughter and her husband are, brenda and charles marshal and many other friends, thank you so much. Have a good day. God bless all of you. [ Applause ]

okay, I have a double treat, mr. and ms. mackey. mackey is a member of calvary baptist church, houston tillotson alumni association, board member of carver museum. Are you going to run against me.

I hope not.

I'm just kidding.

Meals on wheels volunteer, aisd adopt a school volunteer, american cancer survivor support group volunteer, mackey johnson community center support value volunteer, alpha phi alpha fraternity. Volunteer. All right. mackey is deserving of public acclaim and recognition. One measure of the success of our city is the willingness of caring community members to support our public institutions. We are pleased to recognize your gift of time, talent and knowledge in support of the citizens of our community. This certificate is issued during black history month in appreciation of your generosity on behalf of our city and its residents. Signed by mayor lee leffingwell, mayor pro tem martinez, councilmembers chris riley, randi shade, laura morrison, bill spelman and sheryl cole. It's important to me that i read all of the names because I have had different issues come up with the african-american community, they have stood by me 100%. And that's why I do that. Here you go. You want to say a few words?

My wife just said I'm going to speak for both of us. But -- and I'm obedient. I have learned over the years that obedience has its merits. To mayor leffingwell, to the entire council and particularly to councilmember cole, and the citizens of austin, texas, this is quite an honor. It's a -- it's a -- something that you don't, when you get into volunteerism, you don't do so just for the purpose of getting the recognitions or the rewards -- the rewards are not in the recognitions that you get. The rewards are in the people that you serve and the people that benefit from your efforts. We sort of embraced as a team volunteerism as our

way of giving back. The rewards that we have received have been monumental. This certificate, this recognition, just adds to the importance of -- of how much this all means to us. Thank you. [ Applause ]

betty washington retired line librarian in aisd continues to serve taking care of sick and shut-ins, visiting nursing homes and serving on their boards. Served on church women united board this board helps the homeless and sends gifts to troops in iraq. Went on a mission trip to africa to deliver medical supplies in 2007. Which church do you go to?

[Indiscernible]

wesley united methodist. Tell reverend dickinson hello. I will --

reverend chase, that's right. Okay. The city of austin community service award. For your years of volunteer service to the citizens of the city of austin, betty washington is deserving of public acclaim and recognition, one measure of the success of our city is the willingness of caring community members to support our public institutions. We are pleased to recognize your gift of time, talent, and knowledge in support of the citizens of our community. This certificate is issued during black history month in appreciation of your generosity on behalf of our city and its residents. Signed mayor lee leffingwell, mayor pro tem mike martinez, councilmembers chris riley, randi shade, laura morrison, bill spelman, sheryl -- cole.

I want to thank councilmember cole and the mayor and all of the councilmembers for this honor. I think the joy of my life has been working with the children in this community for 40 years. I'm very thankful that they didn't beat me up too badly, that I'm still able to go and do things. But it has been a wonderful journey and I'm still not finished. I would love to go back on a mission trip just don't have the money. [Laughter] but I would love to do that. We went to mozambique the other summer out to take medical supplies to our -- a little hospital in chaquiqui. That was a life changing experience. But I want to thank you for this honor and god bless each of you. [ Applause ]

Cole: I made a big mistake. mackey's certificate, so I'm going to do it right now. The community of austin service award for years of volunteer service to the citizens of the city of austin, marjorie telly mackey is deserving of public acclaim and recognition. Willingness of caring community members to support our public institutions. We are pleased to recognize your gifts of time, talent, and knowledge in support of the citizens of our community. This certificate is issued during black history month in appreciation of your generosity on behalf of our city and its residents. Do you have any words to say? He spoke for both of, but i had to read your certificate. Do you want anybody else in it?

McCracken: Okay. Council, we are out of recess. Welcome resume our discussion of 78 and 79 together. So -- so we're -- at the point in time we're starting to ask questions of staff. So now we'll open it up, council, see if you have any -- any questions. Staff -- of staff before we go to our public hearing. None? Okay. Councilmember riley. Thank you, mayor. I have a few -- I have heard a few things that I would like to put out on the table before we start hearing testimony. One of the questions that i have heard from a few -- few folks is about the mixed abuses in the area. There's concern that we're going to be allowing

some additional density, but there's no assurance that -- that -- about what -- what type of infill that will be. So for instance in an area where we already have a significant amount of multi-family rental and the neighborhood is -- has expressed concerns for years about having an overabundance of multi-family rental units, that there's no assurance that the additional density will be anything other, that we won't necessarily have any office uses or home ownership or other commercial units -- uses other than just multi-family rental units. Is there anything -- is there anything that -- that you could foresee that we might be able to do if the course of developing the regulating plan or in the course of adopting this plan that would address that concern? [One moment please for change in captioners] at a minimum. Of course the area above it could be residential or commercial in nature, and so that's one way we've approached that subject. In the regulating plan we've identified areas where those types of commercial frontages were encouraged, and there is -- I can't find the -- it right now but there is a map in there that identifies potential commercial frontages, and so that would be sort of a lead-in guidance for that type of regulation, when developing the regulating plan.

I have a related question that relates to the design of those uses. For instance, are we going to get a bunch of enormous complaint complexes that are just going to be -- that are just going to be taller and moreover whelming than those that are there now because they won't owe they'll take out the remaining bits of green space and any trees in the area? But what my -- be able to do in the course of regulating plan what would we be able to do it to address that.

That is really the point of developing the regulating plan is to take those issues into account, whereas typical zoning just has basic standards such as height and bulk density and far regulations doesn't really address how that's actually developed on the site, this regulating plan will look at design, where parking should be placed, where open space should be required, potentially design elements of that open space may be required, and similarly, it will also address typical zoning standards such as building coverage and impervious cover that would be allowed. So those things would be specified through the regulating plan.

And then the last thing I'll ask about is -- relates to density bonuses that -- well, typically around transit stops we have acknowledged the need for community -- community needs for things like affordable housing and open space and so on by allowing density bonuses while allowing additional entitlements in exchange for providing certain community benefits. I've heard concern that approval of this plan would in itself grant so much -- so many entitlements beyond existing zoning, that there will be nothing -- no way left to -- there will be no way to incentivize anything further. Can you just tell us, does approval of this plan grant entitlements beyond the existing zoning?

Well, first, just to clarify, approval of this plan does not grant any entitlements whatsoever. This is a vision document. It will guide development of future regulations that will grant entitlements, but those -- that regulating plan will also be brought forward to council for adoption at that time. So at this point it is a vision document. There is some guidance within the document for development of the regulating plan. That guidance suggests base entitlements similar to existing zoning that's in the area now in terms of height, and then the potential for density bonuses above that. But again, no entitlements will be granted with adoption of this plan. It's guidance for the next step.

Okay. Thanks. I expect I may have some additional questions after the citizen comments but i wanted to get through those up front. Thanks. council member spelman? if we were to adopt this ordinance right now, recognizing that we have a compatibility problem, or at least in some of the station areas along the corridor we're likely to have a compatibility problem in order to get the density of living units per acre to support trains, what would the process be going forward to develop the regulatory plan as far as exat standards are concerned? -- Compatibility standards are concerned. What would you do? How would you engage the community to work through that issue?

Well, we want to engage the community in the compatibility discussion as part of the discussion of what heights might be entitled through a density bonus or base entitlements, what density might be entitled, what public benefits might be asked for in trade for the density bonus, such as affordable housing, and all of that in the context of rail and the vision that's expressed in this -- in this document. And so following adoption of the plan we're going to launch into a very comprehensive public involvement process over the next year or so to work through all of these issues. I think compatibility with the adjoining single-family residences is absolutely going to be an issue for discussion during the next phases, but we can be looking at a lot of different options to address that compatibility, because it's not just about height that occurs 540 feet away from a single-family residential structure, which is what our existing compatibility standards address, it's also about the form of the building immediately next to, how the building backs up to a residential property, et cetera, and those types of design elements are something that we can also look at in a very area-specific way. so we might end up with different classes of standards for different sections along the corridor, for example?

We could. I wouldn't predict that we would or we wouldn't at this point. I think it's open for discussion. the easiest way to do this would be for you to make a proposal for the neighborhood to respond to. It seems to me that may be a little bit closed-ended. Is there a capacity for you -- for the city staff and for the neighborhood to start from scratch and sort of build your way up into some compatibility standards that make sense? I mean, how would you go about that?

And I think, you know, as we launch into the regulating plan, there are -- as the mayor asked before, there are a number of different elements that are going to go into this regulating plan. Some of those elements we feel that we have fairly good guidance from the plan that's before you now that can really help us really write the code for things that are already -- sort of got consensus on. But there are certain elements that we don't yet have that sort of agreement on, and we've recognized that, height, density, those sorts of things, that are going to need a lot more public discussion to get to agreement on the concept before we can actually write the code. And so it's going to be sort of a two-step process. We're going to be writing some draft code, which obviously will then go before the public. People will have time to digest the very minute details of that code and make comments and suggestions on that, and then we're going to have public forums on these larger issues that we know will need a lot more discussion before we even put forth very detailed regulations. And so for those things such as compatibility, height, density, I think we're going to have to have a number of public meetings, discussions stakeholders, discussions with the neighborhoods, discussions with a lot of people who you'll hear from tonight about -- about their concerns and about some of the big-picture issues so that we can get that consensus on the concept and then write the details and then get their impute on the details as well.



Spelman: okay. So what we're talk about is you give -- you'd be working off of a large set of options and trying out a blunch of different options for size and figure out which of these optioning will be best rather than figuring out what is a good solution to the problem and testing it out and tinkering with it.

Right. I think for this issue and for the height and density issue we're going to have to have -- start out with a lot of different options first, feel it out, narrow it down and then come forth with maybe some suggestions that we t feedback on again.

Great. Last question. Do you have a dwelling unit per acre target in mind for the tod areas?

We don't. As you know, cap metro submitted letter with that, 30 dwelling unit per acre minimum, four tod's. As air came showed in her -- erica showed in her presentation, our consultant for the commuter rail red line station area plans showed a whole range of densities, and those densities really speak to the level of transit service that we want to have for greater transit service, more frequent service, more rail cars, more capacity, the greater density you want to have to support that. But as we're going through this regulating plan process, we as a city will also be going through the rail discussions in more details as well, so those will be informing our discussion. so it would be going back and forth, we'll be talking about, rail, we'll be talking about density and eventually we'll converge on something?

Yes.

Spelman: thank you. so just one last question. In previous discussions with neighborhoods when we were going through the neighborhood planning process and neighborhoods that bordered on a core transit corridor which were subject to vmu, and so what -- we got a lot of comment about they didn't really have any objection to the density of vmu, but what they objected to was the fact there were no design standards for the residential side, and this has been a couple years ago now. In fact, I remember one specific neighborhood where we basically put the vmu on hold pending development of residential side design standards, the side that faces the neighborhood, which apparently, in my understanding, is not addressed at all in commercial design standards. So what is the status of that? Because that perhaps could go -- would be very important as you go through this regulating plan that you're going to be going through in a few months.

Absolutely that issue has been raised and is something that we should be addressing through this regulating plan. The status of that specific request for the design standards and the vmu of the design standards, I'm not sure what that status is, but clearly we'll be working with other staff who are working on that issue so that we do have a, utilize the work that they've already done, and bring those ideas forth through our process. well, just for whatever it's worth, I think as far as advancing this process is concerned, that's going to be more important than the front side commercial design standards. So just -- I'll throw it out there for what it's worth.

Okay. Thank you.

Mayor Jefferingwell: okay. We'll go to our public hearing, and we'll hear first from folks who are in favor of the east riverside corridor master plan. I don't know whether you're talking about the staff plan or the planning commission plan. Maybe you can tell us as you go through it. First speaker take them in the order they come up on my screen. Welcome, Ron, and you have three minutes.

Mayor, Mayor Pro Tem, Council members, Ron Thrower. I just wanted to thank you-all for the opportunity to speak tonight. I'm obviously for this plan. It's a new urban plan that I think is going to serve Austin well when it's developed right. What I'm going to show you here and what I've passed out in paper, and if you'll on the follow on the screen it will make more sense. I want to show you the Montopolis corridor, and there's a reason for this and I'll get into that at the end of the if you look at the Montopolis gateway, you can see that there's 200 acres that are within a quarter mile of this transit stop, and within that quarter of a mile there is 16 acres of existing single-family, there's 37 acres of right-of-way, there's 7 acres of parks and civic uses, there's 32 acres of development that's been done since 2003, 16 acres of floodplain, and 8 acres of together you're on. On together you. We have 160 acres that will be completely off the market for this transit stop, which leaves 84 acres of development to bring density to this area and I would submit to you 84 acres won't be adequate giving the regulations for development that are going to be outside the regulating plan being the drainage requirements, retention requirements, landscaping requirements. And so the area that's designated as neighborhood residential, which is shown in light blue, I would contend that that area can be ultimately utilized as single-family detached homes or duplex housing, and granted, we're looking for different housing options for the area, but I don't think that even at ten units an acre, that that's going to serve this corridor well. I think that if we're looking at small-lot residential, that there's plenty of opportunities outside of the corridor boundary for that to occur. And so we need to encourage more density, specifically into this area and perhaps other areas of the plan, and this will come out more so in the details throughout the regulating plan. So one of the ways that we can do this is by creating an opportunity to put -- instead of neighborhood residential, put in neighborhood mixed use in certain areas, and this particular property is 16 acres in size, and at ten units an acre that would be 160 single-family detached homes that could be put in there. But if we make it to neighborhood mixed use, there's an opportunity to bring 720 residential units to this area, and I'll leave it at that. I just want to show you-all that there's a lot more flexibility in the regulating plan that needs to be carried through. Land use is one of them, on top of all the other items that have been discussed. And I'm available if you have any questions. Thank you.

Mayor? Council member Riley. Just one question, Mr. Thrower. I appreciate your comments but I just wanted to ask you about your one conclusion that the 84 acres isn't enough given existing regulations with respect to drainage, detention and landscaping. Couldn't at least some of those existing requirements be addressed in the course of the regulating plan and so that those -- particularly the infrastructure needs could be addressed on something other than a site by site basis?

I would certainly hope so. I'm going to be championing that as we move forward because regional detention and regional water quality is definitely the answer to help urban development versus on a site by site basis, and I just -- I just hope that the infrastructure can be put in place to actually cause for that to occur and it's not going to be a burden of an individual landowner who's trying to develop a five acre tract to cause for all that.

Riley: okay. Thanks. thank you. Next speaker is sunderland. Larry sunderland. Welcome. You have three minutes.

Mayor, council members, my name is larry sunderland and I live on summit street in east riverside planning area. I'm here today to urge you to reclassify east riverside drive between pleasant valley road and highway 71 as a core transit corridor and to tonight the east riverside corridor master plan as presented by staff without the two amendments added by planning commission. I am grateful as a resident of the east riverside area for the attention to our neighborhood and the awareness of our unique characteristics, assets and challenges. We have been through a thorough visioning process and we have created an extensive wish list, but now we have to figure out how to get all of this on the ground. Now we have to dig down, wrestle with the complex issues and create something that has a lasting and beneficial impact on the well-being of all the residents of our community now and in the future. A headline in one of the papers asked, can the city deliver on east riverside? I think the question should be, can we the neighborhood deliver? Can we rise to the opportunity we have been presented? I think being it is the responsibility of those who shared their vision and those still engaged to move into the streets and draw out others and get them to share their opinions. That is what I intend to do and I would hope others would as well. It will clearly make us a neighborhood. Some of my neighbors who i see in the audience and I am sure will speak tonight have worked tirelessly for years to be heard and should be proud that in part their efforts have brought up to this point. As a result we have been handed a really good process and tools that will allow us to precisely regulate how our neighborhood will look in the future. We should embrace this moment. The plan as presented by staff is a good plan. Let's use it. Tack technically I can see how the tactically I can see how the planning commission focused on concern of my neighbors. They insisted on commitment to compatibility. I think no one here believes that this is not a vital suspect of a good regulating plan. Functionally now I think they would inhibit our nlt to deliver fully on this plan. Again I urge you to vote in favor of the plan but without the amendments. Thank you. thank you. The next speak jill fagan. Is chris bradford in the chamber? Jill you have six minutes.

Hello and good evening, mayor, mayor pro tem, city council members and staff. My name is jill fagan. I am here today as an urban planner and representative of the central texas chapter of the congress for the new urbanism. Cnu is a national organization that presents walkable neighborhood-based developments as the building blocks of sustainable and regional communities. Our local cnu chat has more than 200 members. I'm a member of the policy committee, a group that meets monthly to discuss local policy and planning issues. I would like to take this opportunity to comment on the letter delivered to you from the local cnu chapter's board of directors. Cnu supports what's expressed in the master plan, to create a more pedestrian friendly transit corridor along east riverside drive. Many goals of this plan are consistent with cnu charter principles. Specifically, we applaud the plan's recommendations for a street car or rail line across east riverside drive, the establishment of a street network, the dedication of bicycle lanes and numerous pedestrian enhancements to improve mobility and transportation options for all those who live in, work in and visit this corridor. We believe that the east riverside corridor master plan provides a great opportunity to link transportation and land use planning while at the same time balancing the needs for appropriate density to ensure future transit success, affordable housing and great urban design to revitalize east riverside into a vibrant urban corridor. To that end cnu asks council to support and adopt the east riverside corridor master plan as presented to planning commission. We believe that the

compatibility issues raised in the planning commission's second amendment are very important and should be addressed, but in full context of all the issues, including design, form, affordable housing, transit and other potential community benefits, to name a few. We feel confident that during the next phase of this process city staff and community stakeholders can develop a regulating plan that both meets the intention of the existing compatibility standards and fulfills the vision of the east riverside corridor master plan. In closing, we appreciate this opportunity to comment on the plan and submit this letter of support for it. We believe the east riverside corridor can serve as a model for austin and the region of how to preserve and protect neighborhoods while adding sustainable development in the heart of the city. Also know that cenu stands ready and willing to assist in this process however we can. Thank you very much for your time and consideration. thank you. Next speaker is jim herbert. And we still have on this item alone another -- a little over an hour of public testimony, so don't feel compelled to repeat things that you've already heard previous speakers say. We welcome new ideas and new thoughts. Thank you.

Fair enough. My name is jim herbert. Thanks for the council to hearing my opinion on this. And I want to say that this plan -- I want to support this plan as a design professional, city of austin, and I feel it's a step towards successful managing a development along riverside, and, you know, has more considerations for the alternative transportation, such as rail, buses, bikes, as well as pedestrians. I know that there is opposition concerned with the density, and I feel that this is a -- this can be -- should be controlled with the compatibility standards they have as their standard tool. This plan doesn't put in the development. It plans it. It's a plan. It doesn't build the buildings, it doesn't do it. It makes plans for it. It plans it in a more effective way that includes the unique needs of the neighborhood. Development will move to this area anyway, as market dictates. You know, riverside is a good choice for a -- you know, trail -- a rail to the airport as well as to the area between austin and bastrop, 71, 130 and all that development will follow. And obviously a rail makes sense through here. Development will follow. This plans it. Without a plan development will flow into where it can fit, down the other roadways that intersect with riverside and into the neighborhoods, as market dictates. This is a chance for us to make an intelligent plan, obviously to benefit the rail as well as the neighborhood as well the -- as well as the automotive element of riverside. I feel that without good planning what will happen to this area is basically what the opposition fears: Intrusion into their neighborhood with development, traffic and so forth, where with good planning we're able to focus that. I appreciate your time and I'm also available for comment -- or questions. thank you. Next speaker, sinclair black. Welcome, professor, you have three minutes.

I don't need three minutes, mayor, but thank you. I just wanted to make two observations. One is that this is an excellent plan, an intelligent plan, and it's -- it's the first time we've had a clear vision and a clear set of steps to follow it to achieve something very significant while eliminating a very significant problem, which is that 1,000 acres that we're talking about. The second thing is that I'm hoping that you will approve this plan as submitted by the consultant and submitted by the staff without the changes to it. Leave that to the regulating plan. And I guess my other comment is, if we as a community and you as the leaders can't support a very good vision that will set us on a new course which will absolutely change the paradigm for planning in this community in very positive ways, then we're in trouble. So please support it. Thank you very much. thank you, sir. Next speaker is lauren hall. Lauren, you have three minutes.

Thank you. Hello, everyone. My name is Lauren Hall and I'm an East Riverside stakeholder and resident. I'm here to express my strong support for the East Riverside Master Plan, as recommended by staff. My understanding is that the elementary components of an urban redevelopment plan are by nature interdependent, and that is why I support allowing the density needed for a successful and vibrant urban corridor, especially one that may be served by rail. Thank you. Next speaker is Marilyn Jackson.

Good evening. Ditto everything that I've heard. [Laughter] but I do want to say thank you to the city, to the staff that have come out and they've conducted the meetings. It has been great to be a part of something of your everyday life. I thank you-all in advance for really considering approving this, because so much other type of life need to go forward down the Riverside Corridor. Thank you. Thank you, Marilyn. And thank you for reminding me that the word ditto conveys a very good message. [Laughter] Gerard Kinney.

Thank you, Mayor, Mayor Pro Tem, Council. I'm Gerard Kinney. I'm an Austin native I've come before you many times over the years as a neighborhood advocate, as -- for my clients, for the design commission, for Miller -- I mean -- many things. Tonight I'm here wearing three hats. I'm an architect and planner. As an architect/planner I've read the plan that Sinclair has and I completely agree. It's an excellent plan. As a neighborhood advocate -- I don't live in this neighborhood but I live in a neighborhood that faces similar issues, and we believe in my neighborhood, and I am a strong believer that density along our corridors around our neighborhoods are actually our friend. They're something that can absorb the density that would otherwise be ubiquitously sprawling through our neighborhoods, so I believe that the neighborhood -- the density for the neighborhoods can actually increase their quality of life and provide many, many opportunities they don't now have, transit opportunities, affordable housing. So as a neighborhood advocate I support it. But the third hat I'm wearing tonight is that of art, which is Austin Area Regional Transit. It's a nonprofit that envisions a very long-range future for rail, integrated commuter as well as urban rail in our city, a seamless vision. We've followed the mayors and other people's leadership in that and we support it wholeheartedly, and we look even farther into the future and feel like we really need to be thinking about rail and how it can work in the city. And to that end, the Riverside Corridor is an excellent place to start. It's an excellent starting point. And -- for many reasons. Its right-of-way width, the students that are there, other -- other reasons that you've heard, development potential. There's actually the potential there for development if it's intensive enough that the actual development can be a significant factor in offsetting the cost of the rail, but it is very important that there's enough density in the corridor, particularly in nodal development, to actually make it work. Rail won't work without the intensive development. Intensive development won't work without the rail. They go hand in hand. So it's very, very important that in the vision phase of this process you not unduly limit the options about what density there may be before you even begin planning and begin the regulating plan. So I'm -- I urge you to support the plan as recommended by staff. Thank you. Thank you. Next speaker is Delwin Goss. Delwin Goss. Is Sylvia Meriquinn in the chamber? Delwin, you have three minutes then.

I'll try to keep this short. Thank you very much for giving me an opportunity to speak. I'm currently a resident of Montopolis. I've lived there since 1993. I'm also president of Montopolis Neighborhood Association. I see this plan as a way to revitalize a neglected area of Austin. I think it brings a lot of opportunity to the residents in that area and I'll ask you to support it. Thank you. Thank you. Next speaker is Glen Gadwa.

Thank you, mayor, my name is glen gadwa and I will try to make this very brief. I support everything that has come before me. There are two issues that I want to kind of bring home. One is as a citizen and kind of interested person, I went to almost every one of the meetings that were held, and it was impressive, and I don't know that you-all have gotten a good glimpse of that so briefly let me describe, people in the hundreds came out for three-hour meetings, five or six of them, to really struggle filling out surveys, looking at pictures, choosing, you know, hashing out differences on a lot of complex issues. They did -- they worked their socks off and came up with this vision document. You're only hearing from a fraction of those, but I am asking you to -- or suggesting -- I appreciate your support for all the work they've done, to create opportunities in an area that we all agree is way underutilized in the real blighted problem right now and has all sorts of opportunities to not only support rail but support quality development in Austin as we move forward. I would suggest one kind of point of clarification. Staff is talking about second phase being regulatory plan. In fact, my friends that do urban design and particularly form-based urban design, suggest that there is a second step after this one that really looks at block by block design, and in that phase you do things like address compatibility and height and all of that to really get down to the fine grain to help people see what that's going to look and feel like for them. The staff is talking about doing that. They're just simply talking about doing that in what they call a regulatory phase. So they're basically combining two phases. But be assured that that is an important and helpful way for people to understand, really, what the compatibility is going to look and feel like, what, you know, density and height and all of those, you know, general terms that we're afraid of are going to look like. And so I very much appreciate your support for this plan. I'm out of your way. Thanks. thank you.ay. Now we'll hear from those who are against the master plan, beginning with Jan Long. Jan Long, and. Is Linda Watkins in the chamber? Okay. So Jan, you have minutes.

My name is Jan Long and I am a member of the EROC neighborhood planning contact team. On the whole I support the corridor master plan. Let me say that again. On the whole I support the corridor master plan. This study was suggested at stakeholders suggest when this staff became disenchanted during our four-year neighborhood planning process and RLS realized that a comprehensive look was necessary. I applaud Cawb for funding fund council for funding the study and thank planning commission and staff. That's it. It should come as no surprise that the EROC planning committee has a serious lack of single-family development. In 2000 the total structures in Pleasant Valley and PA's including duplex development was 10.4%. Multifamily structures including tri, fourplex 46% over 8 and one-half times that percentage. Since 2007 there has been an explosion of multifamily rezoning and development in our planning area, making the disparity even greater. Since the beginning of the neighborhood planning process back in 2003, the protection of single-family, residential property has been of primary concern. On page 10 of the EROC plan development, our vision statement begins. We who live, work and own property in the East Riverside/Oltorf area wish to improve and preserve the quality of life in our residential neighborhoods. On the same page our number one goal is to preserve and enhance the character of existing residential neighborhoods, and a notation on our plan flum states our desire to maintain a hard edge between the traditional single-family neighborhoods and all adjacent properties with more intense uses. I have read the latest plan draft and realize that we stand to lose not only existing single-family property but also the compatibility standards that help protect what little we have. Attachment 1 shows a large swath of existing sf-2 and sf-3. It's not simply sf-3. About half of it is sf-2, single-family property on a proposed land use districts map labeled as urban residential. Such designation -- such designation prohibits by definition single-family detached

development. This designation has one of two results. It either informs the owner of an existing single-family detached home that his use is now nonconforming, which it does in at least one case, or it prevents him from building a home on land that he purchased with that intent. These tracks are outside the quarter mile radius of any primary transit hub, and attachment 2 shows that according to the input gathered during the visioning process, susceptibility to change, thus enforcing a desire for continued single-family development on these parcels. Attachment 3 shows two additional areas of existing single-family property, and these are made up of sf-1, sf-3 and I believe sf-2 properties, that are within the corridor study boundary, that are within the quarter mile radius of a primary hub, yet have been designated neighborhood residential. As the planning commissioner stated recently, why the inconsistency? All single-family property owners should be allowed to build detached homes on their properties should they so desire. A designation of neighborhood residential accomplishes this goal. We simply cannot lose any single-family property in an area that already demonstrates a serious lack of it. The reliance upon the enforcement of all single-family compatibility standards is important to the protection of our single-family neighborhoods, and I will let another speak to this, but I would like to say that on page 28 of the plan document our stated desire is to minimize the negative effects between differing intensities of uses by requiring strict adherence to compatibility standards. And attachment 4 shows the property surrounding a long established single-family neighborhood that will be impacted by a loss of such standards. And fully 80% of the boundary will be affected. The planning commission recently addressed the above issues and proposed amendments that would, one, prevent the loss of single-family property, and two, reinforce the need for strong compatibility standards. I respectfully request the council support the planning commission's recommendations, and thank you for your attention. thank you. I got a question for you. Do you understand that compatibility standards will be addressed in the regulating part that follows this master plan?

I certainly do understand this, but the standards that are in place now were well thought out, hard-fought process. They should be seen as a beginning for further discussion. We shouldn't start with a blank slate. i wanted to make sure you understood that. Our next speaker is tony house. Linda land. Is linda in the chamber? I don't see linda land. Gene mather? I know she was here. There she is. Carl brown. Carl brown. Okay. So you have nine minutes.

I will not -- I promise i won't take that much time.

Mayor leffingwell: okay.

Good evening, mayor, mayor pro tem, council members. Thank you for the opportunity to speak. My name is tony hause. I'm a member of the eroc plan contact team and srcc association and have lived in the riverside npa for over 20 years. There are many aspects of the corridor plan that I do like, and I am very appreciative of the time and effort that staff and the planning commission subcommittee devoted to this project. However, I cannot support a policy document that unfairly penalizes single-family property owners and ignores the east riverside/oltorf combined neighborhood plan's vision statement, goals and future land use map. Single-family compatibility standards are basic protections afforded all single-family residents in the city. This is a basic concept that should be included in this policy. Buffering, setbacks, lighting and noise limits. These standards do not restrict density or development. They simply ensure

minimal neighborliness. They set the stage to allow for harmonious blending of single-family uses with multi-family and commercial using uses by defining acceptable levels of noise from mechanical equipment, location of dumpsters, screening of parking lots and such as well as scale and clustering to maintain a human scale. The planning commission amendments are critical to the preservation of the few remaining single-family neighborhoods along this corridor. The application of single-family compatibility standards should not be limited to height alone. The regulation of required setbacks from residential properties, vegetative buffering, appropriate uses and other protections are equally important. Why? Because 80% of single-family homes in pleasant valley will be affected, and about a third of riverside single-family neighbor falls within the lakeshore center hub. The homes on the edges of the single-family neighborhoods abut commercial properties of the hub. There is simply no valid reason to require riverside and pleasant valley homeowners to relinquish their single-family compatibility protections. In terms of density, the lakeshore center hub and the riverside npa already exceeds the density cap metro claims is needed to support rail. Cap metro states that 1,140 to 2,849 households with two persons each are needed in the hubs to make rail transit work. Using numbers from only five of the existing riverside complexes, our tally shows 1,379 units within this hub. When you add the figures for approved projects, amli, grayco river town and cypress lake show the number of units increases to 4,087. Since they numbers do not even include duplexes, condos and single-family, you can see that the density for this hub will exceed cap metro's numbers to support rail, or instead of units, let's look at population. Cap metro needs 2,280 to 5,698 people to support rail. 10 Years ago, 2000, our census figures showed that riverside npa had a population of 16,259, more than 16,000 people in one to two-story buildings. The burkeings institute states that public transit works best for 4,200 people 5 people per acre. 04 alone had 16,027 folks her square mile. Even riverside's single-family neighborhood alone had 5,102 people per square mile in 2000. If riverside doesn't have the density, where in austin is it? Due to the excessive application of multifamily zoning and land use in the standard I area and -- study area and adjacent properties, maintaining what little remains of single-family is critical to offering a range of housing choices as well as some percentage of pervious cover because of few trees that remain in the area. Most are located on single-family properties. Excuse me. The neighborhood plan and flum both emphasize the community's desire to protect and maintain single-family areas and in particular to guard their existing edges. This corridor policy document, the plan, dictates how the new development regulations will be framed, so we urge you to adopt the planning commission's amendments to the plan. They are essential to maintaining the rights of single-family property owners in an area dominated by 80% multi-family and where those single-family residences make up less than 10% of the housing types. Furthermore, the area has the density. What is needed is the planning that guarantees a sustainable mix of land uses and green space. Thank you. thank you. Those are all the speakers i have signed up who want to speak who are against the master plan. Sis myers in the chamber? Sis was signed up neutral, apparently is not in the chamber. Is there anyone else wishing to speak on this item? Council, I also want to mention that if you see one or two council members off of the dais during the rest of the evening, they are in the back and there's a television back there so they can follow what's going on, probably back having a sandwich. Comment, council? Council member cole? mayor, I certainly appreciate all the testimony on both sides and the tremendous amount of staff work that has went into producing this plan. I remember when mayor pro tem brewster mccracken approached me during a council meeting, I think it was my first council meeting, about actually allocating money and directing that we do this plan, and I had no idea what he was talking about, and i guess I probably still don't. But now I do, and so I think that we have gone



through this effort for good reason and tried to build some consensus with the neighborhood, but we didn't get 100% there but I think we're at least 80% there, that we will continue to move closer together. But I think it's very important to recognize that we have made a commitment in this city to transit for a number of reasons: Environmental, just congestion, and that we can't make that kind of commitment and then turn around and say that we don't want the density. So in light of that and the fact that we are also considering this as one of our routes and also capital metro has sent us a letter expressing support for density, I am going to make a motion to approve the ordinance with the staff recommendations of the plan.

Mayor? so, council member cole moves to close the public hearing and adopt the staff recommendation. Council member spelman? Second by council member spelman. Any further comment? Council member morrison and then reilly.

Morrison: thank you. I want to thank everybody that came out to this tonight. I know there's a lot of interest and it is great we got as far as we did in terms of finding consensus. One of the things I think we could really do, we talked about this when we got our presentation on transit from spiller last time, i think - one of the things we could really do to raise the level of conversation in this city, I think, instead of just saying we need density, no, we don't need density, or we want to protect this and not have density, that it would really make sense for us to actually identify that target density that we need in various areas, just like spiller to do at the previous briefing. And then have the conversation in light of that, in context of what do we really need if we're embracing rail, what do we really need to make that happen. And so what I would like to do in terms of the compatibility standards, i would like to -- along with this motion, provide additional direction that city staff analyze the necessary densities needed to achieve transit, including light rail, in conjunction with the economic feasibility study for light rail currently being contemplated, along the corridor, and how current compatibility standards might impact this. Should compatibility standards need to be adjusted to achieve such density, work with community stakeholders on amendments to compatibility standards that will continue to provide adequate protections to the single-family neighborhoods, so basically to say, you know what, let's get the numbers that we need, let's figure out if we can achieve those or if we need to adjust compatibility, and if we do, how much do we have to adjust it? I'd also like to provide direction that similar to what we did with our tod's, that if there are any adjustments to current compatibility standards, that they would be considered essentially bonus densities and would be done in exchange or in consideration of community benefits. And then lastly I would like to ask staff regarding the issue of the single-family, that the single-family area that has been addressed, same kind of thing, let's see what impact that has on the density and whether or not we really need to make those urban residential as opposed to neighborhood residential to achieve the numbers and to provide that information, so that I think all of this will allow us to really evolve the conversation and figure out how we need to move the pieces around. initial direction from council member morrison. Is that acceptable to the maker and the second?

[Inaudible] staff, do you understand the direction? I'm sure council member morrison will be glad to provide it to you in more detail.

We'll read the transcripts as well. But this is direction for additional focus discussions of these particular issues during the regulating plan, which we agree, obviously, through the public discussion of this, we

had intended to do as well. But we -- right, well i think -- I know there were a lot of good comments about the issues involved in consideration of adjusting whatever and adding the densities, but to make sure that we do it based on target density numbers that we all can agree on. So it really adds that additional hard consideration.

And I'll -- yeah. council member riley? yeah, I'm going to be supporting the motion. I think it's -- it is important to note, as the mayor and others have pointed out, that this -- the regulating plan that we're about to design will allow for consideration of adjustments to compatibility. But it's also important to note that that's -- we're not singling out this corridor in that respect, and, in fact, we have routinely made adjustments -- allowed for adjustments to compatibility around transit stops in recognition of the fact that we have community needs that we -- and expectations regarding development around transit that include things like affordable housing and open space. And in this planning process -- it's even a little more complicated because wiewr talking about urban rail we're talking about urban rail as opposed to commuter rail. We have a series of stops closely situated together so we have to think carefully about how those stops will relate to each other and to the surrounding land uses, and so we'll have to go through a careful process to think about how adjustment -- how compatibility requirements would most appropriately be adjusted in each location along the line in order to allow us to address the community expectations that we have in those areas. We -- we know that -- we've heard for years that this neighborhood is interested in things like home ownership and open space and affordability, and I think to the extent that we can allow for some flexibility in developing density bonuses through the course of this upcoming process, then we'll be in a good position to be able to address those needs. We'll also be able to tailor all of those regulations to the topography of the area, and otherwise create site-specific solutions, a design plan that is sensitive to this particular context, and I think that that's really what will ultimately serve this neighborhood, this whole area the best and as well as the whole community. We do -- I think we've heard loud and clear from a lot of folks within this neighborhood and across the whole city that we all have a stake in promoting positive redevelopment that is sensitive to the neighborhood that addresses community needs both here and across the city. We've heard from cap metro, as council member cole pointed out. We have transit-related needs in addition to the other ones that have been mentioned, and so I'm confident that we'll be able to address those things in the course of the regulating plan that we're about to dive into. So I appreciate all the work that staff and those in the community have been putting into this, and I'll look forward to the process as it continues to unfold. Thanks. go ahead.

Okay. This is just a clarifying question, and that is whether council member morrison's comments about adjustments to compatibility standards, are those items for discussion or are those to be included in the motion this evening? they're not included in the motion. They're additional direction.

Okay. Thank you. I'm just going to say, I'm going to support the motion too, but with the caveat that further down the road compatibility is going to have to be addressed, and there are lots of ways to do that, and when we know more about the results of the studies that come out of the additional direction, we'll know better how to do that, but just because you may not have the standard city-wide compatibility formula, there are other ways to do that. For example, recently in the downtown plan, which is not completed, but there was a compatibility issue with the judges hill neighborhood, and they worked out a special compatibility formula that was different from the standard one. So that's the kind of things we need

to be looking at. It doesn't mean that there won't be any compatibility standards. It doesn't even mean that they won't be the same as they are for the rest of the city right, you know. it's -- now. It's just we're not addressing them at this point in time but we will address them later. And I also want to once again say that the residential side of the commercial portion is going to have to be addressed in some way when we come back. Mayor pro tem? just a point of clarification, are we taking up in this -- in this vote will we be voting on both items at once? no, this is only -- the presentations are combined but right now we're voting on item 78.

Martinez: thank you. and the motion is on the table, has been seconded. No further discussion. All in favor say aye.

Aye.

Mayor leffingwell: aye. Any opposed? Passes on a vote of 7-0, and 79, which we've already had a presentation on, but we do have a few folks signed up to speak. And you may have considered that you've already spoken on 79 when you spoke on 78, but the first speaker is larry sunderland. Do you want to speak again, larry? Okay. And donating time to you is jim herbert. Jim, are you fine with that perspective? Okay. Next speaker is becky russell. Becky russell. Not in the chamber, and so those are all the speakers that we have signed up to speak on item 79. Entertain a motion on that item. Mayor pro tem moves to close the public hearing and 79, second by council member riley. Any further discussion? All in favor say aye.

Aye.

Mayor leffingwell: aye. Any opposed? Passes on a vote of 7-0. So that brings us to the last item on our agenda, which is not an action item. We're going to conduct a public hearing to receive public comment on the city's spending priorities for the go bond money. mayor, my name is margaret shaw. Good evening, my name is margaret shaw from neighborhood housing and community development. I'm here before you today to provide a status report on how the \$55 million and 2006 general obligation bond funds have been used for affordable housing. This information was requested by the council to provide context for tonight's public comments at the hearing. Next slide, the staff's objective again tonight is to provide an update on the funds for the go bond affordable housing program, to outline the tremendous success of the program that we've had in just three short years, as well as highlight the next steps in the process. Why we're here today is simply because we have no additional funding left for the remainder of the 2009-10 current fiscal year. This is a very, very good thing. We come to you today because of all three of austin's applications to the state housing office for low income housing tax credits were actually awarded. This is an unprecedented event that will bring us 827 units of affordable apartments throughout austin, and it is with the go bonds attached to those programs, has exhausted our current year allocation for go bonds in november. The success of the 2009 tax credit round also meant that more than 75% of our \$55 million has been awarded, and it also meant that the \$33 million that we had set aside in our current guidelines for rental housing has been exceeded. So under the current guidelines and protocol we would receive as staff no more than applications for rental housing, only home ownership. To review the city of austin's affordable housing finance programs are really basically two programs that offer

gap financing for private and nonprofit developers to assist them in retaining and obtaining citywide. The acquisition program is for ownership activities. The rental housing and development assistance program is for rental. These have funds from both local sources as well as federal sources, and with the general obligation bond allocation, program funding for these activities have more than doubled. As you recall, in november of 2006 the austin voters by more than a two-thirds majority approved proposition 5, which offered \$55 million out of the 4 million before the voters for the first time to seek assistance for affordable housing. The proposition ballot language is actually quite broad for construct, renovating, approving and equipping low income housing and acquiring land and interest in land and property necessary to do so. After the referendum staff spent quality time with our stakeholders and council members to adopt the program guidelines, which were modified by staff's recommendations with input from stakeholders in march of 2007. These program guidelines, which are in existence today, set goals for the \$55 million overall. 60% Of those funds, so 33 million, would support rental housing. 40% Of the funds, the 22 million, would support ownership, which also includes not just first-time home buyers but also homeowners in the repair of their home. We also established at that time another set of categories for the annual allocation, which -- by which 75% would be awarded competitively, 20% would be reserved for council priority projects, and 5% for rapid acquisition, which means helping non-profits who want to purchase a structure or land quickly for less than \$100,000. The council at that time also designated the community development commission as the policy oversight body for these funds, while the bond oversight committee ensures that the total 567 million is spent appropriately. At the same time in the spring of 2007 we set up some inc eligibility and affordability terms for the clients to be served under the program. Under the rental program, 40 years of affordability is required for each project. The ceiling for assistance was set at the 50% of median family income while the target was put at 30% of median family income. On the ownership side we set a goal of 99 years of affordability, which can be achieved through the first right of refusal or a community land trust model. We capped the assistance at 80% of median family income, but we target those earning less than 65% of median family income. So has this money bought for us? This slide really is a terrific summary of the amazing achievements that in three to four short years we have made to the city of austin on affordable housing. We've been able to create or retain almost 1800 units of affordable housing, primarily apartments for families and working folks. We've also created more than 3,000, the 3,069 units overall. And that means that we're creating developments that are not 100% affordable so that we want to mix the income of folks in these communities and we would not want to concentrate poverty in one central area. The city has generated with its \$42 million of investment almost \$160 million of additional economic opportunity in our community. This is through things like construction financing or private mortgages. This is a remarkable achievement when you think about the uncertain economy in the last year to 18 months and really speaks to the strength of austin's market and the high competency that we have with our local affordable housing industry. The next slide walks you through the client incomes that are being served with the 42 million already awarded or out the door. These are contract requirements, and I do want to state at the offset, these are actually a high conservative estimate. What we know is that many of our providers will serve lower income folks. For instance, these income levels set by the -- are set by the application and then included in the loan documents that are actually recorded for the site. For example, habitat for humanity on the ownership side has received a little over \$4 million for about 75 homes, and while their loan contracts say they will serve up to 80% of median family income, which is reflected in the 599, we know for a fact that they'll actually serve folks below 60% of median income. Furthermore, the \$2 million set aside for the go repair program in

partnership with non-profits and private contractors, again, while offering assistance up to folks at 80% of median family income, we recognize that most of the folks served by that program will be earlier elderly. The same holds true on rental funding side. For example, foundation communities has received almost \$7 1/2 million for four projects, and while we know that they have agreed to do 10% at 30%, we know that they will also, given their track record, will serve many more folks at that same income level. The next slide shows a terrific geographic dispersion as part of our core values for the city of austin to not concentrate our poverty or affordable housing assistance in only one area of town. As you can see that our economic investments, that's almost \$200 million, the 42 million plus the 156, is throughout the city. We have almost 500 units in south and far south austin, more than 200 units to the north, and even more than 200 units in central austin. The 400 units at the bottom of the slide that are listed as std std-wide refer to go bond repair program. We expect most of the folks served through that program will be in east austin and south austin. Since the 2006 bond election we have actually received more data on what the actual housing needs are within the city of austin. We released last spring the 2009 housing market study as part of our consolidated plan efforts that highlighted some key factors for both homeless rental and ownership issues. Let me highlight just a few of those right now. 25% Of the people who responded in the survey acknowledged that they said that they knew someone who was homeless or near homeless. We have nearly 17,000 children in austin below the age of 5 that are living in poverty, and rental community, only one in six renters earning less than \$20,000 can find an affordable apartment, and we see that the gap in order to just maintain that gap, the need -- in order to just maintain the current gap that we have in affordability, we would have to create between a thousand to almost 1400 units of apartments that rent for less than 425 annually. On the ownership side we see that austin's real need is between the prices of 113 to \$240,000 for sale product. To help our renter population move into ownership. Those are income, working families between 35 to \$75,000 annually. What the consultants also acknowledged was that in many of our peer cities, like denver, that problem is addressed through attached housing products, like duplexes, condominiums and townhomes, and we are not seeing an austin that grows as much in those attached wall communities. So again, we started the process as staff with the community development commission back in november and came to them with the issue of we don't have any more rental -- any more rental funding left and we don't have any more go bond funding left in the current fiscal year. We went to them and worked with them to outline a community input process by which we could track what the highest community values are and priorities for the funding, and we also reached out in a variety of different ways, from a web survey, a web-based survey, accepting written comments and letters. We also distributed the survey at all of the city's public libraries, the cdc held a public hearing on january 7, and tonight we conclude that public input with the council public hearing. To date the community involvement has been over four broad areas or themes that we could not pick one that was more heavily influenced by the input. We received 19 letters, 365 surveys, and there were 42 speakers at the cdc's public hearing, and all of them came down to four basic that affordable home ownership is critical to austin's future, that owner occupied repairs and rehabilitation are critical needs, especially with our elderly population, that they encouraged philosophically that there not be a concentration of affordable housing in one part of the city but make sure that we spread that throughout the community, and they also highlighted the desperate need for the preservation and creation of affordable housing for our most vulnerable, listing homeless and elderly and disabled as critical populations. With that I conclude to just highlight the next steps. After tonight's public hearing we expect and propose to be back to council on their next -- your next meeting on march 11 to receive direction on investment priorities. I also want to highlight the terrific work of the city's

public information office and my staff at neighborhood housing, who have create ad new web site called return on investments that's linked here, so if you just go to org forward slash housing roi, you'll get to almost baseball cards, as I call them, pictures of each of the projects themselves. I'm pleased to report to council member shade, applications are now available on-line. You can actually link to clientele. You can sort by the developer, the clients served, the geographic area and a variety of different factors. So it's a terrific way for the public to understand what we do with the \$55 million in bonds, and we expect someday to be able to do that for all of our products. So thank you very much. Appreciate the opportunity to give some context for tonight's discussion, and I'm happy to answer any questions if I need to.

Thank you, ms. shaw. Council member shade. I just want to say I didn't get to look at the web site till just recently while you've been doing this presentation and I'm really impressed. So thank you guys for all that hard work. any other questions, council members?

Yes, margaret. Let me ask you a quick question. council member cole.

Cole: thank you. Before we start taking public testimony. I saw the sheet of all the projects that had actually been let, and I did not know what the process is for awarding a contract. Can you tell us that?

Sure, there's three different tracts that i described. The largest one being the competitive process, so we actually have -- which is unique to cities, what we call an open process, first come, first serve. So folks, as they need it in their development cycle, can submit an application for either the rental housing development assistance program or acquisition and development. The guidelines and all of that are also on the web site. So they submit an application. We have one panel of staff that review and score that based on some of evaluation criteria. We have a separate set of staff that can work with technical assistance or any questions that come up about it. We designed that program with the purchasing office in mind. Once the staff has evaluated the process, it is then submitted to what we call the housing bond review committee, which is a new activity created with input from the stakeholders. There's a five-member board that -- loan committee, just like in the banking world, that is made up of real estate finance advisers as well as our community -- two of our community commissioners, who review the staff's scoring and the application itself. If they have questions, those are sent back to the applicant. After that's been approved it comes and starts into the council -- or I should say the austin housing finance board schedule, which takes about six weeks to get on the award schedule. so if you get an application that goes through that process but they actually don't have funding, complete funding, do you still approve the go bond money?

We have done it a number of different ways. For instance, if you remember on the tax credit round, you get points based on whether you have the funding -- your readiness to proceed, as we call it, so folks who are closer to being ready to move are actually scored higher. But in the case this year, for instance, of the tax credit rounds, we actually did go ahead with some and award funding prior to it because we wanted to signal to the state how important these efforts were and how much we were willing to commit to those projects.

Cole: okay. Is the form scoring matrix on-line?

Yes, ma'am. And that's on city of org/ -- I realize it's on the last slide --/go bonds, so that second part is where our general program information is.

And the reason I'm asking this set of questions, Margaret, is because I know that the market has collapsed and especially as to financing. And so one of the decisions that we have to make as you bring this forward as a policy matter is to look at what units have actually been built that actually have people in them as opposed to just land acquisitions, that we have gone out and done with that funding.

Yes, ma'am. I understand. so we may visit later about that, but I do think that should be a part of our analysis that I haven't seen so far.

And we'd be happy to provide that as well. I also should mention, we have an administrative process that's also going through on this same track, and hosting a focus group with the users, so we invited anyone who has applied in the last three years to sit with our staff on what works and what's not working. We do recognize timeliness is one of the issues that we want to stress in use of our funds, so that was one of the topic that's coming forward, and we may end up changing our guidelines to encourage that. let me ask you another question along that line, because I just thought about any circumstances where we have actually went ahead and gave money but the project did not have adequate financing to be made complete. Does the city have a lien on the land?

If we have closed on the contract, we would have contractual obligations that would say -- you would have to do that in a certain period of time, but I don't think they speak to the occupancy of the unit. And that speaks to some of the areas that we're tightening up. We do not have -- once we close on that it goes into that 40 or 99-year affordability that we talked about. I would like to just take a moment to mention, our deals are a little bit different than other real estate deals, so whereas we see this all the time of a private home builder can build an entire subdivision not in these current financing markets, but typically they can easily build 100 homes in a year, 18 months, full of occupancy. With our programs we're usually looking at five or seven different financing sources, so I would say rule of thumb for most of our rental projects is going to be anywhere from two to three years from the time you start until you see occupancy. So we also have to qualify that, but we can certainly collect the information for you-all on what the awards are, what units are in -- under construction, and which ones are occupied. We do have some of that information online.

You said rental was two to three years. How long is ownership?

That's -- do you know?

[Inaudible]

that's true, it speaks to the capacity of the nonprofit, but I would say that you -- a reasonable amount of time would be two years, two to two and a half years, depending on how big the project is. For instance, we have everything in a rapid acquisition, it could be one house, to subdivisions of 10 or 15 and -- what their structure is. tell me if I'm right or wrong, but I would suspect that you could actually get people

volumes of people into a rental unit faster than you can get new homes constructed. If we built a unit for 150 people, you could do that faster than you could put 150 people in a home -- in homes, I mean.

I don't know how to answer that question -- it seems like a very reasonable question but there are so many factors based on the individual case. like the financing I guess.

If you have all the financing in place, you have all the land entitlements in place and you have all the capacity -- my staff is all shaking their head saying we're not going to say that one is faster than another.

Cole: we just don't know. That's okay.

I'd say there's too many -- I can pick an exception to every rule.

Cole: I understand. I don't want you to guess. Okay. I'm done. any other questions, council members?

Yes. council member riley. I'd like to ask just one. First, margaret, I want to thank you for the, which was helpful. I want to ask you about one I'm still not clear on. On slide 6 you note that our -- our assurance was that 60% of the fund would go towards supporting rental. On slide 7 you note that the target for those units was going to be those earning 30% of median family income and below. And then when I look at slide 8 I'm trying to figure out how we've done in terms of -- if we think of a goal of getting -- that's -- that's \$33 million targeted to those making 30% of median family income or below. I'm trying to figure out what dollar amount has actually reached that population, making 30% of median family income and below in terms of meeting their housing needs.

What we see is about \$11 million of the go bond programs to date for about 221 units have gone to what we would consider homeless projects, so that's about 20%.

Okay. So \$11 million. So we were going to try to get \$33 million -- we were going to take \$33 million -- \$33 million was going to be targeted at those making 30% of median family income or below.

The 33 million was for 50% of median family income, and the goal, a stretch goal, if you would say, the encouraged goal, was to do 30%. well, what I see on slide 7, if we could look at slide 7.

Uh-huh. what I see is cap assistance at 50% of median family income, but the target is 30% of median family income.

Meaning the ceiling. So anything is eligible up to 50% of median family income.

Riley: right. Right.

So you can't -- and part of this -- the important point is when you're mixing incomes, as we do in our project, this was sent to send the messages, for instance, tax credit apartments go up to 60% and even have market rate units. So the stakeholder said, we don't want go bond funds to support any unit that is over 50% of median family income. If you can get some of those to be at 30, that's great. In fact, the way



our evaluation criteria works, if ends your question, is if -- the more 30% units you put in, the higher you score. So it's an encouraged but not -- it's a may rather than a shall. I'm trying to make it simple. Suppose at the time of the bond election my main interest is in meeting -- in getting -- in providing housing needs for those 30% of median family income or below. I'm all excited about this bond election because what i see is \$33 million is going to be targeted towards the income range that I'm really excited about. \$33 Million is -- I see a target for the \$33 million -- I see a target of those earning 30% of median family income. And you're looking confused.

Well, and I just would say that's a goal. Perhaps it's semantics. What the 33 million is eligible for is 50% of median family income. So it isn't that the \$33 million was to serve only 30%. no, no, but the target -- right, no the target, goal, target, whatever the word is. The goal was, we were aspiring to -- we were hoping, best of all possible worlds, if we hit our target on the bull's eye, that we would be getting -- we would be principally hitting -- with though \$33 million we would be hit 30% at \$33 million or below.

That is not my recollection of the intent of that discussion that i participated in. The intent and the goal was to hit 50% and below, and the success or the --

and so when the slide says target those earning 30% of median family income, we didn't --

it would be give them -- instead 2 points for putting 50%, you'd get ten points for putting 30% units in your development. So your whole development could be 50% of median family income if you just want to use go bonds, but if you take ten of those available to 30%, you're going to get more points and more likely to win the award of funding.

Riley: okay. Well, that -- so -- I guess I'm -- I'm still a little confused, because I would have interpreted slide 7 as saying that we were going to -- we were going to target those earning 30% of median family income, because that's what the slide says.

Could you move to the median -- to the pie chart? And maybe -- and perhaps I'm making this harder. This is considered a success, so we consider this a terrific success on the rental side, that all of the units have hit folks below 50% of median family income, the 57% is -- from the intent of that conversation was we've met that. And the 10% is wonderful that we got that. But it wasn't --

icy on the cake.

Pardon? it's kind of like icing on the cake.

Perfect. I was going to say gravy. But the discussion of what i remember participating in the discussion, the concern was more we do not want our rental funds to be used all the way up to 80%, so we clearly made a statement that as a community on the rental side the real need is with folks that are half -- earning half of what our median income was, and we always want to support that. We also recognize that on the ownership level, that's not feasible for a lot of families, that they -- that there's a lot more challenges that come with home ownership, so we wouldn't want to limit home ownership to just 50% of

median. We want to capture those working families that are wanting to stay in austin, and the work force. I know at the time of the election there were other presentations, and perhaps -- perhaps the -- i know the proposal evolved. I know we were initially talking about 50 million and then it evolved to 55 million, but I know that at the time we were talking about 50 million, that there were presentations that didn't even mention the 50% mfi. It said that for that -- i think the total package was 50 million, we're talking about 30 million -- saying 30 million, we were going to be aiming at those 30% median family income or below. That was the way those -- that category was presented.

I can't speak to anything before the bond election other than the language, ballot language that went to the voters and the description that went to the voters did not address anything related to median family income.

Riley: okay.

And, in fact, except for phrases like "very low income," which for us is code for 30%, but you wouldn't see that in ballot language or any of the discussion. There may have been groups that were very supportive -- for instance, housing works was terrific on some of the get out the information, and perhaps those are the ads you're referring to, but i can only speak to the ballot language and the bond referendum.

Riley: okay. But the bottom line is that if we look at the money we've spent so far, the amount that actually has gone towards housing those at 30% of median family income or below is actually -- did I hear 11 million? Is that right?

Uh-huh. That's what I'm seeing.

Riley: okay. council members, I want to remind you we have two hours and 21 minutes of testimony signed up. We haven't begun the public hearing, but we'll keep entertaining questions. Council member shade? [One moment, please, for ]

Shade: If there was any detail available, and i don't need it at the moment and it didn't see that in the presentation that we just had or in anything on this amazing new website. So I would love an opportunity perhaps off heine just to get a better sense of how that breaks down if you don't have it.

All of our loan documents refer to 80%. We know habitat is not going to hit that 70 to 80%. Some of the other users are. Like the people trust models? But all of their contracts speak to that 80%.

Shade: So on that one the contracts are what they are, but there isn't any way that we can really break it down further to have a better sense on how we're doing on that.

While they may overachieve on that goal, the city doesn't have a recourse to force that goal. Perhaps that's something that's educated us in prepare fog this that may be something we want to talk about. And you're right, claim more credit for folks like habitat that are certainly hitting below 60. Really below 50, but --

yeah. And I would like to have a better understanding of that. That will be something, yeah, definitely. And other question, because there's a big difference between the target being 50 to 65 versus 80. And you know, on the one hand I wish it was an infinite amount of resources. We have a hard job to figure out how to allocate between, you know, the poor and the very poor, which are all people that I want to be able to help with this program. So the other question I have is in the presentation that we had earlier today and in the materials that you've provided, there's a lot of talk about the family units. And I am curious what does that mean and how do we define that? Is that a certain number of bedrooms. How do we determine how that is defined or what that really means?

Sure. What we define it as here is if you look at tax credits, you actually have to literally check a box, whether you will serve seniors or families. And families can be as a single person I like to say that also includes singles too. But families with children. M station is a family development that's going to tailor itself so marketing by having a child care center online at the mlk station. It will market itself more to family units. Louise House is one of the shelters that's targeted for young women who are pregnant or have just given birth, so we've tried to categorize them knowing what the use is.

Shade: We don't have a way of knowing how many units have we funded at these mfi levels that would have, say, three bedrooms as opposed to one.

We don't typically calculate that on a database.

Shade: That might be something that I want to get a better sense for. I know what a habitat house looks like. I've worked on one, more than one actually, so I have a sense for -- I know a that house. But some of these others where they're apartments or condos, I don't have that sense. I'd love to get more information, but I don't need it at the moment.

I'd be happy to share too that most of the families that I've seen in my industry are usually a two bedroom unit. So it's typically a single parent, they have two kids and they share. It comes down to affordability for everyone. While they may want a three-bedroom unit, they may not be able to afford the extra even at our prices. They might be able to afford the \$500 for the 3 bedroom as opposed to 3975 for the two bedroom. But we serve mostly single parents or two parents with one child who will then be a two bedroom unit. So I just want to say it's not fairly accurate to say that only a three and four bedroom units are family units. Two bedroom definitely.

Shade: Okay. Thank you.

Mayor Leffingwell: Councilmember Spelman. -- Omar Mar Councilmember Spelman. All right. We'll start the public hearing. Without objection, we do have citizens here that may have special transit needs, so I'm going to call them first as we begin the public hearing so that they may make arrangements to get home. We'll start with David Woody.

Thank you, council, for your time and dedication to this important issue for housing. It's a very stressful issue for many people in Austin, as you know, particularly when you don't have it. My name is David Witty.

I am here with adapt of texas. And we wanted to basically comment that we believe that funds should be concentrated on projects that provide housing for people and that are at or below the 30% of mfi and these projects should offer the people living in them at least a key. Ssi income is 15% of the mfi, so you can see that there's -- they're the poorest of the very poor to paraphrase what councilmember shade was saying earlier. We really believe that foacialght is a concern here obviously. And accessibility is something that you should look at too because I know there are many times that we tried to work with the habitat for humanity folks and other housing developers to include just basic bare bones accessibility in their projects, not necessarily for the current 10 nants, but for the future tenants that might be living there and also for the neighborhood. Just because you live in an apartment or a house that's not accessible doesn't mean someone in your neighborhood might not want to visit you sometime. So it's something you want to keep aware of. And I think you're doing a real good job and I think that margaret is doing a real good job on trying to keep the integration component available and alive so that there's mixed neighbors and you have all kinds of people who are living together and that's a really good thing, especially for people with disabilities who have often been segregated and excluded from the neighborhoods. Thank you.

Mayor Leffingwell: Next speaker is mary steele.

My name is mary steele and I'm from adapt and I'm also that lady -- I've got to pull it out. I'm sorry. I need blessings. In order to be blessed, i have blessed. May the god that created each and every one of us before we were even born god knew what we would do and he knew when we would do it. And I just thank god that he knew what you would do and that you would be here doing it, that you would be here making decisions for me. And I just thank god for giving each and every one of you the wisdom and the knowledge and the heart to be able to control it. Thank you. Now I have questions and i really want an answer. This is not just -- I really need an answer. Okay. I know that some of us are a little higher and some of us are a little lower. But I keep on hearing the word affordable. Affordable for those in the upper 70's is one thing and those for us in the lower 30 is another thing. I need to know what you see as being affordable. Help me, somebody, so i don't have to go home and not sleep tonight.

Mayor Leffingwell: As you said, mary, there are different standards for affordability. And we deal with standards all the way from 30% mfi to 80% mfi depending on the situation.

So in dollars and cent, how much rent would that be for me? Because I know I can never afford a house. I've tried to. I mean, I make around 800 something a month, so I do not qualify to buy a house. I'm not worried about that.

Mayor Leffingwell: I think 30% mfi is about \$500 a month. 300? 30%, 300. There you go.

Thank you.

Mayor Leffingwell: Thank you, mayor. Mary. Next speaker is nelson peete. Are you here, nelson? All right.

Good evening, council, I'm Nelson Peete with Adapt of Texas. And anyway, Adapt, as I believe funds should be appropriated on projects that provide housing units that serve people at or below 30% of median family income. These projects should offer people living in them a lease and a key and accessibility. Back in January of 2005 I made a deal with the doctors to go to a nursing home for two months of rehabilitation. And it turned out I resided in the nursing home for 16 months. I didn't think I was ever going to get out. I felt stripped of my freedoms. I had to eat the food, if that's what you want to call it, that they served, with no choices, and as soon as supper was over they told me it was time to go to bed. I don't go to bed at 6:15 p.m. Then they started waking me up at 4:00 a.m. I asked them, what am I supposed to do for four hours until breakfast? I am happy to have my own affordable, accessible apartment and being back in the opportunity -- back in the opportunity, going to the store shopping, hearing babies cry, children play, watching people drive, taking care of business and working, paying bills. It's so good to be back out in the community. There's an incredible need of assistance for people with disabilities who need access in their own homes. (Indiscernible) will have substandards for people needing access. If you're a prisoner in your own home because you cannot get in or live independently due to lack of ramps, accessible fire alarms or other access accommodations, you have a substandard. Support is needed to increase the number of architectural barrier removal programs. These programs must be consumer driven. Technical assistance needs to be provided to communities to help them develop these programs. Funds should be dedicated to support barrier removal programs and technical assistance should be provided to communities to help them develop consumer driven (indiscernible). And I hope we have your vote for more affordable, accessible, integrated housing. Thank you very much.

Mayor Leffingwell: Thank you, Nelson. Next speaker is Jennifer McPhail.

I'm Jennifer McPhail and I'm here tonight not only as an Adapt member, but particularly tonight as a former member of the bond advisory committee who helped to put together the bond package and as a member of the bond oversight committee. I have a unique perspective in that I've been a part of the process since the beginning conversations, and I can tell you that I share Councilmember Riley's concerns about meeting the need for more affordable housing for people that are below -- at or below 30% of the MFI. Over and over again we hear in the housing market study only underscores that the demand for affordable housing exists greatest in that group of people. So what we should do is rededicate ourselves to providing services to those people. Overwhelmingly the disability community is very low income, unfortunately. And it's not getting better during this recession. And probably not in the near future. So as baby boomers age, we're not going to have enough housing stock to serve people that are on fixed incomes. We don't have enough now. And everybody agrees about that. This is a very serious issue and it deserves our dedication. And we haven't done enough to serve people at 30% or below. So I'd also like to remind you that during the process of putting the bond package together, Housing Works did a poll and polled likely voters and asked they will who do you want to serve? And 80% of all the people polled said that they wanted to dedicate the funds to very low income people with disabilities, below 30% of the MFI. That is a mandate. That is something that creates legacies that you can be proud of. That is what we should be doing. Thank you. [ Applause ]

Mayor Leffingwell: Thank you. Next speaker is Michael Willard. I don't have any more special need folks on my list, is that correct? Okay.

Thank you, mayor, mayor pro tem, councilmembers. Before I start my clock, please, just give me a second to make one correction. The staff's presentation they said that habitat of humanity have received four million dollars of the geo bond funds. 4 and not four million. If the staff and council want to give us four, we'll take four.

Thank you.

Thank you very much. How many times have you heard home ownership is the american dream? Home ownership is -- makes for stronger communities. Home ownership drives our economy. And even in our housing market study that was just release last year of the survey recipients and online recipients, over 50 percent of them said they wanted to own their own home even when given the opportunities to own a condo or townhouse. Home ownership is key. And home ownership is what the voters voted for when they passed the bonds in 2006. The reason I say that is because as councilmember shade has said in the presentation that was made to the council prior to the election in may of 2006, they talked about 40% of those geo bond funds in affordable housing going to home ownership. It was also stated again in an article written in the "austin american-statesman" in october 21st of 2006, that same figure was given that 60% would go to rental, 40% would go to home ownership. And I believe that is what the voters voted for. Why is it important that we spend money on home ownership? One of the key things especially for affordable home ownership is that we all know that austin is an expensive place to live. And just looking at the families and children's taskforce study that was released in 2008, we know that we are losing families out of austin because they can't find places to buy homes here in this community. So we need to be able to do that. Why is it not wise to reauthorize these dollars that have been set aside for home ownership at this point in time because there are eight to 10 million dollars' worth of projects right now in the pipeline ready to go if these dollars are released? Habitat for humanity has pending two requests for 2 million at this point that we could use to go out and buy more land to build more homes. Another reason why home ownership is important is because home ownership creates taxpayers. Taxpayers are what fund these bonds. And we need more taxpayers out there because we're going to have to have more bonds to provide for affordable housing for all needs, homeless to low income, 80% mfi. And those are the folks who are going to be carrying the weight to pay for those bonds and we need to create more homeowners and we'll do that by investing these dollars in home ownership. Finally, and this has been said a number of times, habitat for humanity is serving families who are 25 50% mfi, much lower than that figure we see being tossed around on reports. We see reports that are very low income. The primary mortgages we are selling to these homeowners is \$60,000. Much lower than the charts and graphs that you all are looking at and one thing to add to that, last year 11% of the homes that we sold were to individuals who were making less than 30% of the median family income. Home ownership is an opportunity for low income people. Let's keep giving them that opportunity. Thank you. [ Applause ]

Mayor Leffingwell: Councilmember shade.

Shade: I have a question for you. I'm just curious. Tell me what is holding up 2 million in projects that you referenced?

We've got them submitted with the city and they are pending. We submitted the first one on august 20th of last year and the second application went in on november 25th of last year, and they are pending.

Shade: So what happened -- usually don't things move -- haven't they moved more quickly typically through the process? I'm just curious maybe if staff can --

let me give you just -- so the one project that we got approved for 5 million, we smted it in december '08. We received approval from the city in june of '09, so we waited six months for that application to be approved. And then we received the funding availability in september. We were able to close on that project in november. So the process does take some time.

Shade: So you have 2 million in projects that are currently submitted and in the staff's hands.

Correct.

Shade: And they were submitted --

one was submitted in august 20th of '09, the other was november 25th.

Shade: Got it. Thanks. And in addition to that, there's the -- your involved with the home repair.

Correct. We're participating in the home repair program.

Shade: And what target -- what mfi level would that target?

We will probably hit 30% or lower mfi. We've got a cap in our program that starts at 60%. That's the way we've done t I think the program rules are 50%. We'll be applying that to all the participants in that section of our program for repairs.

Shade: Okay. And so on the home ownership side, explain to me how it works with the homeowners that you're dealing with. I just want to understand it better. bond money is what percentage?

The money is to provide infrastructure to the land. So we've used it to acquire a piece of property in sendero hills and then we are -- we used another million dollars to develop that property. In one case. The other case we were using it to buy 25 finished lots. We started work on those lots this year in january. We have three houses under construction at this point in time.

Shade: Can you give me top line -- out of the -- you have two different projects that total up 1.2 million. Just pick one of them and really explain to me the economics of it so I get it.

Okay. So we've got -- of the 4 million that we've received, on average that's about \$32,000 per lot. On top of that we'll put about 86,000 dollars' worth of materials in building the house and volunteer labor and subcontractors. Then we'll turn around and sell that house to that homeowner with a primary mortgage of

60, soft second on top of that that can be paid down with down payment sis sense. The total value of that whole mortgage would be about 100, 110,000.

I've worked on habitat houses way before I knew anything about being on city council or anything about the 2006 bond programs. Where were you getting -- where were you getting the money that is now being funded by go bonds?

Constituent has been a great partner with us in acquiring land in the past and throughout our history. We're 25 years old this year. We've done over 260 homes. And constituent has provided most of the funding for our land acquisition. We've also worked with the county for land acquisition and we use funds from habitat international when they use some federal dollars that they pass through to us as well.

Shade: So we had other stowrses of funding besides go bonds that were providing this. Has that source of funding gone away with the addition of go bonds? Staff, I guess I would ask you that.

[Inaudible - no mic].

Shade: Yeah. So basically I'm trying to get a sense for how much ours -- habitat, the process that you've been going through existed and constituent was helping you buy land. So are they still -- are they still helping you buy land outside of this go bond program I guess is my question?

Yes. We've received some funding for them for acquisition of an 11 lot subdivision. They've also helped us fund some projects where we bought a finished unit and then turned around and sold on to one of our homeowners.

Shade: So for home ownership there are more programs for the city to participate besides just got bonds?

But the go bonds are a big chunk. We'll be real clear. If it's not the largest pool of funding, it's real close to the largest.

[Inaudible - no mic].

Shade: I'm really asking specifically about habitat. Specifically about habitat. Because you've got -- we had several choate tows and other organizations that have been acquiring land bonds program and I'm curious how do they fit into the context of this conversation that we're having? So like you then acquire it, you've got 260 houses that you had done before the g.o. Bond program. Those were acquired with what dollars?

Federal dollars. Primarily federal grant dollars. Home or community involvement block grants.

Shade: Are they still available?

They are still available.



Shade: Are we still aggressively pursuing those?

We get those by formula every year. For instance, for the one million that's in the queue, we don't have a whole million dollars, but we have in other case worked with folks who would rather have a g.o. bond. We've countered with grant dollars.

Shade: Why would we bond than the grant dollars?

More flexibility.

Shade: The go bonds are more flexible? I'm trying to get a sense of how your program has been successful by the go bond program?

It's helped significantly.

Shade: Like in how many units does that mean to me? 4 we'll be able to do 75 units with that. So -- again, the opportunity for us right now is land acquisition. That's what we use the funds for, land acquisition and infrastructure. So we're able to purchase sendero hills, the property, put infrastructure in there. We couldn't have done it without the g.o. fund bonds. And on top of that is the houses we build.

Shade: The go bond program, if it wasn't here, you would have gotten how many fewer houses?

We would not have been able to buy probably either one of those projects.

Shade: That's what I'm not getting. Because the same formula allotment, if anything the formula allotment would be bigger because our formula allotment is growing.

I don't know if the city has the cdbg or home funds to that level that we could have been able to do that.

If I can jump in. Essentially the rule of thumb is the go bonds has allowed us to double your annual production, money available for both rental and affordable housing. So say we draw down 10 million, we get about eight million in cdbg, five million in home. It doesn't all go to housing. Let's say our annual allocation is probably eight million in grant funds. We then draw down another eight in go bond funds. So the annual pool is like 16 million whereas before it was only eight million for all of these who are applying.

Shade: Got it.

So again, it's first come, first serve. So it -- again, first come, first serve. It's hard to say how many of the units could or couldn't, but I think it's certainly fair to say, wouldn't you, michael, that at least half wouldn't have happened. At least half.

Shade: That's what i was looking for. Thank you for the help.

Cole: Mayor, I had a couple of questions.

Mayor Leffingwell: Councilmember cole.

Cole: I had a question of questions for you. One, you said that your range of mfi that you target is between 25% and 50%, and I'm having a hard time understanding why you would complain about us focusing on the zero to 30% when you have -- your floor includes 25%.

Because I'm afraid that we wouldn't be able to serve that 30% and above population. Our average income home buyer right now is 39% mfi. And so we wouldn't be able to serve a significant portion of the people we're currently being able to serve. If you were to roost that and say in the home ownership program we want to serve 50% and below mi, i wouldn't have a certain about that. And the other thing, to be very honest, the \$15 million that we have right now are home ownership dollars that were initially designated for the home ownership program and then that home ownership bucket. And any reallocation of that means less dollars that's going towards home ownership. So that's kind of why I'm here. I'm a home ownership guy. I'm not a rental guy. And so I'm seeing dollars that could go to helping home ownership in our community and I just have to be a voice for that.

Cole: Let me ask you this something else. When did you acquire the land in sendero hills?

We were able to purchase that right after -- let see. 9/19/08 We were able to close on that. Since it was raw land, we had to go back and get the infrastructure put in. We just recently have gotten the roads completed in there and should be able to start -- we're targeting starting construction in that neighborhood next year at this point in time.

Cole: So there's no homes built?

There's no homes built with that.

Cole: So there's no homes built for a grant that we gave you in 2008.

Correct.

Cole: Your target is next year.

Right.

Cole: And so -- it's not even -- so this debate we're having about zero to 30 to 50 -- it's not even really in play.

It's interesting that you say that because first of all, we can't use these g.o. Bond funds for construction because it then creates -- because to use it to build a home it's going to create a loan that that hone certify going to settle and then therefore that would be bond rules because of public purpose versus private purpose. Whereas in a rental project you could use it for construction if it hits the target, and so you're really looking at apples and oranges when you say what can you do with rental and what can you do with home ownership? Because they are different. So we also have a production level that we're trying

to meet. Last year we were able to start 24 units. This year our goal was 27 units. We're asking sponsors to raise the \$65,000 it takes to start one of those units. And in this economy that's hard to do. We would love to produce homes faster. Part of the leverage that the city is getting is that donation of individual congregations, corporations, individuals making donations to us that we turn around and build units with. And I'm real happy to tell you, we've got three units and by the end of this year I hope to have 22 units at least in the meadow lake subdivision that we bought last year. And we've got construction going on right now. So whether you're buying raw land you've got to -- for home ownership, you have to also consider the fact that it takes time to develop that land and get that in place before you're going to see units pop up. And the fact that I can't use those dollars for construction stops me. If you want to -- if I could take those dollars for construction, I could start producing units right away.

Cole: I totally understand you've got two problems, we have two problems with home ownership in terms of making a policy decision about how we use those dollars. And one, of course, I agree with you, is a laudable goal is to put people in homes. I don't think anybody would debate that. But we have the problem of one, a property for land acquisition and then you have to do everything that you need to do to put people in the home. And then you have two, the economy is bad, so you can't actually get financing for the construction. That's very difficult. And then three, you have the problem of people actually qualifying for any part of that loan. Is that right?

No. I don't have any problems with the homeowners side getting them ready to go. I've got more than enough I have right now that are qualified to buy the homes. In terms of the financing side, I don't think I'm any different than a rental project, except for the fact that I'm not going out and getting tax-free bonds, I'm just going out and getting general donations to make our houses work. So I'm not looking for your bank financing to make it, I'm looking for donations to make those things work. And we've got a track record of building houses --

Cole: You're a wonderful agency. I don't mean to question that.

So again, you look at anybody else who is out there right now building homes for 25 to 50% mfi and I would welcome them to the table and help us build more units. But I don't see a lot of people out there doing it other than us right now.

Cole: Y'all do a great job.

So I stand before you bond dollars are making a big difference for those people who are low income and want to own their own home. And they still need to be able to have that opportunity.

Cole: But we do agree that you do have a home repair program that could be targeted to the zero to 30%?

Yeah. And those are people who are current homeowners and they need shelter and they need to have their houses I am proved and that's a great thing. At the same time there are thousands of people who want to own their own home. They are the same people who responded to the survey saying they wanted

to be homeowners of single-family homes. And that's what we're in the business of building. So the need is great and the challenge is great.

Mayor Leffingwell: willard, I believe you've answered the question.

Okay. Thank you, mayor.

Mayor Leffingwell: Two hours and six minutes of testimony remaining. Carol drennan.

Thank you all.

Any of you who have worked on habitat homes understands the joy of working with our homeowners and what they get out of it. I'm not going to duplicate what michael said about home ownership. I've also come here with a different hat of being a voter. And I voted for that bond issue because of the 60/40, the 40% for home ownership. And I urge you to keep that allocation that the voters approved. Thank you.

Mayor Leffingwell: Thank you. Kelly weiss? Welcome.

Good evening, mayor, council. Thank you for hosting us tonight. This has been a very interesting process that we're going through, and I feel very lucky to even be here debating it. And I think it's a huge challenge and some very important decisions that as a city we'll have to make. I'm here to encourage you and like michael I'm a home ownership girl. I feel strongly in it. It is the american dream. That's not to say there's not a huge need on the other end serving very low income people. I do want to point out, though, a couple of things and I think maybe even misperceptions about the recession and the market right now as relates to home ownership. People trust opened our doors about two years ago. We were a new nonprofit. Since that time we've closed 133 affordable shared equity homes with no issues in finding qualified buyers with no issues finding mortgages. There was a slight two-week window hiccup when country wide was sold and we couldn't sell anything, but we got past that really quickly. And what we're actually finding is that this recession is a huge opportunity for us. And we're seeing people that never would have wanted to play with us in terms of private developers, wanting to play in the affordable housing arena. And I will quote an old friend of mine who always said people always get religion about affordable housing in a down economy. And I think that's true. But it has opened a lot of doors for us as an organization. Our model is very different than habitat. We partner with private developers. At mueller we partnered with david weekly homes, heritage homes. We'll be working with some different private developers in that development and we also received a 8-million-dollar allocation of general obligation bond funds to do a home ownership project in partnership with a private developer. It was a raw land acquisition. Right now we're waiting on site planning and I can kind of walk you through some of the delays we're having on the development side in terms of getting through the city process, but we're ready to go. And I have three more deals ready to go. So one thing I would like to really encourage you to do is not lose focus on what we set out to do several years ago when we passed the bond election and had allocated \$22 million to home ownership because there was a huge need and there still is a huge need, and it's continuing to be a growing gap. One of the things too that I think mark sprague's real estate forecast is pointing to and I think we're seeing it is we're going to be in a lot shortage situation fairly soon

after I think the recession, you know, kind of starts to turn around. And when that happens, you're going to see housing sales price spikes again. And our window of opportunity, especially with mortgage rates being so low right now -- [ buzzer sounds ] -- we are going to be -- we are going to be hard pressed to do affordable home ownership. So I would encourage you to leave the remaining \$15 million for home ownership projects. It is a need in austin. We are losing our middle class because we don't have enough home ownership.

Mayor Leffingwell: Thank you.

Thank you.

Mayor Leffingwell: Susan mcdowell. Welcome, susan.

Good evening. I have very much appreciated the public process around this issue. As you know, you've got very difficult decisions. So I appreciate the opportunity to have input and be able to speak here tonight. My name is susan mcdowell and I'm executive director of life works, which I think most of you all are aware of. We are an organization dedicated to transitioning youth and families from tragedy to success. City of austin is a critical partner in our services around education, counseling and youth development, which are all designed to divert from a path to child abuse and homelessness and all kinds of social ills that are very costly. The city is also a long-term and central partner to our continuum of services for youth -- runaway homeless youth, teenage parents and youth aging out of the foster care system. So these are youth who are homeless, have experienced homelessness or are very precariously housed. And we offer an entire continuum all the way from street outreach through shelter through now permanent supportive housing for these youth. We are the primary service provider for this population, the primary advocate, so it's on their behalf that I'm speaking and representing tonight. Life works supports using the remaining affordable housing bond funding for the development of rental housing projects. And we additionally support projects serving households earning 30% or less of mfi, including homeless and precariously housed individuals and families. On any given night at life works, we are providing shelter or housing to at least 85 unaccompanied minors or young adults. And these include teenaged parents and very young families. Additionally our street outreach services support more than 100 homeless and precare justly housed youth every single week and we have already had multiple cold weather shelters just this week. While we provide a range of services that we hope will form a pathway to eventual home ownership, the immediate, everyday crisis need is to provide affordable, stable housing. So we have our youth and young adults on that track to self sufficiency and like we said, eventual home ownership. It's absolutely critical that we have the infrastructure to provide the supportive housing. The national network of youth services recently published a study. I just got it yesterday actually that outlines the human and public cost to youth homelessness, including criminal activity and victimization, debilitating mental health and substance abuse issues and educational and workforce failure that happens chroniclely when we can't offer young people who have had severe disadvantages growing up a pathway to success. So simply put, if we don't invest in the infrastructure to provide basic stability at the critical stage of young adulthood we reduce resiliency and reduces potential and ends up costing our community significant resources in the long run for crisis, criminal and chronic consequences. Buzz but thank you very much for your leadership on this issue.

Mayor Leffingwell: Thank you. Jim hopke. Three minutes, jim.

Good evening. My name is jim hopke and i serve as life works chair of board of governors. As you know we provide housing, education and support to more than 10,000 area youth and families. With your assistance through federal community development block grant funds, we've made a significant investment in land for a new youth and family resource center in east austin. There's acreage available on our site on which we hope to develop affordable housing. As you are reassessing the affordable housing general bond funding program, I would like to share the following thoughts around the needs of the population served by life works. Life works supports funding for development of rental projects. We work with many special populations, but three in particular, homeless youth and young adults, youth exiting foster care, and single head of household populations, mostly female, come to us in an acute need, acute state of crisis. While we are confident that through our efforts they may one day become homeowners and contribute substantially to our community, their most immediate need is an affordable place to live. The 2009 city of austin comprehensive housing market study indicates there are 45,000 austin households earning less than \$20,000. \$20,000 per year. These are our clients. Currently only four percent of austin rental units -- rental units are affordable, 7,150 units. The gap in needed versus available affordable housing is 37,000 units. Austin clearly has a long way to go to narrow the gap and we represent the young adults who are falling through the cracks or at high risk of long-term dependence on social services. Life works supports projects serving households earning at 30% or less of the area median family income of travis county. Most of our special population clients are in this group. It includes a young mother with one or two children who is trying to make the best life available for her family, balancing school, child care and work is a tremendous -- requires tremendous personal strength and community support. If she's working she must work 46 an hour work, work eight hours a day, 52 weeks a year to qualify for housing of 30% of mfi group. Given the challenges she faces she's more likely averaging 30 hours per week, which would require she have a job that pays over \$11 an hour to qualify. This is a challenging employment scenario. If most affordable housing being developed is for households above the 30% mfi, she may never find a place to live. Affordable rental housing will help our clients achieve their dream of stable housing. We hope the general obligation bond program will be there to make this dream a reality. Thank you for your time and all do you for austin.

Mayor Leffingwell: Thank you. Next speaker is walter murrow. You know the drill. Three minutes.

All right. Walter murrow, the director of foundation communities. Thank you. Thank you for investing in the work we do. We received about bonds for four projects. We've been able to develop 154 units of supportive housing for folks below 30% of median income both individuals and families with kids. I think the crux of the policy debate and discussion tonight is really \$15 million left, does it all remain targeted towards home ownership, does it get targeted where we've really got the greatest housing crisis for folks below 30% of median? I think there's room in between. And I think housing works will speak to a couple of ideas about how to make sure we get that money spent on good projects that do some of both, retain some funding for the home ownership projects that people expect would come down the pike, but then really devote money to supportive housing for folks below 30%. I think there's room to strike that balance. Thanks.

Mayor Leffingwell: Thank you, walter. David bodman. David?

Thank you, mayor and council. I'm david bodman, current chair of the downtown austin alliance which represents 425 commercial properties within the downtown public improvement district. The alliance requests that the council consider allocating the remaining affordable housing bonds to provide housing for people who are at or below 30% of median family income. We believe this action will help our community address chronic homelessness, reduce the ongoing cost of support, and dramatically improve people's lives. Because many of our chroniclely homeless citizens are affected by mental and physical health issues, substance abuse addictions and criminal histories, they are ineligible for most of the supportive housing in austin. Making an initial investment by allocating the remaining housing bonds for this population would be a critical step in what needs to be a comprehensive strategy to address our homelessness problem. A problem that contributes to crime and public order issues and puts unreasonable and costly demands on our hospital emergency rooms, psychiatric centers, jail and judicial systems, all of which negatively impact downtown austin and the city as a whole. In other cities housing first programs have resulted in significant decreases in the use of these services and they're related costs. For example, portland research shows that chroniclely homeless alcoholics cost an average of \$42,000 annually compared to \$26,000 after they've been housed, including the cost of that housing. But probably the most significant benefit of low barrier housing is harm reduction. This type of housing affords clients greater safety than life on the streets and evidence shows that substance abuse rates decrease when people are placed into stable housing with appropriate supportive services. The people we would hope to be served by this type of housing are dying on our streets at a rate of approximately 100 per year. And only a small fraction of austin's 450 plus or minus permanent supportive housing units are available to people with criminal histories and substance abuse issues. Housing is the most basic preventive care, but it is in short fly splie for austin's most vulnerable and needy citizens. We believe that allocating the remaining bond funds to house our most vulnerable citizens could help dramatically change the lives of people who are in the great greatest of need. Thank you.

Mayor Leffingwell: Thank you. Next speaker is helen gardy. And douglas keenan, are you in the chamber? Not in the chamber. Helen, you have three minutes.

Okay. I'm helen varyd, director of front steps and we manage the austin resource center for the homeless and we implement some permanent supportive housing and transition national housing. Front steps had been in between a rock and a hard place as managers of arch because we want to be good neighbors but our first and foremost priority is the clients we serve and the clients we serve are the most vulnerable clients in austin's homeless population. It is a shelter that is focused on those who are mentally ill or have substance abuse disorders or co-occurring disorders. These clients have not been eligible for what little affordable housing is currently available for homeless people and they see no future for themselves and have no hope. In the past few years with the help of city council, there has been a change in the community and an elevated conversation, and stakeholders who have competing interests are now at the table and going in the same direction as evidences by the president of the daa talking so eloquently about the need for affordable housing for homeless people. Given this change and this hopeful future, I feel comfortable implementing what I call the good neighbor program at arch. We are out on the streets asking people not to stand on the streets. We've opened the garage to expand the shelter space, but

we're running a campaign asking the clients to be good neighbors and telling them that there's housing coming and that they have reason to hope. So I encourage the council to focus the funds on remaining funds on 30% below income and particularly on those who have been left out of all housing efforts thus far. If we can get these folks housed and create a robust permanent supportive housing program, we will create funds for other housing needs as well. Thank you.

Mayor Leffingwell: Thank you. Next speaker is catherine quinn. It might speed things up if we kind of altered mics. (Indiscernible), you will be next.

I'm jo catherine quinn, the director of housing services at caritas of austin. Tonight I'm actually representing the steering committee of the corporation for supportive housing re-entry initiatives. Since the homeless have been visible on our streets and in our cities, including austin, we've struggled to address the social and economic impact of this subpopulation. Mostly we've emphasized the use of temporary shelters and bootstrap programs. Using this strategy the number of homeless have not decreased, but increased. Yet we seem to be trapped in einstein's definition of insanity, doing the same thing over and over and expecting different results. In recent years you have heard other people say that other cities have experienced significant decreases in the number of street homeless when they have employed a permanent supportive housing strategy. If austin's going to make an appreciable difference in lessening the numbers of homeless visible on our streets, we must employ the same strategy. We now have local data to support this. Two studies have been done recently, both of which recommend the reduction of permanent supportive housing to effectively address reducing the homeless population. One study particularly focuses on the re-entry population. That was the corporation for supportive housing re-entry initiative study. This is a subset of the homeless who have the greatest barriers to housing. A recommendation coming out of the re-entry initiative study is to create 100 units of permanent supportive housing for this population. This will result in reduced rates of arrest and incarceration and really a public safety win-win for everyone. bond funds for permanent supportive housing for the homeless is a strong start towards making homelessness rare and non-recurring in austin. Thank you.

Mayor Leffingwell: Thank you. After stewart on this side it will be mathilda flores over here. Go ahead, stewart.

Mayor, members of the council, my name is stewart hersh and like most people in austin I rent, so I guess that makes me a rental guy. I support the chao tow round table discussion on keeping the general obligation bonds so austin promotes both affordable rental and home ownership students. But this is only part of the conversation about housing affordability, goals and priorities that we must have tonight. And in future meetings. I've provided you another COPY OF MY JUNE 18th, 2009 Testimony highlighting the projected dramatic drop in smart housing production. A 78% decrease over a two-year period. This projection appears to be coming true. I'm also -- I've also provided you tonight a copy of last year's budget document highlighting the fact that the smart housing ordinance would remain in place, but the resources to guide developers both for profit and not for profit through the process would be limited or eliminated. In a place that aspires to be the best managed city in the country, this promise too is being kept. The council would never tolerate a 78% decline in police, fire or emergency management response. Why is



this performance acceptable when we're talking about providing austin residents housing that is safe, it's income accessible, reasonably priced, transit oriented and green building? I don't get it. I don't understand why this conversation is not about the decreased production. Some blame the decline in productivity on the market and no doubt that is partially true. But when austin positions itself to produce the same amount of smart housing over the next five years that is produced alone in 2007, 2008 when 3473 smart housing units were completed, how can we not conclude that we are returning to the stupid housing policies of the 20th century that helped create the affordable housing crisis we're in today? As we approach the 10th anniversary of the council adoption of smart housing, please do not treat this complaint about lack of smart housing production the way that the security and exchange commission treated complaints about boerne madoff's ponzi schemes. Please consider the suggestions that some of us have and how housing could be more productive and responsive to the needs of working families who often must choose between housing that is safe on the one hand and housing that they can afford on the other. This week we as a nation celebrate the 30th anniversary of the miracle on ice when the united states hockey team defeated the supposedly invincible soviet hockey team. Working together we can overcome this seemingly un-- I don't know what to describe it as. Please make housing priority for austin a priority again. When production goals drop by 78%, you have abandoned that as a priority for our community. Thank you very much. I'm available to answer your questions.

Mayor Leffingwell: Mathilde stage left, ed (indiscernible), stage right. You will be next.

Good evening, I'm matilde flores, deputy director at aids services of austin. We service individuals with hiv and those at risk for infection. I'm also the rent, mortgage and utility coordinator for a consortium of five hiv providers in central texas, four of whom serve about 326 households annually in travis county. In 2008-'09, about 48 individuals we serve were homeless or chroniclely homeless and about 130 had criminal back ground history. Many clients have co-occurring mental health and substance abuse issues and unstable housing. Those clients would benefit from affordable, permanent supportive housing. Speaking of individuals with hiv with criminal backgrounds, few successfully secure permanent affordable housing due to the barrier of eligibility criteria, particularly by local affordable housing providers that exclude these individuals. Those with hiv who are homeless and those with criminal backgrounds are often housed in boarding homes and welfare motels because affordable, decent housing is simply not available even if we have the rent and utility assistance through our (indiscernible) program. Since october of '09, the consortium has housed 58 individuals with hiv in boarding homes and welfare motels. Consently the consortium and aids services of austin support the austin-travis county re-entry round table recommendation for the utilization of the remaining general obligation housing bonds for the development of permanent supportive housing for the homeless in our community. We also support the corporation for supportive housing recommendation for create 350 units targeted to chroniclely homeless individuals with the hope that this will include the recently released who may have been a few days or weeks in transitional housing such as boarding homes or the welfare hotels until the supportive housing is secured. We know that a huge key to housing stability for the homeless and preventing recidivism for the repopulation is permanent supportive housing. As indicated in the data presented by the re-entry round table in 2008, 1100 homeless persons have been identified as leaving travis county jails or involved in a criminal justice program. Have accounted for 2580 arrests and utilized over 54,000 jail bed days. When you think of these plus emergency room visit costs plus medical and mental health hospitalization costs,

shelter costs, how can we afford not to provide more affordable permanent supportive housing for the homeless in our community? This housing promotes public safety and it is cost effective to house these people rather than continue spending money for them to rotate in and out of institutions. [ Buzzer sounds ] it's time to break this cycle of costs. Thank you.

Mayor Leffingwell: Thank you. Edna not here. beau McCarver. And following him will be laurie renteria. Is laurie here?

Mayor garcia leffingwell and councilmembers, I'm pleased tonight to be able to represent the austin neighborhoods council. We've deliberated for several months on the g.o. Bonds, what's remaining of it. It's good news and bad news. It's great that this has been expended at this rate, at the levels this money is reaching and in general impressed to go ahead and keep these contracts flowing. I want to read this resolution. This is our position. Whereas there remains \$13 million in unexpended funds from the 55 million bonds and whereas market forces have limited home ownership projects while rental projects for very low income households have been successful, and the goal of expending 60% of the funds for rental units has been achieved, whereas the critical need for housing affordable for very low income households necessitates timely expenditure of those funds. And whereas there's an urgent need for housing for homeless persons and families. And whereas there is a critical need to create more housing for homeless approximate persons in all areas of the city while retaining facilities such as gar terrace and the arch. Therefore be it resolved that the austin neighborhoods council supports expending the remaining funds for both home ownership and rental projects as they are submitted. The special preference given to projects providing housing for the homeless that are dispersed throughout austin and available to all groups, including women and families. Basically we're pressing to get those funds under contract. Home ownership or rental and give preference if there's a way to do that projects for the homeless. Thank you.

Mayor Leffingwell: Laurie on this side. Sabina on --

he he wanted to be here, but I got the bug and he had to stay home.

Mayor Leffingwell: Charles clotman. Is he here? You will be next on this side. Go ahead.

Thank you, mayor and council. I've been an affordable housing nut and homeless advocate for almost 30 years now. And for the first part of my career as a homeless advocate, I was a fly in the ointment and for the last 10 I've been a fly on the wall. And you know, we all supported the home buying campaign and I was relative in the first home bond campaign way back in the '80's sometimes. And there's no rule about truth in advertising when it comes to campaigns. So we knew that we had to reach the teachers and the firefighters and the people earning 80% to get the bond passed, but we had a commitment from the previous council that we would target those funds to 30% and below mfi. I'm a home ownership and a rental advocate, but I'm all about the greatest good for the greatest number. And while there is a depression in the rest of the country and we had hoped that there would be fire sale prices to be able to buy houses, that is not the case. And we're just spending way too much giving people a bite at the american dream when we have 37,000 people who are desperate. So I think there's an easy solution to the problem. We've had a successful choto in my neighborhood, guadalupe. They're the primary choto

who providesome ownership in my area. And they built condos for the poor. So I would say you restrict the home ownership funds to those who can do multi-family because the individual subsidy is not that high and make them do 30% and below mfi. Definitely we need to think of the permanent supportive housing that is needed for the chroniclely homeless with mental illness, substance abuse and criminal backgrounds as being totally an unmet need. Nobody houses criminals who like to drink. So let's thank, like they did in that other city in the northeast, that we can create permanent condos for the inebriated, and fit that under serving home ownership for 30% and below and let's let these people, these homeless folks, think of it, this is where I'm going to stay forever, until I die. It's just an issue of reinterpreting what that home ownership and lowering your limit to 30%. Green dor doors has trbnsitional housing. Nobody wants to leave. [ Buzzer sounds ] they create community. Let them stay in a permanent affordable housing and meet both goals. Thank you very much.

Mayor Leffingwell: Charles clotman on my right. Douglas crawford, you will be next. Go ahead. mayor and council. I want to -- first of all, I'm charles clotman with meals on wheels and more. We have been happy to be recipients of the go bond funding for home repair. And I'm here to advocate for that and future funding. Thank you for that. You're enabling us to help people, the most helpless of the helpless, and that is our elderly. I would like to just look at the current expenditures for a second. We've spent 41 million to date. Obviously eight million of that is for home ownership. If you break that on a per unit basis, I think it's important. Rental units are costing about \$27,000 per unit. New home, home sites are costing about \$15,000 per unit. Home repair is going to cost us 10,000 per unit, about one-third of what the rental units are costing. Currently meals on wheels and more has about 500 elderly and disabled clients livi on fixed incomes of less than \$10,000 a year and they all need home repairs badly. These are the poorest of the poor. They cannot fix their homes. They are doing good to get up and live life. They barely afford their medicines. They air barely afford the utilities and taxes are overwhelming them. This year your two million dollars has empowered us as me wheels and more, urban league, interreligious ministries and habitat for humanity to repair about 40 homes and austin financed to replace about 100 roofs. And we thank you for that. We're going to make a difference, but there's so much more to do. Saving these homes will save the current housing stock, something that's not being said tonight is what's happening to our existing housing stock. You drive through east austin, you drive through south austin, and you see old houses getting older and you see gentrification pushing out the older people. It will safe neighborhoods by saving these houses, you save the neighborhoods. You save the quality of life for these people and their neighbors and you save the client costly scwhrurs by fixing their floors, by fixing their handicapped accessibility, by helping these people live a life that's full and full of dignity. Home repairs is the cheapest and most effective form of urban renewal. If you look at houston, you look at dallas, you look at some of the major cities, i don't think austin needs to look like that. I don't think our close to inner city needs to look like that. I'm asking for you to commit to funding home repair at two million dollars for the next three years. There's been a lot of proposals, all of them good. I can't say we're better than that. I am saying that these people deserve it. They deserve it more than anybody else. They're the ones that have been spending money in this city for 60, 70 years. They've been paying taxes and we're going to leave them alone. [ Buzzer sounds ] I ask for your help. Thank you.

Mayor Leffingwell: Thank you, charles. Douglas crawford. Virgil fuqua.

Virgil couldn't be here, your honor.

Mayor Leffingwell: Dana mcfarland?

He couldn't be here.

There's a good reason why. I'm asking for leent si for this.

You have three minutes. Tom spencer will be next on this side.

He's homeless and he had 00 at the salvation army. He gave up dinner tonight to help me speak. The situation is like this, everybody they're talking about here, well, that's me. I'm a homeless man, chroniclely homeless several times in my life. I'm successful now. It wasn't easy. The system is not set up for people to take and get out of homelessness. This money that's left, it needs to be focused in the right areas. 30% Or less is good. That's not going to take care of the problem. We have people ter arch, people camp out on the streets, people out by the creeks, living in alleys. We've got people living all over this city that are chroniclely homeless to the point where they take anything they can get. Because that's all they can have. They can't get out of the this he can't get to the point where they can get affordable housing. They get get the rent for the first font. If they don't splunt how will they get into affordable housing? There's an issue here that needs to be addressed. Like was said earlier tonight, over 100 homeless people die every year right here. Wife got to stop this. I talked to you last year. And I stress the same issue back then and the same issue still exists. We're not focusing where we need to be focusing. We've got people out there dying on the streets because they're homeless and they can't get into housing. They can't afford it. You call it affordable housing. What about the people that don't have the money to get into the housing? What about people that can't go to work because the system is set up so they've got to be in by a certain time so they can't go to work? They can't get up and get something to eat or get in time to get something to eat or they have to camp out in the woods? These are peement that we're leaving out of the equation. We have to answer to this situation. And if we keep giving the money to the big people out here that got the contracts that are doing all the work and everything, guess what? They're doing it because they're getting paid. They get the contracts, the money goes in their pockets. \$15 Million is left. Even a portion of that to take and save lives. What is this all about? Well, we want to get people to be successful. We want to get them out of homelessness and get them for affordable housing. Let's give them a boost up. Let's do something to help these people. I was successful, but I was successful over a long period of time. It took me having to do a lot of things that i shouldn't have had to do. I had to go through programs and I had to take and work my way through to get to where I amight now. And I can barely afford what I got. Yeah. We got a big issue here. The big question is what are we going to do with \$15 million we have left after we've already met what we were looking to meet? We're leaving people out of the equation that we all categorizing them in one jacket, they're homeless. You can't do that. There's all types of homeless, all types of situations. We need people out there that can take and help these people. If you want to create affordable housing, keep it down below 30% of mfi. But do something to help the people to get into that. Thank you.

Mayor Leffingwell: Thank you, Douglas. Tom Spencer on this side. Beth Atherton. You will be on this side next.

Mayor Leffingwell, Mayor Pro Tem Martinez, Councilmembers, thank you very much for the opportunity this evening and also thank you for your partnership in the housing repair program that Austin Area Interreligious Ministries is participating in with our partner organizations, Meals on Wheels, Habitat and the Urban League. This is a program that is impacting many people who are at the income level that you're concerned about and you've heard so much concern about from the audience this evening, people at that 30% MFI. AIM has been working with that population for 21 years through our hands-on housing program and we're very proud of the fact that we're able to make such a quick turnaround in people's lives. Charles just a few moments ago was talking about dollar-for-dollar investments when compared. And this is a program, housing repair that makes a quick impact. It makes a significant impact. I like to think of this as being different from a housing program, frankly. It's a home program. These are places that have been occupied for 20, 30, 40, 50 years by these individuals. They're at the heart of their communities. They've made a difference in their neighborhoods. And now they're senior citizens, often living alone. Over 95% of the folks that we deal with are senior citizens and a vast majority of those are frankly widows. They're at the end of their lives. Keeping them comfortably in their homes is exactly what they want. This is their home. And keeping them there also saves a tremendous amount of taxpayer dollars. \$32,500 is the last figure I heard for how much it costs for public assisted supported housing. \$32,500 a year. I think that's probably a bargain rate. But the investments that we're making through this program and housing repair are immediately keeping people safe and comfortable and living with dignity in the homes that they've occupied for many, many years. These are folks who have given to our communities throughout their lives as taxpayers and workers and we want to help them end their years with dignity. We ask that you continue to support repair as a part of the mix. The very important mix of services that we've heard about this evening. And we thank you for your partnership currently. Have you very much. -- Tr very much.

Mayor Leffingwell: Beth on this side and Susana Salaman is a, you will be next on this side.

Good evening, thank you all for taking this time and listening to all these different compelling stories and the need. It is great. And so as Beth Atherton, the executive director of Caritas of Austin, I'm asking you to allocate the bond money for permanent supportive housing. We lease, Caritas leases 103 units of housing, some collaboratively with other nonprofits. I've given our board of directors a tour of some of the housing and if any of you would like to see what that looks like, I'd be happy to take out a tour to see the housing that some of your funds and some private funds purchase in the form of a lease in this community. In your briefing this morning you saw the current community capacity for homeless service. Caritas operates 41 of the 57 permanent supportive housing units for the chronically homeless. And we are recipients of the new Tdhca funding, the grant for housing ex-offenders, which is brand new for the year 2010. You also saw that as a city we are spending two times as much per capita for short-term transitional and shelter services. And as we do on the longer term services. You've heard tonight the benefits of permanent supported housing. Additionally Caritas has a 75% success rate with our formerly homeless clients maintaining permanent housing. These are really tough economic times, big financial decisions that you're going to make about this and about other precious dollars, and you need to make

those to the most effective and successful strategies. Caritas supports the bond funds for permanent supportive housing for those at or below 30% mfi as an important next step in stabilizing our community in this fight against homelessness. Thank you all very much.

Mayor Leffingwell: Thank you, beth. Susana over here. Next speaker will be nancy o'hen gar 10 on this side.

Good afternoon, I'm susana almanza. It seems real evident to me that there's such a great need and we need to begin to put that taskforce already together to work on the next housing bond initiatives. As we've heard today there's so much in need, whether it's people with disabilities, the elderly, the homeless, people who also want to be part of the dream of owning a home. And I think that's real important. I don't believe in making a city of just renters. I think that we have to create a balance here that we also make sure that we also are creating a city of homeowners. And especially those that are poor, the working poor, they have just as much right to also be part of the home ownership. And I also agree that we need to make sure that part of that money is there for home repairs, but also sitting on the community development commission, I've seen big giant corporations who are rehabbing these apartments. Sure, there's people who are benefitting from it, but who really benefits the most? Because there's no program here, like in other cities, that those renters -- monies set aside from their payments so that one day they can stop being renters and become homeowners. Those kind of programs are not in existence here in austin where they are in other cities. So I think that we need to rethink about also how we do -- do we make renters for eternity, forever? And are we just giving money to corporations instead of being -- putting programs so that people can actually own their apartments so that they also can be stable and not have to go through transitions? I think those are all things that we need to look at. It's not just renting these places for eternity or until they fall down and then we start all over without creating a balance. I think that we really need to look at how we're going to break up those funds so that it doesn't go just to one individual because it it was we pushed 60/40, I went door to door all over the town with a lot of people pushing and saying that the pamphlets of that and everything and now we're saying that we don't want to do that, that we really were just saying that to get people to approve the bond measures. But I think there has to be some kind of integrity of how he do things to make sure we create that balance of home ownership and not just a whole city of renters. And that we expand only five million dollars for home ownership to a million if you do home repairs up to seven million, but 30 something plus just for renters. So I think we need to look more creatively of how we're using this bond money and again to look for the of how we got here because we were not doing the work that we were supposed to be doing for affordable housing. For such a long time we trieto put that behind, out of sight, out of mind, as if people didn't need affordable housing. [ Buzzer sounds ] and this is where we're at today. Thank you.

Mayor Leffingwell: Thank you. Welcome, judge. Next on this side will be deanna ikler. Went home? Okay. Corey walton will be next over here.

Thank you very much for holding this hearing and allowing us to come and speak with you. I'm here today because we have a criminal justice problem in our community. When I became a judge, I had no idea that first I would become an advocate for substance abuse treatment. And then I would become an advocate for mental health treatment. And now I'm having to become an advocate for housing. And that's because

so many of the people that I see in my courtroom simply have nowhere to go and they're spending an awful lot of time in our jail. And you've heard other people speak about that. So what I would like to focus on is the notion of this being an opportunity for the city to leverage money by use of these g.o. Bonds for housing the chronically homeless. And let me just give you an example. Across this country we have lots of drug courts, we have mental health courts. One of the biggest barriers for travis county courts is that when we have someone come through and they have nowhere to live, we can't provide them the type of mental health or substance abuse treatment that they need. We have grants that are being distributed by the federal government, by the bureau of justice assistance for reinvestment and re-entry. Those grants fund programs, the kind of programs that permanent supportive housing provides. But you can't get one of those grants if you don't have a facility for people to live in. So I would encourage you when you're thinking about how do you use these dollars that there are opportunities to pull in funding. If you utilize this money for permanent supportive housing, I think that you have an opportunity to not only reduce costs for the jail and the hospital district and so forth, but i also think you have an ability to pull in money from other entities to help transition people out of the jail and into a permanent place to live. I am thrilled at the conversation that we've had tonight. And I am very hopeful that we can have more robust conversations in the future about the whole issue of chronic homelessness. And I'm very excited that we have more interest with both the county and city, and I'm seeing sort of a perfect storm. And I'd like to see it continue. [ Buzzer sounds ] thank you very much.

Mayor Leffingwell: Thank you, judge. Corey walton on my right. An next will be marie rocha? You will be next over here.

Good evening again, mayor and councilmembers. Corey walton, austin neighborhoods council. I'm not going to reiterate the resolution from amc last night, but boau recited it to you. I wanted to sort of add to it that as you mentioned, it was thoroughly vetted and last night it was voted on overwhelmingly by probably 60 members representing probably 40 to 50 neighborhoods from everywhere throughout the austin area. So just pointing out that i usually come to y'all to speak for neighborhoods, and I mean largely single-family residential neighborhoods. I'm usually a house kind of guy, but I think amc recognizes and acknowledges the that neighborhoods communities and healthy communities require economic diversity, and that means housing diversity. So what that resolution said basically is that to open up the remainder of the funds. Sure, if the single-family low income housing developers have projects in the pipeline, by all means let them proceed, but if the lower income rental and homeless projects qualify for the remainder of these bonds, let's let them proceed. And let's continue what i think was a remarkably widely disbursed application of the funds that staff has accomplished to date, and let's keep our existing homeless facilities in place. And if we can, expand them. You know, let's keep going in and give the greatest housing bang for the buck to those most in need for them. Thanks very much for your consideration. Thanks for opening this conversation this evening.

Mayor Leffingwell: Thank you, corey. Marie on this side. Mark rogers will be next over here. Is mario rocha in the chamber? You will have six minutes on this side, mark. Go ahead.

Good evening, city councilmembers, city manager and mayor. My name is marie rocha. Our company, saldana homes, has partnered up with guadalupe neighborhood development corporation. In the

guadalupe (indiscernible) subdivision project. As a lifelong citizen of austin and adds a voter i supported proposition 5, believg that the bond money of \$55 million would be used for home ownership and rental for affdable housing. Home ownership has always been a part of the american dream. Generations of americans has worked and sacrificed to be able to call a home of their own. Using the bond money to build affordable housing makes it possible for working families to be currently rent be, to be able to fulfill their own american dream and to be able to own their own home. Without the bond money home ownership will be a farfetched dream for many families. Our company has been developing a subdivision in central east austin, which consists of 100% of affordable housing. There will be 90 homes, total of 58 of home ownership and 32 rental. The austin housing finance corporation has already approved and invested in the subdivision \$1.6 million. With this -- without additional funding totaling 6 million, our project will be completely stopped. This is why it's so important that our city, our council allocates the remaining funds of the \$50 million to ongoing pending and shovel ready projects. There are projects that are already in the development pipeline and already to be relying on this bond money and able to finish with the infrastructure like ours. Without the bond money there will be -- it will be wrong to restrict the remainder of the money to be one type of project that would exclude ownership. [One moment, please, for change in captioners] mark rodgers, you have six minutes with the donation of time from mario rocha, next on this side is richard troxell, is richard still here? I believe he's gone. Francey ferguson will be on this side next.

I'll try not to use those six minutes. Good evening, mayor, and members of council. I'm mark rodgers executive director of the guadalupe neighborhood development corporation simply known as gn/dc. First I want to remind everybody we're not here to fight over the last 15 million of affordable housing bond money, and i don't think it seems that way, but it starts to sound like everybody is plugging their own project. Really, it's -- we're here -- we shoulbe here, anyway, to celebrate a really amazing thing, a tremendous thing. I remember a few years ago the city manager then saying there was no way we could spend even \$20 million in seven years and others advocated we need 80 million and we settled on 55 and here we are two and a half years later going, oh, my gosh, we've only got 15 million left. That a good thing and with those funds we've hit all ranges of income, 30% to 80%. Put people in renting housing across the highway in places that are 325 a month, 285 a month and some of our units right next t downtown. That's an amazing thing, that's a good thing. That bonds have gotten much greater affordability terms, 40, 60, even 99 years. That was really highly unusual, almost unthinkable five years ago, 20 years was normal, 30 years. So as you deliberate on the next steps don't forget the old adage, if it ain't broke, don't fix it. We had a good split, a good approach to things, I think, that the city thought the bonds were going to be used for, a 40/60 split. We he do support home ownership. Everybody does. We support affordable rental and we all know that the chronically homeless are the m vulnerable people in our city that desperately need help. That's not the issue. There are so many needs out there. Are the needs of my family at 37 mfi somehow less than those at 27% mfi? So we're sort of the -- what we have, I don't know whether it's the confused or complicated housing organization, if that's what choader puts it. As marie rocha put it. We do who were home ownership, we do rental, rental up to 80%. We've got the subdivision marie referenced, the net zero subdivision, as -- he turned to me the other day in a housing works meeting and he said, are you just trying to find the most complicated thing in the world to do? We've got, as marie mentioned, 32 rental units. We've got 58 home ownership units, so if I tell you go for home ownership, put the funds back where they belong, it should all be home ownership, I've just ruinedur project. If I say keep it for the lowest income, because we do about 25%, below 5% mfi what will



I do about the other units for the people in between? So I think housing works has come up with a good recommendation that showed the roundtable has good recommendation. Stick with where you were, split the funds, go for those projects as people have point out that are in the pipeline or shovel-ready or oh ongoing like ours. Make sure that they stay funded and complete the work, or start. Don't earmark funds. You know, we get caught up, I've seen it in the past with council, they hear a great cause, there's people of all types advocating for it. Our heart goes out, there's a need for it. I've seen funds get set aside and three years ago later when we're advocating for a new bond issue and people say you didn't spend the \$15 million you got last time. It's still sitting there. It's extremely complex. I hope with the discussion we've had about the chronically homeless and getting permanent support of housing, I hope everybody's light is going on in Austin, we need that, but we're talking about a 35, 45, \$55 million project with coordinating a tremendous amount of efforts, county, city, federal government and so on. Let's do that, and let's have on the next bond initiative in 2013 a specific reference to housing having permanent services for the chronically homeless. But don't take these monies now and set them aside and do that. I think that's my main point. See if I've missed anything. Yeah, that basically covers it. So stick with what we've got. It's working. Put some flexibility into it. I think the choada roundtable recommended that so a year from now if we're not studying the fund, 40% for home ownership, shift for rental, I think that's a good approach to things. Let's get the funds spent on good projects, which we've been doing. You have a great staff that's worked on this and in 2013 we can get another bond issue done and it's obvious we need \$110 million, because 55 went awfully fast. Thank you.

Mayor Leffingwell: okay. Mark. Thank you. Francey Ferguson and Kathy Tyler, okay. Terry Mitchell. I don't see Terry. Karen Falk I see.

[Inaudible] well, but Terry has to be here to donate, so you have nine minutes, Francis.

Oh, okay. Well, hopefully I won't take long. Good evening, Mayor and Council. Thank you very much. You all have been incredibly dedicated to this issue, and Kathy Tyler and I were just thinking about in 1986 when, you know, it was a fight and it lost and the dedication that each person is putting into this has been really moving. Everything that Mark said I'd actually like to concur with, because the issue about homeless housing is now up and it's very much time to address it. In order to address housing for the homeless we must address three types of the capital to build or buy, the operating dollars because the folks don't necessarily have enough money to cover the cost of insurance, maintenance, capital reserves, staff, you know, just the -- keeping the lights on. So there's the operating dollars of the housing, and then there's the operating dollars of the services. So it's -- it is a complex thing, and Housing Works stands ready to support the efforts to build the kind of unity that the judge spoke about. But we agree -- we met with a number of stakeholders in this and we think the bonds have been a terrific success. I'd like to call out that of the 3,000 units that are totally supported as Margaret very eloquently showed, 18 -- because they're mixed income 1800 were supported specifically by the bonds. Of those just 853 are basically for folks under 30% or homeless, between the shelter housing, which often contracted at 50 but are serving 30, units within mixed income that's specifically contracted at 30, that's 74 units, and then the home repairs, which you've heard are a vast majority going to be going to 30, those three sets of housing are 853 of that 1800. It's almost half the units. We completely feel that we need to commit now to preparing for the next bond issue to include housing, because if we weren't coming up on what feels like the last 15, we have a

system that's working. Supportive housing has come in and gotten awarded. Home ownership has gotten -- rental has. Repairs have. And as you-all know, what makes a successful real estate project is there's a site, there's financing, there's a successful developer, there's a successful operator, there may need to be the services as well. You know, it's a complex package, and just having the money sitting there does not make it happen. It all has to be there. And so we've had this ready to go, as Margaret pointed out, and it's allowed a lot of projects to come in and when they're ready to go they're awarded. We think that process has worked. We do agree that there could be some prioritization. You could raise the points. You could really prioritize and encourage people to go for the 30%. So I think what I'd like to do is just read to you briefly what folks sat around the table and agreed on as a recommendation that would simultaneously help sort of create a process where projects continue to move forward, be responsive to the 30% call and also get the funds deployed, because I agree, you don't want to be sitting here in 18 months and be calling for a new bond issue and still have money to spend. So the notion is that from 12 -- once you open up again, because you're in a kind of moratorium, that for the next 12 months that you basically have three pools. Pool 1 would be 30% of the remaining funds and that those would be reserved for units that will be serving and restricted to 30% and below and those struggling with homelessness or on the risk of homelessness. That would be 30%. A second pool of 40% of the remaining funds would be reserved for -- right now for the next 12 months for home ownership. And as you've heard, there is probably about 200 and almost 60 units in the pipeline that it would be a shame to have those just be, you know, you know, stopped kind of like a crowbar in the engine. The third pool would just be flexible, kind of in that same first come first serve, so someone might come in with a homeless project to the bottom pool but want that flexibility because what happens when you contract for someone at 30%, if I walk in and I'm \$2 over, I'm not a different person, but you can't house me. So by having the flexible pool it could go into -- it could be used for the repair dollars that are so badly needed, if the first 2 million are spent let's get more out the door. It could be used as part of a homeless project. It could be part of -- so it would just be flexible and you'd watch it come in -- and then if after 12 months it's not all awarded, pull all the money together and, you know, just put it on out first come first serve. Again, you could have extra points for units under 30. But that would both get the money, it would reflect the -- spent, it would reflect the prioritization but allow the mix that are in the pipeline to come through. There would perhaps also need to be some tightening of point distinctions around services. That's been sort of a loose area of point, and if we're going to focus on 30%, getting the services right is very, very important. There was also a suggestion that during this particular, quote/unquote, last set of this bond, that with the focus on long-term affordability and services and housing under 30, that you do take the applications from folks who are non-profits. They will partner with for-profits for construction, as you've been hearing, such as Mark and Saldano, but the for-profits don't typically provide the services in the same depth as the non-profits, and so that kind of a preference for these last few rounds would probably make sense given this targeting. So that really concludes my statements, and we look forward to working with you on really pulling together a focused next bond issue and a focus on homeless housing. Thank you. Thank you, Francis. Spencer Duran. Spencer on this side, and next will be Frank Fernandez on this side.

Spencer Duran with Easter Seals, Central Texas, and Accessible Housing Austin. We are a small choto that develops housing for people with disabilities as they've been excluded from the development process for so long. People with disabilities have decided to come together and build their own. Choato doesn't start building houses. We did \$100,000 for a rapid acquisition and we have several projects we're working on

currently that we have funding pending with hud, and we are definitely looking in the future to general obligation bonds to support both rehab projects and new construction projects. So we're small and we're young, but we do have projects we're working on, and we have -- we're definitely counting on funding from -- to support this project. To answer your question earlier, it's \$202 per month is the affordable rent for someone who's on \$674 per month, fixed income, which supplemental security income, ssi, that's what we're talking about \$200 a month is the amount that someone can pay following hud definition if they're on ssi exclusively, and that's who we're trying to target. There's no -- you know, you need operating assistance, whenever you're doing that kind of stuff. I like a lot of what the choato roundtable has said. I like a lot of what housing works has said, but just remember, 674 per month, \$200 a month in rent, including utilities -- including utilities if you look at what hud recommends, and that's what we need to be moving forward. Thank you. frank fernandez on my left and next will be melanie boit. Not here? Laura coronado. Laura coronado. Sylvia rodriguez. Sylvia rodriguez. Michael goto? Michael gotto? Pat malone? You'll be next over here.

Could I have all their time? [Laughter] I'll try -- not a chance, frank.

Good evening, mayor and council members. I will try to be brief and not repeat too much of what you've already heard. A few things that come to mind from my perspective. One is I think this very robust conversation I think really brings home the point that francey and others have said that there is a huge need for affordable housing in our community, and as we think about the next couple years and we think about the new bond election, it is important that we -- housing becomes just like parks, just like roads, a basic infrastructure need that gets funded every time we do a g bond issuance. So I think that's important for us to think about. Another thing is I don't envy the position you-all are in because you're in the position of having to balance and prioritize the needs of preserving vulnerable members, individuals and families in our community, but that's basically what you're having to do. And by individual in organization's perspective, I'm the executive director for green doors, we focus on working with folks struggling with homelessness and risk for homelessness, so we have a direct interest in our mission in seeing that these funds get dedicated to those in greatest need. But I also was involved with -- like many of you and others here, in the bond election in 2006 where we did -- while the language in the ballot was more general, we did make promises within the advocacy community, the activist community, about trying to balance, and i think we need to also serve home ownership as well and i think the proposal that housing works has put forward, which howp fully you'll have a chance to look at the next couple days, i think strikes a balance of trying to do both. What I would like to focus on briefly is, you know, if we are going to really try to more aggressively address the issue of homelessness, which I think we have good momentum, which I think is a wonderful thing in our community, as francey alluded to, allocating dollars just for the capital, to get the buildings built, is only part of the solution. Rt of the reason that, for example -- and I'm not sure if margaret's number has included this -- the project that we got go bond funding for, they were all at the restrictive 50% of median family income but the people all moving in are all under 30% and part of the reason that is is when we are applying for funds and we have the land under contract, because there is a dearth of operational subsidy, a dearth of service subsidy, it is risky for an organization to come in at that point where you don't have those things committed to under 30% under units. And so if we are going to be -- if we're going to do that, which we want to do, we have to have -- commit as a community, not just a cy but other members of our community, to better operational subsidy and better support service subsidy.

So I think it's an important thing to consider when you're formulating how do we go about doing that, because that is a real challenge. We may have capital funding but we don't have operational social service funding. Thank you. thank you, frank. Pat malone.

Mayor pro tem, council, pat malone, and some of you know that I've been active in the recovery community for some time now. My reason is I am a recovering alcoholic and addict myself, and I have experienced dual disorder problems. The reason I make that admission openly is because I know how powerful it is when somebody can have their lives restored. I work closely with some treatment facilities and some discharge-type facilities. What's come to my attention at this point in time is the acute problem you have with homelessness here in austin in particular. Now, I've heard some, you know, good presentings tonight. It impresses me that lori ren tear a has been after this for 30 years. David bodem on behalf of the downtown folks and your president of your austin neighborhoods council are all in agreement, let's focus on the homeless problem. At least that's the way i interpreted them. I have sat in judge nancy hoen garth's chambers. I've listened to prosecutors and defense talking about what are we going to do with these people? They're not exactly go-getters. They're hurting. Some of them got real sickness but they've got some potential. And I've seen these miracles were happen, but on the other hand, you know, habitat humanity, they got things in the pipeline, it's a great oranges, how do organization, how do you say know. You've got tom spencer, and his ministry, that's powerful. And then you have these elderly folks and they pay taxes and need repair. It may come down to the obama approach, the way I'm looking at it, mayor. You may want to not try to split it all or not and try to do something incrementally, and I'm wishing I wasn't saying that because my heart is with the homeless. But my head is saying, you might have to be maybe a little more rational than that. Thank you. thank you. Actually that's the leffingwell approach, not the obama approach.

Pardon me, mayor. [Laughter] is -- those are all the speakers that I have signed up wishing to speak. Is there anyone else that has not spoken that wants to speak? I'll just say this has been very educational for me. I've gotten -- I feel like I've gotten a good perspective across the board the different interests. I really liked the guadalupe approach but it was too complicated. [Laughter] but anyway -- mayor pro tem?

Thank you, mayor. I want to thank everybody for hanging in there tonight and coming down to share your thoughts and concerns. You know, I think what frank and francey and some of the folks said really resonate, that -- and wt mark said, this is not -- we're not at a moment of crossroads. We're not at a moment of, you know, divisiveness. We're at a moment of celebration that we have spent the amount of money that we have putting people in homes and that we still have 15 million more to put more people in homes, and that's what we're going to do with it, and we're going to figure out the best way to do it. I think this council is absolutely committed not only to this 15 million but to what comes next. Is it 100 million? Is it 40 million to a full homeless service site and then 60 million to housing on the outside of that. I think we can get there. [Applause] and so I -- you know, i thank council member cole for actually, you know, being the driving force of putting the homeless issue that much at the forefront, because she did. She brought this conversation to today, and what we take from this i know is only going to help us as a community in meeting all of those needs. So I want to thank you all again. I wa to thank my colleagues, and on march 11 we'll make a decision, and, you know, I think I can say safely that not everybody is going to be happy,

but I can also safely say that all 11 million of it is going to be spent on people who need it, and I can guarantee you that. So thank you all. Thank you, mayor.

Mayor? council member morrison. I just want to briefly make a comment to follow up on what mayor pro tem said. I agree totally, but we have all these people, these great thinkers about housing in the house here. Not only are we setting ourselves up for the next bond election, I think a lot of people are on board with that, but I hope that everybody can also take this moment to prompt some thinking about how we ought to manage the funds next time when we have 100 million or whatever it is, because we will be starting out fresh, and we will have learned a lot by this experience. So I just wanted to put that in everybody's minds since we have all the right people here listening.

Mayor? council member cole. I want to thank all my colleagues for sitting and listening to all of this tonight, and I know putting up with me making this such a big issue every time I ran into them. I started thinking about this issue even before I was on the council, because i used to run under i-35 by the hancock center, and there were homeless people as you run to eastwood park, and actually homeless people living in the creek behind the elementary school that my children lived in. But I just kept on running, didn't think too much about it. As many of you know, waller creek was one of my signature projects, and i would run on waller creek and one day a homeless guy stopped me and said, hey, you, we're going to fix this place up for you. And, you know, he had no idea who I was. He just sees me every day and so, you know, they kind of speak to me. And I thought, you know, that's really interesting, but I was just down there looking at the historic stones and all that and marveling at what it could ultimately be. And then finally some people brought to me this issue and said, I think we really need to start thinking about this -- this is about six months ago -- what we're going to do about this and let's go to san antonio and look at a model. So we got a bus and about 50 or 60 people went to san antonio. A lot of those social service providers that -- people in the business community, and, you know, they had raised lots of mo and the business community had actually led in that effort to make a huge facility. But my big takeaway from san antonio was not so much the facility that they built. It was the collaboration, the fact that the business community, the faith-based community, the social service community and the government community got together and said, we're going to fix this. We are going to make it better. And so I almost let it go at that, but then somebody said in san antonio, you need to see miami. And so I went to miami, and they reduced their homeless population from 8,000 to 1,000 in a span of time between eight to ten years, and they did that with the same collaborative model. And basically the business community led in that effort, but all the advice i got was, if you're going to work with this and try to put real money together -- because this is no money everybody here knows -- this is no money for homeless. This is no money for the elderly. This is no money for the disabled. I mean, we're sitting here debating about crumps. It's not going to fix our mental health problems, it's not going to claing lives change lives, not put for self-sufficiency, but those were are the kinds of ideas you have in your head when you run for public office. But in miami they had a downtown facility and a facility out in the county. And basically they had enough capacity, and i learned a lot, and I'm not going to kind of get into all I learned from miami, but when I came back and margaret had brought her program, I said, scan in the game and I knew from all the people I had been talking to from san antonio to miami to how we started with the arch and all of that, that one thing you needed to be able to approach other agencies, just like nancy talked about, whether it's the county or mhmr or the health district or the state, is you had to show that you had already put some, what they call, skin in the game.

And the question is, what are you going to do? And I agree with Frank 100%. This is just capital funds for housing. I mean, it's not the operating cost. It's not the mental health cost. It's not going to solve everything. But anyway -- so I got kind of wound up about it, and then I was just about to let it go and there was a front page above the fold story about a guy who had cut down about 100 trees, and we, the city of Austin, had went out and cited him for cutting down those trees and fines and the whole nine yards, but we did absolutely nothing with respect to the people that were living on the property in the trees, the poorer than poor -- the poorest of the poor, the homeless. We didn't bring them down the front steps, down to Caritas, down to the Arch, but we're still collecting money and fighting about those trees. I probably have more trees on my property than anybody on the dais. We debated trees for two hours last week. I voted for the tree ordinance. I love trees. But we cannot just be about trees and water. We have to be about people. And I fully agree that this debate kind of zero to 30% versus 50 to 70%. You know, there are a lot of needs in both of these categories, but when you're talking about the zero percent, the ones that I walk over that are in a fetal position laying in the creeks with the hypodermic needle flowing into our lake, that's a crisis, and the kind of commitment that this community made when Katrina happened makes me know that we could put Miami to shame if we just decided that we wanted to do it. So I'm going to talk to my friends up here and we'll decide, you know, how we're going to divide up this money, but I thought it was real important to let all you guys know how much I appreciate you-all's staying till late and debating this issue and working with me on it, and I'm hoping that we'll be able to continue to do so in the future. Thank you. [Applause] Entertained a motion to close the public hearing.

Cole: so moved. Motion by Council member Shade, second by the Mayor pro tem. All in favor say aye.

Aye.

Mayor Leffingwell: aye. Any opposed? Passes on a unanimous vote. Thank you all. No more items on our agenda tonight. Without objection we stand adjourned at 10:01.

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