

Closed Caption Log, Council Meeting, 03/25/10

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I'm austin mayor lee leffingwell. We'll begin with the invocation by laura koke koch, co-pastor of the shoreline christian center. Please rise.

Well, good morning, mayor leffingwell, and all the council members, and your amazing support staff. I was talking to a guy over here. He said you don't know how much goes into these meetings. So thank you so much for all you do to serve so faithfully here in our city. Let's pray. Gracious, heavenly father, we praise you today for pouring out your love on us, that we are the apple of your eye and the focus of your attention. We thank you for this gorgeous day, another day to live, for another day to bring your light and goodness to a world filled with so much pain. I ask you to use mayor leffingwell and these extraordinary leaders to bring your peace, your love and your compassion to our community. Give them tremendous wisdom and fine-tune direction in every decision they make. Give them each strength as they carry out the weight of governing our city. We ask for your abundant blessing and prosperity over our beautiful city and that as we have grown knew north north numerically in austin, we hope that we will -- we pray to every single person, whether in the north, south, east or west, would know your love in a fresh new way today. We know our lives and futures are in your hands, and so with humble hearts we ask for your life to make a difference, to bring answers, to account for eternity, in jesus' name, amen.

Amen. Thank you, pastor. Please be seated. Quorum present so I'll call to order this meeting of the austin city council on thursday, march 25, 2010 at 10:08. I apologize for the late start. We're meeting in the city council chambers, austin, city hall, 301 west 2nd street, austin, texas. The changes and corrections to today's agendas are as 1 is postponed until april 8, 2010. 2, add the sentence requested reviewed by the electric utility commission. 5 will be postponed until april 8. 28 and 68, add the " 36 postponed until april 8, 2010. 54, delete the word "make" and add the words "present possible code," so it reads approve resolution directing the city manager to study and present possible code recommendations on a policy regarding hot food served on-site at farmers markets. Item no. 60 is withdrawn. 67, add the words "after planning commission recommendation to grant downtown mixed use central urban redevelopment, parentheses, dmu cure, closed parentheses, combined district zoning. Our time certain items for 30 we'll have a briefing on green roofs. At noon we'll have our general citizens communication. we'll take up our zoning matters. we'll take up most of our public hearings. 30 we'll have live music and proclamations, and the featured musician is walter traggert, representing the armstrong community music school, and we have one special public hearing. The consent agenda for

today is items 1 through 58, and i will read items -- item no. 46, Which is appointments to our boards and commissions. Appointed to the community development commission is stephanie zen, appointed by yours truly, mayor leffingwell and there's a waiver for ricardo trevino in the building and standards commissions, council member morrison's appointee and it's waving the attendance requirements in section 21-26 for absences through today's date. Pull off the consent agenda, that is items 1 through 58, with the exception of items 2 and 29 are related to item 69, which we'll take up with the public hearing on item no. 69 at 4:00. 5 is pulled -- is pulled by council member morrison -- correction, 5 is not pulled. It's postponed on the consent agenda. 11 is pulled by council member cole. 22 is pulled for a brief staff presentation. 28, which is related to item 68, is pulled for that public hearing. 44 pulled by council member shade. 50 pulled by council member spelman, and 53 is pulled because more than one speaker signed up to speak on that item. So council, I'll entertain a motion to approve the consent agenda. Motion by council member shade, second by the mayor pro tem. And before we vote I believe we have some folks who are signed up -- individuals who are signed up to speak on some of these items. 2, 29 combined we have mary arnold. Is mary arnold in the chamber? Mary, you have three minutes, if you want them.

Thank you very much, mayor leffingwell, but my understanding was that this would be taken up with item 00 with the public hearing. you are correct. Thank you. So we'll reserve that item for later. 44, we have john raybun. Genrebun? John john raybun? And that almost has also been pulled. 50 has one citizen, that has also been pulled. Item no. 54, jesse griffis? Welcome, you have three minutes.

I'd like to say good morning and also I'd like to thank all the people that showed up to support us in this item. My name is jesse griffis and I'm a chef with diudai supper club, a local food and butcher shop. We started about four years ago with the intent of purchasing food only locally from local farmers and then presenting it in the form of a dinner, and recently we decided to go to the farmers market to sell our products there, and kind of expand our business and also expand the amount of money we were able to circulate within the community by buying food from local farmers. In doing this we decided to serve hot food on side prepared to order. I believe the mayor actually came by, got a sausage one day.

Mayor leffingwell: I did.

He liked it. I really hope you liked it.

[Laughter] so initially we weren't met with any problems from the health department. We were told it was going to be fine and we were able to draw the permits. Eventually, though, due to the ordinance not classifying the downtown farmers market as a special event, we are not able to draw those permits anymore and serve this food on-site prepared to order. And in doing so we've lost about 70% of our business -- or will lose about 70% of our business and also are looking at cutting drastically our expenditures with local farmers. And it's just a wording issue, I believe, with this ordinance. The sunset valley and houston, san antonio, all have ordinances that allow the preparation of hot food on-site at their farmers markets, and basically we'd just like to see austin follow suit with those cities as well as most metropolitan cities around the country, san francisco, new york, boston, et cetera. We are -- as of april 1 we are no longer able to draw these permits and we would like you to consider expediting and

considering a change in this ordinance to allow us to draw these permits for many reasons: To allow us to continue to spend our money within the community to provide good fresh food at the farmers markets. We've got quite a line every week, and a lot of really disappointed people at this point, and -- and we are really looking forward to working with the health department too on this issue, to provide a safe and really just well-prepared and thought-out method of preparing food. We've been inspected numerous times and passed every time, and so I don't think it's a food safety issue, and we would just like their consideration in working on this ordinance to help us to continue this portion of our business. So thank you for your time and your consideration. thank you. And I believe that's exactly what this resolution is intended to do. I would also note that we have 43 other citizens who signed up in favor of this and your names shall be entered into the record.

Mayor? mayor pro tem. I just want to emphasize a comment you made. You have listed this as one of our highest priorities and that's small business and microbusiness. This is an oversight in health code that will keep our farmers markets up and running and allow these vendors to be participants. I think it's a great -- it's a great way to spend a saturday morning at the farmers market just hanging out and being able to sit down and have a nice meal, and it's unfortunate, but we're taking action as quickly as we can and we just ask for some patience, and we ask for some help in potentially crafting the language that's necessary to keep you guys up and running. Thank you. thank you. 55 we have one speaker signed up neutral, scott johnson. Welcome, scott. You have three minutes.

Good morning, mayor, mayor pro tem, council ott and city staff. Regarding item 55, two years ago I contacted a very capable cou aide and asked him if we could look at setting standards for those folks nonprofit that get waivers from the city or street closures or require police assistance at no cost to the city, and we started meeting in 2008 on this issue called the green events ordinance, and we ran into some opposition from some folks that have events, such as south by southwest and the kite festival saying that the city is not in essence following their owe recommendations to try to improve repsych lynn and other sustainability efforts at their events. True enough, sometimes the city is challenged in this regard, so with the very capable help of the city council members, they started doing that for veterans day last year as well as for the trail of lights event, and so we are recycling at city events now and trying to reduce water use, et cetera. Now we need to go back and look at this opportunity as well because it's truly a tremendous educational opportunity for the thousands, tens of thousands of citizens that participate in runs and bike rides and other charitable events. What I proposed last year, a year after we started meeting and got bogged down, is what's called the sustainability stipend. This would be a proposal where the city would not budget any more fee waivers within the council offices and instead develop a matrix that would give ow a stipend based on -- out a stipend based on performance, in essence, meritorious compensation. If the people after they applied on-line for the stipend were to fulfill their promises and recycle to a high level and not use bottled water and other sustainability measures, they would get funds back that could be up to and equal to what their asking for in fee waivers. This has many advantages. One is it would strip these items off of the city council agenda, perhaps put them under the chief sustainability officer, who could review these and occasionally do audits. We're talking about larger events, not to ding people who are having weddings at the zilker clubhouse, but for events that are more than 150 participants, where currently stuff is just going into the landfill, and bottled water is being given gas powered carts are used instead of electric carts. There are so many opportunities to

gain and i believe that the city council should reconsider this. And I reached out recently to some of our offices on this particular issue. One of the values in doing this is that it can help us ultimately look at taking sustainability to a higher level, in fact, mainstreaming it more in the community. We're often touted as a very green city. True enough, hundreds of thousands of us are, but there are plenty of people who are not as green as they could be, and we have landfill issues. The epa is going to reset the ozone standard within the next year. I'll be happy to answer any questions. thank you. I don't have a question. I'll just comment that my office actually started this a couple years. It's proven to be a very difficult row to hoe but we continue to work on it. All in favor of the consent agenda say aye.

Aye.

Mayor leffingwell: aye. Any opposed? Passes on a vote of 7-0. We'll now take up item no. 11, Pulled by council member cole. Council member cole is recognized. I'd like to have somebody from dsmb come forward. I have some questions about this contract.

Good morning council, acting director, small minority resources department. good morning, veronica. As you know, we've been having a serious concern about the ability of african-americans to receive contracting work from the city of austin, and that has been an issue that I have heard about not only from the african-american contractors but also the entire community. So I want to know, do we have a certified mbe firm that can perform any scope of work for this project?

The scopes of work on this project, there were several scopes of work and there were mbes that were listed that could perform these scopes of work. In this particular situation with the compliance plan that we reviewed from the lowest bidder, there were areas where either another certified firm was used for that scope of work or the mbe for whatever reason didn't bid on that particular scope of work. In addition to the information that was provided to us by the prime, we also performed our verification, our good faith verification form, and we did receive information back from certified vendors in those scopes of work that confirm that information, that either they did not place a bid or the -- a different certified firm was chosen for that scope of work. so do you know what steps were taken by the contractor to actually get mbe participation?

Yes. To outline the steps that took to make good faith efforts, they met the good-faith effort requirements, contacted everybody in the slbp, for african-american firms and hispanic firms. They also had zero percent hispanic firm. When they received a response from a firm, they made two follow-up phone calls, at times 3 and they cablghted smbr staff to provide a list of temporary agencies that could provide labor. In addition to that, the additional good faith efforts they took they contacted african-american firms and hispanic firms outside the slbp as well. They didn't purchase ads in the local newspapers but they did contact our minority trade associations to ask them to assist with outreach. and I'm assuming that all this contact can be verified?

Yes, we -- as part of their c compliance plan they submitted to us a log of all the contacts they made. what does the log include, what information?

It shows they sent a fax to the vendor, a log of the fax activity, the fact the fax went through, or if it was a bad fax, for example. If they made a phone call they submitted a log showing all the phone calls they made and if they sent an email then they submit a log to us showing the emails that they sent. well, I would like to ask that the information dictating how the good-faith effort was attempted to be complied with, that my office receive a copy of that.

We can do that. and can you tell me why the second bidder, who was able to reach the goals, was not selected?

The compliance plan of the second bidder wasn't evaluated because we do evaluate the compliance plan of the first lowest bidder, and this was a low-bid situation, so the lowest bidder is the bidder that staff is bringing forward. it's a low bid situation?

It's a low bid situation. However, I can tell you on the compliance plan that was submitted by the second low bid e because I noticed they achieved the goals and i glanced at their compliance plan, it was not -- it was not confirmed, but the way that they proposed achieving the goals is by using a different ethnicity for hauling. They used -- they used certified firms in every ethnic group to achieve hauling participation. Now, our lowest bidder for hauling listed a wbe firm as their primary hauler. For alternate haulers they included two hispanic firms and one african-american firm. I don't understand what you just said. Can you repeat that?

Sure.

[Inaudible] you're not --

[inaudible]

let me take the two bidders separately.

Cole: thank you.

The second lowest bidder looking at their compliance plan, the way they proposed to achieve the goals is by using certified vendors for hauling, so they check out the hauling scope of work and were proposing to use certified vendors towards that scope of work and they were able to achieve the goals in that fashion. The lowest bidder, looking at the hauling scope of work, what they proposed to do is use a wbe firm of their primary hauler. They also listed alternate haulers, on their alternate hauling list they listed two hispanic firms and one african-american firm. When you look at hauling, we include the option of adding alternate hauling firms because of the industry. Once a contract is let and you're looking at hauling on the life of a contract, there might be a need to bring forward alternate haulers, so we're asking for bidders to provide that information to us. It's not included in the participation when you're looking at the compliance plan, but they are asked to list who they would use as an alternate if nes. If -- if necessary. So there is the potential of having participation there. that would also be information that I

would like submitted to my office.

Absolutely.

Cole: okay. Thank you, veronica. No further questions, mayor. the floor is open for a motion on that item.

Cole: move approval. motion to approve by council member cole.

Second. second by council member spelman. All in favor say aye.

Aye.

Mayor leffingwell: aye. Passes on a vote of 7-0. And I would ask the person who threw the money on the floor here to come and retrieve his money.

[Inaudible] the next outburst like that we'll have you removed from the council chambers. 22 we have a brief staff presentation.

Good morning, mayor, mayor pro tem, city council members. I'm meeting ancraiger, with the redevelopment services office. This item is to request for your consideration to authorize the acceptance of \$30,000 from the downtown austin appliance. These funds will be used to contact three artist teams for the design, fabrication and installation of three sculptural bike racks to be located along congress avenue with the intent to sustain our creative identity for the city of austin and provide alternative transportation. In 2008 the downtown austin appliance, or daa, conducted an artist selection process and opened competition model after the city of austin art in public places program. The daa consulted with the planning development department and public works bicycle program as well as downtown neighborhood and business organizations in both project planning and selection. From a request for proposing proposals 37 were w were received and seen by art prstles. Three were selected based on criteria of aesthetics, functionality, safety and low maintenance and I'm going to present them to you now. The first of three artists designed bike racks proposals is entitled sprout stop by kasia and tom simpson, which constructs of forged and welded steel and able to accommodate up to six bicycles at a time. Gear growth by ben harmon will consist of four 10 to 12-foot vertical steel bike stations, enhanced with an assembly of found bicycle gears reminiscent of abstracted trees. And the third and final proposal is entitled stem rack by ann armstrong depicted three oversized elephant ears naturally found along lady bird lake and the hike and bike trail. Constructed of galvanized steel. The 3 racks are planned for the 400, 600 and 800 block of the avenue. We request they be managed by the art and public place program. If the budget is amended -- is approved aipp will execute contracts with each artist or artist team to determine final designs and exact siting of the work in consultation with business owners and appropriate city departments. And my last slide here, the project and proposals have been presented to a number of boards and commissions over the last year and a half. In february of last year the art in public places panel approved the proposals and the bicycle advisory council voted to support them. The austin arts commission approved the proposals and the urban transportation commission voted to

support the project both in march and in april the downtown commission and the design commission approved the location of the artwork project. Permits within the national register historic district were granted for all three projects in january of 2009, and I'm happy to entertain questions at this time. council member riley? I want to thank you for the presentation. It's a very exciting product. We've been looking forward to it for years so it great we're finally at this point. I'm glad to see it's been reviewed by all these boards and commissions so I know most of the tough questions have been asked and answered, but I want to make sure that this one question gets asked annual that relates to the functionality of these things. I wondered when I saw the design especially for the sprouting one, about the functionality from the standpoint of actually being able to get a u lock around those things, and I heard you mention that there will be further design review, and so I'm hopeful that as that moves forward we'll be looking carefully to be sure you will actually be able to get a u lock around these things. Is that we're very grateful for working with the bicycle program because they gave us standard specifications of bike racks, and so with the proposal was attached those specifications, so any design had to comply with the functionality of being able to accommodate two or more bikes, and all of these proposals have done more.

And to be able to get a u lock around it.

And to get a u lock, yes.

Okay. Great. Thanks so much.

Flush. any further comments? Entertain a motion on item no. 22. Council member riley moves to approve, seconded by the mayor pro tem. Any discussion? All in favor say aye.

Aye.

Mayor leffingwell: aye. Any opposed? Passes on a vote of 7-0. 44 pulled by council member shade. mayor, it looked like somebody was signed up to speak and if he wishes to speak first that's okay with me, and then I'll make my comments.

Okay. John rabone? Not in the chamber so that's all the speakers we have. this item was on the consent agenda and i wanted to pull it because i want to make a motion that we reject the staff recommendation and not execute an extension as has been discussed now for several months by this council, and I want to make a comment as to why I want to reject -- why I'd like to make a motion, it's secked by mayor pro tem. council member shade moves to not 44, second by the mayor pro tem. and I want to make a comment so that the public recognizes that we have an rfp process in place for a long-term partner for managing our recyclables, but the public need not be worried that we will not have a transition plan in place. It just occurs to me -- and it seems to me that there are multiple options for how we might handle that transition period and that it would be more prudent and more financially favorable for the city to wait and see who the long-term partner might be so that we actually know what our transition plan needs would be, and when we started this conversation earlier it was under different circumstances, and so that's why I would like to reject this extension and proceed under the current

contract that we have with the public understanding that your recyclables will continue to be picked up and you need not fear that they will be picked up. so just for clarification, the motion is to not amend the existing contract, which means the existing contract will remain in place. Any further comment? All in favor say aye.

Aye.

Mayor Jefferingwell: aye. Any opposed? Passes on a vote of 7-0. So we will now take up our 30 morning briefing on green roofs.

Good morning, I'm Matt Holland with watershed protection and I've been one of the staff support for the green roofs advisory group, during the last 6 to 7 months and it's my pleasure TO INTRODUCE L. McKINNEY The chair of the advisory group to speak to this issue and we staff will be here as well to answer any questions you might have at the conclusion of the presentation.

Thank you very much for having us here this morning. We are the green roofs advisory group for -- a resolution from the council, and as you can see on the green our intent is to turn downtown green here. Excuse me while I learn how to do this. So the resolution was to have green roofs become a component of green infrastructure in the city, because they conserve energy, mitigate storm water run awful, and reduce the urban heat island effect and we were asked to come together as a group of stakeholders, to explore the feasibility of giving energy and storm water credits based on performs to encourage the use of green roofs in the city. We've been meeting now since the end of August and we've had about 31 meetings with advisory group, subcommittee meetings and break-out sessions with the staff. So really, it's a matter of what do we want for our city to be? Do we want our city to be a concrete jungle with parking garages and service parking lots and no green or do we want it to be the green city that we profess to be with great streets and street trees, Zilker park, hike and bike trail. How can green roofs contribute to this green city? So what is a green roof? A green roof is a vegetation over structure. Some might not be aware that Austin City Hall where we are is actually a green roof. The at grade outside is green roof over the parking garage and there are amenity terraces going up, up into the actual building itself, and these amenities terraces are what you council members look at every day outside your window. So the other green roof types, there are amenity decks, the first one Sterling House, which is actually student housing on West Campus. There's a green meadow on a foreplat in Michigan so this is a large scale manufacturing plant, or a residential terrace such as the Czar's home here in Austin. We've documented 19 -- green roofs. I hear about more every day, so we come back with our final report, hopefully people will be able to contact us and get into the database. Lots of different -- again, a lot of different types of green roofs. In your upper corner, that's the Dell Children's Center for children to play. In your lower left is wildlife habitat. Upper right would be a rain guard and we can look at a green roof as a rain garden or as part of a treatment train for water quality. This is in a city where they actually have green roofs on bus shelters. What are the -- public shelters. What are the benefits and considerations? There's oh throos urban heat island which is a big one in Austin, and just like the trees downtown can mitigate the urban green island, so can green roofs. Storm water detention, the soil mass can flow down the water. Air quality, the plants and carbon dioxide impact can take up some of the pollutants in the air. Water conservation and use. Water quality, well-being, and as we mentioned

wildlife habitat. These are some other examples. Upper left is palisades west, which is actually on top of a parking garage at -- let's see, 360 and bee cave, and it's a 2-acre open space on top of a parking garage. On your upper right is actually the green roof at whole foods downtown, and your lower right is increase in real estate value with having a park out front. And your lower left is looking at what we could do with sound attenuation, say, for some of our downtown properties. So these are the private benefits, energy use. If you put in a green roof it could actually help with your energy consumption, and that's -- you know, you can also do that with white roofs and with added insulation, but green roofs can contribute to that as well. Open space, other uses of activities increase the real estate value. Extended roof life. If you have a green roof over a waterproofing membrane and that waterproofing membrane is not exposed to uv rays, then that roof life is actually extended, and we have a roofing consultant on our team that's been able to document that, that increase in roof life. And as we mentioned, sound attenuation. So we've been asked what are other cities doing? There are three major cities that have programs in north toronto, portland and chicago. The public policies in toronto are probably the most advanced, and they give an incentive of \$50 per square meter up to a maximum of \$100,000 for green roofs. All new and commercial buildings will have green roofs from now into the future, and that's part of what their plan is. In portland all new city owned buildings must have green roofs. They also give 100% discount of the site fee if you have a green roof or 35% the total storm water discharge fee. Just to show you what other policies are. Chicago probably has one of the most advanced, which is -- it's for their climate action plan for both the urban heat island and storm water mitigation. They plan to have 6,000 green roofs by 2020, over 5 million square feet have been installed to date -- whoops, sorry -- and up to \$5,000 in grants to residential and small commercial projects. Austin policy opportunities. The staff have been looking at various segments of the code, with planned unit developments, open space, impervious and building cover, parkland dedication, austin energy greenbuilding program, water quality and flood control and financial incentives, and after this presentation matt holland is here to answer any questions that you-all might have about that. Our next steps are to begin the 30-day community comment period. It's going to be posted on -- it is posted on council member riley's web site. I'll tell you how to do to there in a minute. Our phase 2 activities will happen between april and july. Community outreach targeting and land use study and that's going to be looking at specific areas like tod's, where there may not be a lot of green and how can we benefit from green roofs in those areas. A framework for austin standards and performances and also policy recommendations. In august we'll be presenting the final report and recommendations to you. So this is the report, interim report. austin dystx/council/place one. Contact matt holland at watershed protection or maureen scanlon at oust austinenergy. I'll be happy to answer any questions.

Thanks, eleanor, this is exciting, the idea of having all this added green is enormous benefit. One thing that occurred to me is of course we're also thinking of roofs as a resource of a location for installing solar panels. Is there any discussion among you-all in your group as to whether those would actually conflict with each other or how you might, you know, sort of resolve any of that?

Actually the wildflower center has been doing a study and in their study they've actually simulated that with a green roof and a solar panel and the solar panel shades the green roof so the plants actually grow better because they continue to have more moisture content. So they have proved that they work well together in combination. so that configuration you're referring to with the wildlife center, is that

where the solar panels are sort of like a roof over the green roof?

They're kind of a shading -- they perform a shading device, so here's the green roof and here's the panel, these plants down here are actually getting the benefit of the shade, you know, from the solar panel. Panel.

I see. Great. Thank you.

Matt reminded me to tell you it increases the efficiency of the panel because when it's cooler it performs better, so it works both ways.

Let me ask you one other question. I guess there's also talk about a different kind of solar panel that's more directly attached to the roof. Maybe matt can --

I don't know.

And that would be a different kind of configuration.

We haven't really explored that yet, but that would be a detail that we could look at in phase 2.

Great. Thank you.

Are there any other questions from council? council member riley. I wanted to thank you and the rest of the task force for all the work that's gone into this. When the council asked you-all to take this on, I'm not sure any of us really knew how much work it was going to entail. I know it has been a daunting task. We all knew that green roofs -- just intuitively seemed to be a good thing but this effort has gotten into exactly what are the benefits they offer and how can those lead to specific policy recommendations in terms of performance-based incentives that we could offer that would make these things more viable going forward. And so -- and it's been a very exhaustive, thorough effort that has actually entailed some new research, working together with lady bird johnson wildflower center. It's been an amazing collaborative effort and i applaud everybody who's involved. I'm impressed with the work. I know we're going to be seeing policy recommendations later on and I don't want to steal thunder from matt, but i just wanted to ask, are you sensing that we are approaching some realistic policy measures that could work both for new construction and for transitioning existing construction towards the kind of green landscape that you showed in your first visual?

Uh-huh. We are -- what the staff has been doing is looking at the existing code to find out where the existing code actually may have references that would help green roofs. For instance, in the pud it says open space can be on a green roof -- I mean, could be on a roof so that means a green roof. We're finding places in the code we can highlight and bring forward. I think for sure one of the recommendations will be that there will be a place on the city web site that will bring everything together so that developers and private owners will know how to kind of access some of the city incentives. That's one of the biggest things, because we found that, yes, it is kind of scattered through the code and

just with a little bit of tweaking that can help. And we'll also be doing a five-year plan, which will be pushing it forward, not just what is in the code now and tweaking it. So we'll be looking at what could -- how could we in five years start to match some of these other -- match some of these other cities and what they're offering.

Thanks again.

I want to say this has been one of the best city policy groups I've worked with. It's been a pleasure to work with the staff in a collaborative effort. Thank you very much, Eleanor. I appreciate the briefing. Matt as well. Any further questions? 50, which is pulled by council member Spelman. Do you have a comment, council member?

Thank you, Mayor. I would offer -- first, I'd like to offer that I think this is a great idea. Although we are only partway through our strategic mobility plan, we already have a long list of transportation improvements which are ready to go or will shortly be ready to go, and it would be a very good idea for us to get started even in advance of that plan being completed. I do have a friendly amendment, and I'm not sure how procedurally you want to work this. Let's get the main motion on the table and I'll recognize you. Council member Shade? I'd like to -- we have a few different versions that we're circulating here but I'm just going to go ahead and read the -- to me everybody has the yellow copy, is that correct? And -- so I would like to make that motion as is stated on the -- on the yellow version that we have at our desks, and I would like to add an extra line after -- let's see, it would be after the third paragraph, city manager is directed to do conduct a briefing for the city council's audit and finance committee. I'd like to insert "the city manager is further directed to present to the city council for approval the criteria by which investments will be prioritized for inclusion in " and I would also like to cut the next -- the first paragraph on the second page of our yellow item, which is about the appointment of the task force, and strike that paragraph and replace it with adding, "the council appointed citizen task force shall be comprised of 9 appointments consisting entirely of members of city boards and commissions. And I am making that change after conversation with colleagues who felt like the list of boards and commissions that we had and the version that we have in front of us was too limiting and the goal would be that this task force be comprised of an adequate diversity of citizens, and we believe that by looking at a larger pool than just this limited list of boards and commissions we will have a better chance to achieve that diversity. And finally, the last change that I would like to propose that we make is just before the very last comment -- after the paragraph that says, the sole purpose of the citizen task force, the next -- I'd like to insert, "the city manager proposed bond package shall also be presented to the city council's comprehensive plan and transportation committee for briefing prior -- for briefing only prior to its presentation to the full " motion by council member Shade, and I'll second. Council member Spelman, I believe the amendment may be included in that, but you have the floor. Amendment that you proposed, I believe was included in that. I've circulated the language I had in mind, some of which has been incorporated in the newly revised motion that council member Shade just made. Briefly, the reason for the amendment, the amendment was with regard to the priority criteria, and I think it's just a good idea for us to first consider criteria specifically before we consider what those projects are to look like, to give staff appropriate direction as to what criteria we have in mind, how we would weight them and so on. And the only addition I would suggest at this point is that we give examples of some of the criteria we may have in

mind, which are included in the copy of the amendment I just sent around. Council member shade suggested that we add the language "the city manager is further directed to present to council for approval the criteria by which investments will be prioritized for inclusion in the package" and I would offer as a friendly amendment, "criteria should include community values gathered through the strategic mobility plan, such as geographic equity, environmental impact and traffic safety. These are just four examples. There are a lot of criteria which we will probably want to at least consider including. I don't want to get a union list in this particular resolution, but I did want to get some examples so people had an idea for the kind of criteria we were talking about. But I would offer that additional line as a friendly amendment. since it's a list of examples and it's not restricted to only those items, and I know that staff, especially those that are deeply involved with the strategic mobility plan, a whole host of other things they're gathering from the public, I would accept that as a friendly amendment.

Cole: mayor?

Mayor Jefferingwell: second? -- As a second it before I decide I would like assistant city manager or whatever your title is now, Judd -- I know you've got additional duty now, but I know you've been working on this. I'd like to have your comments on that.

Rob, before you speak, and I appreciate that you goode, I do want to say that it's important that we all be mindful that with respect to capital projects and the capital program in general, that there is a certain science that is associated, and I used those words before with council members, with both defining and selecting capital projects, and that certainly goes to a set of criteria and other kinds of things that our engineers look at in defining capital projects and, you know, as a -- as we look at putting together a capital package. So I wanted to say that at the outset. I'm glad you called goode up because he can expand on that from an engineering and technical standpoint.

Thank you, Robert Goode, assistant city manager. As you recall, in anticipation of this resolution, we've been preparing a schedule and we'll be working with the city manager to get that to you directly, but even before that you recall the existing schedule was to produce exactly what you're asking for today as a criteria on how we're going to select recommend projects to be considered by the council and ultimately to voters. So we were on track to do that anyway. And so there are -- and we are gathering those through the strategic mobility program that we're on right now with the community values and those things as well, but there are, as you already mentioned, a lot of technical criteria we will include and they will include examples exactly that you added today. So we're on track to give you those criteria very shortly, and I think this is a good step to include that. so the addition of this sentence will really have no effect on your process?

I don't believe so. Those are just examples and we'll look forward to reviewing those in consideration of the criteria as we put that forward. in that case, a second, I will also accept that as friendly. mayor, I have a friendly -- council member Cole. I have a friendly amendment to the list of criteria. I think it's very important that we place a high priority on projects that have the potential for federal and state matching funds, because we know that our transportation needs far exceed the ability that we are going to be

able to bond. And so I'd like to make that amendment.

Again, e.

Again, what you're we're doing is adding another example of the criteria that staff is talk about and I'm going to guess that that is also on your list of criteria, so I don't have a problem with accepting that as yet another example of what would be included in that criteria. can you furnish the language to the clerk for your addition? -- Your additional example?

Cole: yes, I will. I have not. I'll also accept. Any further comment? yes, mayor -- council member cole? I would kind of just like to back up a minute and recognize that many cities across the country are in financial turmoil as well as some local governmental entities in our city, and the only reason that we are able to contemplate this bond election and future bond elections is because of the financial prudence that previous councils have shown, together with the professional staff and strong professional financial staff. This council, I believe, is no different, and under the leadership of mayor leffingwell will exercise that same prudence, and i want to compliment the makers of the motion for having worked so diligently with me the last three days to get something that I felt like we could potentially say to the public, we're going to engage in a deliberative process that involves the entire council and that process is going to look as much like as possible what you have known to happen in previous processes. And what I think is really the overarching issue is that we recognize that we have huge transportation needs. I believe I've heard the number that has been listed by staff, as much as 500 million. And that does not even include a potential rail election and also it does not include in short order a potential election for other items, such as parks, libraries and affordable housing. I want to commit at this time that we will do our level-headed best to present to the voters a package that is addressing the immediate needs of the community but at the same time protects the financial integrity of this city council. And with that being said, i have a couple of potential -- what I hope to be friendly amendments or items that we will just debate because as we -- I'm trying to say this not exactly like they said it in washington, or turn my mic off, but this is a big deal. The only thing that I can think that even begins to come to this level of what we do is the budget. So we could put this type of money, and we talk about this type of future money, whether of indebtedness -- excuse me, council member. This gentleman is being removed from the chambers and he'll be removed for the remainder of the day. Go ahead. as I was saying, this is a really big deal and the only other deals that I think comes close is the budget. And because it is a big deal, I think it is imperative that we send a signal right from the start that every single council member is going to be involved in this process. And I would like to propose that we strike the language "consisting of having a council subcommittee that is not in any way an existing committee but just the proposers of the resolution to make the recommendation to the task force. In the past we have always had a bond advisory committee where every single council member made an appointment in dealing with bond elections. In dealing with any matters we have always to my knowledge had a situation where when something was referred to a committee of the council, it was referred to a standing committee of council. I don't think any of my colleagues would and are intentionally attempting to disenfranchise any of us, but I recognize that this is not about me per se, but this is about the seat that I sit in. And I feel like when you're going to the voters and we're going to be asked by the voters about not only the financial integrity but the reasonableness, the geographic dispersion and all those things, we have to answer those

questions, and we'll have to answer those questions into the future, and I can certainly understand why the subcommittee would want to set up a process where we looked at a place to and we said that we don't need to have a forward firefighter who is passionate about people owning homes, but if that place 2 council member wants that, that's a problem. We might decide that the place 4 council member might want to appoint someone who knows a whole lot about compatibility and commercial design standards and vmu, but they don't necessarily sit on any of these boards and commissions, but they want them to serve because of their standing in the community, their standing in civic organizations, or their ability to compromise and get along with others. And I don't think that should be taken away and of course I can certainly understand if we were being disenfranchised because there was a fear that there would be an appointment in place 6 of a homeless person that lived on waller creek, and finally worst of all i can understand if there was a disenfranchisement of place 5 for a potential appointment that like to give slide shows and was passionate about water quality and water supply, and this bond election has nothing to do with that but transportation, but they just felt like they had an amendment environmental protection and somehow it does relate to that, even though they don't serve on these committees. And I think that flexibility and respect for that office, especially in this case, when you're going to the voters and you're talking about \$100 million. That being said, I would simply propose that each council member have an opportunity to appoint a member to the citizens task force and they would make that appointment just like we do all other appointments, not by consist con census, because I understand that's a problem legally, but we would do that at the council member and would come forth, a potential planning committee member by council member cole and potential this member by -- and we would still comply with the city boards and commissions' attempt there, and that I believe I saw -- has it recently been added that we're going from seven to nine? Okay. Then I would be fine with leaving the nine up to the subcommittee of the individual -- I mean, the two extra ones up to the subcommittee of the three individuals who brought the motion. So because of those reasons I make that motion, and so basically what it would say is that nominees for appointment to the citizens task force will be presented to the full council at the regular meeting on april 8 by a council -- by individual council members, and then the same language would apply to nominees for appointments to the two remaining seats that would be brought by the subcommittee. is that a friendly amendment or are you making that as a motion? first a friendly amendment, yeah. let me say a second that -- as second I don't accept it. then it won't be a friendly amendment because we would need both of us to agree, but I want to be sure that what I understood was -- so currently the way that it reads is that we would -- that it's council appointed and that basically the three co-sponsors of this resolution would be the ones who would be working with each of the council offices to come together -- to get this list of nine folks selected from these -- you know, from all the boards and commissions community. And I just want to say that -- so I wouldn't -- there would be no way that we would come forward with the group of nine that wouldn't be diverse, that wouldn't be with the input of our colleagues, because as you said, this is a big deal. So I don't see the need for it to be amended the way that you're suggesting. This is going to be a council-approved committee, and the only way we're going to have a group to bring forward as a council to approve is by working collaboratively -- and we do appoint task forces from time to time, and I think that by using the large community of people who sit on boards and commissions, I'm sensitive to the fact that there are people out there who might be good servants on this task force who may not currently serve on a board and commission, but the reason for selecting from that community of people is that it is a broad, highly

engaged group of people with expertise in the areas that we need over the coming months to evaluate the proposal. So I'll just say no, I'm very comfortable with the way it currently reads, that we're going to get a well-qualified, diverse group of nine appointees to serve on this task force, and I think it's consistent with the way we do task forces. The council as a whole will approve this and the council as a whole will be involved with who sits on that task force.

Cole: mayor? council member cole. I have to make sure that we are being absolutely clear to the public. There is a difference between a subcommittee coming to council with a list and any individual council member having a concern with that list and being forced to strike in a meeting a person that they wanted on that list, but for whatever reason had not made that list. And that is my concern. I know that with the comprehensive plan effort, it was just difficult, very, very difficult, and we all made numerous attempts to reach out to council members and get people, but every single time that a council member was concerned about a person not being on the list, we added a person. We never struck a person. And right now we have set a limit that's gone from seven to nine. So I'm concerned about that precedent being set and all the council members not from the beginning get to set that. And I appreciate the fact that you say, you know, you would talk to all of us and that, but it's not just about this. It's about the precedent that you're setting that we go to a bond election for a hundred million dollars and every council member not have the opportunity to appoint the citizen of their choice. And the second part of that that I want to be absolutely clear about, when I look at the boards and commissions that have been listed, I am only aware of -- with the exception of the comprehensive plan task force which are consensus points -- council member, there are no boards or commissions listed in this motion. with one of the council appointed -- that language was changed in the motion by council member shade. on this yellow sheet? we changed it to say the council appointed task force will consist of 9 people consisting of members of boards and city commissions, and I made the comment the reason we expanded it was to broaden the scope of folks that will be able to -- we'll be able to consider for this so that we can have a more diverse pool even than what we were talking about. And secondly, I think just a point of clarification, all of the boards and commissions, as I understand it currently, are appointed by the council as a whole. They're not your appointment or my appointment. They're approved by the council as a whole, and it's our practice to support each other's nominees to serve on those boards and commissions. They're not -- nobody serves at the pleasure of just council place 6. They serve at the pleasure of the council as a whole. And I would think that this would be similar.

One moment, please, for Kim. So it's not an anomaly, it's not something that we haven't done before. In fact, members of this dais have vote odd a process under -- vote odd a process under that in the past.

Mayor Leffingwell: And I would add that there are other precedents as well, the water conservation taskforce was appointed in a similar way. And I also will not be supporting the amendment.
Councilmember spelman.

Spelman: I will be supporting the amendment, i secked it. -- I seconded it. Although there have been precedents for appointing other ways in the past. It is not our usual practice. The vast, vast majority of our board commission and appointees have been appointed at least by individual councilmembers. And although there are benefits and costs of doing it this way, one of the great benefits of doing it this way is

that each of us then has a member on that taskforce or committee or whatever we're going to end up calling it that we know we can talk to, we can rely on. They're chosen from a good group of people which we've already all vetted as a group and now there's one person on that taskforce that because we selected them as somebody we knew we could talk to, we knew we could trust, we're going to get more information as to what the deliberations of that taskforce are like, what was considered, what's good, what's bad about the final results in a better way than we would have gotten before. When I was on the boards and commissions taskforce, what we always refer to as the commission commission about 10 years ago, we did a survey of board and commission members. And the one single problem which came up most often among our board and commission appointees is that they did not believe that they were getting information back to the city council in a timely and accurate way. There were too many filters, there were -- the communication linkages were too tenuous, and what they most wanted -- I think this is still true with board and commission members most wanted was a direct pipeline to be able to get back to us as individuals to explain what has actually happened and what it is they thought the board or they individually thought we ought to be doing. And I think by appointing individual members, each of us having an appointment on this taskforce, we're going to ensure a better linkage and better communication. We'll all know more about what was going on in that taskforce than we otherwise would.

Well, let me say the reason we chose this course or this method of nominating members of the taskforce was to ensure, to absolute ensure that we had diversity in all forms, not only ethnic diversity, but geographical diversity, which I think is of critical performance to this process. We're talking about public works project. It needs to be for the entire city, it needs to include the entire city, and the makeup of the taskforce has to reflect the diversity of the city. If individual councilmembers appointed and tantamount to -- and nominated, tantamount to appointment, there's no way that diversity could be assured and that's the reason we decided to go this way and that's the reason I will oppose the amendment. Councilmember morrison.

Morrison: I am going to support this amendment. I think that obviously we have the practical aspects that we work through with all of our commissions in terms of getting a balance the way we do appointments this way. But really to me I think councilmember cole's motion speaks to a big picture issue that we really need to keep in mind here. And that is that this effort as we go forward, we need to signal to the community that this is a whole council effort. And I think this is the best way to do that.

Councilmember shade.

Shade: I'm not going to support the amendment and it's actually exactly because -- in listening to the comments, I recognize that it would actually make more sense in my opinion to have this be a council of the whole appointment. Essentially creating what is a consensus appointment only doing it within the legal parameters that we're entitled -- that we're required to follow. It actually will be a mistake if there is -- if these nine people don't include not even just one, but maybe multiple people that councilmember spelman and all of the rest of the colleagues here on the dais should be able to reach out to and communicate with, and it's actually to our benefit not to have somebody feel like they're only representing place 6 or they're only representing place 5 or place 4. We as a -- as individuals when we nominate our own person, what ends up happening is we don't always get the diversity on a board or

commission that we need. And this is a workaround for that because this is such a big deal and because it does affect the entire city. And that is exactly why it made stoans do that with the comp plan taskforce, except for that it was a longer term commitment, it was a much more -- larger pool of people because it literally was anybody in the community that wanted to apply. We were trying to narrow the scope to people who have the expertise, who are serving on boards and commissions that are relevant to the work that we're doing. So my being opposed to this amendment is actually because I feel so strongly that it is essential that we have the diversity of expertise, of geographic dispersion and of ethnicity, gender, etcetera. And I believe that by doing it this way and working with my colleagues that we'll be able to achieve a nine-member taskforce that will actually serve us as a council better than if we each only had our own one nominee. That's why I won't be voting for the amendment, but I do appreciate the dialogue. It been very thought provoking and I thank you for that.

Mayor Leffingwell: All in favor of the proposed amendment say aye. All opposed say no. The amendment fails on a vote of four-three with councilmembers cole, spelman and morrison voting in favor.

Cole: Mayor, I have another proposed, I hope it's friendly amendment, given --

Leffingwell: Councilmember cole.

Cole: Given that result. I know that there are some african-americans who serve on the boards and commissions that are listed.

There are no boards and commissions listed.

Cole: I mean that serve on all the boards and commissions within the city. But I also recognize that we had a very difficult time when we had over 100 applicants in the comprehensive plan process, even coming up with three african-americans. And throughout the city, while you may have some african-americans serving on boards and commissions, there are not many. And I know that -- I can think of one councilmember in particular, and it's councilmember shade and mayor leffingwell has pointed out that I nominated and y'all approved actually sits on two committees. One is the planning commission and one is the advisory commission. So I guess my basic point is that the pool sitting on boards and commissions is very, very small and even of that pool they are being stretched very, very thin. So my motion is simply to add the language to allow former members of boards and commissions to be in the pool for consideration.

Mayor Leffingwell: I believe you proposed that as a friendly amendment to allow former boards and commission members to also be eligible for nomination?

Shade: Again, it's to increase the pool, but it's people who have served, so -- I'm fine with that.

Mayor Leffingwell: I'll accept that.

Cole: So moved.

Mayor Leffingwell: Okay. We do have one speaker who has signed up, but first let me state the motion that's on the table now. Councilmember cole, you made a friendly amendment that was accepted. May I suggest language as follows? After the word traffic safety in the amended motion that councilmember spelman proposed and has been accepted, after the word traffic safety add the words "and potential for federal and state grants and aid".

Cole: Yes, I believe that was my language exactly. Thank you, mayor.

Leffingwell: Councilmember shade.

Shade: Just to clarify on the second amendment it was approve as a friendly amendment where we had the language that said the council appointed citizen taskforce shall be comprised of nine appointments consisting entirely of city boards and commissions, we'll now insert the word after entirely of, we'll insert current or past members.

Mayor Leffingwell: Members or former members.

Shade: Okay.

Mayor Leffingwell: And we will make sure that the clerk gets this language in writing. So that is the motion on the table. We have one speaker. I believe it's jennifer mcphail.

I'm jennifer mcphail with adapt of texas.

Mayor Leffingwell: One second, jennifer, before you start. Is nicholas luce here in the chamber? So you have three minutes, jennifer.

Thank you. As I said, I'm jennifer mcphail with adapt of texas and I wanted to make sure that adapt was on the record saying that in this bond package there should be an emphasis and a commitment to accessibility. And it kind of goes across the board because whether you're looking at road reconstruction or sidewalk construction, there are requirements for accessibility in that process. And hearing the discussion, to us it doesn't really matter if it's a taskforce or a bond advisory committee. It just needs to be a very public process that is open to all people. And it allows for some outreach to the disability community, because frankly we're most intimately impacted by some of these projects, whether or not they get constructed. Because we're the ones out in the oncoming traffic trying to get around town. And there have been a great many of our group that have invested a lot of our lives in making the city a better place to live. And I think when you appoint people to this taskforce or commission or whatever it will be, they need to understand a commitment to accessibility for all. And sometimes we fall short on boards and commissions, so it's just very important that you keep that in mind. And if you want to ensure diversity, at least in sidewalk construction, you need to look at the sidewalk master plan. There was an objective matrix put in place that scores the importance of projects.

And before my three minutes is up, I also want to say one of the weakest points of the current bond package from 2006 is that we weren't allowed to have projects that fill in gaps. There was no allowance for new construction. So we only constructed projects that were reconstruction projects, and that tied people's hands in terms of planning. So this future bond package should have some flexibility in it that allows for ingenuity.

Mayor Leffingwell: Thank you. Councilmember morrison.

Morrison: Thank you. I appreciate the discussion that we've had on the dais and also jennifer's comments. I think that this is an exciting effort to be starting out on. We do -- I think we do have some challenges and we need to be very careful about, for instance, public participation and all of that, somewhat on a fast track because we will need to get bonds ballot language ready in time for the november ballot. And the way this resolution is structured, the process is for staff to come up with a proposal to take then to the taskforce or citizens advisory committee, and we do then -- we are going to be looking at it in the audit and finance committee to be evaluating and understanding better the financial implications. And also with the amendments. It will also be going to the comprehensive plan and transportation committee for a briefing before coming to council. Clearly there are lots of questions and lots of information. I think just talking with people over the past few days, for example, the examples that councilmember spelman added in terms of criteria, you know, as soon as I saw those criteria, it's clear I have lots of examples. I hope to be able to discuss with staff in terms of measuring connectivity, public health impacts, for instance, air quality and then obesity, potential for mobility shift, which is something that's an important -- somewhat new kind of construct being spoken about in the world of mobility. And I think it's also very important for us to get a grip and have a public understanding exactly as jennifer said of how are we going to be integrating the work we've already done with the sidewalk master plan and the work we've done with the bicycle plan and other things, the strategic mobility plan. How are we going to be on owe how will staff be integrating that into the proposals that they make. So I look forward to that discussion and I am going to ask to put this -- just sort of an initial discussion so we can better understand all those sort of technical aspects of it on our comprehensive plan transportation subcommittee early on as soon as possible so that we can get that conversation going and get that information out. But I'm pleased to be supporting this amendment and I think it's an exciting opportunity for the city.

Mayor Leffingwell: Further discussion? Does everyone understand the motion as amended and tweaked in numerous ways? All in favor say aye? Any opposed? It passes on a vote of seven to zero. That brings us to item number 53, which was pulled for speakers. And we'll go directly to our speakers on item number 53. First speaker is bill bryce. Is bill in the chamber? Bill bryce is not in the chamber. Jennifer mcphail? Jennifer is signed up against. And you have three minutes.

Once again, I'm jennifer mcphail with adapt of texas. And we wanted to go on record saying that the resolution should have language in it that allows support services to be optional and requires landlords to provide a lease and a key to tenants of permanent supportive housing. And the reason that we suggest this language is that there's a trend nationally to construct supportive housing projects that are nothing more than institutions under a different name. And if we went in that direction in a financing

institutions, bond housing dollars would not only -- we're not only doing something that is immoral, but it goes against the requirements of the olmstead decision, which is that people with disabilities have the right to be integrated fully into the community. And my only choice -- if I'm low income and below mfi of 30% and you tell me that i can choose between living under a bridge or living in supportive housing, of course I'm going to choose supportive housing in most cases. And that's really not a choice, if that's the only thing that is available. And because there is such a great demand for affordable, accessible, integrated housing, it's disingenuous to say that we've been given a choice. There's a greater demand than there is supply, so people are going to take it because that's their only choice. And that's not necessarily the most empowering thing. People should have the right to choose what support services they receive, if any at all. And I have it written down, and I'll submit it to you to refer back to.

Mayor Leffingwell: Thank you, jennifer. Next speaker is spencer duran. Spencer, you have three minutes. You're signed up against.

Thank you very much. I do appreciate the council's recognition of the pressing need for affordable housing for people who make less than 15,300 a year, i do have concerns regarding a lack of clarity around the term supportive housing. The housing indicated that respondents were interested in the development of affordable rental housing for people with disabilities and low income residents. The comprehensive housing market study indicated the pressing need for more affordable housing for extremely low income residents and the round table and housing works put forward very reasonable compromises on how to spend the remaining bond dollars. So the research, the residents and the local experts never indicated the need for institutional housing. That's basically my fear is a lack of clarity around what it means to construct supportive housing. I do not want to see a general obligation bonds go to construct mini institutions where residency is contingent upon people participating in any kind of supports. Dictating when to take a bath, what do you eat, what you do with your time, it's something that the disability community is very, very concerned about. And I do think that there is a potential violation of the olmstead decision, the supreme court decision about giving residents the most integrated community setting possible as a choice. And I don't think that anybody is concerned or against services, but having choice in services and not making residency contingent upon accepting the services that they're forcing you to take. It's a freedom issue, it's a choice issue. If someone is being abused by their care provider, they should not have to be at risk of losing their housing or raising their concern to express that they are being abused or neglected. That's all I have to say. Thank you.

Mayor Leffingwell: Thank you. Next speaker is jeffrey richard. He signed up for. Welcome. You have three minutes. mayor, members of council, city manager. Jeffrey richard semi name, with the austin area urban league and president and ceo there. The urban league is a direct services nonprofit that has been in existence 100 years in the united states and 33 years in this community. I'm in support of this resolution. I have read it. I've read it thoroughly and in previous discussions before the resolution was brought forward there had been a potential concern about whether we were being exclusive for those persons who live below the designated percentage of income for supportive housing. But having read the resolution now, it simply expresses several good things, not one at the expense of the other. So I find that there is no argument from my point of view and for the organization that i represent, to oppose it. It is a good thing to assist persons who need housing below a certain level of income. It is a good

thing to help with emergency home repairs. It's a good thing to help with those who need rental assistance. And so rather than make the perfect -- the enemy of the good, I think we would support this and look forward to working with you as we craft something that we can all live with. So those are my comments and I give you back the balance of the three minutes.

Mayor Leffingwell: Thank you. Council, the floor is open for a motion or discussion. Councilmember cole.

Cole: Mayor, I want to thank all the speakers for coming out and especially to make clear to the disability community that this resolution is not in any way intended to disenfranchise your community or to dictate social services. We have not even got to the point of defining what social services will be comprised of individual permanent housing. And we will certainly -- we would certainly like to get your input on that when we get to that stage. And I also want to make clear that after this resolution -- some of the history to understand. In 2006 the voters passed \$55 million worth of g.o. Bonds. And that bond money was quickly getting expended, but we were doing a very good job of creating affordable housing, both rental units and ownership units. But staff felt like they needed more direction because there was actually some presentations made to council about the mix between rental units and ownership units and various mfi's, that it was getting kind of complex and they were concerned that we simply had not given enough clear direction and that they were not going to be able to meet those targets, and they wanted additional direction. So they actually froze the program and asked -- put it on the agenda and asked council to provide direction. Long before that I had been working with the homeless community on several issues, with the recognition that that problem was growing and it wasn't simply downtown, it was in the barton creek watershed. It was up and down our freeways and in our creeks and that we needed to start to take some proactive action to deal with that. So once that program was frozen and I started to look at how those funds were being expended, I thought, well, maybe this is an opportunity to get some of those funds dedicated to this population because there's so much data and studies and plans and national studies that were out there supporting the need for housing within the zero to 30 percent of income. Since that time and after the public hearing and listening to all the comments of various stakeholders and being concerned that we were going to leave ownership off the table versus rental off the table and the income mix, i will say that there was a point that I was just at my all time low on how to balance all these interests, coupled with just a tremendous need for affordable housing across the income spectrum and across the city. I went to councilmember spelman and said what do you think we should do? What are we going to do? And he said sheryl, we're going to do all of it. I went back to some of the professional staff and visited with them, and they explained basically the fact that we have lots of buckets of money that come in for affordable housing. Of course, it's not enough. I'm not trying to represent that at all. And that they could do the most good in the community by not having dictated by us specific projects where to get the money from. And in particular what kind of actually shocked me was the professional staff said sheryl, if you see a need for permanent supportive housing between the zero and 30 percent range, I think we could accomplish more with cdbg money as opposed to bond money because that money for that income range is actually easier to leverage. So then I understood what councilmember spelman was saying. Look, everything we get is on the table, but we're going to make a priority of this type of housing because we see such an overwhelming need. And that's what this resolution does. And not only because we see that need, but also to do something about this

type of housing actually results in a positive return to the city because as we take people and begin trying to help them into self-sufficiency -- and I'm talking about primarily the homeless population who usually has an overwhelming number which have mental illnesses, and move them towards self-sufficiency as we've seen in other cities, we reduce the costs that we have to spend and the costs that occur in the emergency rooms and in the criminal justice system. And many of the people who had been working with me on that were from those types of backgrounds. So this resolution, assuming that it is passed by my colleagues, after it is passed would give the authority back to neighborhood housing to begin the process of doing exactly what they were doing before, which I generally understand is taking applications and making decisions about housing. But it simply states we've made a priority of this type of housing. That being said, I want to thank my co-sponsors, randi shade and chris riley, not only for sticking with me, but for putting up with me on this issue. And they put so much time. And often times the lead sponsor gets recognized and not enough is said about the work that your colleagues put in to try to help you get there. So I want to thank them and I also want to not forget the fact that mayor pro tem martinez and I back in 2006 actually passed the first resolution dealing with the homeless issue and he also has been very involved in this issue. And I also want to thank councilmember morrison, who has done a tremendous amount of work in outreach efforts for the homeless community, especially shelters and in emergency situations and the census. And finally, I want to thank mayor pro tem leffingwell also for putting up with me --

mayor, mayor.

Cole: I'm sorry, mayor.

Shade: You got demoted.

Cole: Mayor pro tem leffingwell -- [laughter] well, I was sheryl crow yesterday. Mayor leffingwell for his participation in some town hall meetings about the homeless issue and permanent supportive housing and coming to do the welcome and being supportive of the effort, but not only of his support for me in this effort, but for his long-term commitment to social services. And I predict that 20 years from now the leffingwell council will be known as the social service council. Move approval.

Mayor Leffingwell: Motion by councilmember cole. Seconded by comaid. Thank you for -- by councilmember shade. Thank you for the kind words, councilmember. Any further discussion? Councilmember riley.

Riley: I just wanted to add a quick word to thank councilmember cole for her leadership on this effort and to also recognize those in the community who have helped us reach this resolution. It's been a fascinating journey for us so far. What we know is this a very diverse community with very diverse needs. And in particular looking at the neediest in our community, those in the range of 30 percent of median family income and below, there are many folks in that category who need supportive services. There are many who don't. The resolution we're reaching today is not to down play the needs of those who don't need supportive services or to those who prefer home ownership or any other important housing needs that we know exist in this community. But it is to recognize that there is a particular issue

that we have with respect -- in particular with our homeless community. We have never really managed to confront and deal with the very neediest among us, those who have, for instance, multiple disorders, both mental health issues and many times substance abuse issues. And the effect of not having them in housing is that our temporary shelters get overwhelmed. Other cities around the country have been dealing with the same problem and have been increasingly recognizing that permanent supportive housing can play a very helpful part in addressing that need. And in doing so you can actually free up your other shelters to do a better job at providing homeless services to those who are going through temporary crisis. And so it is a complicated problem, providing supportive services entails a lot of coordination with a lot of different entities and a lot of different sources of funding. So I think it's appropriate for us to -- I've singled that particular issue out, identified it as a priority and worked collaboratively with a variety of partners in the community to see what we can do to address that one particular need. But again, that is not to downplay the needs that the other housing needs that we have in this community or to suggest that everybody in that income bracket needs supportive services. But simply to acknowledge that we have a real problem there and we're going to work hard making it a priority to address it in the coming months. So I appreciate all the efforts that have gotten us here and look forward to continuing working with those in the community who are focused on all aspects of our housing needs in Austin.

Mayor Leffingwell: Councilmember Morrison.

Morrison: Thank you, Mayor. I want to also thank staff for working with me when I was sort of struggling with trying to understand where we had landed. I spent some time with staff saying what does this really mean to you? How are you going to do your job differently? And it was difficult to understand that really over the next four years -- I hope you don't choke if I throw out this number. But in addition to the bond funds, we have CDBG, we have Home Funds, so we're really looking over the next four years of not just spending 13 million or whatever we have left in bond funds, but really something more like 40 million, something like that. And what this is doing, as I understand it, is making it a clear priority that some of those funds, whichever are best, are planned for permanent supportive housing, but obviously we had the market study that showed that we have a gap of about something on the order of 25 to 30,000 housing units for very low income, MFI 30% or below. Obviously we have a lot more to do, and over the next four years we'll be spending funds on home repair and home ownership and especially the huge gap that's been identified in low income housing. So I think that -- I think this puts us on a good path, but stepping back a little bit, I think that this conversation has really helped us raise the level of conversation about housing in the community. Clearly this community is passionate and this council, everyone on this council, is passionate and committed to addressing our housing needs and our serious housing needs in this study. But more to the point, I think it's really pointed out for us that if we look at the fact that to do affordable housing if we're looking at public subsidies and/or incentives, we cannot squander any of those opportunities. And every opportunity we have to make the most of incentives and public subsidies and leveraging them, it's our responsibility to do that. As effectively as we can. I think it's also helped us move along in terms of sort of evolving our approach to looking at how we spend funds and being a bit more deliberative and methodical about where we're going to put our money. I think that we have a great opportunity coming with sort of jumping off from here, but working with the comprehensive plan, which has a housing element to say, you know,, what's our real plan, not only to deal with the 1900

units of permanent supportive housing, but the whole gap. And where we really are going to go from here to achieve that and do some very specific bond planning so that we can make sure we're on the path. So I think that's a challenge for all of us on the council and a challenge for the community to really take this opportunity to move the ball forward and really try and make some real progress and take some big steps in the near future. Thank you.

Mayor Leffingwell: All in favor of the motion say aye. Any opposed? It passes on a vote of seven to zero. Without objection, we are in recess until 12 noon.

Mayor Leffingwell: We are out of recess. The first speaker in citizens communication is gus pena. Gus pena? Gus pena is not in the chamber. Carmen llanes? Carmen llanes? Carmen's topic today is si speaks se puede march for cesar chavez, saturday march 27th, 10 to 1:00 p.m.

Thank you. Poder would like to invite everyone to celebrate the life and legacy of cesar chavez by attending the march that will take place this saturday, march 27th, 2010. Let me make sure that -- there we go. We will begin at 10:00 a.m. At terrazas library at end at city hall. Cesar chavez was born on MARCH 31st, 1927 IN YUMA, Arizona. Cesar chavez was a latino farm worker, labor leader, civil rights activist and crusader for social change. He co-founded the united farm worker who advocates for better wages and safer working conditions for laborers on farmland. He was more than -- he dem stated the need for all working people to support those wh oppressed and ploit sploted, increasing the democratic rights of working people and challenging the powerful in defense of the powerless. In 2008 supporters gathered at city hall -- in 2009 as well to celebrate the life of cesar chavez. They marched down cesar chavez to the mexican-american cultural center where they listened to music and performances by st. edward's.

[Speaking spanish] , martin school eagleettes drill time, the is a fires and poetry. And we have some pictures here of cesar chavez. And here is dolores

(indiscernible) also with united farm workers and here is previous marchs. Speakers such as dong man lloyd dog -- as congressman lloyd doggett, commissioner margaret gomez paid tribute to cesar chavez and his work. Once again we invite you to the march this saturday, march 27th, 2010, from 10:00 a.m. to 1:00 p.m.

[Speaking spanish]

as cesar chavez ones said, we have a power that comes from the justice of our cause. So long as we are willing to sacrifice for that cause and so long as we remember cyst in the non-violent way to work to spread the message of our struggle and millions of people around the world will respond from their hearts and in the end we will overcome.

[Speaking spanish] thank you.

[Applause]

Mayor Leffingwell: Thank you. Next speaker is Edward Sledge. The topic is police chief.

Hello, Mayor. This is the first time I've been down here since you've been on the council. I don't know why I waited so long. Mayor Leffingwell, city manager and councilmembers, I wish to speak to you on two subjects today. First, we must stop the use of cell phones while driving. A person using a cell phone means an accident or injury or death is about to happen. The use of cell phones while driving any time, anywhere is unnecessary, irresponsible and dangerous. It is at least as dangerous as driving while intoxicated and according to some studies more dangerous. And I'm going to repeat that. It is at least as dangerous as driving while intoxicated, and we know the laws about that. And according to some studies or most or all studies, more dangerous. It must be stopped and I believe you have the power to make that happen in Austin. And I urge you to do that. A second subject is I think I speak for a large number of people, Austin citizens, in urging Austin Police Chief Acevedo to stay with us. I think he has done a very good -- he's been a very positive force in helping to improve trust between the police force and the community. I know that he has his own career goals and family to consider, but again, I and many others urge him to consider staying. We would be grateful for that and our city would continue to move in a positive direction with regard to police and community relations. Thank you.

Mayor Leffingwell: Thank you. Colin Clark, campaign promises.

Good afternoon, Mayor and Council. Colin Clark with Save Our Springs. You will have some big votes coming up in the spring on water related issues like water conservation, recommendations, improvements to the plumbing code and of course the billion dollar mistake on the lake. I thought it would be a good time to look back on some of the promises made on the campaign trail as we move forward. One question that the Mayor and Councilmember Shade were asked, do you support implementing a water conservation plan that would lower Austin's per capita water use to a level at least as low as that recommended by the Texas Water Development Board? That being 140 gallons per person per day. And Mayor Leffingwell's response was support. I think per capita water use of 140 gallons per day is a responsible and achievable goal that Austin should pursue. Councilmember Shade's response was also support. So along with Councilmembers Spelman, Morrison and Riley, right there we have five councilmembers who support the goal of lowering our water use to 140 gallons per person, per day. And that's fantastic. And as you consider water conservation recommendations going forward, there should be no problem adopting that as a goal since that's what you've told the public you support. Now, the Chamber of Commerce has said they support water conservation and I hope they don't bring out their tired old line about if we protect our environment and use our resources responsibly, businesses won't want to come here because if you think about it, if we lower the amount of water we use in our homes, businesses, if we lower the amount of water we waste, we have more water for businesses. So water conservation can be a business development tool. So how can we get there? How can we lower water use to 140 gallons per capita, per day? Well, one suggestion that I really hope you will consider is adopting one day a week watering in the summer. We did this at the tail end of the drought of last year and the water utility says that when we went into one day a week watering, our water use dropped 20% before the rains came. So in that drought condition, water use dropped 20%. Now, in the summer we

used about 200 million gallons a day. So 20% of 200 million gallons is 40 million gallons a day. That's an enormous amount of water. Water treatment plant 4 would provide 50 million gallons a day. So we've just reduced our demand by 40% of what this new treatment plant could provide. How much did that cost the city to do one day a week watering? Nothing. It's a zero cost solution that can lower our water use in the summer when we use the most water. Something else we can do to lower water use is require new development to have drip irrigation rather than spray irrigation. When we spray water in the air, a lot of it evaporates and a lot of it goes out on the sidewalk and is wasted. We require sprinklers to be dripped it's vastly more efficient and we use less water. Thank you for your time and I hope you remember your promises to the people.

Mayor Leffingwell: Next speaker is richard knowlton. Richard knowlton. Not in the chambers. Birdie perkins. Topic is the wmi permit expansion. And you have three minutes.

Good morning, mayor, council, city legal and city management representation. My name is birdie perkins. I ask your permission, mayor, that myself and melanie McAfee be able to speak in tan dom for a total of six minutes on this issue.

Melanie is next in line, so you have six minutes between you.

Okay. Thank you very much, sir. Melanie is going to speak on wmi development's briefly and then we'll show a quick video for you.

Mayor Leffingwell: Okay.

Good afternoon, mayor and councilmembers. I'M melanie McAfee and i would like to bring you up to date on the waste management trash dump. Myself, birdie perkins of the austin zero waste alliance, and robin schneider, director of tce, hope to visit with you all next week regarding potential future steps and our combined efforts to stop the expansion. I thank the city for their efforts before the administrative law judge as we anticipated on march 10th tceq commissioners did grant waste management their expansion. Unfortunately waste management did make a point in their presentation that they had contracts with the city of austin to handle some of their waste stream. Not only did the commissioners grant the expansion, but they went above and beyond what the alj ruled giving waste management more than they had requested. Although 95% of waste manage's intake was cited by attorneys as being deposited during their preexisting hours, the commissioners requested that the alj go back and reconsider the hours, even the alj looked surprised, but the result of this request was to grant waste management's increased operating hours. The facility will now only close for a 12-hour time period between saturday and sunday evenings. Our attorney, city, county and public interest attorneys, spoke well of the concentrated land use in the area, noise and bad odors, but the commissioners' response was mute. Their only comment was concern that waste management's trucks might cause a traffic congestion issue if they could not operate nearly round the clock. In addition, the commissioners directed the alj to eliminate the recommendation that would have incorporated four wells currently included in the private, voluntary agreement between the city of austin and waste management in the tceq permits groundwater monitoring system. Their contention was that there was no regulatory

requirement that these units be monitored because the toxic waste intake at waste management's facility occurred prior to '91. Waste management can continue their practice of voluntary monitoring and that once groundwater levels became contaminated to a particular degree that the issue would be back before them anyway. It was a mockery of justice and the impact from the human population in this growing area were completely ignored. Today we'd like to show a video that was made by members of the austin zero waste alliance so you can see firsthand the impact that waste management in northeast austin. It's time to look at how to handle the next step in district court. We have some suggestions. Obama appointed a new u.s. regional administrator in our region 6, dr. al armendaris. This is an opportunity to finally aggressively address the toxic waste in this facility and shut this landfill down. We thank you for your efforts and look forward to visiting with you next week.

(Playing video).

My name is stacy martinez and I'm a resident here at colonial place. We've lived here since june of 2005.

I'm jean.

My name is didi and i live across from the landfill.

My name is barbara.

What is your name?

Nicholas.

Nicholas. And how old are you?

Nine.

People built homes here a long time ago, thinking they were building on a farm. And now they just have surrounded us.

This is supposed by a desired development zone from the city. This is where they plan on doing a lot of building. And actually, it's already here. We've got 205 homes I think in this neighborhood. They've built another one across from a neighborhood called harris branch. Walnut creek just south of us, and there's chimney hills southeast, pioneer crossing is just north of us. This is all within less than a mile in some places less than a quarter of a mile.

Also there's a lot of ant, ver minute, buzzards, animals that live all of the landfills.

The vultures, my goodness, they come on top of my roof, all down low. It's just scary, you know. Some people are scared to get out of their cars when they come over here and they see the big birds flying

around the house.

And we've got cows and when we had a cat, a cow has a calf, we have to be out in the pasture and guard it because the vultures are right down taking the eyeballs out and pecking the roofs off of the calves.

There is constant noise that sometimes late at night or sometimes early morning where they're working and you can hear this inside your home.

(Beeping).

The noise of the truck, guns going off at the.

Mayor Leffingwell: Without objection, we can continue for a couple more minutes.

I hate all the noise.

It's unbearable. At night, especially when we come home from work, it's really bad. It's like someone left an open sewer.

I've had other neighbors tell me that they've been woken up in their -- woken up in their sleep gagging, wanting to throw up. This is inside their home.

The odor is unbearable. You can't sit on your patio and have company because of the stench.

With the windows up I can smell it. And people come over to my house they want to know what is that smell? And I tell them that's the landfill.

I don't want the landfill.

Why not?

It's stinky. Very stinky.

Mayor Leffingwell: Thank you, melanie and birdie. Next speaker is delwin goss. And delwin's topic is no kill referendum; traffic calming devices in montopolis. Welcome, delwin.

Good afternoon, mayor, city council. I've got a couple of subjects here, one of them is a little more complicated than the other, but I'll try to breeze through these. I live on ponca in montopolis. I understand that traffic calming devices are expensive and I understand the city is in the middle of a budget crunch, but I also understand neighborhood safety for our children and property. Ponca, felix and porter are used as cut through streets. There is no accessibility from highway 183 northbound to montopolis, there's no accessibility from montopolis to highway 183 southbound. That effectively puts a

three-quarter mile -- we live three quarters of a mile from highway 183, yet we're on the entrance and the exit ramp to highway 183 that puts allison elementary on the entrance and exit highway 183. In the city study that was done a few months back, my little two block long street with 15, 16 houses on it had 1149 cars in 24 hours. That's 50 cars an hour. That's almost a car a minute. In the last 28 months, we've had three cars legally parked on the streets that were hit by passing vehicles. We've had eight dead cats, two dead raccoon, two dead squirrels and a dead possum all in a 300-foot stretch of ponca. There's not a single traffic calming device south of the california river afterward east of 85. If there is I haven't seen it. There's only one street in the montopolis neighborhood that got the 25 miles per hour speed limit sign and that's baugh because of traffic from -- and that's because of traffic from a.c.c. The south end of ponca borders allison elementary. It's a very short street. I don't understand why we can't even get 25 miles per hour street signs on at least ponca. It's a cut-through street. You can see the stoplights cycle at 183 and vargas. The second thing I want to address is the no kill referendum. I fully support the concept that no healthy adoptable cat or dog should be killed, but I'm also looking sort of at a total loss as to why we aren't taking a look at what causes this problems, too many cats, too many dogs being born and a lack of good homes and resources needed to find those good homes for all of them. In the last year san antonio, dallas, fort worth and plan know have all adopted a city ordinance which requires any cat or dog over the age of six months to be spayed or neutered. Over the last 20 years almost 40 other cities have adopted a similar ordinance. A well written and properly enforced version of the spay and neuter ordinance can be very successful. Why we don't have an ordinance in place to reduce the number of cats and dogs entering our shelter is beyond me. You've passed the no kill referendum. I fully support it, but I'm looking at a referendum that's going to end up with an ever growing number of cats and dogs needing homes and it's going to eat up an ever growing amount of our budget. And there's other places that that budget needs to go. We need to set a priority for education for our children, health care for our sick and housing for our homeless. And not let that budget be swallowed up by an ever growing number of cats and dogs.

[Buzzer sounds] is that it?

Mayor Leffingwell: That's your time, delwin.

Okay. Thank you very much. I also want to give you a petition that's ink on paper, 2600 people asking you to pass a spay/neuter ordinance. I also want to point out that heidi has another five or six thousand signatures on a petition. Pass the spay-neuter ordinance, guys.

Mayor Leffingwell: If you will give it to the clerk, she will hold it for us. Bryan thompson. Topic is concerns of the people.

How you folks doing today? I thought I was going to get seven, but six will do. First off, I want to be -- the summary of my whole issue is our 1995 buick road master, which my parents are senior citizens, and homeowner associations, they all hooked up with community involvement. You probably know, you know. You probably have seniors in your families. Nonetheless, let me read this. The city of austin as well as the city of austin police department have logged our concerns as case number 09-5057108. Since this incident we voiced, logs, contacted, wrote to and have been in touch with everyone from the

police department up to and even including the assistant to the city mayor's office. The whole event has been very poorly handled and the frustration has led to increased anxiety on my behalf as well as my parents' behalf. Okay? dick wills we were informed to belinda

(indiscernible) with austin energy. As rude as she could have been, she told us about the concerns as honest people, that basically the city would not be paying for damages and austin energy would not be paying for damages caused by the act of god. Okay? Austin energy occupational health and safety coordinator, mr. harold l. melvin janet from the safety and risk management, explained that this pole that you're seeing here -- I'm not sure if you can see that. The pole that you're seeing here should have been replaced due to how severely rotten the pole had become. And you should have samples of the pole coming around right now. And along with the words of advice they issued work orders number 11910148 zero and 09-00185014. Okay? As far as doing all the important work around running arn and getting not only much needed business handled on our behalf, our family has continued to remain positive and make the necessary arrangements without the 1995 buick road master that's very much needed. Okay? This light pole was rotten and it's not our family's fault that it fell over and all but destroyed a perfectly good vehicle and luckily no one was hurt or injured. But now it's been six long months and we feel this issue needs to finally be resolved. And we need to figure out a way that we can resolve it. You know, my family supports all the things that they need to support as well as being senior citizens, they need that vehicle. So as I can put it, the city or austin energy has sent a blatant disregard for our family and to support --

[buzzer sounds] -- the things we need to do. I apologize.

Mayor Leffingwell: Thank you. Thank you, bryan.

Thank you.

Mayor Leffingwell: Next speaker is ronnie reeferseed. Topic is peace and freedom.

Generally speaking, thank you, mayor, and don't ever apologize for daring to speak to these people. They give us three minutes. Anyway, stop the toxic sludge in our water! Yes, I'm ronnie reeferseed yelling stop the killing with freedom for farmers. It's not too tough. Kids, don't waste a moment of what you have. Priceless childhood, trying to act grown up with drugs because with that first hit off any ciggie or zip of alcohol you cancel your own precious childhood and believe me growing up early only hurts you. While it supposedly helps only bad grownups who get worse here. While in mexico, however, keeping kids in bondage with drugs now has grown to include everyone. There the cops are like stunned cattle before slaughter with their guns. Meanwhile totally defenseless, mexican public is being mowed down like weeds. Two lessons to start with here. Citizens need access to guns. Since cops can't be everywhere at all times, like congressional and executive criminals all over, low paid cops have bribes and corruption already figured in to their pay packages for their low pay scale. Instead, now, the police can use this opportunity to flush out the worst corruption while earning a better pay package to make bribery less necessary to get by. And merely granting freedom to family farmers takes family away from -- money away to give to legitimate farmers and stop the killing. The so-called president can

lead the world in defiance of a bad treaty by granting absolute freedom to farmers here. Defy the thugs and listen to alex jones for hard hitting 1 fm. It's free online, type com for news, films, continuing broadcasts to 00 to 00 on sunday afternoons and 24 hours after that. ron paul, who has delivered over 4,000 babies and five years as a veteran, by the way. Just dial toll free 1-800-222 n 1414. org about his son. And yes, it's happening. Soon we will have two pauls in the congress helping save our once brown institutional republic prosecute enemies. We all have our sacred institution in the treaties and they rule everything. That's the way it stands now. We are now already signators to at least two lousy treaties against decriminal liesing any drug like marijuana, for example, and so it might require a revolution or perhaps a constitutional amendment. Shamefully I can't id for you the various treaties. Help save our troops.

[Buzzer sounds] and --

Mayor Leffingwell: And your time has expired. Thank you, ronnie.

Thank you for not giving me an extra second while you give these other people as much time as you want.

Mayor Leffingwell: You're welcome. Those are all the citizens we have signed up to speak today. And item number 61 has been now withdrawn from our agenda, so we will have no executive session. There are no other items on our agenda until 2:00. So without objection we stand in recess until 2:00.

Mayor Leffingwell: We are out of recess and will zoning cases. rusthoven with the planning development and review department, the first item on your agenda is item 62, which is the rosewood neighborhood planning area vmu. This case will be discussion. Second case is item 63, the rosewood neighborhood planning area vmu opt in, opt out process, tract 114. This case will be discussion. Next is item 64, it will be discussion. Next item is item 65, which is the mueller austin energy substation. Our staff recommendation is that the council delay consideration of this item 00 when you will be considering it with the related item as well as the items you postponed from this morning. The next item is item 66, which is 1517 anderson lane restrictive covenant amendment. This is a discussion postponement item.

And finally, the one case I have offer for consent is item 67, case c-14-2009-0151, the east block. The request is from dmU to dmU-cure and we have a consent postponement request on that by the applicant to APRIL 22nd.

Mayor Leffingwell: So the consent agenda is item number 67, which is a consent postponement until APRIL 27TH -- 22nd. And in addition to that, we will be delaying of item 65 and aligning it the public hearing item at 4:00 p.m. And that is the consent agenda. I'll entertain a motion for approval. Moved by councilmember shade to approve. Seconded by the mayor pro tem. Any discussion? All in favor say aye? The consent agenda is approved on a vote of six to zero, councilmember morrison off the dais.

The next item Item 66, which is a discussion postponement of this case, c-14-72-015 rca located at 1517 east anderson lane. Again, it is a restrictive covenant amendment to amend the restrictive

covenant to permit the drive-through uses. We received this morning a postponement request from a aerial hardin, who is requesting a postponement of this case to the april eighth council agenda. It is the first postponement request we have received from the neighborhood association or in this case a neighboring property owner. The reason stated in his request is that he is a mentor at garcia middle school and he is mentoring right now and was not able to attend the meeting. So my understanding is the applicant would like to address the council regarding the postponement.

Mayor Leffingwell: We'll treat this as a discussion postponement item. We have two people signed up for and two people against. We'll start with those who are for the postponement. And I just want to say that we will only have a discussion on the postponement, not on the merits of the case itself. So david, concilio? Welcome. You have three minutes to talk about the postponement issues only, not about the merits of the case.

Correct. Good afternoon, mayor and council. David (indiscernible) for the property owner. Well, we are here today to discuss the case, but in light of the postponement request from the neighbor, i don't know that we have much of a choice. We feel as though the neighbor had due notice from the property or the neighborhood association. Hand bills were passed out. Neighborhood news letters were passed out. So on our end we're ready to present at any time that the council sees fit.

Mayor Leffingwell: Do you have any hardship issue that you would like to make us aware of as to why a postponement would be a disadvantage to you?

Except for the fact that this will be the third postponement, two of which were due to staff working out some of the notification errors. We do have some potential buyers in the wings, which are dependent upon our outcome today. So we would like to move along in that process.

Mayor Leffingwell: Thank you. The next speaker in favor is kenneth toohy.

Good afternoon, mayor and city councilmembers. My name is kenneth toohy and I'm a resident of the coronado hills area and a member of the association representing the association in favor of the amendment.

Mayor Leffingwell: We're only talking about the postponement.

I have no problem with the postponement.

Mayor Leffingwell: So you are in favor of the postponement.

I would favor the postponement.

Mayor Leffingwell: Okay. Is that all you have to tell us?

I'd be happy to answer any questions.

Mayor Leffingwell: Thank you. And the next speaker against the postponement is basum -- I guess you signed up against the case. Basum (indiscernible).

I believe all those folks signed up to speak on the case, not to the postponement. The gentleman who requested the postponement is not here tonight.

Mayor Leffingwell: Okay. And John Duke, are you here? Do you wish to speak on the merit of the moment? Postponement? Okay.

My name is John Duke and Basum is my partner. We're the next door neighbors of Errol Hardin and we support the postponement. We would like him to be here. His property is the most affected property. Our properties, all of the four people who are adjacent, directly adjacent to the property, we would support a postponement.

You're asking for a -- the party that's asked for the postponement?

Thank you. Anyone else wishing to speak on the issue of the postponement? Council, comments? What is the next postponement date?

To your next meeting, April eighth.

Mayor Leffingwell: Councilmember Spelman moves to postpone until April eighth. Seconded by Councilmember Cole. Discussion? All in favor? Any opposed? It passes on a vote of seven to zero. It's postponed until April eighth.

Mayor, that brings us to our first discussion case, which is case 62, C-14-2009-0106, the Rosewood neighborhood planning area vertical mixed use opt in, opt out process. George Adams is here to present the case.

Afternoon, Council. George Adams with the Planning and Development Review Department. Item 62 and 63 are related. Rusthoven mentioned, 62 is C-14-2001-0106 Rosewood neighborhood planning area Vmu opt in, opt out application. Item 63 is case .001 Rosewood neighborhood planning area Vmu opt in, opt out application for tract 114. If you could put the map up, please. Its boundaries of the Rosewood planning area are Manor Road on the north, Airport Boulevard on the east, Webberville Road and the Northwestern Railroad on the south and Chicon Northwestern Railroad and Walnut Street on the west. Martin Luther King Junior Boulevard is classified as the core transit corridor and Manor Road is classified as the future core transit corridor in this area. In their application the Rosewood neighborhood contact team recommended the following relative to Vmu. Applying the Vmu building designation with all Vmu related standards that include the dimensional standards, parking reduction and the additional uses in office districts to tracts 1 through 3 and 100 through 113. They also recommended an affordability level of 60% of median family income for affordable rental units and Vmu buildings with more than 50 units

and 80% of median family income in vmu buildings with less than 50 units. On december eighth, 2009, the planning commission concurred with the neighborhood recommendations with the exception of tract 113. They did not recommend the vmu designation for this tract. Also at the december eighth planning commission meeting, the property owner of tract 114 requested the vmu designation for his property. Based on this request the planning commission asked staff to initiate a case for tract 114. Staff initiated the case in late 2009 and it was presented to the planning commission on march ninth, 2010. The pc recommended applying the vmu designation without the vmu related standards. Neither the rosewood neighborhood contact team nor the homewood heights neighborhood association in which the property is located support the request regarding tract 114. A valid petition in opposition to the zoning for tract 114, which is signed 64% of the property within 200 feet of the site is on file. I'd be glad to answer any questions and this case is ready for all three -- these cases are ready for all three readings.

Mayor Leffingwell: Any questions of staff? We have one person signed up to speak on this case. Eleanor sansom. Is eleanor in the chamber? Eleanor is against. Welcome. You have three minutes.

My name is eleanor sansom. I'm a registered voter and i am a proud resident of the reduce wood neighborhood. I am strongly opposed to the ordinance to begin rosewood for vmu. Many of my neighbors believe that far too many properties are being considered for conversion into vmu's as a part of this rezoning. We believe that the intruks of condos to the east side will dramatically increase our property values and our cost of living. A majority of us living on the east side live at or below the property line. If the cost of living increases because of condos, rosewood's homeowners, renters and iconic small business owners would be displaced. To show an example of the costliness of condos, I did some brief browsing online. The cheapest three-bedroom condo for rent in our area is about \$3,000 a month. This is over four times the monthly rent of my three-bedroom house on the east side. My neighborhood is -- my neighborhood truly stands apart as one of the most unique and diverse areas of austin. We are the nurses and the mail men of the city. We are the artists, the musicians and the iconic small business owners of austin. We are a truly multicultural area and the only historically african-american neighborhood in the city. We've built alternative schools and ama mazing murals within our neighborhood. We dance to the beat of our own drum in rosewood. We're the last of what has made the city so desirable and so special. The community offers something truly unique. We offer a very wonderful subculture to the city of austin and we fear that the culture of the east side will be destroyed if we must leave because of an increase in the cost of living. Understand that lots of time and hard work has gone into this plan, but it is important to consider the negative aspects of bringing vmu's into rosewood. Besides what I've just mentioned, we should also consider that bringing condos to the east side may actually create urban sprawl as seeing that poor families will be pushed to the eastern and southern fringes of austin. Also, these condos may stay vacant because of the undesireability of their location. Like many other condos in other neighborhoods east of i-35, I'm not sure if council is aware of the planning committee hearing that was first seen on this case, but the representative from our neighborhood association came and spoke and she noted that the condos built on harvey street are -- have had very few of their units rented out. And their commercial units are still vacant.

[Buzzer sounds] and just one more second. I'm for you to reject the ordinance as it is and adopt a new plan that will preserve the culture and the -- the culture and the demographic of rosewood

neighborhood. And I also have this petition --

Mayor Leffingwell: Thank you. You can pass it out to councilmember cole.

Morrison: Are you saying that you're personally opposed to the overall plan or are you just speaking about that one specific triangular piece, tract 114.

The overall plan, because there's over 17 properties being considered for conversion within the rezoning. And that is a lot of -- that is is a lot of properties that could be turned into condos.

Morrison: Did you get to participate in the neighborhood meetings when it was -- when the recommendation was coming up?

No, actually, I didn't. A lot of the people in the neighborhood really feel that it wasn't something that was known to a lot of us. It's a very large neighborhood, as you can see from the maps. Pretty big neighborhood.

Morrison: Did you get a notice from the city, though?

I did, but that was -- i think that was after. I got my -- I only received one notice and that was long after the neighborhood.

Morrison: All right. Thank you.

Mayor Leffingwell: I've got a question of staff. A couple of questions actually. First is the difference between the neighborhood recommendation and the planning commission recommendation on motion 1 is the omission of tracts -- tract number 113 was not recommended by the planning commission.

That's correct, mayor.

Mayor Leffingwell: And it was recommended by the neighborhood.

That's correct. And my understanding of the rationale behind that was that tract 113 is currently occupied by a rather large church, and the planning commission felt like that was not a -- necessarily a viable location for a vmu project.

Mayor Leffingwell: Church doesn't really need zoning. But I see what you're saying in the future it could be -- if the church decided to move someplace, the zoning or v would apply. And the second question is on tract 114, valid petition is filed against it. The owner is opting in, wants to opt in. So which way does the super majority apply on this one?

In order to approve the planning commission recommendation, it would require a super majority.

Okay. So the valid petition by the neighborhood is dominant.

That's correct.

Mayor Leffingwell: Okay. Questions? Councilmember morrison.

Morrison: George, so the -- did you say that the planning commission on 114 recommended vmu without the dimensional standards?

Without any of the -- without the dimensional standards, without the parking reduction, without the additional office uses? So just the designation.

So just to allow the --

Morrison: And it's not mu already?

It is mu already.

Morrison: So what does that buy you when what can you do with v with none of the benefits when you already have mu?

There's really -- there's -- without the -- with vmu there's not a lot of benefit to the designation. If the property did not have vmu designation, it's a different story. In fact, for property like this that has mu already, adding the vmu is really just adding another option with some additional standards. It does have the requirement that the project must be mixed use as opposed to mu, which could be all commercial or all residential. It has some additional standards for the ground floor design of the building, thing like that. It's not giving necessarily any additional entitlements beyond vmu.

Morrison: In fact, it allows you to sign up for building a project with additional requirements, but that's all.

That's correct.

Morrison: You're allowed to work yourself into a harder project.

As you're aware, where the benefit comes in terms of the vmu is with the dimensional standards and the parking reduction and the other bonuses.

Morrison: Okay. And have you been in contact with the neighbors that are opposing tract 114?

I made a presentation to the neighborhood association several months ago, just a general presentation on vmu. I have not talked directly to them about their opposition to 114. I was at the planning commission when there was discussion on this, though.

Morrison: I did get an e-mail from them saying they weren't going to be able to be here. They still do oppose it, but they're just not able to be here and I guess they didn't know that they could try to adjust the time. But I think that explains whether or not

[inaudible].

Mayor Leffingwell: Can I follow up? That's a bit interesting. The planning commission recommendation is vmu with no benefits.

That's correct.

Mayor Leffingwell: But the owner is not asking for that. He's asking for vmu with benefits.

That's correct.

Mayor Leffingwell: So the -- vmu with no benefits is of no value to the property owner. In fact, it's of negative value because now he has restrictions that he didn't have before. Correct?

He would still have -- they would still have the option of pursuing a project under the mu designation.

Mayor Leffingwell: Sure. It could be mixed use, but it wouldn't have to be, but now with the vmu designation, the property owner has hard and fast requirements as to what that mix would be.

That's correct.

Mayor Leffingwell: So do we know if applicant is at all interested in even wanting vmu on tract 114 without the restrictions?

I have not had communication with the applicant on that point.

Mayor Leffingwell: Well, I would make the assumption that he wouldn't want that restriction without any benefits at all in the planning commission recommendation. That's an assumption that I have to make because nobody is here to -- councilmember morrison.

Morrison: They may do something more. It's a nonsensical thing. It doesn't get them into trouble. It's a little nonsensical.

Essentially it's another option, but if they choose that option then there are additional standards that come along with it.

Mayor Leffingwell: Or with vmu or with mu zoning.

Morrison: Right.

Mayor Leffingwell: So it's no advantage.

Morrison: Right. And George, one other thing. In terms of super majority, if we wanted to pass planning commission, it would require a super majority. If we wanted to zone it according to the applicant's request, it would also require super majority. Is that correct?

I believe that's correct, yes.

Morrison: Okay.

Mayor Leffingwell: But the neighborhood recommendation would not require the super majority.

That's correct.

Mayor Leffingwell: Further discussion? The floor is open for a motion. Discussion? Councilmember Morrison? Or am I calling on you prematurely? Councilmember Cole?

Cole: I was waiting for councilmember Morrison. You remember earlier I said she understands stuff.

Morrison: We have the opposite situation with super majority here because we're -- we've got an opt in case as opposed to opt out.

Mayor Leffingwell: Let me just say obviously I can't make the motion, but it seems to me that what I would support, if it makes any difference, would be the planning commission recommendation on motions 1 and 2, and the neighborhood recommendation on the bottom half of it, motion 1 on the bottom half of the page.

Morrison: That was exactly the motion I wanted to make, mayor.

Mayor Leffingwell: Motion by councilmember Morrison, seconded by the mayor pro tem. Any further discussion? This is ready for all three readings, correct? Jerry?

Mayor, yes. We are ready for all three. The property owner just indicated to me -- the property owner for tract 114 indicated that he felt like he had signed up to speak. I don't know if --

Mayor Leffingwell: Well, that's good that we -- come forward if you have signed up.

[One moment, please, for change in captioners]

so the need for affordable housing is very much needed in the area. Even though we have the -- the proper zoning and everything, we want to opt into the vmu because in development, you never know what may come up or what other city requirements may come up that we have to face or adjust to. So having another option is good for us. And this is why we were conditioning for the vmu. -- Why we were

asking for the vmu. Do you have any questions?

Mayor Leffingwell: Thank you, any questions? Councilmember cole?

Cole: I want to make sure that I understand exactly what you are asking for. You would like to -- for the entire tract to be opted in.

Opted in with all of the benefits.

Cole: Okay.

Mayor Leffingwell: Further questions, mayor pro tem?

Martinez: I wanted staff to re-emphasize what benefits come with the v, if any.

Mayor pro tem, you are referring to -- to not including the --

tract -- what the planning commission recommendation is to apply the v to this property which would in essence be another option for the property owner to do a mixed use project with some additional standards. That recommendation does not include the incentives that are -- that are options within the ordinance and those incentives are the -- are referred to as the dimensional standards of the parking reduction and the additional uses. Currently the planning commission recommendation does not include those. Those are in essence where most of the benefit comes from, especially in this case, since the property already has vmu designation.

Martinez: So the property owner is requesting those bonuses be added in, we would have to do that from the dais here on a motion if we were to grant that and we would have to vote six of us would have to vote in favor of it?

Yes, that's correct.

The the only person that I have signed up wishing to speak on 63 is gavino fernandez. He's here too as well. The vmu was designed for developers to put in affordable housing. Our project is doing 100% affordable housing, looks like we would be offered the vmu --

Mayor Leffingwell: Thank you, mr. wallace.

Thank you. Give your name to the clerk so you can get signed up. Mr. gavino fernandez. You have three minutes.

Good afternoon, council, thank you for the opportunity to speak to you. I'm here in support of the vmu for tract 114 in rosewood. Mainly because I know that this council has gave birth to this type of tool for developers as incentives to build density, especially in the areas that this particular tract is. Is at. Right

now, villas on sixth street has a waiting list. This apartment complex is one that -- that would cater to that same type of clientele. That we are also looking for in regards to mixed use of income in the neighborhood. It's adjacent to booker t. We feel that the mixture of income that will be living could be -- could be a partnership between booker and residents or people that will be occupying these apartments. Also on the mere principle and the merits of the case is that this council has given vmu designations to properties, if you remember, on cesar chavez that there were no plans for any type of development. Just a wide, blank, vmu, in this one we're being very wallace is being very cautious and very sensitive to any type of impact that this project is going to have to the -- to the neighborhood. If you look at the property, there is quite a few buffers between this project and the homes. So I -- basically I ask you to grant this vmu with the incentives for affordable housing and density in the urban core because this project speaks letter to letter on -- if you look at the vmu ordinance, what it speaks about, this is an identical case to that. It's also unique in that the developer, the developer of this project many times, many case that's come before you, many of the people that advocate for these projects are people that are going to rent it. This is correct, councilmember morrison, it's different. In this case, a minority is the developer. Is in one of the other items, action items that many of us came out of the quality of life for african-americans. Here we have an opportunity for a developer that comes from the area, that's known in the community, to illustrate torment students that are enter -- other minority students entering into this type of development, they are going to be treated he couldably and fairly for development. I thank you for the opportunity and ask for your support in granting this vmu, thank you. Equitably.

Martinez: There's a motion on the table.

Mayor Leffingwell: There's a motion on the table, I want to restate it if I can. The motion is on 62, motion 1, to approve the planning commission recommendation, motion 2 to approve the planning commission recommendation which is exactly the same as the neighborhood and on item 63, to approve the neighborhood recommendation to not opt in to tract 114. That is the motion.

Martinez: If I may just --

the councilmember morrison?

Morrison: If I may speak quickly to that. I appreciate the points that mr. fernandez raised. To me one of the issues that we have to keep in mind with vmu which this rolled out, first of all it was about being on the core transit corridor, that's where we were encouraging density. Secondly that we needed to get public input about that. This goes way beyond that in putting, suggesting the density inside the neighborhood which is the problematic situation that we run off. So I want to go ahead and maintain my motion.

Mayor Leffingwell: That was to close the public hearing and approve on all three readings. All three motions.

Martinez: Mayor? I'm going to also maintain my second on that motion. I certainly support affordable

housing projects. All of the city of austin, this project sounds like it could be something good. But I find it kind of ironic that a neighborhood activist could come down here and speak against a neighborhood that he doesn't even reside in. There are some legitimate concerns by the neighbors. I think they can be worked out if we spend a little bit of time on discussing this, working this out. With valid petition, with neighborhood's concerns I'm going to stick with my motion and opt for the neighborhood recommendation.

Mayor Leffingwell: All in favor say aye.

Aye.

Any opposed? Passes on all three readings on a vote of 7-0.

Mayor, council, your next case is item I believe 65. Case c 1420090168, uncle 9-acre tract located at 10307 ranch road 2222. The existing zoning is ll limited office, the request is to cs commercial services zoning. The staff recommendation is for wlo, warehouse limited office conditional overlay zoning. The staff recommended conditional overlay would limit the vehicle trips to 2,000 per day and there is a request that if the -- requested zoning is granted that 16 feet of right-of-way be dedicated from the existing center line for rm 2222 in accordance with the automatic metropolitan plan. Commercial services conditional overlay overlay zoning with the conditional overlay limiting the property to wlo and no uses, a height limitation of 30 feet, 2,000 vehicle trips per day and again the right-of-way dedication. This piece of property was annexed by the city of austin for limited purposes in 1984. It was given an interim zoning of sf 2 at the time. Later in 1984 what we referred to as the zoning site plan for an office project was approved and it was granted lo limited office zoning. In 1989 the tract of land was disannexed from the city of austin. In early 1996 a site plan was filed while the property was still within the county for a mini warehouse project known as triple a storage. Later in october of 1996 the property was reannexed back into the city and was given it's original lo zoning. We have a situation today where there is an existing mini warehouse project on the site. It was legally built prior to the annexation. But is a legal non-conform knowledge use. The owner of the property is requesting -- conforming use. The owner is requesting cs zoning to bring the property into conformance with its existing use. The staff recommendation of wlo would also make it a permitted use and would make the project legal under the zoning. We have opposition to the zoning case from the 2222 coalition of neighborhood associations. And adjoining property owner has signed a petition, that petition is valid at 43.42%. Specifically the -- the 2222 and the adjoining property owner are opposed to any zoning other than the lo which is existing zoning or wlo which is the recommendation by the staff. Again the wlo would allow the project to be legal and would lose i non-conforming status. I'm available if you have any questions.

Questions? Councilmember spelman.

Spelman: Does it apply to cs zoning or wlo zoning.

The valid petition applies only to cs zoning because it states they are okay with wlo or the existing lo

zoning. Either one of those are okay.

Spelman: Thank you.

Mayor Leffingwell: Further questions. Several speakers signed -- several speakers all in opposition. Peter targenson signed up against. Welcome, you have three minutes.

Hello, my name is peter targenson representing 2222 coalition of neighborhood associations. We directly represent about 3,000 household along this corridor and a couple thousand more that are not directly represented. We recognize the property owners have the right to develop their properties. However, one of our key objectives is to have all property owners conform equally to the sentence of the land development code without special entitlements which are detriment to nearby property owners, we believe this is one of those cases. We urge you to deny the cs and either grant the wlo recommended by staff or maintain the current lo zoning. A little background on this project. The applicant purchased this property with the existing one story mini warehouse after it had already been reannexed into the city, it was known at the time it was a non-conforming legal use but any expansion would not be permitted within the lo zoning if it was significant. But the lo uses obviously would be permitted. Likewise, the adjustment -- adjacent apartment complex was built after the mini warehouses was developed. But with the knowledge that it was an non-conforming use and lo zoning district and it would be the expectation that any redevelopment would be an lo type development. Now the applicant wants to expand the one story non-conforming warehouse into a three story or a possibly more warehouse and make the use permanent by changing the zoning to a much more intensive zoning category. The conclusion of staff was that the cs zoning was way too intense for this tract and they should be limited to some less intense zoning. Some of the uses in the proposed cs use zoning category is clear incompatible with residential use. Having operating characteristics or traffic service requirements generally incompatible with residential environments. The proposed change clearly would damage the adjacent property owner whose property surrounds uncle bob's self storage on two sides. On the east side the third side is one of the prime tracts for the balcones canyonland preserves, although I think is probably not treated in the regulations, I would submit we should not have a cs zoned property right next to one of the prime endangered birds preserves. Our second concern is that any cs zoning is going to set a bad precedent for several other tracts in the immediate area which are on account of a similar situation, they are going to be brought into the city at some time. I anticipate that those owners may say, hey, the guys down the street got the cs zoning, I deserve the same treatment the fact that there might be some kind of a conditional overlay that restricts that cs zoning tends to get lost in these kind of situations and it -- bolsters the case that they could also get a cs zoning, which in most of the cases that I'm aware of on the corridor that would be inappropriate zoning again.

[Buzzer sounding] another concern -- I urge -- I urge the city council to deny this zoning and stick with the wlo zoning or the existing lo zoning.

Mayor Leffingwell: Thank you, peter.

Thank you.

Mayor Leffingwell: Next speaker is michelle ferman, also against.

Excuse me, mayor, the applicant for the case is here, he was unaware that he needed to sign up. If you would like to hear from him before the other folks in opposition. They are okay with that.

Mayor Leffingwell: Okay. We'll do that. I want to ask you to sign one the clerk at some point and give us your name and --

[multiple voices]

my name is andrew dodson, I represent sovereign acquisitions, I apologize for not signing up. Generally --

Mayor Leffingwell: You do have five minutes if you need it.

Thank you. We originally submitted this case as cs zoning. To staff for review. The -- the recommendation came back wlo. We proceeded zoning and baker's group to -- to continue with the cs zoning, that was mainly due to height restrictions and my clients kind of ultimate goal to redevelop the property. We agreed to lowering the allowable 40-foot height of cs in the hill country roadway to 30 feet, restrict the uses completely into wlo and no uses. It's been my experience in the 10 plus years that I've been dealing with the city of austin that co's don't get lost, especially now in today's modern era. If you look on the city's website, any zoning case that has a co condition on it comes up plain and clear on your gis data. We simply want to have a zoning category that allows us to do the existing use that's already there and continue forward with the ability to make some modifications in the future as the demand increases on the property. We even -- we were agreeable to just mini storage, period, but we can't do that. So if you all have any questions, I'm here to address those.

Mayor Leffingwell: My question is you are in support of the zoning and platting commission recommendation.

Yes, sir.

Mayor Leffingwell: With the uses restricted to wlo, no, 30 feet height, 2,000 trips and right-of-way dedication.

Yes.

Mayor Leffingwell: Okay, thank you. Sovran. Go back to our speakers against and the next speaker is michelle ferman.

Hi, I'm michelle ferman the assistant manager at river lodge apartments, I'm representing the owner,

joseph williams of austin 2222 venture. We are adjacent to uncle bob's self storage on the west and south sides of the property. River lodge is a communities of 498 homes. The hill country have you views are one of our prime amenities, therefore we ask that you please deny the requested cs zoning. Our owner prepared a petition in opposition to the requested cs zoning. When our apartment community was developed uncle bob's one story warehouse was a non-con forming use in the lo category. However the owner wants to make that permanent and significantly expand that use to a multi-story warehouse. In addition other uses in the cs zoning are incompatible with our residential use. River lodge apartments represents a very significant investment by our owners. The views of our residents enjoy -- are a valuable amenity and marketing tool for river lodge. In our market the views are a key competitive advantage. The storage unit will be significantly detrimental to our property. Thank you.

Thank you. Next speaker is ljzette schmidt. Carol torgenson, with her time you have six minutes.

Good afternoon, my name is carroll torgenson, I'm a resident of long canyon neighborhood and also an officer of 2222 cona. I'm here today to ask you to not approve the cs zoning that's before you because of the complication that's we have been experiencing in our part of the world with conditional overlays. It has become a problem in our area that details of conditional overlays and the ordinances are sometimes overlooked when building permits are issued or building inspections are done and we have a number of clear cut examples of these errors being made to the permanent detriment of the surrounding neighborhood. We realize that -- that on paper the conditional overlay looks like it's very restrictive. But in the -- in reality those -- the co often gets overlooked both on maps and in other documentation and -- and frankly there's been some disconnect between the -- the ordinances that have been passed by city council and the way they have been implemented when those buildings have been built. We are asking you to stay with either the wlo zoning or the lo zoning and furthermore I would like to ask you to not allow exterminating services as a conditional use. If you do permit the wlo. Zoning because it is next to the bcp, downhill from this property, we are trying to avoid any kind of -- any kind of uses on properties next to the bcp which could be detrimental to the environment. There are things even in wlo that could be environmentally dangerous. I'm asking you to go with the wlo zoning, if you must. Lo would be my first choice. But if you could avoid the cs, both because of the precedent it sets and also because of the possibility for errors being made in the future in the implementation of that zoning we would be greatly appreciative. Thank you.

Mayor Leffingwell: So a layer indication when you said prohibit exterminating services, did you mean a business in exterminating services or did you mean just somebody spraying for bugs?

No, no, as a business use. One of the conditional permit uses under wlo which is not permitted under lo is exterminating services and this is concern that the chemicals might get into the bcp property, that's always a concern when -- when the water runs downhill on to their property.

Mayor Leffingwell: I should have known that you would know that. Thank you. Any other speakers wishing to -- you have three minutes for rebuttal as the applicant. If there are no more speakers against, that's all that I have signed up. So you have three minutes. As the applicant, you can eliminate the exterminating services. Don't have any issue with that. With her concern over the co's being lost in the

shuffle, though. Anything that's going to happen on this site is going to require a site plan. Not a knots just a building permit. What she is speaking to is strictly residential building permits. Not commercial. The opportunity for it to get lost in the shuffle is slim to none. So -- so during the site plan review, all of these conditional overlays are going to be looked at ad nauseam, so we will be simply going over this zoning case one more time. The use will be verified. All of its conditions of the zoning case will be guaranteed with the site plan and it will just simply go forward. With regards to the apartment. The apartment was there -- this site was in existence when the apartment complex was developed, so it's -- so it's one of those cases where they're going to complain about what was there when they built it. It's simply we would like to continue forward, increase the value of the property, and just do something that's architecturally more pleasing and develop the -- that's more fitting for the area and the demand that the owners are currently experiencing for use of the property.

Mayor Leffingwell: So i have one question for you. Zoning and platting commission recommendation of cs-co, restricts you to only wlo or lo uses. So what does that -- hold on, let me finish my question. What does the zoning and platting commission recommendation get that you the staff recommendation of pure wlo-no does not get you?

The main concern with the cs -- with the conditional overlay and it was actually no uses, not lo uses which is a little more restrictive. The cs zoning gets us a building height of more than one story. And so that was the main concern due to the hill country roadway ordinance instead of a normal 60-foot height for a cs zoning, hill country roadway is reduced to 40. We agreed to reduce that even lower to 30 feet. There's actually more conditions than that. There's -- there's distances from the property lines, if you look in your packet that went forward, it -- it covers all of that. But the main thing is we wanted the ability to have more than one story as an option.

Mayor Leffingwell: But the height is the same, just the one story --

actually in wlo the height is restricted to 25 feet and one story.

Mayor Leffingwell: So you get five more feet.

Five more feet but more than one story.

Mayor Leffingwell: Thank you. Councilmember morrison.

Morrison: That's an interesting chronology that you told us, the story from the '80s and all. If I got it right, it was annexed in the early you '80s and disannexed in '89. Do you know why it was disannex ed? At the request of the property owner?

I believe it was at the kind request of the legislature.

Requested from the legislature--

there was a time period back then when there was a lot of pending bills as you can imagine. The city actually disannexed the property either because of pending bills or because of legislative action.

Then when it was disannexed that's when it got as a legal use --

correct. Original annexed at sf 2 then an office, zoning site plan, lo zoning and the approval for an office site plan. But when they were disannexed because that's site plan was

[indiscernible] with the zoning it went away. Then they came in with a site plan for the mini warehouses, later that same year we reannexed them and gave them the same lo before they were disannexed. Of course they already had the site plan in and approved for the warehouses so it just became a legal non-conforming use as it is today.

If there hadn't been that disannexation window, that would never have happened because they had a window where a warehouse was local.

That is correct.

The jerry, is this ready for three reading or just one.

First reading only, still awaiting the street dedication.

Mayor Leffingwell: Comments? Motions? Recommendation.

Cole: Second.

Mayor Leffingwell: Councilmember spelman moves to close the public hearing and approve staff recommendation on first reading only. Councilmember cole seconds. Councilmember morrison?

Councilmember spelman would you be amenable to --

Mayor Leffingwell: The reason that I repeated that, I think he were off mic when you said that.

Does the staff recommendation have the recommendation of no exterminating services.

No, that is a conditional use within wlo, we could make that a prohibited use.

Morrison: I wanted to suggest a friendly amendment that it be a prohibited use.

It was so friendly I was looking for the magic words. I'm happy about that, yes.

Mayor Leffingwell: That friendly amendment to the point of where I wish that i had said that first is accepted by both the maker and the second. Any further discussion? All in favor of the motion say aye.

Aye.

Any opposed? Passes on a vote of 6-0 with mayor pro tem off the dais.

Our last zoning item i believe we are going to put 00 to consider with the other related items.

Mayor Leffingwell: Without objection item no. 65 is tabled until 4:00 p.m. To be considered with a related item.

Yes.

Mayor Leffingwell: And with that said I believe we have nothing more on our plate, nothing else to consider until 4:00 p.m. Council, you can see what we 00 it's basically two items with a bunch of related items thrown in with them that shouldn't take much extra time. So we can either come back or at a later time and I welcome your input on that. We may wind up -- I would suggest that we come back at , since we're going to have to go into recess anyway until 6:00. We have another special public hearing at 6:00 p.m. Without objection we are recessed until 4:00 p.m. Zoning case, the second item 65, the third motion will be on items 2 and 29 defined. Combined go ahead.

Item 69 is chapter 26. Sunny pool is here, I will follow his presentation with the legal fact finding required under chapter 26. Good afternoon mayor and council, I'm sonny pool the active manager for public involvement real estate for austin energy. Let me make sure that I can work this thing. I'm here to provide an option locating the mueller substation at morris williams golf course. I will provide a short history of the site selection process for the substation. Austin energy's rationale for welcoming the morris williams option and a summary of the memo of understanding that has been negotiated between austin energy and the parks and recreation department. From it is aerial that -- from the aerial, this is the summer of where we got to where we are. The site selection process began in 2000 when the mueller redevelopment project was in the planning stages. Austin energy made the planning team aware that the redevelopment would cause a need for an additional substation in the area to serve the future load. Six sites on the mueller tract were considered. It was agreed that the new substation would be located adjacent to the mueller redevelopment on a site adjacent to the proposed ctech 911 center on 51st street. Just in front of where you see c-tech 911 north of that. Concerns were raised about the potential interference due to transmission lines and austin energy was asked to find another location. In 2002 austin energy brought forward and received council approval to purchase four acres at old manor road and 51st street and an 43-acre tract acquired through condemnation to create a substation site. The mueller substation project was included in the fiscal year 2008 capital improvements program budget with the need date of mid 2011. In 2008 the design phase began and meetings with the windsor park neighborhood association was scheduled. In 2009, during the meetings with the windsor park neighborhood association, austin energy was asked to initiate a dialogue with the state of texas general land office and their tenant, a local film company, to locate the property south of the 51st street site. That is the alt site arrow just below the mueller site. The negotiations covered seven months. But ended with no agreement with the general land office due to concerns with the tenant and c-tech. Ae at that time renewed its discussions for design and rezoning efforts for the 51st street location. In october of

2009, in response to additional requests to review potential sites on or near mueller for the substation, austin energy and public -- parks and recreation department began discussions and research of locating the substation at morris williams golf course. In november of 2009, austin energy completed an updated area load forecast based on current construction schedules, for the area and reaffirmed the need date of mid 2011 for the substation. In december of '09, austin energy and parks and recreation department reached an initial agreement to the location for the substation at morris williams golf course. Austin energy made presentations to the parks and recreation golf committee and the morris wrims interest group and -- williams interest group and received their support for the option. They made representations to .. that same month. Parks and recreation staff and austin energy staff briefed the parks and recreation board on the option. And in january of 2010 formal presentations to the pecan street neighborhood, windsor park neighbor and the mueller commission. The austin energy and the parks and recreation department finalized the memo of understanding. Austin energy reviewed an alternate site location on the golf course recommended bit pecan springs neighborhood but found it to be in a floodplain so it was not viable. In february of 2010 austin energy reviewed another site suggested by pecan springs but staff did not recommend this site because after analysis it was going to add over \$600,000 to the cost of the substation. Austin energy presented to both the parks and recreation facilities committee and the electric utility commission the option of moving to morris williams and both groups approved. And in march of 2010 austin energy gave a presentation to the parks and recreation board and received approval of the alternate location. People this is the mueller site and where the golf course is going to be is at the far south or -- right corner. That's the golf course down and as the road curves, it's -- it sits in that -- in that curve right there across from that greenbelt for the -- for the -- this is the most current site plan for -- for mueller redevelopment. This is the agreed upon site plan location. As you are looking at it, it faces -- the substation access will face manor road. The -- the note on there is that from the wall of the substation to the -- to the property line of the houses on level, it is 545 feet from the wall. The 14th hole is up to the top of that. As you go towards the -- the residences, that's the 14th hole down there in the bottom. And that will -- that will be relocated. This is the conceptual agreement. This is -- has not been surveyed or specifically located because we're waiting on approval to see if we're going here. But this is the general location of where the transition line will run from the existing line on the left-hand side over to the substation. I do want to commend our transmission folks because originally this was a two pole design and they went back and -- and were able to figure out a single pole design which eliminated about four poles in there and cleans this up and makes it a very nice single pole structure from the tap over to the substation and back. This is a view of the site as it is today. And that's looking down, that is looking north towards the -- the ndiscernib neighborhood. This is looking southwest, that's the old tower at the rport. This is directly across the street west of the site, this is north looking at the reclamation tower and the northwest. This is looking down at the 14th hole and if you look, it's very difficult to see any houses through the trees and without any leaves on it. You can barely see a roof lane on the left-hand side of the photograph. This is the view going to the -- to the east of the site. This is why the site was kind of picked. There's not anything really there. It's kind of a bald hill. The water line that was put in just a year or so ago kind of comes through right at that location. This is a rendering of what the -- if you are looking from the 14th hole, where the 14th hole exists now, looking up the hill, this is what it would look like after initial construction and after the landscaping comes in and everything blooms, this is what you will see and as you can see the green

is proposed to be moved up to go more to the left. Look at this -- this is the current view from manor road to the substation site. This is a view same location looking at the substation as you are coming down there immediately after construction. And after landscaping, this is the -- this is the rendition that -- that after everything blooms out, with the trees and some landscaping around the substation. At this time, I would like to kind of give you a brief just quick recommendation -- ae's recommendation to build at morris williams. Austin energy recognizes two major benefits to the community by agreeing to move the substation to morris williams golf course. First, the original site on 51st street would require that austin energy build two sets of transition lines, to and from the site on 51st street. This option requires fewer single pole structures and does not put those poles in the neighborhood streets. The second is that austin energy is contributing to the improvements of a major community asset through its mitigation to the parks and recreation department for the easement rights. The proposed improvements will receive this wonderful golf course, will revive this wonderful golf course to a first class status. The improved golf course will aning amenity for all of the neighborhoods. This is the only east side golf course and we support parks and recollection rehabilitation through this cooperative effort. Austin energy will pay 5 million to austin

[indiscernible] for the transmission, distribution, substation drainage easement rights. This is approximately 5.87-acre. Austin energy will seek to obtain from council the approval of the p zoning required for the 51st street property to be used as a park. Austin energy will -- will clear the brush and trim the trees on the 51st street property for parks. Austin energy solar program will include in their c.i.p. Budget for the next five years an amount not to exceed \$250,000 in municipal solar program for a solar installation at the golf course. It will be connected to the grid but will allow the golf course to use green power at their facilities. 43 acres on 51st street will be transferred to -- to parks and recreation department from ae. The substation is to be located adjacent to manor road to minimize the impact on the golf course but will require the relocation of the 14th hole green which will be the respond of the park as and recollection recreation department. Austin energy will landscape around the substation with trees and seek input on the wall design to minimize the view of the substation from manor road, the golf course, and the neighborhood. At this time, jenny plumber will come back and read into the record the fact finding for the title 26 hearing, which she gets through i will be more than happy to answer questions. Thank you. 69, the legal fact finding is that there is no other feasible and prudent alternative to the taking of the dedicated parkland which includes all planning to minimize harm to the park.

Thank you, any questions? We will go now -- we will -- go ahead with the rest of your briefing. Any questions of staff? Mayor pro tem?

Martinez: I just wanted to ask, when we build this out, the par 3 is going to switch and this is more of a pard question. Is the mayor going to be able to fetch his errant shots.

I've been told that the shanks one into the substation it's a two stroke penalty.

Heartless [laughter] we will go ahead and go to our public hearing and this will constitute the public hearing for items 22965 and 69, but our first motion will consider only the chapter 26 parkland utilization

authorization. First speaker is mary arnold. Welcome, mary, you have three minutes.

Good morning, mayor leffingwell and members of the city council. Use of dedicated parkland for purposes other than parks is a very special thing. And I'm -- I appreciate the state law that requires that we have this public hearing. And that we consider what needs to be compensated for when parkland is taken for another use. In this case, although we're permanently granting an easement on over five acres of the parkland, at the same time, the -- the morris williams golf course has long been in need of a new clubhouse and a new cart barn, et cetera, et cetera. We fought about a year and a half ago to get more compensation from the austin water utility for that sewer line that served mueller airport. We have not had to fight with austin energy, which is -- which is a rather remarkable thing. And I guess it's just -- it's just a little convergence here of some things that can benefit all of us. We had golfers at our golf advisory board meeting when this was considered who said that they had played on golf courses where substations had gone in. And that, yes, at first it was a little disconcerting to see all of those power poles, et cetera. But that the golfers got used to it. So -- so we appreciate the work that has been done. And I hope that you will consider revising the -- the draft resolution that was in the backup. To better reflect what exactly this is all about. The draft resolution states that -- that -- that your -- that your, you know -- conveying parkland for right-of-way purposes. Well, I think that it ought to be a little bit more specific. So that it's about the electric easement. The permanent electric easement and that rather than use the word conveyance, I would certainly appreciate your using language to say that you're granting a permanent easement for these purposes, thank you very much.

Leffingwell: Thank you, I forgot to mention mary is signed up for the four items. The next speaker is sharon barrow. Signed up against. And is phil barrow in the chamber? Phil barrow in the chamber? Not in the chamber, so you only have three minutes. You can't donate time if he's not here.

Okay.

And sharon is signed up against the collective items.

First, I have a petition to read from the residents of marlow heights, rim rock heights and touch stone subdivision. This is located off springdale, mlk and backs up to the morris williams golf course and within the pecan springs-spinning detail neighborhood association. Springdale neighborhood association. I have a copy to give to -- to the council. The -- the residents of this area state our opposition to the placement of an electrical substation for serving the mueller development anywhere other than mueller where it rightly belongs since the substation is being built because of the needs of the mueller development, mueller, we feel, should take the responsibility for putting it on their land and not expect the residents of east austin to bear the burden. We have been told the city of austin has now been confirmed that -- that the desire to put the substation on the golf course and locate it on the -- on the manor roadside. Many homeowners in other neighborhood have lived here for decades. One that's present here has lived in that area for 40 years. And they enjoy the peaceful, greenbelt area and the beautiful views of the golf course. We are very concerned about the effect that a substation will have on the property values and quality of life in our neighborhoods. If our protest is not taken into consideration, we can only accept substation's placement on morris williams if it is on the manor roadside and if the

proposed transmission lines are buried below ground. We will not accept a substation that could be seen along martin luther boulevard, which would mar this scenic drive and be an affront to the integrity of east austin, there is respectfully submitted by 45 residents of the rim rock heights, marlow heights and touch stone subdivisions. I have a few comments to make as a homeowner in east austin of 12 years. That this park is second only to zilker in its size. It's a beautiful public park. And we believe that the transmission lines that are -- these are the towers, these are the very large transmission lines that will march across this golf course and be clearly visible when you are driving down mlk. There are residents that -- that play golf on this course and I'm aware they are from many other parts of the city where they may have scenic drives and may have beautiful views from their back yards, but this is the one scenic drive that we have in east austin. I believe that the surrounding neighborhoods where thousands of people go to and from work every day may like to hear about this. Pecan springs and windsor park were notified in january about this taking place. But there are other neighborhoods on the other side of mlk that may be very disgruntled at seeing these transition lines going across this beautiful drive.

[Buzzer sounding] thank you very much.

Leffingwell: Thank you. The next speaker signed up also against is gary gardner. Welcome, you have three minutes. Good afternoon, my name is gary gardner, a residents of rim rock trail this is a part of the rim rock heights, marlow heights and touch stone subdivision. My neighborhood is a part of the pecan springs, springdale hills subdivision of which I am a current dues paying member. I purchased my home in 1977, 32 years ago, I have lived many years and enjoyed living many years with the busy robert mueller airport. When the airport closed and the current development of homes and businesses on the mueller property began i believed that the development would be self contained. And that if an additional power source to supply the new homes and businesses was needed, it would be built, housed and absorbed by the mueller development itself on the mueller acreage of 700 acres. The mueller development of new businesses, new homes, and their owners are not above nor better than the long-time neighborhoods or homeowners living in neighborhoods 7 adjacent to mueller who have lived and paid taxes on their homes for years. There is sufficient room to the mueller development to house this substation that will provide energy for these mueller new homes and businesses. Additionally, there is adequate land at the corner of old manor road and 51st street that could house this substation. The proposed substation should not be pushed on to and built on the existing morris williams golf course which would impact the existing neighborhoods in east austin. I urge you to consider that the substation placement beyond mueller itself and ask for postponement to consider the ramification of transmission lines cutting across the park. Thank you.

Leffingwell: Thank you. Next speaker is stephanie zenn. Stephanie in the chamber? Michelle parker. Is michelle parker here? Don't see her. Okay. Robin smith. Robin smith is here. Stephanie, you have nine minutes. And stephanie is signed up for.

Thank you, mayor and councilmembers for the opportunity to speak on this issue. My name is stephanie zenn, the past president of pss and a, pecan springs, springdale hills neighborhood association. I'm speaking on behalf of the association and for duane lofton who couldn't be here today. March 13th we

had our general meeting. And pssa passed 22 to 0. The letter submitted to you to support the proposed location of the substation. We acknowledge the substation has had five or so proposed locations, including on mueller over the last 10 years and the golf course is the most attractive to the most parties. Pss and a is willing to locate mueller's substation in our backward as long as it's a win for us, too. Our contingencies are these: We want a guarantee that the listed golf course renovations will proceed and be completed without delay because we don't want the substation without the golf course amenity. We want community participation in the form of a project advisory committee for the planning and design of the substation. The proposed location is right on manor road, which is the core transit corridor. We feel that like commercial buildings, infrastructure and urban settings should comply with design standards beyond just hiding something behind trees that might be too small. Believe we want to connect pss and a or our neighborhood to surrounding mueller and windsor park green spaces. We want sidewalks on manor road from airport to 51st because it's well traveled by pedestrians and is a blind curve and dangerous stretch of road. There's a proposed disc golf course to be developed, i understand that it's to be developed within pecan springs neighborhood boundaries but we don't have a park in our neighborhood, so we would like at least a portion of that park to be developed for our uses, the neighborhood residence uses. We opposed alternate locations within the golf course, other than the proposed manor road location. And finally, we are very concerned about the trash along the golf course property along springdale and mlk and we ask that the golf course or the city maintain its cleanliness. Thank you for your time and I can answer any of your questions.

Leffingwell: Thank you, stephanie. Next speaker is david golden. David golden is signed up for. Either mic will do by the way, you have three minutes. I'm david golden, have been a member of the windsor park neighborhood association for some time. I grew up in the area. Moved there in 1960. Right now I was asked to represent the northeast austin business and community alliance. In the absence of scooter cheatham and steven spears, we are an organization of businesses, schools, faith based organizations. Our consensus is that we support the golf course location that was proposed currently. We also support the concessions that surrounding neighborhoods are asking for. For the most part. There might be a few that we don't.

[Laughter] also, on the item agenda 65, we are now supporting the p zoning. And on a personal note on this, one thing that -- this started very contentiously with us. I was on the contact member team on the windsor park neighborhood association. And we were informed about this a little over a year ago, I believe. In a meeting that it was pretty much a done deal it was going to go at 51st and old manor road. More communication needs to be done on projects like this. Informing neighborhoods and surrounding communities. Now we have other communities that haven't been informed. It's kind of been pushed along now because this is a site that seems again a consensus that we want it there. But again now we do have other opposition. It just needs to have been -- to have been -- sense it started in 2000, it should have been -- that some more communication should have been delivered to the neighborhoods and the -- and the specific neighbors, especially directly in the areas of this -- of this project. That's the main thing that i wanted to say. Thank you.

Leffingwell: Next speaker is susan nobel. Susan nobel. Not in the chamber? Delano [indiscernible], signed up for. And welcome, sir, you have three minutes. I'm recommending the austin golf advisory

board as chairman. All of our members have voted in favor of this agenda item, number 69. And it's awfully hard for me to talk about 69 without mentioning 2 and 29, but is that permissible or not?

Leffingwell: Yes, we are hearing all of those items at the same time.

Thank you. The money that would be generated for the -- for the city of austin parks and recreation would go to the improvements at morris williams golf course. That golf course has been -- we do have a new provision there. But we have a cart barn and a clubhouse that is a shambles. We have many visitors that come into austin, as you know. We really want to continue that. That could be a show place with the money that we are proposed to receive for relocating that hole number 14. We need that money. The golfers need the money and we think the city needs that as an improvement to an existing park that is very important to all of us. So we think that it's a winsituation for austin, it's definitely a win situation for the golfers. We voted on this unanimously. There were two members that were not there present at the meeting out of 19. Those two were contacted and they have shown their support for the item also. We think that it's a good location. We can live with it. We need the improvements and we hope that you will see fit to pass this. Thank you.

Thank you, delano. Next speaker is grant fisher. Grant fisher in the chambers? Grant is signed up for and you have three minutes.

Mayor leffingwell and councilmembers, thank you for allowing me to speak today. My name is grant fisher, I'm president of the mueller neighborhood association. The mueller neighborhood association has taken a formal stance regarding the placement of the austin energy substation within the morris williams golf course. After speaking with representatives from the pecan springs neighborhood association, and the robert mueller municipal airport plan implementation advisory committee, the mna unanimously voted while in principle infrastructure for mueller should be cited within the mueller development, sited, as a practical matter, the mueller neighborhood association does not oppose the sight of the austin energy substation on the morris williams golf course provided that austin energy include the surrounding neighborhoods and the -- in the design and implementation process. This process should include the planning, design and construction phases of the development. We hope this stance furthers support for the opinion of the pecan springs neighborhood association. Thank y'all.

Leffingwell: Thank you. Next speaker is arnold McDONALD, SENIOR. arthur McDonald, senior, is signed up against. Welcome, you have three minutes.

Thank you. Good afternoon, mayor, mayor pro tem. And other councilmembers. I'M DR. arthur McDonald. I li 4616 marlow drive. I've been a resident there for 40 years. I am against -- not so much against where the station will be. But I'm definitely against the -- where the -- where the -- the power lines. With the 100-foot towers that will run across the golf course. I think that it will be a blight to the community, i also have some health questions, but most of all, but also including I wonder why the infrastructure for mueller was not located on mueller property. I am a resident that abuts right up next to the golf until two weeks ago I had no idea this was going to occur. The residents, the people who actually live there, have not been contacted. And -- and information was not given to us before i would

have to say two months ago. This is the first time that we've had an opportunity to speak about it. I'm also concerned that the transmission lines will devalue the property. And -- and I'm concerned that the giant transition lines -- transmission lines, if they have to go there, we would rather see them buried. The other thing that I would ask for, if at all possible, that a postponement of a decision be made at this time so that the people who actually live there, not golfers, not neighborhood associations, where no one that's a part of it really has -- that lives right next to the golf course, will have an opportunity for their input. Thank you very much.

Leffingwell: Thank you. Next speaker is lark anthony. Lark anthony. Signed up for. The next speaker after lark will be terry wilson, if you want to start working your way up to the front so we can save a little time between speakers, that would be appreciated. Welcome. You have three minutes, you are signed up for.

Okay. Thank you. mayor and other members of the austin city council. My name is lark anthony and I've lived in the pecan springs neighborhood for 35 years. I am a past president of the association. And I do agree with pss and a's support of the proposed austin energy substation to be located on morris williams golf course as contained in our letter DATED MARCH 16th. I especially like the idea of a district park or even a nice pocket park would be nice for the pssa area.

Leffingwell: Thank you. Next speaker is terry wilson. Signed up for. You have three minutes.

Thank you, mr. mayor. I'm a member of the morris williams golf course interest group and we're here to, I'm speaking on behalf of that group to support the substation being located at the morris williams golf course. We've been engaged with -- councilmember cole's office and with parks and recreation for some time in terms of development of the pavilion and other things, improvements that we wanted to see at the golf course, some of the other organizations have stated. We're in support of that. We did have some caveats and we negotiated this back and forth. Some of those are mentioned by previous speakers. We didn't like the transmission lines the way that they -- that they first appeared to us. But in the drawings that they showed this afternoon, with all of that impervious cover and the road redone on manor road, if that's what it's going to look like, we're -- we're definitely in support of it. Thank you very much.

Leffingwell: Thank you, terry. Next speaker is geneve sprinkle, signed up against. You have three minutes. Geneve, good afternoon, councilmembers, mayor, mayor pro tem. I appreciate the opportunity to speak in front of you today. On the issue of taking parkland for the mueller electrical substation. I live in the marlow heights subdivision, along with my closest neighbors in the touch stone and rim rock heights, we are opposed to the electrical station being placed on our near's park, morris williams golf course. We along with our neighborhood association, pecan springs, springdale, anc east, now even mueller believe that the substation belongs on mueller in principle and not as it is currently proposed displaced to our neighborhoods. On january 13th of this year, sunny pool from austin energy presented the latest proposal with the substation being placed on morris williams. At that time he was not clear as to the placement of the transition lines and we believed that our neighborhood association was not given full disclosure as to the height and length of the transmission lines. As a result the subcommittee

was not made up of people directly concerned with that issue, those closest to those transmission lines. I attended the neighborhood association meeting at the beginning of march where a vote was taken to send the letter saying we believed that the substation should go on mueller. But we acquiesce if certain conditions were met for our larger neighborhood of which you have heard. When I brought up the issue of the transmission lines, no one in our neighborhood association or the subcommittee could give me any real answer to where these lines would be located. There were some hearsay from the parks department but no official information. I spoke with sunny pool this past tuesday and from our conversation get that there is only a memorandum of understanding between parks and austin energy as to their placement. The closest neighbors to the park, marlow heights, touch stone, rim rock and level street as well as the neighborhood on the other side of mlk have not been considered stakeholders in the placement of the transmission lines. Today we don't even still, nor have you been given a straight answer as to what these lines are going to look like, how many, how tall. As landowners and neighbors to the park we have no assurance that the placement of the transmission lines will be where they are currently planned. pool and austin energy are feeling pressed for time and after six years of waiting found THAT THEIR BEST SITE, 51st Street, shortest and least amount of poles is dead as of october of last year. That austin energy is in a hurry to find a new site. We disagree with many who say this proposal has had enough consideration. And that with all due respect to the process, do not believe that just over two months is enough time for our neighborhood to get involved or to realize that we are stakeholders. We respectfully ask that the council consider a postponement of a vote on this matter until all parties can come to an agreement about the placement of the transmission lines and the impact of these lines to the park and the surrounding neighborhoods.

Leffingwell: Thank you. Next speaker is marsha macha. Marsha is signed up for. And you have three minutes.

Good afternoon, thanks for this opportunity to -- to give our opinions. My name is marsha macha, I'm a member of the golf advisory board and a member of the morris williams ladies golf association and I represent the women golfers in austin. All 100 members of the morris williams ladies golf association do support the proposal to put the substation on the golf course. If this is approved, play will be disrupted at morris williams for a while, while the construction is going on, while things are being torn down and replaced and made anew for us. But we are willing to deal with that knowing that the improvements will be worth it. poole's presentations and I know that he's made them to several different groups. And I had thought that he gave sufficient information to alleviate the fears of the neighbors of morris williams that there may be an eyesore in their neighborhood. After hearing some of the neighborhood -- neighbors speak, I say that as a golfer, I would also prefer underground power lines. But sometimes that's not always the best way to go. And I would hope that the neighbors to morris williams would approach austin energy poole with a negotiation in mind rather than just saying no. So that it can be a win-win situation for -- for everyone. The golfers are for it, morris williams golf course needs the money to be brought up to date. It's in sad, sad shape right now. And I would like to second and say ditto to the comments made by mary arnold and delano womack and hope that you will approve the proposal to put the substation on morris williams golf course, thank you.

Leffingwell: Thank you, next speaker is lauren stanley. Lauren is signed up for. And you have three

minutes.

My name is lauren

[indiscernible] stanley, i am an architect and residents of the jj seabrook neighborhood to the east of the golf course. It seems to me from effect that I am hearing and from other -- from everything that I am hearing and other neighborhood meetings that i have attended, this seems like taking everything into consideration this might well be the right location for this. But the bottom line is that it is on parkland. And given the long history of the effort to locate the substation it seems to me that it deserves to be done right. The right way to go about doing this I think is to respect the due process by which surrounding and affected communities are given a chance to weigh in. Come this far, I think that it's a good idea to just continue and just really make sure that it's done the right way. And it's a design -- as a design professional I come from the perspective there is nothing too big or too small that does not deserve well considered design, especially those elements of our built environment that are expensed by so many, in this case in a very bucolic setting. I urge you to do whatever is possible to do to ensure a process by which there is public inputs and well considered design. I don't by the way think that a faux wall with plantings in front of it really kind of carries that. So I'm also a little concerned about the power lines as well. I think that as part of that design process it might be a good idea to look into how that can be ameliorated. Thank you.

Leffingwell: Thank you. Next speaker is ryan green. Is ed gobel in the chamber. So ryan, you have six minutes, you are signed up against.

Good afternoon, councilmembers. I hope that I have enough time to get through all of my notes. First point is infrastructure for mueller should obviously be located on mueller property. The austin neighborhood council east, windsor park, pecan springs neighborhood associations have all articulated that mueller infrastructure belongs on mueller. Catellus in the mueller neighborhood association have not indicated an imperative that it should house its own infrastructure, thus it has to go on the adjoining neighborhoods and it doesn't seem catellus is a good of a neighbor as their public relations team as advertised. The specific issue that the people saying no that are adjoining the golf course are trying to address is these power lines. Had transaction is literally a taking of parkland, specifically the austin parks morris williams parkland, which devalues the homes in the vicinity of the park. It is a taking in both the substation itself and the huge 1,000 foot long transmissionline required to connect the 51st street and manor road power grade. Chapter 26 of the parks and wildlife code states that the use of parkland for non-park purposes may be approved upon a finding there is no feasible or prudent alternative to the use of the land. We believe this code is not being met in good faith by austin energy. The city of austin and the parks department. I think that is even more self evident in that it is still at this point not clear where these power lines going to go. These power lines are as big of a taking of the parkland and future uses of it as the substation itself. In a more reasonable system, all of the homeowners closest to morris williams parkland would be informed of the proposed publish power lines on the golf course and public hearings would be held to solicit input from the nearest neighbors and determine the wishes of these neighbors in determining the outcome. This has not happened in east austin and the process is broken. Adjoining homeowners are forced to suffer catellus detrius to support the catellus property with no local

benefit. A previous speaker mentioned they wished that the people who were up against this proposal would articulate what they would like to see to meet their desires. Everyone involved, knows that it's a done deal that this substation is going to go into this parkland. But what was not represented when -- when austin energy met with our neighborhood organization on january 13th of 2010 is that these power lines are going to go across virtually the entire park. As a matter of fact, quite the opposite was represented when it was said that if we had a substation at the corner of springdale and , then there would be power lines that would have to go across the entire park. So we were not given enough information to get involved and try to work out something to our satisfaction. I can tell you what would greatly satisfy the majority of the people who signed this petition against. And that is to run this transmission line, which connects to the next power grid, down manor to go connect that way and to not go through the park. When it hits manor and 51st, IT'S GOING TO HAVE To take a right-hand turn for another block or three and that is very, very expensive. But I would say to you that is a lot less expensive than bearing these transmission lines. Sunny indicated a cost of a million dollars per 10 feet to do that. To conclude, the location of the substation in the golf course adjacent to measure road is a foregone conclusion. What we are fighting against is the giant transmission lines cutting across our parkland and our neighborhoods only park. The transmission line has just a big of an impact on low as the substation itself. It has undergone almost no scrutiny and review. We will not be satisfied with catellus and direct that the council direct them to route it to the adjoining grid along . If that route is impossible we respectfully ask you to consider this, to bury that line at I guess is a million dollars per 10 feet. If you have to go violate a parkland to run power lines to do grids, there's another park, too, catellus's own park. Run 100-foot pylons through that instead of having the adjoining neighborhoods have to take it. Finally in closing because i think that I have a little bit more time. I want you to consider what a phenomenal jewel and resource morris williams park is. At 200 acres, compared to zilker's 355, it is really the most valuable park resource for the central city behind zilker. What -- what could the city do with that in the next 20, 40, 60 years? I'll tell you one thing, you could have an austin city limits festival there and triple the attendance. You could make as much money in a single day running the festival out of there than a whole year of the golfers. I don't want to do this. This is not what I'm pressing you for. I'm telling you once those 100-foot pylons go in there, they will be there for 50 or 100 years, they may well not allow us to use that park in other ways in the future that have a greater cost and a better environmental impact than this hasty decision we are all aware that this project is well behind [buzzer sounding] and we hope that you can also make it -- make it acceptable to the neighbors that are adjoining the parkland.

Leffingwell: Thank you, thank you.

Mayor, can I ask a quick question of the speaker?

Councilmember cole?

Cole: You made a suggestion that the lines should be run down manor and 51st street.

Manor to 51st street.

Cole: So what neighborhoods are you impacting? Because originally when you said that I was thinking of cherrywood and french place. But that's not.

Did you mention cherrywood?

Cole: No, but councilmember spelman that's the wrong direction.

Opposite direction.

I guess my real question is with your suggestion, are you impacting other neighborhoods.

You would be impacting pecan springs, which is the neighborhood organization which we are involved with. And that might be along the boundary of the windsor park neighborhood, also. But it is already a major thoroughfare. And there are already infrastructure as in poles already on that thoroughfare.

Cole: So your argument less invasive, not that it's out of your neighborhood, right.

Could you repeat that?

Cole: Your argument is really less invasive place but still affecting the neighborhood, right?

The way that I would say articulate it is that there's already a taking going on to put a substation there, which all of the parties are resigned to. But it's a greater taking that we have not discussed in public hearings or even in neighborhood organizations, the power line itself through this parkland. The power line with the greater expense could be routed along manor road.

Cole: I understand.

Thank you.

Leffingwell: Next speaker is berthia means.

Martinez: Question.

Leffingwell: Does not wish to speak. Rick [indiscernible] and jim walker. Rick signed up neutral. Jim signed up for. Both available for questions. Those are all of the speakers that we have that wish to speak. Comments, council? And I will entertain a motion on item no. 69. Mayor pro tem.

Martinez: Yeah. I -- I wanted to make a new comments. I know that, you know, this may not be the perfect solution, but I do think that a lot of folks have worked on this for quite a long time. And I think that we have come up with what potentially could be the best overall situation. To have some major significant improvements to a golf course that is sorely in need of it and to be able to provide the utility services to our customers. I know it's not 100% perfect for everyone. I think routing the lines along

manor road would impact all of the level drive, blueberry trail, then you would have to go back west on the 51st street, back to the islamic center again, we are revisiting all of the stuff that we have already discussed as it relates to the 51st street site which was our first proposed site. So I -- you know, I really want to emphasize, though, the tremendous impact that this is going to have for our golfers at morris williams and the golf course.

You can also make it -- make it acceptable to the neighbors that are adjoining the parkland.

Leffingwell: Thank you, thank you.

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Cole: Second.

Leffingwell: Mayor pro tem moves to approve item 69, which is to -- to provide an easement for a substation associated paraphernalia and a drainage path on parkland -- seconded by councilmember cole.

Cole: I understand the difficulty of the situation and the very, very long history that has gone into trying to -- to locate the substation and it's just a result of growth. While we might not everyone like growth, growth means tax base and tax base means revenue and revenue means more parks and libraries. And so we have to put up with certain things like substations. And at a million dollars per 10-foot, we simply do not have the resources as mayor pro tem martinez has pointed out, to actually bury these lines. I totally respect the desires of the different parties to have the substation located in various places. But I have been working with the mueller golf team for years, probably three years, looking at all of the flooding problems, golf cart problems, pavilion problems, and simply have not been able to come up with the adequate funding for that. And now we have an opportunity to do that. But it's not all -- all free. There's still a burden to that, which is having the substation. But having visited with the group and received the letters and testimony that they are available -- I mean are amenable to taking the substation, I will be in support of the motion.

Leffingwell: I would like to propose the following friendly amendment. And it would be -- it would be after the last sentence and the current resolution reading as follows. The city manager is directed to coordinate with the surrounding neighborhoods to the greatest extent practical in the aesthetic design of the utility substation and associated facilities. Is that acceptable? Councilmember cole?

Cole: Yes.

Leffingwell: Councilmember shade? I wanted to ask about the issues that mary arnold brought up in terms of the wording of the -- of the -- of the easements and versus right-of-way. Lloyd has got some -- I actually have some language on that. I just wants to make sure that we publicly discuss that. You want to clarify that as well as the issue of granting versus conveyance?

I believe that the resolution posted in backup includes one error. Or includes a couple of errors. There's a mistake in reference to right-of-way in two places. The copy that's on the dais one of those errors was corrected. But in the final recital, prior to the be it resolved language there's a mistaken reference to right-of-way. I provided language to city councilmember spelman that would change that to an electric utility substation. Additionally in regard to the other comments that were made regarding conveyance language, the language in the resolution uses the term youth which is a statutory language under chapter 26 and so my suggestion would be to sort of convey I think the sense of what the comment was, is that council could change the language to be consider the permanent change of use of parkland for an electric utility substation.

[Use not youth]

Leffingwell: What paragraph is that?

That is the final recital prior to the be it resolved language on the yellow copy of the resolution.

Leffingwell: Why don't you read the entire corrected paragraph?

It would read whereas such public hearing was held MARCH 25th, 2010 BY THE City council to consider the permanent change of use of parkland for an electric utility substation.

Leffingwell: Is that acceptable to the maker?

Mayor, council, susan gross, assistant city attorney for the city of austin, austin energy. lloyd has made some suggestions about changes to the language. And we would just ask that we not limit the use to just the electric utility substation. But the electric utility substation, transmission lines, distribution lines, and drainage uses.

Leffingwell: Okay, that's as it's stated in the posting language.

Yes, thank you.

Leffingwell: Acceptable to the maker? And the second? Any other comments? Morrison.

I wonder if I could ask staff a few questions just to clarify some of the issues that the neighborhood brought up in the letter. For example, one of the issues was in terms, this might be for the parks and austin energy together. One of the questions was about would the construction of the substation be -- happen at the same time as the improvements to the golf course?

I can't -- I don't know that that's going to happen. The -- the 14th hole will be relocated prior to our construction and if that's done, we're not going to interfere with play. On the substation site. As far as the transmission site because of where the transmission line, morris williams golf is going to work with us on locating the transmission line which is always a conceptual drawing there. But that can be scheduled to where it minimizes any interference with the play. Mainly we come in, drill the holes, set the poles, come back. In talking to golf, it's primarily going to be remay reroute you like we would traffic, go this way with your golf cart instead of coming across for safety reasons. But we should not be shutting down the golf course for the construction. Construction.

Great, do you have a time line.

My time line is next year or so. If question can get all -- if we can get all of the permitting and time line done, we will not start that until after today. We are looking for after january 201 it will take us about six months to do the facilities.

Can I ask the director hensley or assistants city manager for the time line of actually doing the improvements with the mitigations that are -- funds that are going to be received.

Councilmember cole and mayor, good evening. Kevin [indiscernible] with the parks and recreation department. We have already applied for the grant, for the one million dollar grant that closes in august. So we are hoping for an award from that. As of tomorrow, if this item passes we're going to a general permit to move the 14th hole because we actually have to get in, do construction and be ready to open

that hole in january. Because if these guys need to get in there next year, i have got to have grow-in date for me to open the hole. Moving very quickly to establish the 14th hole relocation. We have already established that we have some funding that was mitigation from the wastewater project, we have about \$660,000 there. We will be applying the 5 million that hopefully this will come up with, plus the million dollar grant. 5 to \$4 million. So we -- we have already met with our golf advisory group and the morris williams interest groups on some initial planning for the pro shop renderings. It's a two story construction building with a cart barn and the pro shop. We will be meeting several times. We have established committees to kind of walk that group, that group through this approval process. That will start as soon as this -- as this moves forward.

Probably january 2011 --

I will tell you [multiple voices] the biggest issue is ge this through permitting. Right now it's just taking some time. I estimate it will take 15 months once we get approval to start construction.

I see, maybe we could identify some kind of single point of contact to help move things through more smoothly and --

that would be great.

If I could ask the city manager to consider that. I would appreciate it. Just to make sure that we get things moving as quickly as possible. Then I have another question. For austin energy, mr. Poole, first of all, thank you for, I know this has been a long process. I remember sitting in a room with 15 people the mayor and you back in august or september on the previous site. I really appreciate y'all sticking with it. I heard someone suggest we are looking at 50 more substations in the urban rancor the future.

How many?

50.

All I can tell you is right now in the plan book for the next five years, there are two. There's three for the next six years that I'm aware of. Only one of those is anywhere near a major -- it's in a -- already developed area over in south -- south of downtown and that's about six years out. The other two are way south and way northeast.

Morri sson.

I don't think that I have enough staff to take care of that.

Good, I'm glad to hear that. You are going to have a long career working with neighborhoods ahead of you. Let me see.

I guess I want to say that it's clear that we're getting a win for golf, we're getting a win for austin energy.

I think trying to minimize disruption with the neighborhood with the design, as mentioned this is a core transit corridor, we planned to have it be walkable, all of that, the design is very critical. I appreciate that we have a committee that will work with you. I hope that you will think creatively. One of the speakers mentioned that the wall is maybe not the way to do it at all. Even if it costs more we have to plan on spending more money to do infrastructure. So I think it will be interesting as we go forward with the design to keep on top of what kind of budget we have and whether we can really do the job that we need to.

Leffingwell: With regard to, that just to follow up, my understanding is that catellus has offered to contribute financially to an enhanced design of the -- of the surrounding of the substation. So that's another source of possible funds. A couple of other quick things here. As you may know, just this morning, we passed a resolution initiating the process for a bond proposal in the november election, which would provide for various kinds of transportation infrastructure improvements, including the sidewalks, connectivity, bicycle lanes, road improvements. So I would suggest to you, there is referring to the list of things that were mentioned by the pecan springs neighborhood person, the sidewalks and connectivity across manor road, connectivity to the other parks in the area. Certainly would be a candidate under this program, assuming that the voters approve that money. I have another question for you is I'm assuming that the only location under consideration is the manor road location, we're not still talking about somewhere else in the park.

No, sir.

Okay. Finally I have a question for sarah hensley, parks director. This has been a subject that we've talked about before. The disc golf course.

Yes, sir.

Leffingwell: I don't know what action will be necessary but if it is necessary, I myself will bring forward an item from council, if that's what's needed to make sure that we don't have the disc golf course in that neighborhood, that it be at some future date dedicated to passive neighborhood type park. So what is the status of that right now?

Currently we have an existing course that's outdated at bartholomew park. We are in the process of having public involvement throughout the neighborhood, going to be going on now. In the next couple of weeks -- because there is a disagreement between existing neighborhoods and those that have been there a long time, new ones, that want it renovated some that n't want it in there at all. What we are doing is facilitating public meetings to talk about if we don't keep the course in existing in bartholomew, what would they like to see. Another thing is the other closest disc golf course was a course that was planned the raul alvarez course that is not been built because of lack of funding and we are also evaluating that because again the land itself and the way it slopes is not conducive to a disc golf course at this time. The amount of money that it would cost to build it is more than we have. And so we are having more public dialogue to decide what do we really need to do. It is true, though, mayor, you are absolutely correct, one of the biggest concerns with disc golf, experiencing now at pease park is the destruction of

the trees and foilage. It is something we will continue to have dialogue about is one of the biggest concerns is protecting the tree canopy and being able to protect our carbon footprint. It is a subject that we will be continuing to have dialogue about.

Leffingwell: After all that you just said, what I'm getting from that is you need direction from council on this and I will be working on that in the very near future bringing that forward. I personally don't think we need the disc course where it is or where it's planned in the future. That's what I will be working to bring back to council at a future date.

Thank you.

Councilmember spelman.

Thank you, I have to ask you a couple more questions about the power lines. There's a lot of concern, obviously about the route the power lines are going to take going across the golf course. I understand that you had a lot of different kind of criteria that had to be met in order to get the power lines somewhere from where they had to go. What's the cost of getting the power lines to the substation site that we have selected here in roughly.

If memory serves me correctly, it was about \$110,000. Maybe a little bit more just for the poems and the cable to get -- poles and the cable to get it there. were other routes selected besides --

the original routing that was spoken of, I met with THEM ON JANUARY THE 9th. The neighborhood association at that time, we were still working with parks and recreation golf on where we were going to go. We weren't real sure. The current location that you saw in the overlay was the location that -- that parks and recreation golf said this is where we would like to go. It went -- probably close to a thousand feet south of the level street neighborhood property lines. South side of the cart path and it -- it impacts the least amount of trees and play. So we're going to be on the southside of that, is that 11? Hole number 11?

Spelman.

Up routed it you say about a thousand feet further south.

Yes the substation is 545 feet. This is south. The substation is about 300 feet long. That's 800 feet. We're south of that. Close to 1,000 feet of the actual property lines of the neighborhood and it's more of a straight line rather than -- the transmission already crosses the golf course over at springdale. If we moved further up we would have to make more poles to do it. This gives you a tap, pretty much a straight shot between two greens up there and we will finalize that with golf.

Spelman that's going to have minimal effect on the play of the golf. Straighter shot, cheap foreyou to build and it's a thousand -- further away from the nearest neighborhoods, about a fifth of a mile away

from the property lines of the nearest neighborhood is that correct?

That's correct. you considered alternative routes obviously. One of the routes that of the described a few minutes ago was to run it up manor road and out to 51st street, which would obviate you having to go out over the golf course. Did you consider that route, too?

This is very consider for the original location on 51st street. The problem coming down manor road, manor road has a very wide sweeping curve. When you put in transmission poles, you have to put more poles where you have a curve simply because you can't cross private property we have to state in right-of-way. As we make that curve, we end up putting more big poles instead of less, the cost yes would go up. The main concern for austin energy as it was on 51st street, we would have poles on both sides of the street and on those curves we would have a lot of poles in order to make that curve. That was one of the prime marry drivers of not having to put all of those poles into the neighborhood along those streets. We're going to have about five poles and that's it. We would have probably three or four times that in order to get all of the way around the curves over to 51st street and back. every time you put a pole in, more money, more maintenance, more poles, am I right.

Yes.

Also unsightly --

yes, sir.

Spelman: okay. Do you consider -- I bet you considered very briefly putting this underground but that wasn't a consideration, I presume.

Very briefly.

Approximately how much more expensive is it.

About 1100 feet to the substation. Somewhere, my best guess somewhere in the neighborhood of maybe six to seven million.

\$110,000 Above ground, 1 or \$7 million underground. That's all that I need to know about that. Thank you very much.

Martinez: Just as a final note. We have started working on this in my office, but we will have the first annual pro tem pro-am golf tournament and we will select two non-profits each year to reap the benefits of any funds that are raised. In the fall. In the first year we are choosing morris williams golf course to receive the funds so we can add to the enhancements already being made. I just wanted to make sure everybody knows about it. September of this year. We want everybody to come out and play golf with us.

Leffingwell: I think the settles the question about expediting the improvements in the golf course [laughter] so we have a motion on the table to close the public hearing and approve this resolution. With corrections to better reflect the posting language instead of right-of-way language in the resolution, that will be furnished to the clerk. Also the additional language about collaboration on the design, that language will also be furnished to the clerk. With that said all in favor say aye.

Aye.

Any opposed? Passes on a vote of 7-0. Now we will take up item no. 65. Which is the related zoning case.

Item 65 is case c 142008042 the mueller substation, for a tract located at 2403 east 51st street, the existing zoning is gr community commercial np neighborhood plan, requested zoning is p public neighborhood plan. The staff recommendation is to approve pnp zoning. The planning commission recommendation was to deny pnp zoning. The reason for the staff recommendation is the p zoning is for public governmental and civic uses which this will be. I'm available for any questions.

Leffingwell: Any questions for staff? Public hearing? No one signed up to speak. They have already spoken on the previous item. Mayor pro tem moves to close the public hearing and approve on all three readings item no. 65. I will second. Is there any further discussion? All in favor say aye?

Aye.

Any opposed? Passes on a vote of 7-on.

Thank you.

And that leaves us with items 2 and 29. Which are financial items relating to the golf course and the substation. We can take these two together. I will entertain a motion to approve items number 2 and 29 together.

Move approval.

Mayor pro tem moves approval, councilmember cole seconds. Any further discussion? All in favor say aye.

Aye.

Any opposed? Passes on a vote of 7-0. I believe concludes or consent agenda and our zoning cases. Without objection we will stand in recess until 6:00.

[One moment please for change in captioners] test test

[music playing] if i could, I'd like to ask everyone to take their conversations out

[inaudible] here in austin, texas. Say a few quick words about today's live music. It's walter tragert's -- his musical training began in the cradle as he rocked to the rhythm of gloria as interpreted by his adolescent brother's garage band. Since this pretentious start he's crafted his own career as a songwriter and performer, a veteran of austin's live music scene he has recorded with a variety of artists, the faces, the rolling stones and the texas string quartet. In 1988 he joined grammy nominees michael boleri and drew krupo as a cast member of their child oriented show dinosaur rock. He toured from coast to coast to the delight of thousands of elementary school students. Walter has been teaching guitar and song writing for students of all ages since 1987. He currently teaches early childhood classes at the armstrong community music school of the austin lyric opera. His latest cd is rough day at the sandbox. Please welcome walter tragert.

[Applause]

thank you.

[Music playing]

the school asked me to write a little program, like a rock 'n' roll program for the kids. So this is one of the ones i came up with.

[Music playing]

it was a rough day at the sandbox
listen to my tale
somebody took my shovel
somebody took my pail
I was building a tower
a castle made out of sand
the big kids knocked it over
and I just don't understand
it was a rough day at the sandbox
my best friends got the chicken pox
that girl in the green socks won't leave me alone
in the preschool of hard knocks
that's just the way that the boat rocks
a rough day at the sandbox, I want to go home
I just want to go home
as soon as possible
now, listen here, hard times on the playground
listen to what I say
nobody picked me for kickball
they didn't want me to play
all alone on the see-saw
I got stung by a bee
dig it, the school lunch 50
it one forty three
it was a rough day at the sandbox
my best friends got the chicken pox
the preschool of hard knocks won't leave me alone
in that preschool of hard knocks
there's a bug in my lunch box
a rough day at the sandbox
I want to go home
I just want to go home

[music playing] well, the bus stopped at my driveway
I was crying but the kids couldn't see
my mama put her arm on my shoulder
I told her

everything that happened to me â™ªâ™ª she said there's always going to be days like this
â™ªâ™ª and sometimes you just can't win â™ªâ™ª you know what I'm saying?
â™ªâ™ª Try again tomorrow and we'll start all over again â™ªâ™ª there's going to be a new
day at the sandbox â™ªâ™ª with chocolate chip in your lunch box â™ªâ™ª that girl
in the green socks just wants to be friends â™ªâ™ª yeah, in the preschool of hard knocks
â™ªâ™ª that's just the way that the boat rocks â™ªâ™ª a new day at the sandbox
â™ªâ™ª have breakfast and then we can start all over again â™ªâ™ª start all over
again â™ªâ™ª hmmm â™ªâ™ª

thank you. so, walter did you start -- walter, did you start writing those lyrics when you were 5 years
old or --

no, I just kind of channeled the 5-year-old. I can see the relationship. Do you have public appearances
anymore or just teach.

I mostly teach but tonight I'm playing at the saks and publishes -- i almost had a show at the auditorium
for the kids but they didn't want to freeze the children.

You just got your plug in for your next public show. com, one g. I have an official proclamation for you
and I'll present it to you. It says be it known that whereas the local community makes many contributions
toward the development of austin's social, economic and cultural diversity, and whereas the dedicated
efforts of artists further austin's status as the live music capital of the world, now therefore, i, lee
leffingwell, mayor of the city of austin, texas, do hereby proclaim march 25, 2010 as walter tragert day in
austin, texas. Congratulations.

[Cheers and applause]

thank you very much.

Oh, man.

[Laughter] gold seal.

Oh, man. can we have the lyric opera folks come on down? Cis?

[Laughter] natural segue from our live music that we just heard from walter tragert to a presentation and
a recognition of the armstrong community music school, part of the austin lyric opera. We have the
austin lyric opera folks here, kevin patterson, the director, executive director, cis myers, and eva
wamack, and margaret perry. So these folks have been doing this for ten years. They did it before there
was even a lawn center, which now we're proud of and that's where they're based now. Make an
invaluable contribution to our community as you've seen with the previous musician. We have a
proclamation for you which reads as follows: Be it known that whereas austin lyric opera celebrating the
10th anniversary is the only opera company in the world to operate a community music school, and

whereas the music school is named for austin philanthropist james armstrong and welcomes 1200 students weekly for musical instruction, and whereas, armstrong community music school offers opportunities for learning the joys of music in virtually every music still, opera education programs, summer camps and outreach programs that bring music education to youth and others at risk in the community, and whereas armstrong community music school is celebrating its birthday with an open house on sunday afternoon, march 28, at its award-winning greenbuilding on barton springs road. Now, therefore, i, lee leffingwell, mayor of the city of austin, texas, do hereby proclaim march 28, 2010 as armstrong community music school day in austin, texas. Congratulations to all of you and thanks for the great work you do, and I think kevin patterson, who also happens to be a marathoner in his spare time, will come up and say a couple of words to us.

Thank you, mayor. Thank you very much.

[Applause]

thank you very much. A vibrant arts community starts with arts education, whether that is visual arts, dance or in the case of the armstrong school, instrumental, vocal music of all times. We're very pleased to be in the community and a part of the community in this way. Over the last ten years the staff at the armstrong school in the leadership of margaret perry have done a phenomenal job, and we are very, very pleased to be here today. I want to say thank you to the mayor and to the council for all the wonderful support that they give to the austin arts community, and I want to say thank you for this proclamation. Thank you very much. thank you, very much. Quick picture. Sam yeah same yeah caitlyn we have a good-sized group here. My pleasure to recognize a group that's very important to our community, superhero kids, a local nonprofit organization that works out of the dell children's hospital. All of you know that hospital was just built a -- built a few years ago with a lot of people from many people in the community, and we're so grateful that that has actually happened here. We're also proud of the dell children's hospital. I believe it is the first platinum level greenbuilding in the city of austin, texas. We're working on a couple more now but they really set the bar high for the rest of the developers in austin, and maybe you made a mistake with that, johnny. We'll wait and see. But this is very important. Superhero kids of course is dedicated to helping kids with childhood cancer, and certainly I don't -- I can't think of a more worthy cause than that. So I want to read this proclamation. be it known that whereas superhero kids is a new local nonprofit committed to providing funds to help patients at the children's blood and cancer center of central texas at dell children's medical center, and whereas superhero kids focuses on raising awareness of the special needs of children fighting childhood cancers as well as providing quality of life assistance like clothing, shoes, educational supplies and the like, for families who are struggling with the cost of medical treatments, and whereas superhero kids also supports programs at the center which provide diversion for the children while they're in treatment, and whereas in our opening featuring works by lance lecher and his debut children's book launches the superhero kids fundraising campaign, now therefore, i lee leffingwell, mayor of the city of austin, texas, byproduct claim march 26, 2010 as superhero kids day in austin, texas. Congratulations to all of you, and I believe we have a young woman named caitlyn kerby to come up and accept the proclamation and say a few words to us.

[Applause]

I would just like to introduce -- I'm samia joseph. I would like to introduce caitlyn, who is one of our patients at the clinic that has been off treatment for eight months and just to explain very quickly, we're trying to raise awareness for the children's blood and cancer center, and caitlyn is going to tell you a little bit about the experience, and we're just trying to help with quality of life issues, and I think caitlyn will sum it up for you, tell you a little bit about her experience there. Caitlyn?

Hi, my name is caitlyn kerby and I'm 16 years old, and I was diagnosed with leukemia when I was 13. I've been in remission for eight months and I'm doing well. In january of 2007 I was an active 7th grade girl. I was in choir, dance, theater, on a competitive cheer team and active with my youth group. My mom always said I had a lot of energy. My life changed from being healthy and active to really sick over a period of two weeks. I was in a hospital surrounded by doctors and nurses prodding me and poking me and putting me into surgery that was going to save my life. Now -- during that time my life centered on children's blood and cancer center, also known as the clinic. It was a safe place for me to go, I loved the teen room and the art room and the mccracken and cheese when nothing tasted good. I was also involved in a hungry bunch group that met once a month. I always looked forward to that. Now that I'm off treatment I'm doing well and I annual go to the clinic every six weeks. They laugh at me because i want to go more often. Thank you for letting me speak and thank you to the josephs for opening the superhero kids.

[Applause] somebo somebo dy else want to speak? mike, come on up. So it's my great pleasure to now honor one of austin's finest, mike kelly, who I've known for, what, at least ten years, maybe more. Who's counting? Back in days when I was on the environmental board, of course we worked very closely with what was then called the watershed protection and development review department. It's now just the watershed protection department. We've gone full cycle. That's what it used to be 15 years ago. But I'm so proud of all the folks who work in watershed protection. They are all to a person great environmentalists. As I've told people many times, you know, often -- oftentimes out there in the community the staff gets criticized for this and criticized for that. I tell them, hey, these guides in watershed protection, they are the original tree-hulking, grow granola crunchers, and I can attest to that. I know them, I've been around them. I'm going to put on my glasses and read this certificate of congratulations for having been selected as the government civil engineer of the year by the texas section of the american society of civil engineers. He's an engineer and he's still a granola cruncher. Can you believe that? , is deserving of public acclaim and recognition. Recognizes engineers who provide exemplary service to the texas section and to the general public through their work and gifts of time and service. Recipients are nominated by their peers. There kelly, who has worked in the city's watershed protection department for 14 years was selected for developing innovative design techniques and criteria for improvement of austin's water resources. His dream restoration and -- stream restoration and water treat programs received national recognition. We are pleased to recognize kelly for this well-deserved award and his outstanding work on behalf of our city. It's presented this 25th day of march in the year 2010. City council of austin, signed by myself, mayor lee leffingwell. Congratulations, mike. What happened to the ponytail?

[Laughter]

[cheers and applause] I'm telling you. Do you want to say a couple words?

Thank you, mayor, very much. It is a true honor to be recognized for this achievement, but I would say it pales in comparison to caitlyn's achievement. I would also say it's fun to be sandwiched on the agenda between superheroes and spandex. It shows a lot about austin's agenda, and for the record I have spandex on underneath the suit.

[Laughter]

[applause] this is not only a personal highlight of my professional career but really also a reflection on the values and visions of the city of austin to make this the most livable city in the country. I appreciate all the opportunities that the city has afforded me to develop leading edge water resource management techniques. I also value the opportunity to work within an organization that emphasizes and teaches professionalism and leadership. The civil engineer of the year award is recognition for all of the above. Thank you very much, everybody.

[Applause] I also want to recognize victoria lee, head of the watershed protection department. We'll go ahead and take a photo.

[Applause] next is a moment we've all been waiting for. Keeping austin weird. Council member chris riley in his spandex.

Thanks, lee. I am city council member chris riley and in case you didn't notice I am wearing spandex.

[Laughter] , you know -- but nothing like these guys. Here, come on up. This is not actually an everyday thing for me. My -- on days like this my -- even though I do bike to work, my typical outfit is exactly like this except without the spandex, and so -- and so when my good friend david smith approached me about wear spandex to workday, I got to say that at first I didn't really get it, and I have to say when I -- when I raised the idea with certain other folks around here, they really didn't get it.

[Laughter] as you can see by -- I see a few --

[laughter] but, you know, I'll tell you, after a couple weeks of word getting around, there's one thing I realize, and that is, spandex gets attention. People notice. People start talking about it, and again, people -- and it gets people talking. And that's -- and that now -- now that I realize that, now I do get it, because what this -- what this day is going to do is draw attention to a very important cause, because the whole point is that this is related to the hill country ride for aids, which as many of you know is the region's largest fundraiser for aids. It raises over \$700,000 a year. I'm going to let a viday a few words about it in a minute, but the whole idea is, as a result of people wearing spandex to work on april 9 people will be talking. It will get people's attention. They'll talk about it and say what in the world are you doing in that goofy outfit? And it will start conversations about this ride, and sure enough people get

interested in it and start hopefully contributing even more money to this very important cause. And so I'm going to go ahead and read this proclamation. Be it known that whereas the hill country ride for aids will roll through beautiful central texas on april 24, with riders and volunteers raising money for life-saving support for thousands of area citizens living with hiv aids, and whereas, spandex saves lives when worn by riders in the hill country ride parades, and whereas it's nearly impossible to turn down a fundraising request from someone brave enough to wear said spandex in the workplace. Swearing spandex is a brave show of support from riders and non-riders who back the hill country ride parades. Now, therefore, I lee leffingwell, who I don't see in spandex today, mayor of the city of austin, texas, do hereby proclaim april 9, 2010 as the hill country ride for aids, wear spandex to workday.

[Cheers and applause] and with that I want to recognize my old friend david smith, who is that long-time organizer of the hill country ride parades who's responsible for getting me in this outfit.

My most important achievement.

City council members and spandex, do we live in the greatest city in the world or what? But that's true for so many reasons, and here is just one. Austin can be so proud to have the second most successful aids ride in the entire country. Bigger than new york, bigger than chicago, and maybe we love saying this most of all, bigger than dallas. But this is true because of thousands of people who over the last ten years have poured their hearts and souls into what has become more than just a ride and more than just a fundraiser. It's a community of kindness, and it's a community of kindness that stands with thousands of our neighbors who are living with aids. So the ride is the collective brilliance of so many people, including ted burton and the geniuses at enviromedia and we're also thankful beyond words to have been the recipient of hundreds of thousands of dollars worth of pro bono work from infusion, work that has won national awards and allowed the ride to grow beyond anyone's wildest imagination, from their beautiful designs and catchy slogans, they have branded the ride to reach thousands of people who otherwise would never have heard of it. Then they didn't rest on their award-winning laurel this year. They upped the ante and come up with this beautiful campaign to become greater superheroes with the org, a campaign that is making superheroes not just out of city council members but of people all over austin. With this proclamation you're not just making it cool to wear spandex to work on april 9, you're helping us create just what austin more superheroes who are dedicated to making life better for thousands of our neighbors who desperately need us. So a superhero size thank you to all of our friends at infusion, at enviro media and to mayor leffingwell, who will get him in spandex one of these years la of.

[Laughter] to chris riley and all of city council, for once again proving this is the best place in the world to live.

[Applause] so I have a really tough act to follow here, not nearly as exciting as spandex, but I think that most austinites that get a chance to go to our airport are big fans of our airport, and people that come in and visit me, I know, and all the business travelers are certainly fans of our airport. We've got great services, we've got good food, we've got music, we've got guitars in baggage claim, and my personal favorite, actually, at the airport is the women's restroom mirror in the baggage claim area, because I

don't know -- you ought to go in and look at it sometime. It's a special mirror. Anyway, but it turns out that the rest of north america has noticed what a terrific airport we have and the austin-bergstrom was recently, by the airports council international airport service quality survey in 2009 ranked austin-bergstrom international airport the best airport in north america among all sizes of airports. So it's a pretty spectacular deal, and I think that something like that doesn't happen unless everybody that works at the airport is committed to top quality, and the director, jim smith, is here, who will introduce some of the folks that make this happen, and really, i just think it's an amazing thing. There's a lot of airports in northern america. So we have a certificate of congratulations for having been ranked the best airport in north america by the airport service quality -- passenger service of airports -- passenger service of austin airports international, austinberginternational airport is deserving of public acclaim and recognition. The survey rankings were based on the results of more than 275,000 questionnaires completed by passengers at 118 airports worldwide. Top factors were high customer -- for high customer service ratings are, ambience of the airport, cleanliness of the terminal, availability and cleanliness of the washroom, courtesy of the staff and good shopping. We're pleased to congratulate the leadership and staff at abia for giving the people who fly in and out of abia a clean and safe and comfortable airport experience, presented with our appreciation this 25th day of march in the year 2010, the austin city council of austin, texas. So congratulations, you-all, and thank you for all your work.

[Applause]

all of us who work out at the airport want to thank the council members for their recognition, but just mention that there's 3500 people who work at the airport, and we have 350 great people who work for the city of austin, but we also have a number of people who work for the airlines, concessionaires, security administration, and they all do a remarkably good job day in and day out and coordinating to try and get the passengers who come through austin a seamless, enjoyable experience. And we really appreciate the cooperation we get from everybody, along with our great staff. So thank you very much for the recognition. We appreciate it.

[Applause] hotel motel we're out of recess. We'll now take up item no. 70. Before you begin your presentation, I have to ask, is there anyone who challenges the right -- or the standing of the appellant to make this appeal or is there anyone requesting a postponement in consideration of this appeal? Hearing and seeing none, we'll go ahead with a staff presentation on the appeal.

Good evening, mayor and council members. I'm george zapalac with the department of planning and development review. Item 70 is a public hearing, an appeal on the -- appeal by the east town lake citizens neighborhood association of the planning commission's decision to approve a conditional use site plan for a hotel/motel use located at 1609 east cesar chavez, known as the east side inn. The property in question is zoned cs-mu-co-np, and under the east cesar chavez neighborhood plan a hotel use is a conditional use, which requires approval of the site plan by the planning commission. The proposed development, as shown on the site plan, consists of a seven-room hotel on the lot totaling 3100 square feet. The site includes an existing one-story single-family structure at the front of the lot, which will be converted into two of the hotel rooms. Five additional rooms will be located in a new

structure to be constructed at the rear of the lot over a parking area. Uses on the adjoining properties include a funeral home and a beauty salon. Across the street is a medical office and to the rear across the alley are single-family residences. The site plan complies with compatibility standards with the design standards and all of the requirements of the land development code. The site plan was supported by the east cesar chavez neighborhood planning team and a number of other residences and businesses in the area. It was approved by the planning commission on january 26, 2010 by a vote of 9-0. The appeal was filed by marcos de leon of the east neighborhood association, on the basis of the fact it's not compatible with the community. Concern was expressed that the conditional use permit would allow a chain motel to move in and there are a number of letters of opposition that were submitted recently that are on the dais in front of you. The staff would note that the conditional use permit is tied to the land, not to the owner, so it is true that the ownership of the property could change. However, any expansion or substantial modification of the plan would require approval of a new conditional use permit by the planning commission. The staff recommends that you deny the appeal and uphold the planning commission's approval of the site plan because all the criteria for the conditional use permit have been met. The council's options are to uphold, modify or reverse the commission's decision. I'd be glad to answer any questions at this time. any questions? We'll go ahead to our public hearing, and first we'll hear a presentation by the appellant of five minutes. And first on the list I have gavino fernandez. Are you representing the appellant? Marcos de leon? Marcos, you will have five minutes. All the following speakers will have three on your side.

Thank you, sir. Thank you, mayor. Mayor, members of the council, my name is marcos de leon. For the record, I am the president of east neighborhood association founded in 1974 for mr. edward [inaudible]. Our resolution we passed, we got together, whereas the area known as east town lake neighborhood association bordered on the north side by east cesar chavez street, on the west by highway 35 and on the south by lady bird lake and on the east by pleasant valley road, has some of the oldest mexican-american families that have contributed to what is known as the capital of the state of texas, austin. Whereas many of these families have strong roots and have been substantial members of the neighborhood and decided to stay, whereas many of the elderly, as well as children and grandchild grandchildren still live there. With newer high price homes and condominiums in the family, many families ve displaced through higher taxes and city of austin code enforcement rules. Whereas the people of this neighborhood have taken a stand in this method of ethnic cleansing or gentrification. As an action by the austin planning commission that was a precedent to have a form of business faster leading to gentrification. On may 20, 2010, there will be a hearing on the east austin association, action taken by the planning commission on january 26, 2010, that will allow hotel/motel zoning at 1609 east cesar chavez. Whereas the neighborhoods has never had a 24-hour seven days a week type of business and this hotel/motel zoning will only open the door to more of these types of business. Whereas this type of business will further raise taxes in the neighborhood and continue to further displace the elderly and the young families in this neighborhood. Therefore, let it be resolved on this day, march the 25th, 2010, members of the austin city council support the efforts of the member of the east town lake neighborhood association in efforts to appeal the action taken by the austin planning commission on january 26, stc 2009-0303 cs, hotel/motel conditional use permit at 1609 east cesar chavez. Furthermore, we ask the city council to follow the wishes of this mexican-american

neighborhood and preserving their way of life without further burdens of displacement by reversing the action of the austin planning commission on january 26, 2010. This is something we ask you to do. There are some letters to that effect. There's a lot of anger. There's a lot of disbelief. A lot of people who have just given up. It's very disheartening to say families say what's the use? Where is our leadership? Where are the people we voted for to protect us? And it's one of the saddest things that I shared with your staff, I've been involved in this movement for many years and see strong people, strong families believe in who they are and know their contribution to this fine city. For many, many years. I begin to sense their -- they begin to sense their neighbors disappear. It's very, very hard, and i know it's not that we didn't try. It is what is seen and what's going to happen. You know, without a final shot the city council and the previous city council has systematically begun to gentryfy that neighborhood, the rules of this council. And it takes a lot of tenacity to stop something like this. This will affect us greatly. There's nothing in that cesar chavez neighborhood street that is 24-hour -- 24/7. jay, who owns the quickie picky there at the corner of cesar chavez and chawmers signed the position saying he doesn't want it there. He has problems with prostitution. This is his words. In the neighborhoods we have visited we have walked and we have talked. Understand and know what's going to happen to them. castillo, has family over because of a death could not be here tonight, but she expressed the frustration that she has to face on a daily basis. Many of our seniors have not reached 65 years of age yet, so they're still being double taxed. I'm 62 so I'm not there yet either. My taxes went up from \$500 to over \$2,500, \$3,000. We ask you to listen, and my wife talked to my granddaughters, why is grandpa automatic there everybody protesting. She explained to them so they'll be here to testify what they wrote in their own words what they feel. We ask you to reverse the actions of austin planning commission on january 26, 2010. thank you.

Thank you, mayor. we have a number of other folks who are signed up? Support of this appeal. I will call you. You don't have to feel like you absolutely have to come up and testify just because I call your name. You can just say ditto if that is the case, but please feel free to offer us any new information. The next speaker is gavino fernandez, gavino fernandez. Gavino, you have three minutes.

Mayor, I have two people who have signed up who have donated their time to me. We weren't able to navigate your computer to be able to indicate that.

If they're signed up you can just give me their names. Give me the names.

Elisia rin don.

Elisia ridon.

And arturo botello.

Botello?

Pardon me. Are both of you signed up? Okay. And you are signed up? If you're not please get with the

city clerk, get signed up, so you will have nine minutes.

Good afternoon, council, my name is gavino fernandez and I'm a homeowner east town lake citizens association and I'm also here speaking on behalf of lulac district 12. But more importantly I'm here to speak on behalf of the many citizens we spoke to when we walk the neighborhood on willow to south of this particular project. As commissioner de leon mentioned, miss castillo was the mother of a former high school basket coach, tony castillo, has lived in that area over 40 years. She said, gavino you know, i was hoping to live in my home until the lord called me home, but, you know, because of everyday developments that are occurring, the change, the avalanche of development that is occurring, it's going to drive us out of the neighborhood. My taxes have exceeded all my exemptions. I can no longer survive. We also have another neighbor who is adjacent to the south of this particular project. She's paying \$4,500 in property taxes. Where am I going to go? This is a land use issue, and earlier today we had a discussion on density, and we were told that density, while it is something that is desired in this community, there are certain areas that it is not suitable. So in this particular case, council morrison, this is one of those that it is not suitable for density. I want to share with you an experience that we ran into when we were out there educating our neighborhood about this issue, and it happened on saturday. There was a person lying in state at mission funeral home on saturday at 10:00 a.m. At 1607, which is adjacent to this home, there was -- there were people from "south by southwest", a band, wiring up to start music. And I went over and asked the gentleman, I hope you're not going to play this music very loud. There's a person laying in state and they're about to begin services in the chapel. He turned around and he said, "you know what? This is "south by southwest". I got calls later that they could not hold the services at the funeral home because the music was at 80% decibels. So council, when you revisit the music permitting process again, take in consideration that those areas that are adjacent to funeral homes. But this is a type of disrespect that we receive when we have people that come into our neighborhood, don't know the neighborhood, and gives us this kind of response. This person, when she went and filed for this conditional use permit, if you look at the backup, it clearly states "purpose of " yet, she went out to the whole neighborhood and tried to sell this product under the auspices of bed and breakfast. Bed and breakfast at this current location as is is acceptable to us, but when you go beyond and push the envelope and say, I'm going to add five more rooms, council, that is no longer a bed and breakfast. This is a motel/hotel. And this is something that's going to be operating like commissioner de leon mentioned, 24/7, and this is another item that she's requesting is a fine. If you have knowledge of zoning for bed and breakfast, you cannot have a sign. But they want a sign for this motel that's supposedly bed and breakfast. So once again, we're not against development, we're not against entrepreneurship. However, we are against trying to fit something that is so tight as this particular project. This is an investment project. This is not a home for these individuals, so they're not going to be there throughout the whole experience of when this place is operating. We've asked many questions. We've asked, give us a list of items that your visitors will be able to do and not to do because of this location. As of today we have yet to receive that list. Yet they're saying that they're being cooperative. And again, it brings us back to that same issue again, where cesar chavez corridor needs a comprehensive plan study so that we can be able to entertain these type of conditional use permit issues, incompatibility zoning issues, but it falls on deaf ears. Every time that we've come to this government we have been ignored. But one thing that I do see as a positive through this whole process

is that while there is strong in east austin in voting, because you never champion any issues that affect our community, and rightly so, when we will knock on the door saying register, saying why am I going to register? Because every time we see you and the commission -- the people from the barrio go up and speak, legitimate cases, cases where other neighborhoods have brought the same issues and this government has supported them. Yet when we go, you-all are ignored, there's no discussion and you're just voted down and told to go home. So we don't want to be part of that process. So we have to sit down and educate them and let them know. The power for change is in our hands. So every day, every time we meet with neighborhoods, the first question is, how many of you are registered to vote? Four, five. How many of you voted? Two. We have a lot of homework to do, because the power for change, to get a council, a government that's responsive and protective on an equitable basis, not based on area or political disenfranchisement. This is the only way that we can be able to defend and protect our own neighborhood, is by increasing the voter turnout participation in our community. And it's been a challenge, because a lot of your votes don't help us carry that message, that this is the only -- this is -- this is the only way to be able to cause change so that we can have people that are responsive. To those of us who are landowners in this particular geographic area of the city of austin. So we ask you to stop the bleeding. Many of you on the campaign trail cited your interest in east austin, but I wasn't aware that it was the displacement of us from east austin. I thought it was for the good, for the protection and the preservation of our history, our culture and our land. But you can prove me wrong tonight by supporting this appeal. There are many areas along this corridor closer to ih-35 where this would be suitable, closer to 183. And I hope your smile is not because of out of disrespect, council member morrison. You're a neighborhood activist. You came to our neighborhoods asking for support under the auspices of protecting neighborhoods. I was a former member anc. thank you. thank you. Next speaker is --

[applause] marcelo tafoya. Welcome, marcelo. You have three minutes.

Thank you, mayor, council members. My name is marcelo tafoya. Lulac district 12 director, and I come in support of the community. I come in support of the fact that a lot of our elderly that live there on fixed income, a lot of people that are living there part of the -- family work, and the feaks are really, really displacing many of our elderly, many of the families, and the fact is that something like this is not really adequate to have in our neighborhood, and i do support it. But in the meantime I also want to ask to excuse the lulac national magazine that was -- that comes out nationally, every member of lulac receives this magazine. Apparently you have it in front of you. And during a visit in israel by two of our illustrious community leaders there was a mistake made where they representative mike martinez and they put down council member eddie rodriguez, which should have been vice versa. But I want to apologize for that, although the national -- never asked me to do it, but I believe in a member in lieu lack and the position I'm -- lulac. I want to apologize for that mistake. But it's national so I don't know how many people throughout the united states are looking at the magazine, but it's part of austin and also we have the texas state convention coming up. But I want to get back to the neighborhood. The neighborhoods nowadays are feeling they're being attacked, they're being run over, they're being disenfranchised. They're being neglected, they're being ignored. In fact, the construction on 7th street apparently when it ends it's going to look real pretty, but in the meantime they're hurting a lot of the businesses. There also is not just only one sector of east austin that is hurting right now. There's all over

the place. Once again I do support the neighborhood and I do expect you-all to help us in this endeavor. Thank you very much. thank you, marcelo.

Mayor? mayor pro tem? I want to thank him for his comments. Not necessary, but i appreciate it and i appreciate the mention in the publication. The mayor was promoted to mayor pro tem earlier so we get confused all the time. and you got promoted to state rep. rep

mayor leffingwell: u.s. Rep. Okay. Next speaker is lewis cerda. Welcome. You have three minutes.

Good evening, council members assistant city manager, mayor leffingwell. This is not economic development. It's not bringing any jobs to our neighborhood. This is not going to fit in our neighborhood. It's not going to benefit the environment and the quality of life in our neighborhood. This is not only a disgrace but disrespectful for the people that grieve for their loved ones at mission funeral home. I was there thursday standing around looking at the premises, "south by southwest" was going on. There was a funeral. They had to be rerouted to take their loved ones to the burial ground. I thought that was just very disrespectful for the deceased. I don't know the owners of this establishment, but they said they were a mom and pop. That's all they wanted to be, a mom and pop that i remember, I'm 42 years old, they contribute back to the community. I can go to a mom and pop shop and buy a taco. I can go and get my shoes fixed. I can go and get my television fixed, whatever their business is. I will never rent a room from this place. We all have our own homes. Our seniors are having to endure the fast pace of attack of the downtown growth. Their barrios have many grass rooted city families, paying taxes, school taxes and property taxes. Why are their soft voice not being heard? One of the things that i talked to some of the castillo was with me when I met with laura morrison and one of the things she said,.

[In spanish] , that means why, god, why me? Why is it I work so hard to provide for my family and all I want is peace and here I am having to put up with this motel that wants to come up. We have a substantial of crime in the area. It's just another phase that's going to happen. We can already not protect the people off of rundberg lane. Can you imagine if we allow this to happen, that more hotels get on cesar chavez, how bad that the drug trafficking, the prostitution, the theft are going to be. I know to my knowledge mission funeral home does not want this hotel. One of the things that i looked up is the critical root zone. There's a big large tree on the property. If you put a driveway, it's going to suffer the oxygen for this tree to grow, or the tree grows oxygen it's going to die. Now they want to put -- some type of driveway with pier and beams so the cars can drive up into the back of the building that's going to be structured. It's going to be a 24/7. They're going to either have a dumpster or a roll-off dumpster that's going to 00 in the morning and waking up the seniors. that was your time, lewis.

Thank you, sir, i appreciate it. next speaker is vaughn blue de leon. Maybe we can use the -- yes, that's fine. Can you pull the mike over towards her, marcos? Welcome. And you have three minutes to speak if you need that.

For the error, my name is vaughn blue de leon. Save the children. Our families have no need to be driven out of our homes. You make your own decisions if you want to have to move out of your homes or not. You're not meant to be forced out. We don't need higher taxes. All we need is our families and

love. I mean if you want higher taxes you can have higher taxes but I assure you people will be driven out of their homes. If you're willing to support us you're willing to support our homes. Ask yourself, do you want to be forced out of your homes or do you want to stay a family? You can make this world a better place. You could be homeless if you don't find a house fast enough. You would have to listen to arguments and complaints. Our neighborhood would be a disaster. I am 9 years old and I am a protester and I want to support the appeal for no /hotel zoning. thank you.

[Applause] next speaker is carmen will lucita de leon. Welcome.

My name is carmen -- my name is carmen lucita de leon rasenboch. And if you want to move out of the house, want to move in a new house, take one or two choices, and move in a new house or you want to stay in your old house, do you? I live in texas and if you are forced out, get a house, a new house or the same house if you love your house, you will stay at your house and we all love texas.

[Applause] thank you. Next speaker is francis martinez. Welcome, france, you have three minutes.

Good evening, mayor and council members. May name is frances martinez and I am chairperson of barrio neighborhood association and a former planning commissioner. And I'm here also to support the efforts of these town lake citizens. We have talked among our neighbors and we do not agree with this hotel/motel, much less to have a sign so I'm here to ask you to reject this -- the planning commission has approved. We have lived here for many years, and also we would like -- we'd like to have -- we have integrity in our neighborhood, and also we do have this funeral home that sfs everyone in the -- services everyone in the area, actually everyone over austin, and this is very disrespectful when we have this type of environment like, again, "south by southwest," it was very -- it was very loud for everybody staying late. I hope that you-all can think about this and maybe not have this loud noise around areas that have funeral homes. It's bad enough that we have elderlies close to where i live right there on east 3rd, and of course we put up with the loud noise, but something like this, it needs respect. And the establishment that wants to go in there, that will be a 24-hour establishment. That is not suitable or compatible to our neighborhood, so I ask you, would you like to have this type of establishment in your neighborhood? Please vote your conscience and do the right thing and vote no to this zoning. Thank you. thank you, frances. Next speaker is maryanna josephina de leon rafinbach.

For the record, my name is maryanna joe see fin a de leon rafinbach. Citizens of austin, texas, please, if you want to pay more for taxes that is fine with me, but I bet you one thing, people are going to be driven out of their own homes. Then you will have to lynn to all of these arguments. Maybe then you would listen. You have no right to raise taxes because then you will not get any money. Then you will be forced to give people their homes back and lower taxes again. People, are you kidding me? Raise taxes? People will never pay them and then you would probably go out of business or worse, lose your home. You can make the world a better place if you just tell those guys not to open five new rooms. Five new rooms are a lot. All I ask is please don't open hotels. I love my house and I don't want to be homeless. Support the appeal for no motel/hotel. I'm only a 10-year-old girl so please think about the children's home you are taking away from them. Don't do something that threaten the children. Thank

you.

[Applause] thank you, mary anna. Last speaker I have signed up supporting the appeal is paul hernandez. Welcome, paul, and you will have three minutes. You can sit over at that table. We can't really see you behind that -- okay, you're going to stand up. Okay. I see.

Mayor, mayor pro tem, members of the council, my name is paul hernandez. I was born and raised in east austin, and we in the 1970s had an idea that this was going to happen. If you go back in history, you will see that in 1928 a racist and class discriminating council moved us from the west part of austin right here to where we're standing, forced us out, so that the downtown district could expand. Our people were moved east. East side has been neglected all these years. For almost 40 years we have fought for the improvement of that community. Some of us have fought for our rights. Some of us have also been able to stay there. And we will continue to fight for our rights. We have the right to exist in that land. We have a right not to be removed. We have a right to be able to have a quality of life that we worked for. My father saved his money when he was in world war ii and bought our family lot, only to be lost. Our history, you-all don't know what it's like to be born in the barrio. The barrio is a very, very unique place. We have substructures where we take care of each other. We were very poor but never hungry. We were very poor but we always have festivities. We made our own beer and we made our own wine. Now you want to take that history away. You want to send the people out somewhere. To be honest with you, we don't care about the damn buildings. You can take those down, but we want to live there. We have every right to do that. It's because of the policies of city council, of local government, that you are again -- are going to make us leave. This has happened -- this happened in 1846 when the united states of america declared war on mexico and took the southwest by force. Well, the force is much more subtle now. It's called taxation, and i know that you don't have anything to do with taxation, but you have something to do with the land values. Your policies have created rampant speculation, and that speculation is leading to our destruction of our community. Some of us are going to refuse to leave. I'm one of those that's going to refuse to leave. I'm going to die there.

Mayor leffingwell: mr. He he rnandez, your time is up. Please conclude.

Yes, sir. Living in this town for as long I have, I'm 64 years old. I have a right to speak up for the neighborhood and the people who do not speak, who do not -- are intimidated by these bodies.

Mayor leffingwell: mr. He he rnandez your time is up.

Thank you, mayor. Thank you. Do the right thing. now we'll go to those folks who have signed up against the appeal. I've been given a list, an abbreviated list compared to what is on my screen here, and if you don't agree with it let me know, but the list that I have is kathy cellser, sabina, michael, jeanine bergner, ray bedrano. Three minutes each. And when we get through with that list I'll ask if anyone else wants to speak. Are you kathy cellser?

I am, and I've had time donated to me, I think.

You have time on -- yes, on the screen here, elizabeth richard? Okay. Nicholas luciere. Nuk nicholas, anybody named nicholas out there? Kim martinez? Okay. Edie casell? So you'll have 12 minutes, kathy.

Thank you very much, and I don't intend to use all of that time. Mayor, council members, thank you very much for the opportunity to speak before you today and to talk a little bit about our project, and I want to also thank the neighbors who are here both in support and opposition of our business, because obviously this is an impassioned community that has taken an interest in our city process, our city government process and that's very important to us. Can I show my slide there? So I'm going to go through just a quick overview of our project. First by introducing the property that is in question today at 1609 east cesar chavez. My husband, george reynolds and I purchased this property in august 2008. It sits on a commercial block of cesar chavez, the 1600 block, next to two similar homes that are now used for commercial purposes. To the left, which is to the east, is an office for mission funeral home and to the right is a salon, orbit salon. Here's the location. You can see it's between com chaw l mers on cesar chavez. I wanted to introduce this as a 7 room bed and breakfast. I know there's been discussion about this term hotel/motel and I know that's caused a lot of concern within the community and neighbors, because it sounds much bigger and scarier than what it is than what the conditional use permit allows, so I wanted to talk a second about that. When george and I purchased the property, again, in august 2008, it was our intention to operate a bed and breakfast by the city's definition of a bed and breakfast, but through working with the land development team we understood that we would not be able to -- even though it's a permitted use on cs property, a bed and breakfast, we would not be able to open a bed and breakfast under the commercial land development guidelines and that we would be held to 45% impervious cover. The commercial property in this area is obviously -- commercial property all over austin is expensive, and this neighborhood is unfortunately no different, and so it just was not a viable business opportunity for us to be held to that restrictive land development use. And so that kicks us up into the hotel/motel designation, but our business plan has not significantly changed since that time 19 months ago when we purchased this property and began this property to convert this existing 1925 home into a bed and breakfast-type business. We need to add a second story a addition to add on five additional guest rooms. We're below the height restrictions and we're talking about 1400 square feet air-conditioned space, so 3100 square feet of air-conditioned space on this property which I think is small by a lot of commercial use standards. We will preserve all large trees on the lot, and I know that someone mentioned concern for a tree in the neighbor's lot. I think you'll be release leafed to know -- you'll be relieved to know we're taking protective measures to protect that tree. We've gotten the environmental review sign-off for that tree -- for our whole plan but that tree was one of the issues we had to go back and we vice our plan and do a pier and beam system that has a metal grade and so on. So the neighbor's tree will be proaked. Protected. All parking is provided on this and no variance is required. For this reason we have the endorsement of the east cesar chavez neighborhood planning team. I think a couple from that team are here and I will let them represent themselves on that. I wanted to explain primarily just for the neighbors who are here that a conditional use permit is not a zoning change. What we're required here is to have a conditional use permit to operate the seven-room inn, or seven-room hotel, if you will, on this particular property, and while it is true that that conditional use permit could transfer to a new owner, what is not true is that a larger hotel or a chain hotel could come in and do something dramatically different here. It's just not possible. There's not enough room on this

land. We're preserving the existing house. If they tried to wipe out an existing -- the house they'd have to go through this entire process again. If they added one more additional room they'd have to add another parking space, they'd have to go through this process again. So this is an approval of a conditional use permit tied to a seven-room hotel, in which all of these other conditions are met, and as you know it was approved with a vote of 9-0 by austin planning commission in january -- on january 26. So I wanted to just go through a couple quick plans and I'll move through this pretty quickly. Again, this is the house today, and this was the house after our proposed improvements. We are bringing the property up to commercial standard. We are adding the addition we talked about. The view from the street does not dramatically change. And frankly that's by design and by our business plan. We're trying to create a home-like experience, even though we have the scary hotel/motel term, and this really is more like what you would think of as a bed and breakfast. You're coming into a neighborhood, you're staying in a home-like -- a home-like building, and you are, you know, able to experience the best of that particular neighborhood. Here's a bird's eye perspective of the addition so you can see. This is commercial-zoned property. A convenience store is allowed here, condos are allowed here. Many other uses are allowed under the conditional approval. Many other uses are permitted uses. So just to keep some perspective, though it looks like a residence, it is a commercial property and the blocks on both sides, cesar chavez and to the east and west, are commercial businesses. This is a side section. You can see water street loss is a business in the background. I'll talk about that on the next slide but I want to draw your attention to here, this is a side section of our plan. You can see that parking is provided beneath, as I think the city staff member mentioned. And you can see that we are preserving the existing house and the existing -- half of the existing roofline. I'll move forward so that you can see the allowed height on this particular property is the same as the building that's in the background, so that's the yellow dotted line. And you can see the height of our building with the green lines. The one on the right I just wanted to point out that this is the roofline of our existing house, and that we're not adding, you know, even a full story above this. This is really what we think of as an appropriately scaled project for this particular property and for this particular neighborhood, and again, that is by design, because we've worked very hard to meet the guidelines of east cesar chavez neighborhood plan and we've worked very hard again to create a home-like experience for our prospective customers. Here's the view from the back. So the residential street of willow is behind the alley. We are -- I believe it's 25 feet, it might be 30 feet, our building is from the property line of the residence behind because we have a 20-foot alley and we've had to come in a little bit further because of some utility line issues. In terms of scale and compatibility we're beneath and I probably shouldn't read this to you because this is maybe taking more time than you want to, but we're built beneath the allowed numbers on building coverage impervious coverage, et cetera, and this is a letter from the east cesar chavez neighborhood planning team. We met with them prior to purchasing the home, i believe in july 2008, just to make sure that the type of business that we wanted to open in this neighborhood was compatible with their neighborhood goals, and we received encouragement from them to move forward with our plans and review those with them and we received this official endorsement in I wanted to talk for a minute about our neighborhood outreach efforts. We have personally reached out to more than 220 residents in the direct east cesar chavez neighborhood area, including -- with an emphasis on the properties and streets that you see here, east cesar chavez and second street to the north and to the south the residential streets of willow and canterbury. So far we received more than 75 letters of support that are concentrated on the blocks -

- or on the streets of east cesar chavez and willow and we have residents from willow who are here today in support of our business and are going to speak to you about why they support our plan. As I mentioned we're endorsed by the east cesar chavez neighborhood planning team and we did conduct a public meeting with east town lake citizens organization,.

[In spanish] in january -- I think on january 21st, 2010. We provided requested materials to them on january 25, 2010. We have created a web site to inform our neighbors and as of, you know, an hour and a half before tonight's meeting we had received 269 visit the others that web site, so we tried to do everything we can to get the message out about the nature of our business, that while the term "hotel/motel" is scary, what we're trying to do here is something that's very neighborhood oriented, and has the community's goals in mind as well. Some of our business objectives I just want to touch on and I think this is probably my last slide, which you might be relieved to hear. We do think of this as a mom and pop business. This is my husband, george, and myself, operating this business, trying to live the austin lifestyle that, you know, we want to live, celebrate the best things about austin and the best things about this particular neighborhood. We chose this neighborhood because we like the feel of the neighborhood, the people who are in it, the diversity, the established businesses, the community spirit, and yes, that passion that we've all witnessed today. We like these things and we want to support these things, and we want to provide a useful service to the neighborhood. When we speak with our neighbors they say, you know, this is great. I don't have a place for my family to stay when they come into town and I would love for them to have a place to stay. We feel we will be providing a useful service to the neighborhood. In addition I have a history of volunteerism with austin, I'm a hospice austin volunteer. I'm also involved in the festival beach community garden planning effort. I've done previous work with sanchez elementary. I really wanted to be a part of this community and to -- make the place better. It's certainly heartbreaking to feel that people think that we may be destroying the neighborhood. I completely object to that because our entire intention with wanting to open this business was to bolster the neighborhood and celebrate what's interesting and unique and wonderful about east austin. George and I are long-term east austin residents. We've owned our home for ten years. We live south of riverside and again we've owned this property for going on two years now, so we have made an investment in what we feel is in the east austin community because we are east austin residents as well. The last few points I wanted to address is that this is a very low volume business. I know there's been stated concern about the amount of a traffic a business like this will be generating. We're talking here about two to four cars per week, weekday, and about six cars per weekend day and that's far less than any of the other allowed uses of this property would have. So the idea here is to have a business that encourages public transit, that takes advantage of the proximity to downtown and provides a reason for folks to not have to bring a car to austin, but if they do bring a car, we feel they're going to park that car and they're going to leave on foot. They're going to drive foot traffic to the neighboring businesses in this area and, you know, keep the dollars inside the local east austin community. Another point I wanted to make on that is that if you have someone in the neighborhood who needs a place for their mom or their sister to stay, you know, when they're visiting and that person stays just a few blocks away, when they get up for coffee in the morning, they get up to go to breakfast, they're going to keep those dollars in the east austin neighborhood in which they're staying. They're not going to get in a car, create traffic and drive, you know, to a larger establishment. So -- your time has expired.

Thank you, and that is everything that I wanted to cover. I'd be happy to answer any questions. I thank you again for all the time.

[One moment, please, for]

we decided to allow zoning for a hotel and a conditional use so we could stop any big hotels like a motel 6, but allow these big, beautiful homes to continue to be used as housing. A good example is the old home in the one thousand block of cesar chavez which used to be a boarding house for seniors. And we have worked with these owners of commercial lots on thee streets to find new use that keep the home intact or else we'll see the new owners bulldoze the homes and build new commercial buildings that don't keep the historic character on the street like the water street lofts. We've heard a lot of discussion about gentrification, but you know, this was used as the residential home at one time and it was a very expensive home. And we know that compatible use goes with the houses and not commercial lots, so gentrification is going to happen. If we don't set around and really start working as a neighborhood and not fight the planning teams that are legitimate in these neighborhoods, we're going to -- everything that they say is going to be true. Because we need the force of having a community sitting down and working out the problems that we're facing. If w we're going to be doomed and that's why we formed the cesar chavez planning team. And we knew what was going to happen at the holly planning team because they don't want to step down and discuss and plan for their neighborhood. They just want to control it. That has been their problem all along. They own the q house, which is the ymca now. They owned the pepsi cola building in the corner of zaragoza and cesar chavez -- and pedernales.

Mayor Leffingwell: Thank you.

[Applause] next on my list is michael caseasis. Do you need donated time, michael? Elizabeth richard? Okay. Nicholas -- I'm reading the wrong list here. Mary jenkins. Okay.

(Indiscernible) siemington. Heather banks. Kim thomas. You have up to 15 minutes.

Thank you, mayor, councilmembers. My name is michael casasis. I have lived and worked in east austin for 15 years. I'm a member of the east cesar chavez neighborhood planning team as well as the organization for east austin neighborhoods. I'm here on behalf of myself and as part of the austin mexican-american community. I'll skip most of my comments for your sake, but I do want to say something about displacement because it is a common refrain in east austin and it is the subject that I struggled with -- I struggle with everyday as a lawyer and as a builder in the neighborhood. For the long time latino community in this neighborhood it is not an illusion, nor should it be ignored that the neighborhood they once knew is disappearing. Those who built and improved the community are aging and for many reasons including higher taxes and tighter budgets, they or their hers decide to move on. Sometime the children who inherent the homes live somewhere else or connected somewhere else and prefer sale to long-term ownership. For those who want to stay and keep the community intact, the attractiveness of this close-in neighborhood where I live and the obstacles to creating new housing of various types makes it hard for their incomes to keep up with the land appreciation, so there's a real challenge here. How do you not om keep long time residents, but when they do go, and we all go at

some point, how do you replenish the vibrancy of the latino community with new blood, new life that cherish the rich history of those who came before them. I believe that everything that warriors like the others say, but we need new strategies. They've won some great battles and improved the community, which makes it more attractive to everybody else. But as Gavino mentioned, the latino community is disappearing in this part of town and we are losing our cultural ties. The good news is they have worked hard that their children become more educated and they travel and see other ways of getting things done and I believe there are lots of things that could be done here. I believe there is such an opportunity to revive our culture and community and even replenish it. Organizations like El Concilio, East Town Lake, Neighborhood Planning Team all have this incredible power. The community members here make strong arguments, but they can make the strong arguments for a greater impact. They alone are the key to hundreds of new affordable housing units, for instance, at the Holly Power Plant site, at the RBJ site, on the old car lots that the neighborhood fought so long to remove. For each abandoned lot in the neighborhood, and there are at least 24 that I counted just last week, two to four small cottages could be built where an old house stood, but only on strict condition that half of them be affordable. They could recruit businesses if they want instead of reacting to businesses that want to come, they could recruit the businesses they say they want from within our own community and proly approve parking and other variances through community parking plans and all kinds of things. They could join together to help people in the neighborhood add a smaller home to the backyard where their relatives can move into or the older folks can move to the back and the bigger family can live in the front like the old barn raising days. They could bargain with good development in return for community benefit like neighborhood funds for home repairs, for tax for rainy day funds. They can work with people like these applicants who will reinvest what they make back in the neighborhood. I'm against this appeal. The applicant is doing everything that we have asked of them and more and they've gone through a substantial community vetting process. We need to make it easier when someone is willing to invest their lives and usually they're life savings in bringing us what we have asked for and where we have asked for it, not harder. I personally believe the process has taken months too long and cost way more than they ever thought and they haven't even started with the building inspection process yet. Thank you.

[Applause]

Mayor Leffingwell: Thank you, Michael. Next speaker is Janine Burrigen. All right. Gary Smith? Okay. Brad Deal? Frazier Horn? No Frazier Horn? There you go. Janine, you have up to 12 minutes.

Good evening, Mayor, Councilmembers, my name is Janine Burgin and I own my home at 1405 Willow Street which is about 1400-foot from the proposed project. I have lived in my home for over 25 years and was a member of the East Cesar Chavez Planning Team. For our neighborhood plan. I believe the addition of this B and B on Cesar Chavez Street would be a good addition to the existing commercial properties on this street as we are lacking this type of service in the area. There are many other types of businesses that could occupy the lot, and I do not believe that a B and B would have a detrimental effect on the neighborhood with regard to traffic, noise or environmental impact. There are several restaurants in the area and I believe that this project will generate less traffic than those. The restoration and preservation of the beautiful home is a blessing and we will be better served by having it zoned

commercial and removed from the residential tax rolls. My husband and I will soon join the ranks of elderly residents and we are also very concerned about property taxes and the impact of new development on taxes. I do not believe that commercial property will increase our taxes or that the Travis County appraisal district will use the property to compare apples and oranges. I'm convinced that the owners will work with the neighbors directly behind the project to lessen any impact of noise and light as they have demonstrated a sincere willingness to work with the neighbors. B and B's don't generate much repeat business unless they are a quiet refuge for their guests. I believe that this project will have an overall beneficial impact on the neighborhood and existing businesses and encourage other small businesses to the area. Thank you for your time.

[Applause]

Mayor Leffingwell: Thank you. Christian Kyle? George Reynolds, is George here? Christopher Banks? Christian, you have nine minutes if you need it.

Okay, thank you. So my name is Christian Kyle. I'm the owner of Orbit Salon right next door to George and Kathy at 1607. I purchased my house at the beginning of 2008, February of 2008. And quick background, I'm also a resident of East Austin for about 15 years. My business has been open for 10 years and we chose this neighborhood. We love it. I've been a patron of the many great businesses there as long as I've been in Austin, and I love the area. It's a very unique area and we wanted to be a part of it. As far as -- I'm definitely in support of this project. I'm right next door and I think it will be good for my own business and good for the community. It provides something that there really is a lack of. There is no place for families to bring relatives or friends that are staying in the neighborhood. And I think this type of business is what I feel the neighborhood needs more. I mean, I'm a property owner and I think that I would like to see more small, locally independent businesses moving in that provide a service to the neighborhood and community. And they certainly do that. There's a number of other great service and restaurant businesses that are in the area now and we're very happy to have them. But essentially what they're doing is also preventing this house from falling into disrepair. As far as my house goes, it was literally a boarded up crack house when I purchased it. I went through and pulled out about 50 syringes out of the wall. It was boarded up. There were ping pong tables over the window. It was completely neglected and I think that small businesses are what's going to prevent that from happening to a number of properties and just -- I mean, I think that many people would have bought my lot and just torn the house down and built something new there. And George and Kathy are doing the opposite. They're preserving the house and they are improving it. And what they're doing is going to be an improvement that will last for generations, I think. So -- they're very conscientious folks. They're definitely reaching out. They've done a lot of work on talking to neighbors and reaching out to the community, including my civil as the neighbor, to make sure what they're doing is good and beneficial to everyone involved. And it has a potential to -- they're definitely a mom and pop business, but it's not to say that it won't bring other jobs as far as what they need to service their business to the area. I think that's important as well. That's about all I have to say. I'm definitely in support. Thank you.

[Applause]

Mayor Leffingwell: Thank you. Ray medrano. Ray, you don't have anybody donating time to you, so you have three minutes.

I won't take that long. My name is roy medrano. I was born an raised on the east side. My property goes all the way to 110 years with my family. Let's get real. The united states, this is all about capitalism and progress. I've seen progress. Seventh street they've torn it down, they'll fix it, put hotel motels, hotels in the future. Let get real. It all about the small business person to make the wheels go round. Yeah, I would like to have the whole neighborhood to ourselves, but that's not going to happen. We live in the -- this is the future, you know? Things have to keep going. Taxes are not going to stop. Growth of people makes the taxes go up. You know, that's true. I heard both sides and I was going to agree with one or disprea with the other one. My opinion, I'm going to support this couple. If it stays a small business and it doesn't go large like a 6 motel, that's fine with me. The traffic is miserable over there on first and seventh street. Y'all can't fix that. It's terrible. It's too crowded and it will get even more. So I'm here to support this couple. Hey, give them a green light, let them go with the small business. As long as they don't get out of hand and build a 24 story high building, that's okay with me.

[Applause]

Mayor Leffingwell: That's all I have on my list, but we also have jeff thompson signed up. Do you want to speak, jeff? And jose contero? Jose?

Mayor, originally i signed for. I came in kind of late, for the appeal.

Mayor Leffingwell: Go ahead and speak. We'll mark you down as being for the appeal.

Okay. Thank you. Members of the council, my name is jose contero of the greater east austin neighborhood association. And for my -- from my perspective, I'm a leader in the community because I live in east austin. We have councilmembers here that think they support east austin, but they do not support east austin. I'm a leader of east austin and I'll go back to the '90. When I had to go out there and fight the gang members, many of them at night, didn't want to help. Councilmember spelman, you were there. Did it take me to clean up the situation? And then all of a sudden we had four mayors, mayor bruce todd, gavino renteria came here one day and said I have a low tax I'm paying at my house, come on, I need more taxes. He will tell you, I remember that speech. Then y'all went into the united nations agenda 21, planning, the ecll plan. And y'all decided under kirk watson let's do the smart plan. The smart plan, the smart groith plan. Now it's called the comprehensive plan. And we had petitions -- this is a petition from my mother on this appeal. What is the use of us giving you petitions when we are the people of the neighborhood and you would not listen? And mayor kirk watson and the council voted against them. Over 200 petitions that we did not want the neighborhood plan. Then you have councilmember gus garcia all of a sudden, councilmember raul alvarez, they want to sell their houses. We don't want to sell our houses. We had affordable housing there. The neighborhood created high taxes. Now you talk about discrimination. I got my real estate license in '87 and I was the only one of the few minorities in the classes. When I used to have calls from people that used to say please, I want to buy a house and they used to pray and say please, anything but east austin. Anything but east austin,

councilmember martinez. You have to open the door to have people that have money not to come purchase these properties. And my mother is a senior citizen. She worked for the city of austin. Why don't you make a survey of how many hundreds of people have moved from east austin? And I told you once and I'll tell you again, councilmember ronny earl said there are gangs over here and now we're dealing with a bunch of gangs, criminal activity under these policies. Thank you, mayor.

Mayor Leffingwell: Thank you.

[Applause]

Mayor Leffingwell: Those are all the speakers we have signed up for and against the appeal. I will allow three minutes for rebuttal by the appellant, mr. deleon.

Mayor, councilmembers, one of the things that stands out in this whole situation, no matter how you cover it, how you paint it, is still high density development for our community, regardless, because the hotel motel zoning stays there. Even after the owners leave. There's a record in our community where many people come before the planning commission, before the board of adjustments and say we're going to live there. We're going to do this, do that, you go there and they're empty or they're misused. You can decide yourself to have the tenacity to understand what this type of zoning would do to our community. I know the gentleman is talking about housing. We try very hard to work with the mitigation, holly mitigation or the holly neighborhood. A there's lacking in that area. There's nothing we haven't tried. It's been politics and the policies of a council and previous of whether or not they'll help in that area. So that's not a question. The question here is why we appeal this is because we know for a fact what this does to our community. We know for a fact what the end will happen. It's not going to stop there. It's not going to stop there and we're going to be here year after year and people will lose, like my grandchildren said, where will they be at? There are young families in this community and there are elderly in the community who refuse to move. This is very real and you know it for a fact how this would impact our community. You have been in neighborhoods -- advocates spelman, your second term, you know what we've been through, you've seen the changes and the survival of trying to hold on to what we have. Some of you are mom and pop and for us it's a huge development, huge zoning. Like I said earlier, some of you just see it as the final nail to our coffin, driven in and driven it out. Regardless of how you paint it, it's still a high density development zoning. So we asked you that's why we appealed it. It is important to us. For those who cannot get up here to speak. The gentrification is before you right here in front of your face in the audience.

[Buzzer sounds] thank you.

Mayor Leffingwell: Thank you.

[Applause] those are all the folks that we have signed up and wishing to speak in the public hearing. The floor is open for discussion or a motion. Councilmember riley. You're not on mic.

Riley: I move to close the public hearing and deny the appeal.

Spelman: Second.

Mayor Leffingwell: Councilmember riley moves to close the public hearing and deny the appeal. Seconded by the mayor pro tem. Further discussion?

Spelman: Just a question, mayor.

Mayor Leffingwell: Councilmember spelman.

Spelman: I would like to have a question of george zapalac or somebody else.

Mayor Leffingwell: He happens to be here.

Spelman: He is there. We're talking here about conditional use permit, which is tied to a particular site plan, am i right?

Correct.

Spelman: As long as the site plan is actually built out and the conditional use permit will apply, am i right?

That's correct.

Spelman: What would trigger a revision or a revisiting of the conditional use permit?

If the owners wanted to change the use of the structure, if they wanted to add on a and expand the building that would require a new conditional use permit that would have to go back through the planning process before the planning commission.

Spelman: They're proposing a seven unit bed and breakfast now. If they wanted to turn that into an eight or nine unit bed and breakfast or hotel, they would have to go back through this process all over again to the planning commission and maybe to an appeal to the city council and get a new conditional use permit. Is that right?

That's correct.

Spelman: All we're talking about here is limited to a seven unit bed and breakfast.

That's correct.

Spelman: Is there any means of ensuring the -- she told us she was going to preserve the existing building, preserve large trees, ensure that all parking is on site, not off site and request no additional

variances. Is there any kind of instrument available to us to ensure that those promises are kept?

That is what is on the site plan at this time, yes. The site plan shows --

Spelman: A site note and has the same enforcement as the other site notes have?

Correct.

Spelman: Okay.

Mayor Leffingwell: Councilmember morrison.

Morrison: Thank you. I want to thank everybody who has spent a lot of time on this. And for taking the time to speak with me. I am going to support the motion and I want to -- i think in terms of the different perspective that I've been provided here, from my perspective this is not an increase in density and that a seven room b and b or hotel, whichever you want to call it, a seven room place where people come and stay overnight is a relatively innocuous use. I've seen it and I know that there is that kind of use inside a neighborhood. I know that there are a lot more intense uses that could be built under that zoning. So especially considering that this decision on our part here tonight would preserve the building and the scale going along with it. I'd also like to say that it's very important to me that it complies with the neighborhood plan and not only does it comply with the recommendations in the neighborhood plan, but the owner prior to putting their money down, prior to making the decisions about moving forward, really looked into that to see if it was a compatible place to be moving into in the face place. And I think there would be -- we would all be a lot better off around the city if people really took that kind of care in the first place when they were making decisions and gave the neighborhood plan the respect that they really deserve after all the work that's gone through. So to me this is a motion that I will support.

Mayor Leffingwell: Councilmember shade.

Shade: I'm also going to support the motion, but i would like to make a couple of comments. Number one, I have tremendous sadness about what you were talking about with respect to the funeral home and the problems with that, and that's something we need to look into. It's not related, I don't believe, to this particular case. I just wanted you to know that we heard that. Secondly I think that it's really important when some people come fard and say we're not listening to east austin. I think it's obvious that we have people from east austin here, some who have like medrano who talked about the property being in his family for over 100 years. Others who have been here for 15 and 20 years, including the people in the most adjacent properties to the one we're talking about. And I think what I want to say about that is just that this is what we deal with, as many of you know because some of you are here often, it's neighborhoods who have differences of opinion about what they want and that's a struggle that we deal with. And it seems to cross all neighborhoods barriers, etd in this c geographic, and it's no question that property taxes are a problem for everybody in the city. As gentrification occurs it's a double edged sword. On the one hand your property values go up, but your property taxes do too. I think that the issue of medrano so well described, is just really what this is about. And it's very difficult.

Like I said, it's rich people, poor people, everybody I meet from austin regardless of where they are are suffering from change. I don't know how long you have to have been in a place to feel like it shouldn't change and you put your stake in it. But this is what we deal with pretty much on a regular basis. So I say that to be respectful of the comments and to say I appreciate you coming. Sometimes these are just really hard situations, so i believe that with the people who are in the most adjacent properties with the fact that I think this is a good preservation of the home and work that they've done over the last couple of years with the people and the protections that are associated with it being a site plan associated with the conditional use, so with all due respect to those who are opposed, in in this case I'll be supporting the motion. And I do also thank you for bringing the younger people here, but I hope you will also explain to them that this is part of change. They're seeing it firsthand. Thank you for bringing that. It part of the generation to generation what you're trying to teach them. So thank you.

Mayor Leffingwell: Anything else? Motion to close the public hearing and deny the appeal? All in favor say aye.

[Inaudible - no mic].

Mayor Leffingwell: Any opposed? The appeal is a denied on a seven-0 vote.

Shade: A clarification on the sign, it will be comparable to the sign that's next to it.

Mayor Leffingwell: Council, there are no more items on our agenda for today.

[Inaudible - no mic].

Mayor Leffingwell: Without objection, we are adjourned at 7:35 p.m.

End of Council Session Closed Caption Log