

Closed Caption Log, Council Meeting, 04/08/10

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Morning. I'm austin mayor lee leffingwell, and we'll begin this morning with the invocation from the reverend of the friendly will missionary baptist church.

Father, we meet today to conduct matters of business. We ask for guida on the city officials, guide their hearts and minds in the spirit of fairness, right thought and speech. Impart your wisdom upon their activities that their affairs may reach a successful conclusion. Thank you for being our source and our guide. In jesus' name, amen. thank you. Please be seated. Nell rod

a forum is present so we'll call to order this meeting of the austin city council on thurs april 8, 2010. We're meeting in the austin city council chambers at 301 west 2nd street, austin, texas. And the time is 10:02. I'll begin with the changes and corrections. 4 will be postponed as requested by council member laura morrison to april 22, 2010. 6, after the sentence beginning "the property is located at 11616 east highway 290 n and add the words, "the extraterritorial " 30, add as a co-sponsor mayor lee leffingwell. Item no. 31 is withdrawn. 37, add the words " -- add the word "weigh the sentence reads certain disbursements and wave certain requirements for sa value al elementary. 50 is withdrawn by the applicant. You're time certain items 30 briefing on austin energy generation plan. 00 noon we'll take up our general citizens communications. we'll take up our zoning matters. we'll take up public hearings. 30 we'll have live music and proclamations. The consent agenda is items 1 through 37, with the items 17, 18 and 19 are pulled by council member cole. 20 pulled by council member laura morrison. The following items are pulled off consent due to a number of speakers who have signed up. Items no. 27, 29 and 32. We'll note that council member spelman will recuse himself from item no. 3. And I will read into the 26, which is appointments and waivers. First, to the 2010 transportation bond citizen task force, nine members as sandra baldridge, boone blocker, andy brown, karen freeze, moses garcia, sh holbrooke white, harry lore rens, garden mckee and moses saldano, senior. Appointed to the downtown community court advisory committee, bruce mills by mayor pro tem mike martinez, and this also waves the residency requirement in 2-1-21 of the city code. For the water and wastewater commission, mickey fishback is appointed by council member riley. Council subcommittees and intergovernmental bodies, to the long center board of trustees, james moody is appointed by the council. So that is the consent agenda. I'll entertain a motion for approval. Motion by mayor pro tem, s council member cole. Is there any discussion? All in favor say aye.

Aye.

Mayor Jefferingwell: aye. Any opposed? Consent agenda passes on a vote of 7-0. Council, at the request of council member Spelman, we'd 27 out of order. A number of speakers are signed up, and without objection, council, council member Spelman has also suggested that we limit public comment to 15 minutes -- to -- correction, to 30 minutes, divided equally among both sides. So if you're out there in a group planning to speak on 27, feel free to organize your speakers on each side before we get to that item, which is coming up very shortly. Otherwise I'll call them in order. So it seems that very shortly is right now. [Laughter] we'll call up item no. 27. So for the sake of order, I will call those who wish to speak in favor of item 27 first, and the first speaker is Blake Rokati. Mr. Rokati. Mayor, council members, my name is Blake Rokati. I am here representing [inaudible] pro-choice Texas, in support of the ordinance, and the ordinance insures women seeking assistance with a pregnancy who go to a limited pregnancy service center are informed that at those facilities they won't be receiving comprehensive health care or referral to providers of comprehensive health care including abortion and birth control. I think the intent of the ordinance, and I'm sure you can speak with councilman Spelman about that is to ensure that women in Austin seeking information about birth control or pregnancy or abortion, have all the information they need to make informed decisions about which facility and what kind of services best meet their needs, and this ordinance helps do that. I don't -- the ordinance is so minimal, it's hard to imagine a real downside to this sort of information and signage requirements. If a pregnant woman has decided that she is not going to have an abortion and that she's going to carry her pregnancy to term and either become a parent or give the child up for adoption and needs the kind of assistance that these limited-service pregnancy centers provide, then this sort of signage isn't going to dissuade her. She's going to know that she's in the right place. If, on the other hand, a pregnant woman is undecided about carrying her pregnancy to term or has decided to have an abortion, the sign will tell her, one, well, this isn't an abortion clinic. You can't get an abortion here, and furthermore we're not even going to refer you to that sort of service. So maybe this isn't the kind of help she needs with her pregnancy. She'll have that information and be able to make her own decision about whether to seek the help that these centers provide, knowing that the outcome is never going to be a referral to a licensed medical provider for a safe legal abortion. And that's important information to have when a center advertises that it provides counseling or help to pregnant women, to know going in that one of the results is not going to be referral for comprehensive health care services. It's important to note that nothing in the ordinance forces anybody to do anything they're opposed to, doesn't force these facilities to have some -- who have some moral or religious objection to refer for abortion. It doesn't require that. It just requires honesty about the services they do and do not provide. The pro-choice Texas has produced yearly reports for the past five years beginning in 2005, prompted by the state legislature's funding of the centers and we became curious about what sort of services they were and were not offering. And that's how we became involved in looking at these centers. And the -- we have found by sending volunteers in to receive the information of services that they give, that often the counseling that they provide, as they'll admit, is slanted because they do not refer for abortion and have a fundamental objection to it, and that's okay, but they should be up front about that. And the resistance to the small requirement of posting a sign and being honest about what is -- what kind of counseling is provided and what services are delivered at these centers, that resistance really makes me wonder how much of what they do is

based on a certain amount of dishonesty and provision of misleading information about prenatal care and pregnancy options. So I appreciate council member spelman taking a look at the research we've done over the years and proposing a very limited and common-sense, informative ordinance that really has a minimum threshold to comply and there's really no -- no harm from -- from the ordinance. There's no registration requirement, no licensing requirement. It's just signage. Thank you. I'd be happy to answer any questions. Questi questi ons? Thank you. So if you would pause the timer between speakers so that we can -- the next speaker for is heather buzby.

Good morning, mayor and members of council. My name is heather buzbi and I'm the board president of the lillith fund, which is an abortion assistance fund and I'm here to share stories of some of the women we serve. I'll share two stories with you today and to maintain the women's confidentiality I'll call them grace and natalie. When she was 15 and in crisis her best friend urged her to go to a crisis center and take a pregnancy test. She had no idea this was not a clinic and not held to the same standards of clinics so when she went in and was asked to sign in and give her name, address and phone number, she thought that that information would be maintained confidential. While she awaited the results of her test she met with a counselor and she expressed to the counselor that if she were to have a positive result she would like to get an abortion. And the counselor tried to dissuade her from this. She left the clinic and a couple days later she had a knock on her dorm room door. It was the woman she had met with at the center who had come into her dorm. She asked the woman to leave, said she didn't want to speak with her. However, the woman continued to call her in the ensuing weeks trying to get her to change her mind. She said this was a very difficult and emotional time in her life, and she felt very violated by having this woman take her personal information and then intrude into her life in this way. Then there's tiffany. I with tiffany on the lillith fund hotline. She was very close to the end of her trimester. In talking to her she shared she first thought she couldn't get an abortion at all. I asked her why? And she said, well, planned parenthood told me that abortion was legal. And I said, well, where was this planned parenthood? And in talking with her i realized that she lived in an area and the place where she went, there is no planned parenthood clinic there. So I kept talking to her, getting more information and realized that she had actually gone to a crisis pregnancy center that had misled her into thinking that she was at a planned parenthood. Not only is it appalling that she was lied to about the legality of abortion in this country but that she was also misled into thinking she was at a place where she would get abortion referrals and information about contraception. So many of us in this room would know better, but i don't think it's fair to expect all the members of the public to have the same opportunities for knowledge about the abortion laws in this country, and many young women who are very vulnerable can be easily duped into getting misinformation. The state clinic could have been very damaging to tiffany. She knew she wanted an abortion but she was given an additional roadblock and her procedure was delayed because of it. So I commend you and thank you for this step you're taking today. Thank you. I'll take any questions.

Mayor leffingneenah clie. Neenah clie. mayor and council members. Iodinea colay. I am a lawyer in productivity practice in austin and I'm also involved with james due process which is a nonprofit organization who's mission is to ensure legal representation for minors in texas. For ten years I have worked with teens who are seeking abortions and helped teens wanting to continue their pregnancy despite pressure from parents not to do so. I've talked to many pagers who are overwhelmed and

confused when they have to make one of the most important decisions they've had made. The young woman told me about some of the misinformation they received at crisis pregnancy center. One woman was told there was a 20% chance she'd die if she had an abortion. Others become suicidal following abortion, they were told. They need accurate factual information about seeking medical care. Many women who are not seeking abortions are coming to these centers to look for a safe and reliable birth control, which the centers do not provide. Finally, as an attorney i feel that this issue may trigger some additional scrutiny under the texas deceptive prayed practices act. Having this signage could confuse what these centers do and don't do. I think councilman spelman -- I appreciate councilman speaking man for bringing this ordinance up and I appreciate your time theangs. thank you. I don't have anyone else signed up to speak. There are a number of people signed up for not wishing to speak and your names will be entered into the record. So now we'll go to those who are signed up against item no. 27. We have 12 speakers. 15 -- Three minutes apiece will yield five speakers, so unless I hear otherwise from you I will take the first five in order and allocate three minutes apiece. First speaker on my list is dina meyer. Set the clock for three minutes for each of these speakers. We'll go to the next speaker then.

Can I specify who I want to donate my time to?

Yes.

amy McCarey. next speaker is joe pojman. What is your name?

IT'S amy McCarey. amy McCAREY. Okay. We are going out of order and I said that you could dom. You have time donated to you so you have six minutes, but you remember you only have 15 total.

Be very brief, thank you. Thank you and good morning to you-all this morning. I have lived in austin since 1959, and I i I want to live in a center that offers women compassionate solutions to unplanned pregnancies. I'd also like to thank the pregnancy resources here in austin centers because my family has been the recipient of the services and our 5-year-old granddaughter is living proof of those services. The city of austin I think should be known as the city that offers women and their families compassionate choices of unplanned pregnancy to professional council and provision of resources, which we have received. I also -- I also have a question, that if planned parenthood and these other facilities display a sign displaying they are an abortion provider, why should a pregnancy resource center display a sign that they are not? And I just question the equality and freedom of that. But I'd like to thank the pregnancy resource centers for the help and guidance they've given our family in the past years. Thank you. thank you. And you only used two ... next speaker is joe pojman.

We've been discussing it, and I'd like to go next, if that's all right. come up and tell me your name. Are you signed up?

Hi, my name is marie seal and I'm the director of pro-life activities and chase centers for the alcoholic diocese of austin and as such I'm representing the diocese of austin, the as well as the gabe well life center which is one of the pregnancy resource centers. I'd like to first start and say, let me be very clear,

we are honest about the services that we provide and do not provide. We sent you a letter with an attachment last night that includes our intake form, which is the -- you know, first thing that a client sees upon entering the gabriel project life center, and it says right on there that we are not a medical facility and we do not provide or refer for abortions. Consider also that nearly 100% of our referrals are word-of-mouth. So the women who are coming know what we provide and what we do not provide. We are completely up front and honest. We are here to care for these women. It does not benefit them, nor does it benefit us to be dishonest with them. They deserve better, and therefore we are completely honest with women and men who enter our facility. I would really like to encourage you to conduct an independent survey that is not done by an organization, whether it be ourselves or pro-choice texas, that clearly has its own bias. The stories that were shared today, are those from austin? Do they reflect this community? Do they reflect the resources provided here? So I'd really like to encourage you to do an independent study of the pregnancy resources in the city of austin because that's the community that we're talking about today. I'd ask you to learn for yourselves what we provide to the community, which i believe is a valuable resource. We look to help women and men to be better parents and to be self-sustaining and to make their families and children have happier, healthier lives. We offer pregnancy classes, parenting classes. We do offer them a free pregnancy test and they know that we are not diagnosing their pregnancy, they know that we're not a medical facility because it's all on our intake form. We are completely and totally up front and honest. You know, we do an exit evaluation, and many of our evaluations tell us that the service that we provide are service awesome, the to the community are god sent. Thank you very much. These are the evaluations we get. We had one girl who wrote I'm not sure yet because I'm in the process of figuring out my situation and myself. She said that she didn't feel judged and was able to get positive feedback. These are the kind of evaluations that we receive. We provide them accurate information, state approved information on abortion, such as the women's right to know book, and because we are receiving funds from the texas pregnancy care network, any information we provide on birth control, and we do provide it -- excuse me, I'm sorry -- that's three minutes.

Thank you. [Applause] that's a total of five, and just give us your name and where you signed up.

Thank you, council. My name is mary hot. I am on the board of the austin pregnancy resource center. We are located right on the edge of the university of texas campus. I am also one of 70 volunteers who spend their time in what they consider to be a call, a religious call to serve women who find themselves in an unexpected pregnancy situation. I would like the board to consider the legalities of this ordinance with respect to the substantial burden you are placing on mine and every other volunteer who spends and donates their time in religious ministry. In my view the federal and state laws prevent -- a violation of our religious freedom and the council should take this under serious consideration. I think there has to be a balancing between the burden you are placing on our ability to serve women and our religious ministry toward them versus the burden -- whatever it is you're trying to accomplish with this ordinance. I firmly believe that the placement of the sign on our center will drive people -- women who desperately need our assistance away from our center. It will prevent us from being able to exercise our right to speak with them about their situation and also about the options available to them, a lot of which are provided through this very city, council, and the services that are available in town to assist them. I'd like to ask you, what specific evidence are you looking at that drives you to believe that this ordinance is

necessary? Is there statistical data? What is the harm you're seeking to prevent with this ordinance, by placing these signs on our front doors? We're not sure what it is. We don't know at all what it is, and yet you're trying to place a burden on us to inform people of something that you don't place the same burden on an abortion center. So what is the harm that your council is seeking to prevent here? That's what we'd like to know here today, and what evidence proves that this ordinance would even accomplish whatever your purposes are. We believe that these signs will prevent us from being able to even speak to women who could benefit greatly from our counsel and services that we provide. Everything we provide to our clients is free. It is referral services to -- and that was your three minutes.

Being on. Thank you for your consideration. thank you.

[Applause] that's a total of eight minutes so you have seven remaining.

Good morning, council, my name is terry williams and i am the executive director of a pregnancy resource center 23 miles down the road. I am also representing today cure net national. I'm the region consultant for care net and you'll pardon my peepers as i gather my thoughts. Care net is a national organization supporting over 1,150 pregnancy resource centers across north america. Care net and our network of pregnancy centers offers hope to women facing unplanned pregnancies by providing practical health and emotional support, pregnancy tests, ultrasound, parenting classes, and material assistance are just some of the many services offered to help empower women to make healthy choices. It should be noted that all services provided at a care net pregnancy center are provided free of charge. Care net pregnancy centers serve according to the highest standards of care. One of our primary sources of -- resources is the state regulated and legal document called a woman's right to know that every woman gets at my pregnancy resource center. These standards are established in our care net's commitment of care, which I have a copy of. Centers are required among other things to provide clients with honest and open answers. Pregnancy tests distributed in accordance with applicable laws, accurate and truthful information reviewed by qualified medical professionals, accurate advertising of services under appropriate categories such as abortion alternatives and pregnancy counseling and proper disclaimers to clients stating that the center does not refer for abortions, which I have that disclaimer with me as well. Texas pregnancy centers including the care net austin facilities, are held to these standards. I want to ask you, city council, to consider some of the questions you're going to hear again as you just heard from my colleague that just spoke. What specific evidence exists that proves that this sign ordinance is necessary. For example, you know, if I'm looking for a red dress, you would not require lowe's to post outside its door, I'm sorry, but we do not provide red dresses nor do we refer to a place that you can get a red dress. And what specific harm is the city council trying to prevent? I can list, just like the woman that talked about clients that came to her -- I can list client after client, rachel, who went to a planned parenthood and was told that she should abort her baby because of abnormalities of that child. When she came to a pregnancy resource center that provided ultrasound and they referred her to a physician that would take her through her care. She is now the mother of a healthy baby girl and you can imagine her thoughts about that. Or felicia and ben who are clients of mine who wanted to get an abortion but the funds were not there, found a facility like ours, got care and concern, were seen by a doctor, and now felicia not only has an 18-month-old baby boy but she also has -- is an intern of ours. Please consider the things that we have talked about today. Thank you, sir.

[Applause] that's 11 minutes. There are four minutes remaining. -- Three.

Thank you, mayor, council, morris bree speaking on my own behalf. When I look at this ordinance it looks like it's really just a matter of just a few steps. People arrive to one of these clinics. They see this sign, just a few steps in the door they meet an individual that will share with them what this ordinance is claiming, that the city wants them to be told. And I do believe that looking at the statesman article, and I'm not saying that I take it as the gospel, but when we have a pro-choice group sending interns and volunteers to these centers, it would almost seem -- or appear that they've broken laws of first amendment rights, sending people that are claiming to be pregnant, whether or not they are or not, doing what appears to be an investigation without a license. It doesn't seem like there's a lot of centers that are actually participating in this thing. It's like seven times in the last year they sent staffers and interns. And to me it seems -- sort of appears to be a harassment issue. I would like this to go in front of the human rights commission before the council making a decision on this. I would also like the council to seek an attorney general's opinion. I also believe that -- i think that there's a question in the creditability or the truth of the input. It seems like there's imbalance with the council and the city manager and everyone in the city has listened to one side before -- I'm not sure how much effort was made to reach the other side in this matter before this ordinance was drafted. Also, are you going to arrest someone if you -- if they -- is there going to be a requirement to sign a ticket? Are we going to arrest people if they refuse to sign a ticket, it's -- is it going to be an arrestable offense? I think there's too many issues, not only the fact that there are a lot of people already discussing recalls and lawsuits in the community, I do think that this could cause an unnecessary inconvenience over a matter of just a few steps. It's just mind-boggling that things will be addressed this way, and I know that mike martinez, he said that red light cameras weren't a matter of revenue but they were a matter of saving lives, and that's what these individuals seem to be doing. And also helping people better their lives. And I also think that when you look at the sum total of what's been put into this effort and the outcry, the public, I think that maybe -- your three minutes.

-- We should let the human rights commission and other people give input before you take action. Thank you. [Applause] next speaker?

Be very brief, my name is jonathan signs. I'm the legislative director for liberty institute. I'm also a licensed attorney and the concern about the substantial burden on religion is relevant, and i think the city council should entertain having a religious exemption if they do pass this ordinance. Thank you. thank you. [Applause] next speaker?

I'm steven case, a licensed attorney, family law attorney in austin, also practice constitutional law. This ordinance is unconstitutional. It requires strict scrutiny, which is the highest level of legal analysis. It's compelled speech and it flies in the face of common sense. It's like requiring home depot to put a sign outside that says we don't sell women's dresses or require McDONALD'S TO PUT A SIGN Outside that says we don't sell the sonic burger and we won't refer you to someone that does. So not only is it unconstitutional, there's a lawsuit already going on a similar ordinance in maryland. It's going to waste taxpayer money in the city of austin and it flies in the face of common sense. Thank you. [Applause] thank you. All time has expired for those speaking against. Council, the -- those speaking for didn't use

up their -- all of their time. I believe there are five minutes left. They came in late. If there's no objection from you, we'll go ahead and let them use the balance of their time of five minutes. The first one is jerry sul les merit.

[Inaudible] object object ions have to come from the council.

Thank you very much for hearing me this morning. I'm sorry, my name didn't get seen right away. I'd like to thank you for having this discussion, and letting us speak on it. As residents of austin, and also for considering an ordinance that is really important in a lot of ways that maybe people haven't talked about. Truth in advertising has long been a standard of trust and as consumers we've come to expect it. So truth. My name is terry salles merit and I'm the vice president of whole women's health here in austin. We provide information, referrals on a full range of pregnancy choices with no judgment and no bias, and yes, we do provide birth control services and yes, we do provide abortion care services. We are proud to do so and we're also committed to making each woman have her own choice about her own pregnancy and getting all the materials she should need. Secondly, truth, we are licensed, we are regulated. We have state and federal accountability. We have requirement for our equipment, for our staffing, for our procedure and protocols, for our training. Our doctors and nurses are licensed and specially trained. We know that pregnancy decisions are made thought fully by good women making choices that are the best for them in their life, but what we're really more concerned about here is that they just have the opportunity to see what the places they're going into and a simple signage that simply says, we don't refer for abortion services or birth control services does not seem out of line. We have had many women come to us with stories from coming from these centers. Most of the time they are filled with dread because they've been told some misinformation about abortion. Mostly, though, they come in feeling bad about themselves, having been called names that's not best said here, but also been called murderers, have been told that their relationships, if they've come in with their partners, must not be sustainable or true relationships because otherwise they would be able to bring a child into the world. We are able to tell them the truth and we are able to talk to them and let them have time and space to make their own decisions. We began offering free pregnancies test like most centers do here in austin and then we began offering free ultrasound for this very reason. We found that women who were being lured into a place that was somewhat deceptive based on the fact that a woman could obtain a free ultrasound was not a good enough reason to have that misinformation out there. So we offer free ultrasound so women can make their own decisions with the accurate information, with real doctors and real nurses. We think that what this ordinance asks, that women be informed ahead of time. Offering full community resources is a gold standard for most in this community, and most people adhere to it. All this ordinance asks is that these centers inform women ahead of time that at this particular center support for your choice will be limited and conditional. Thank you. [Applause] michel michel okay.michelle gilbert. And you will have two minutes.

Thank you, council members, I will be brief. I'm michelle gilbert. I'm an ob-gyn in austin, and I just wanted to tell you that I support the truth in advertising of this ordinance. I think it's very reasonable that people seeking care under -- you know, understand that when they're going to one of these centers they're not seeing a medical provider and that they are getting accurate, unbiased information and that this ordinance will basically, you know, just -- you know, make it easier for folks to understand what they

are and are not getting in going to these facilities. Thank you. thank you. All time has expired on both sides, and with regard to the comment about arrest, it's my understanding that this would be in the nature of a code violation, which would be a misdemeanor. spelman, council member, would you like to comment on that? you're absolutely accurate, mayor. No one is going to be arrested for not putting a sign up. If there is a violation it's not going to be enforced by the austin police department or by our codes compliance people. The form of enforcement is going to be through complaints only. If a complaint is made it would be made to the prosecutor of the municipal court and the prosecutor of the municipal court would then decide whether to prosecute the case. Nobody is going to be arrested if they don't have a sign up. thank you. I'll entertain a motion on item 27. mayor, I move approval of item 27. council member spelman moves approval, second by council member morrison. mayor, I have a question. council member cole? is anyone here from legal that actually has been working on this? Can you come up? I just want to ask you a couple of questions. There were several statements made about the legality.

[Inaudible] no, a legal person from our staff. we have one right here, council member.

Oh, I'm sorry. Well, I think that you actually worked on the ordinance, but I guess you are up on it --

yeah, I'm up on it, so it depends on what your question is on whether i might address it or whether kaybridge hella, who was closer to working on the ordinance itself. If we hear your question either of us will be happy to answer it. we have several speakers who talked about this being on kind of cutting edge legal grounds having to do with the maryland lawsuit, and so I'm wondering, are we developing this authority from our public health and safety and welfare authority or what the issues are that we need to be aware of.

You're absolutely right. It's developed from what is generally referred to as the police power, that we as a governmental entity hold, and it is in the area of two public health and truthful advertising to consumers. And I am familiar with the legal opinion that the city solicitor in the city of baltimore wrote for that council, and there is precedent in the areas of advertising and of disseminating information for public health purposes that supports this kind of an ordinance. And, in fact, his conclusion was that their ordinance, which is -- this drafted ordinance is very similar to, was an appropriate exercise of their police power.

Cole: okay. Thank you. so motion and second on the table. Further discussion? All in favor say aye.

Aye.

Mayor leffingwell: aye. Any opposed? Passes on a vote of 7-0. [Applause] and we will now take up our 30 briefing by austin energy, and while people are exiting the room, I would mention that damon wait of the ut wildflower center came in too late, it is too late. But hi his message was to say thank you to the council on item no. 30. I will say that. But thank you for coming.

Good morning mayor and council. I'm robert goode, the interim general manager for austin energy. I

appreciate the opportunity to brief you on the generation plan that's been developed and been in the works for almost two years now. Today's presentation will be focused on presenting the official recommendation for the austin energy's resource generation and climate protection plan of 2020 that will be on your agenda on april 22 for your consideration. Today I'm also going to highlight changes from the briefing that was presented to you in november. We have some new information.

Mayor leffingwell: mr. Go go ode, could I ask everyone to hold your conversations as you clear the chamber so we can hear the presenter.

Some changes on the briefing that you heard from duncan in november and then focus on some next steps that are facing the council on a go-forward basis. Just a reminder on how we've gotten here today. This process was really launched in 2007 when council adopted the austin climate protection plan. This plan that is before you on the 22nd is a response to that -- to that policy. We've been in the works for developing that since the summer of 2008. We've brought in a consultant to help us do cost evaluation of the many scenarios that were evaluated by the community and by the internal austin energy staff during that process. We've had many utility-wide town hall meetings throughout that time frame. We've had customer group meetings, customer one-on-one meetings, and as you-all are well aware, you created a task force, council appointed task force that met very regularly through the last few months to look at this plan and develop recommendations for that plan. Based on all that input austin energy received over the last two years, we looked at that input and tried to incorporate much of that into the plan that is before you on the 22nd and especially the task force recommendations that came out of their work. We also launched our budget process a few weeks ago and there is some new information based on that process that I will share with you today. Moving on to the plan. The guiding values austin energy used throughout these two years to develop the recommendations that will be before you is really the austin energy's mission statement. That mission statement is to deliver clean, affordable, reliable energy and excellent customer service. Those three legs on the austin enroll side, clean, reliable and affordable we've tried to weave into this document so each one of those important criteria are met in this document. Key principles of this plan that will be before you, it really is -- I can't emphasize enough that it's dynamic and flexible and intended to be dynamic and flexible. We've proposed an annual review of this plan to report on our progress toward these goals, toward each leg of that stool, as i mention, the clean, affordable and reliable part of that energy, provide that energy. Biennial assessment is part of the task force recommendations which we support. That means every two years we'll completely reevaluate the plan and come back through a community process to council with any proposed recommendations on changes and then of course as i mentioned earlier, we go through an annual budget process, we'll be looking at load forecasts, financial outlook, et cetera. So again, dynamic and flexible. We really do recommend that we stay nism nimble and be ready to approach any opportunity that's before us on an annual basis. We also are -- want to assure the council and the community that financial feasibility is a foundational element of this plan. We obviously need to maintain the stability and sustainability of austin energy to provide energy for our customers. We need a benchmark comparable utility cost and rates to be able to give you informed decisions, educational information on any of your decision that you go forward with in this austin energy area, and that's important to have that benchmark information in front of you as you make these future decisions, and affordability is obviously a key element of every decision you'll be making, so therefore we are going to

develop an affordability benchmark for customer bills, obviously evaluate the impact on our disadvantaged customers, and retain and attract businesses as economic development is important for this community and obviously for austin energy as we go forward. Consistent and timely communications is another element that's included in this plan that I believe is a key concept on a go-forward basis. As you're well aware we're currently under way with hearings at the electric utility commission on a competitive matters resolution and what we've committed to do is to really take that piece by piece and part by part and every element, to review the confidentiality requirements of that resolution and determine if it indeed still needs to stay confidential or if that information can be released. If we recommend that it does remain to be confidential, we're going to clearly identify the reasons for that confidentiality and the impact for releasing that information. So we're engaged in a detailed review of that information -- or that resolution right now with the uc and that will be coming forward to coming forward to council at the appropriate time. The new power pch in the purchase, obviously it's important for the community to engage this these decisions and give council information on policy objectives so we are now establishing information that would be provided on each major purchase -- power purchase or power decision. For example, bill impact, affordability impact. Obviously the carbon impact and our renewable goals that are included in this plan, so it's important as we go forward to provide that kind of information, so again you can make informed decisions on all levels of our -- the mission statement. We will present those to the appropriate commission and twice to city council as we move forward. Again with the idea this is an open and pans parent process so the community can help us make the decisions on a go forward basis. Briefly, it is going to be brief, I want to remind the council about what is included in this plan. The big goal summaries is in front of you on this slide, energy efficiency goal, these have not changed for many months. This is what you saw in november. Energy efficiency goal is ramped up from 700 megawatts to 800 megawatts by the year 2020. We propose to increase the renewable energy goal from 30% and the exist -- in the existing plan to 35% in this plan that will be before you on the 22nd, again by year 2020. Increase the solar component of the renewable energy goal from 100 megawatts to 200 megawatts by 2020 and establish a carbon reduction goal of 20% below the 2005 level again by year 2020. Now, I want to provide some updated information that we've learned recently, again from our new load forecast that we launched just a few weeks ago in preparation for 2010-2011 budget. This black line on top shows the energy need we frkd forecasted for 2008. The red line at the bottom was the energy forecast that we projected in 2009. That really is what the energy plan was based on and the foundation to develop these goals. The green line in the middle is our new load forecast we're projecting, the 2010 forecast. As the economy is looking to improve, we're projecting there will be some increase in our energy requirements in the city of austin and for our customers, and therefore that's -- we're projecting some new energy needs in our community for the next ten years. What that does to some of the graphs you've seen in november, roger showed you this graph that has the energy mix, our resource mix, and that dashed red line was a little bit lower. This is now -- now shows our energy peak demands and as our energy needs increase, so do our peak demands, so the red dashed line has actually crept up amounts a little bit on the bars and shows that our -- our peaks will also increase in the next few weeks as well. This is the generation resources in megawatts. The numbers in the middle of that graph have not changed. Those are the same numbers that you saw in november and that we've been dealing with for many months in the community. The renewable portfolio percentages have decreased slightly. We still meet the proposed target of 35% renewable in our

portfolio by the year 2020, so we're still on target for that goal, but they have decreased slightly. I do want to mention one thing on this graph -- you'll notice that in 2011 70 megawatts expire. That will be the next decision facing council is how we deal with those wind contracts that are expiring, so by 2011, before that, that's the next thing we'll be working on as a community and we hope to have all the affordability work and benching done by that time so you can consider that with that next decision we have for the wind contracts in 2011. Now, this is the chart that has changed pretty dramatically. As our energy needs increase. We run models to determine where that energy would be provided, what source the energy would be provided from. The red line, it was the 2009 nine forecast, again based on a lower energy need projection. This is the carbon reduction plan that -- well, the goal is 20% reduction from the 2005 level. By the year 2020 that red line accomplishes that. The green line is the 2010 forecast. As we run new models based on the new energy requirements, the model is based on an economic forecast, economic base, and it draws more information from fayette, which is a more carbon intensive plant than some of our other options, so this forecast shows that we would not meet that 20% target. But again what I want to point out on this slide is the intent of the plan is to be flexible and dynamic, and there are many options we could take, such as purchasing more gas, which is less carbon intensive than fayette the, or carbon offsets or many things we can take on a year to year basis to continue to try to reach that goal. So we don't suggest that the target of 20% below the 2005 level would change, but we think this points out, again, the flexible dynamic nature of this plan and every year we have to reevaluate how we would achieve those goals with all three legs of that stiehl, stool, affordable, clean and reliable in our sights so we can balance those criteria. We've put some cost information together because we've -- that's been out in the community about the cost that will be in front of you on april 22. There are so many ways to and dice cost. The t costs, transmission rider, will be impacting our bills. That's the state cost we are asked to bear with our community. That's not going to change no matter what plan you choose. That rider, that cost will be born and passed through to our customers. It's nothing that we can control. The current generation plan you see, some of our community, I think we forget that we're under a current plan right now. Council has adopted a plan and austin energy is tasked to implement that plan. That plan as we add more renewables, that plan is 30% renewable portfolio by 2020. As we implement that plan there's a cost to that plan. That's reflected there. That's about a 10% increase in our bills over the next ten years by 2020. Those things again looking -- looking forward, those are not in front of you on the 22nd. What's in front of you on the 22nd is the incremental cost now to create a different plan, which was the renewables at 35% of our portfolio by 2020, the carbon goal, the goals that I read earlier. That incremental cost, that's the delta that you'll be faced with on the 22nd. That's about a 9 1/2% rate energy over the next ten years. That will be before you on the 22nd. I want to explain a couple things. This doesn't include inflation and it is reason i didn't include inflation in this chart is because for one, it's very difficult to predict and we cannot control that. For 2, based on our portfolio, some of our energy mixes, our resources that will be renewables are not as subject to inflaiton as other parts of our portfolio. So it's difficult to put just a lump sum inflation on any of these costs because it's very specific to each energy source, and so that's difficult to do and I think that confuses the issue as well. So we excluded inflation from these numbers. It's also important to note that the numbers could change when you look past 2020. The utility is obviously in a long range 20-year, 30-year planning horizon. Buying energy for the long-term, we're not in this for the short-term, and on the renewable side especially the longer you look at energy costs from a planning horizon, the -- specifically federal legislation with carbon

goals, the renewables look in the future. That's another thing to look at. This is a graphical representation, to try to somehow the delta that you're going to be faced with on april 22. Again, the blue is the current rate. The yellow included in this is the transmission rider that we don't have control over. The green on the left, again, is the current plan, and so everything above that black line, that is the delta that we're talking about on april 22. The cost on the austin energy plan is what that's titled. That really is the -- the plan in front of you on april 22. That's the delta that we're talking about, again, the cost of that plan. There are many other ways to reflect that but we tried to reflect this in the easiest way we think we could on that delta. This graph, I know that you can't read unless you brought your magnifying glass, but we have handouts in front of you, and the reason we wanted to show this is this is historical increases from 1994 to 2009. And if you -- and I know you can't see that, but the middle on your right column, about halfway down, that shows that over those 15 years we've had about a 65% increase on an annual basis. That's below the cpi for electricity, which is about 77% during that same time period, and below the all 47% during that same time period. The point that I'm trying to make with this slide is that austin energy has historically been cost conscious, has historically looked affordability and has historically provided energy at very good rates, and that is the same affordability leg of that stool that we will continue to build on as we go forward. The next steps facing council -- I mentioned this several times. We have an action before you on april 22 for your consideration of this plan. We have a financial action plan that the city manager has shared with you, where we're launching a financial evaluation of the utility in two phases. The first phase is an initial snapshot of the stability and financial condition of the utility. That also includes the affordability benchmark information that we're putting together, so you can have that information in front of you from every future decision. Phase 2 is really, as we've talked about many times in the past few months, is -- we'll look at the business model. We know we have a business model but it will not be sustainable on a go-forward basis. That will also be the rate case information we'll be looking for and the general transfer fund policy is integral to that decision so that will be included in the phase 2 decision as well. The budget process you'll see on april 28 will give a five-year forecast from what we know today. There are many moving parts but what we know today what austin energy's outlook looks like for the next five years. And then the ongoing steps, as I mentioned earlier, we're committed to an annual review of this plan we'll talk about. We'll update on the progress for afford clean and reliable energy, all those will be included in that. We've attached a sample format value annual report we propose to bringing to the electric utility commission and the resource management commission as well as council on an annual basis to report on our progress on all those goals. As I mentioned again earlier, every two years we bring this plan forward for a complete reassessment to check where we're at on the progress of those goals and determine whether or not any major shifts should be made. And again, we'll do annual load forecasts and budget process so we'll be talking about the condition of the financial situation for austin energy on an annual basis as well as projection load forecasts on an annual basis. With that, mayor, we'll be happy to answer any questions that you may have. I got a couple of questions. I understand we're committed to develop an affordability matrix by december 31 of this year.

That's my understanding. it was also my understanding that there was a provision in there that council would not be presented with any purchase power contracts until that affordability matrix was completed?

The plan does not say that specifically, mayor. What the plan lays out is, yes, we'll do an affordability

benchmark by the end of this year and that any decision -- any power purchase or power decision greater than 10 megawatts would be brought to the umc and urc and council twice. That's what the plan has in there at this point. for myself I would very much like to see that in the final -- final recommendation that you come back with on the 22nd, that we have -- that we commit to having that affordability matrix completed before we address any purchase power contracts over 10 megawatts. That's just a comment. The second one is when you put up the scenario -- generation scenario, there was a graph, and I can't remember which graph it was, it was my recollection that the last piece of paper i saw, there was a statement above that graph stating very clearly that this was not a -- this was not the plan. It was a possible scenario that was subject to changing conditions and the annual reviews and the price of various fuel components and changing legislation and changing technology and all that. I think it would be very important to make sure that statement is included in the graph so that people don't interpret that as this is what we're going to do in 2011. This is what we're going to do in 2014, because that is all subject to all these different changing conditions. It's the possible scenario that would get us there.

That language is in the plan. it is in the plan?

Let me read what it does say and see if this is what you're looking for. Figure 1, which is what you're referring to, shows a scenario developed and presented by austin energy for public participation and task force discussions that demonstrates the type and pace of investments that may be followed in meeting these goals. Specific resource investments will be evaluated continually by austin energy, the plan as adaptable to changing legal regulatory market conditions. As explained further, however each individual investment would be considered by the council and subject to public review. I just think that ought to be prominently displayed because we said over and over again that this plan is -- has got to be flexible in order to meet these changing parameters and at the same time meet our alternate -- our other requirements of affordability and reliability. I just want to see that emphasized very strongly. The final question I have is a graph that you put up. I believe it showed a gap of 1 giga what the hours. That's on the generation needs that we have in the future.

That's not a gap. That was just a change from the forecast that we had in 2009 and 2010.

Mayor leffingwell: right. Right. So do you have any idea what would be required in the way of, say, for example, additional megawatts of conservation or efficiency goals to make up that gap?

We continue as the plan target -- we take that to 800 megawatts of efficiency. We continue -- we don't need that -- the energy, as that one bar graph shows, we have enough resources, even in this new load forecast, to provide the energy that's required. So we do hear strongly from the community the number one priority is energy efficiency and we'll continue to look at that. Part of the plan has -- to be studied, a way to find out if we can realistically raise that goal to a thousand megawatts, and we're launching that study at the end of this fiscal year. So we will look at that, but I don't -- I'm not sure if that answers your question, but we -- we don't actually have to do anything differently to provide -- we just shift that peak forecast up, but we have enough energy resources to meet that gap as we speak. well, it does seem to

be changing.

It does change every year. Load forecast will change every year. almost by the month, so I think we have to keep that in mind. I'm reminded of a quote from my favorite philosopher, yogi berra, who said that predictions are very difficult, especially when they're about the future. [Laughter] mayor, I have some questions. council member cole. how does it feel to be standing there like roger duncan?

A little different. we really do appreciate all of your efforts on such a short time, robert, to get a handle on the utility and make a presentation like this before us, and I want to thank you and your staff for doing that. And we recognize that you-all have presented this general operation plan to us again and again and again, and what I also want to express the most appreciation about is that i think you have heard the community and us when we say the other thing that we're really concerned about is affordability. So I want to ask you just a few more questions about the affordability matrix that you're working on and the concept of benchmarking. I know that -- I think we need to just explain that a little more.

We're acquiring a consultant to help us benchmark costs of any available data we can get on all classes of customer, residential, commercial and industrial, in an effort to show where we're at in the comparable cities and comparable power utilities in the state and in ercott and therefore be able to have a gauge to be able to show you what impacts will be to the rates as we move forward with decisions, to recommend decisions to you-all. And so when you're faced with those decisions you'll have rate impacts and where we hopefully stand up in relationship to some of our comparable communities. and I believe that there is some concern that when we say we're coming back to consider the plan in two years, that that's the only time we're looking at the plan. And so I want to be clear that I hear you when you say, as the mayor brought up, we are considering a purchase power agreement, then the affordability matrix will be before us also at that time.

I'm hearing that clearly, yes. and also, that if there are any concerns that you have next week, that you will go through the appropriate channels with the city manager and the council and we'll decide whether we call a special meeting or it comes through a subcommittee, but that the affordability piece of this is as we go along, we have no intention of hiding that from the public.

The city manager has clearly given me direction on a transparent open process on a go forward basis in austin, as usual. He's given me clear marching on that aspect, so yes, i can commit to doing that. and we also recognize that we are balancing interests between the bill impact and our environmental goals and the co 2 impact combined with potential federal legislation, and as the mayor says, all of this is very difficult to predict, so -- and I understand that you guys will need some outside consultants to help you keep abreast of that. Is that correct?

Yes, absolutely.

Cole: okay. And I fully support that because it is a very important issue. I think there is also some confusion about the fact that electricity rates, regardless of whether we adopt this plan or make a

specific commitment to renewable energy, are going most likely to increase anyway, so would you make some commentary on that?

As I mentioned, we have a transmission cost that's passed along by us that comes from the state. So that cost is projected to go up, and so that is something that we cannot control, and that's something that we'll pass along to our -- as a pass-through again to our customers. And so that's one cost. The inflation, again, it's hard to predict, but inflation will impact the things we do to a certain degree, that we have some hedge against an inflation by our portfolio, our diverse portfolio, but that will impact our customers as well. And then we'll be facing a rate case, and so we'll look at the costs that we have accrued and project and ensure that our rates are substantial enough to recover those costs, on a go-forward basis. So there are some things that we'll be faced with as a community on a go-forward basis again that have nothing to do with this generation plan that will impact the rates for our customers.

Cole: okay. Thank you, robert. And I have one question for david, the lawyer, which is a legal question. david, the lawyer. [Laughter]

I hope I know this one. david, city attorney. I know that there are certain issues that are required to go before the voters as -- pursuant to our charter, and then there are other issues that could potentially go before the voters as a result of initiative and referendum. And I'm trying to understand what potential the generation plan has for being -- for legally going before the voters.

Council member, I don't think I know the answer to that specifically right off the top of my head.

Cole: okay.

You know, as a general rule, the city can't just simply choose to refer things to the voters. There has to be some provision in state law or in our charter, and I can't off the top of my head think which aspects of the plan we would be permitted to -- or required to take to the voters, but I can find out an answer for you on that.

Cole: okay. I would just like a follow-up with that. I think that -- because we serve as the board of directors from austin energy, I think we have full authority to make that decision now, and I don't think that that's mandated by charter, but I don't know at all about the initiative and referendum process, and I hope that we would all be prudent enough that we keep the public informed about all of our decisions related to austin energy that we would not get to that point. But I did want to get some more information on that.

And I will do that.

Cole: okay. Thank you, mayor. council member riley. thanks, robert, for the presentation. It was very helpful. I want to expand on the fact of inflation on -- impact of inflation on future generation costs. You mentioned that certain elements of the plan, in particular the renewable resources, are not as subject to inflation as other resources, and, in fact, could be -- could actually serve as a hedge against inflation.

Could you expand on that?

As we go forward and come with you, we either purchase power agreements, as an example, for wind, generally those are fixed, and so those will have a price point that is fixed for some time, so that obviously then is not impacted by inflation. There won't be an accelerator in many of those kinds of contracts. so those contracts could keep costs in check for a tile. I also want to ask you about the business model. I know that the bulk of the work on developing a new business model is expected to occur in phase 2, which will start the summer. Is that right?

We have an rfp on the street right now to have them help us with the rate case methodology, the business model, look at the business model and general fund transfer policy that's wrapped up in that. So work will begin quickly. As soon as we can get that consultant on board. [One moment, please, for] we'll need support during that process as well. Likely a two-year contract.

Riley: And we should have a good handle on how we're going to approach new business model at the time we actually enter the rate case.

Yeah, we'll begin that process exactly. By the time we do the rate case we will have established a structure.

Riley: And in the course of doing that, we would also be examining our general fund transfer formula.

That's right.

Riley: So that we can address all those issues collectively.

That's correct.

Riley: Okay. Thanks very much.

Mayor Leffingwell: Councilmember spelman.

Spelman: Just a couple of followup questions, robert. And no questions whatever for the city attorney so you can go back to sleep, david. [Laughter] if we were talking -- I just want to be clear. I've heard a lot of people talking about what effect this proposal's plan is going to have on our costs. Taken number which jumped out at me today which I hadn't seen before is 10.4%. 4% As being the incremental cost change between the total costs of providing a mega wastewater hour under our current generation plan and the total cost of providing a megawatt plan including transaction, the whole nine yards, under the proposed plan. Is that right? 4% is the cost of the current plan.

Spelman: Okay.

The april 22nd consideration for -- under your -- for your consideration, that plan is actually the 9.5%. So

the delta I think you are speaking to is the 9.5%. But this new -- if you approve THE PLAN ON THE 22nd, THOSE Are the projected costs over that 10-year period. Again, that's not using levelized method, it's just -- there are 15 different ways to assess costs in the next 10 years and so we can obviously debate a lot of those number too. But it's 9.5%.

Spelman: Okay. 4% is what we're facing right now.

That's right.

Spelman: 5% is what we're proposing to add to that.

Exactly.

Spelman: So 20% is where we're talking about. Yesterday I heard somebody say there was going to be 75% increase in rates. Have you seen numbers like that or heard people discuss that sort of thing?

And that's what I mentioned earlier about all those numbers, especially the 75%, from what I understand, include the inflation and that's what we excluded from this because of the reasons that I've told you. Will we face inflation? We will face inflation in some parts of our portfolio but we won't in other parts as much. So it's very difficult to project, and I believe most of the other projections you are talking about lump inflation on everything. And I don't think that's exactly accurate, but it's just a difficult way to evaluate it because of the -- the volatility and unpredictability of inflation and how it affects our portfolio on a go forward basis.

Spelman: Traditionally when inflation goes up, wages go up, a lot of other things go up as well. If we're talking about apples to apples, it's easier to talk in real terms which is what you are doing and the real effect is going to be today's purchasing power 9.5%. But as the mayor mentioned and councilman cole mentioned, we're also talking about -- i love these terms -- dynamic flexible and nimble. So that if it turns out we have an opportunity we can take advantage of it, if it takes out an opportunity we felt was going to be available was not or it's going to cost a lot more than what we thought, we won't take advantage and that 35% goal is just a goal which we are not absolutely certain to reach, it's where we expect to get and where we think we can get. But obviously this is subject to different conditions and opportunities as they come up. Thanks, robert.

Mayor Leffingwell: Thank you very much. Council, mayor pro tem martinez has requested that we next take up item number 29. There are a number of people signed up to testify on that item so if there's no objection, council, we'll go to item number 29. And number 29 was pulled because of number of people have signed up to speak. Council, without objection, i would suggest that we limit the testimony on this item as well to 30 minutes total. Is there objection? So you folks who signed up to speak, you want to organize yourselves with that in mind. First speaker I have is rita gonzalez.

Good morning, councilmembers.

Mayor Leffingwell: What I is we'll use the three-minute time limit and we'll keep a running total for 30 minutes.

Okay. Thank you. I'm here on behalf of lulac district 7 in support of the \$45,000 grant to fiesta to support their efforts to keep the hispanic cultural alive and they use any proceeds to benefit the community. Thank you very much.

Mayor Leffingwell: Thank you. Next is paul saldano, in favor.

Mayor? I just wanted to remind the folks that are coming up in favor, you don't have to wait for your name to call. If there's a different order you want to arrange yourselves in so that you can ensure that those of you who really want to speak get to have that opportunity. So the mayor will simply call out the names in the order that they were submitted, but if somebody wants to be heard, they need to get up in line and introduce yourself.

Good morning, mayor, council. I'm here on behalf of the velasquez family. velasquez wanted to be here but his sister passed away. He wanted me to thank you for your ongoing support. The organization has been around now for over 30 years, 32 years exact and they put on the annual cinco de Mayo events. Over the last years fiesta patrias has contributed \$500,000 to local youth programs, cultural arts, sports. They work in partnership with our parks and recreation department to identify the most needs and the rec centers to support activities and youth programs. They do an annual thanksgiving dinner where they feed over 1500 families and that's become annual tradition. I just want to come by and speak on behalf of the family and organization to thank you for your ongoing support and we'll be happy to answer any questions should they arise. Thank you so much for your ongoing support. And thank you, mayor pro tem martinez, mayor leffingwell and councilmember cole for your responser ship on this item.

Cole: Good to see you.

Mayor Leffingwell: Thank you. [Applause] trevino referia. Those two speakers used only three minutes.

Mayor, council, I'm chair of the united east austin coalition. I'm also on the board of [indiscernible] and fiesta patrias has always supported us. Unfortunately in the last two years the weather has -- the last three years has played a havoc on them and they haven't been able to -- they had to cancel some of their activities, and they are doing such a good job that they sponsor our thanksgiving dinner and I'm here to support them and I hope you all support fiesta patrias. Thank you. [Applause]

Mayor Leffingwell: Thank you. Alejandro villejo.

How are you doing? I perform in a band here in austin called villejo and I'm here to support changa latina music festival at fiesta gardens. If I could read you a little bit of a letter here that -- some of the stuff we do. We go to schools in the holly street neighborhood district and perform. Esteemed councilmembers, as a music teacher of sanchez elementary it has been a great joy to see the amazing generosity and kindness of organizations such as the pachanga music festival which comes forward

and share their gift of music and passion with our children. Our students were given a glimpse of the amazing world of music and members establish them as positive role modelings by conducting music composition workshops with students and showcasing them the step by step process of creating a single track for an album. I'll shorten this. Villejo also gave an incredible performance to 600 smiling students and teachers on our cafeteria stage which I can attest because I was there. Interacted with students during every second of the children's concert and our children felt alive and excited about the experience. These are the types of experience that they will be able to write about when this he encounter attacks prompts asking them to describe their most memorable experience. Thank you for supporting such an incredible organization and I hope you continue to commit to the valuable work they do. As one of the co-founders with my friend Rich and I just think it's very important to have the pachanga music festival so hopefully you can keep supporting us.

Mayor Leffingwell: Thank you. [Applause] David La Belle.

Thanks for having me. Ladies and gentlemen of the council, my name is David La Belle, I'm the manager of Group Fantasma. My vote taken point comes from experience and not just speculation. I ask that you vote yes on 29. The music festival is one of the most unique cultural events not only in the city of Austin but the world. Where else would you find traditional Tex Mex and music that appeals to teenagers and their parents and grandparents at the same time. You have the opportunity to ensure continued success of such an event and aid in its growth and development. Please don't let this opportunity pass. In a country where cultural arts funding has all but vanished, you have a chance in city hall to avoid that trend and support the haven't that will continue to give back to our community and bring even more attention to the diversity and progress of Austin's music scene. Again, please vote yes on 29. [Applause]

Mayor Leffingwell: Thank you. Next is Rose Reyes.

Good morning, Mayor and City Council. My name is Rose Reyes and I'm here first as the director of music marketing for the Austin Convention and Visitors Bureau, but also as a cultural arts worker over the past 20 years, as a Pachanga volunteer and mother of three children with whom I regularly participate in and enjoy the city's music events and festivals. On behalf of the Austin CVB, I want to support our subpoena for Pachanga Music Festival. We are excited about the development of this festival and the role it plays in celebrating the diversity of Austin's music scene and the diversity of music traditions within the Latino music community. In a short time Pachanga has clearly become a flagship event for our annual Latino Music Month in May. We see great potential the festival has in attracting visitors from Texas and beyond. We have seen the incredible it has for generating national media attention and creating a family friendly environment to enjoy Latino music and culture. And, of course, we're happy to see our city parks utilize to further our reputation as the live music capital of the world. As a citizen and parent, devoted cultural arts volunteer, I just want to tell you how much I love the festival. I have volunteered at the festival since its inception. Last year I was deeply involved in the Ninos Rock Pachanga part of the festival where we hired local Chicano artists to demonstrate traditional arts and crafts, conducted music demos and workshops led by local leading Chicano musicians and collaborated with the Austin Children's Museum. Working with the Pachanga team has been a rewarding experience. The organizers are hard working, forward thinking, collaborative and deeply passionate people that are producing this

festival because they love austin and they love latino music. I love being part of something that is just as much fun for me and my family as it is for visitors to participate in. And I respectfully urge you to support the continued development and growth of this great event and vote yes for item 29. Thank you for your time. [Applause]

Mayor Leffingwell: Thank you. Tony hamm guerrero.

Thank you. Good morning, mayor and councilmembers. My name is tony hamm guerrero. I'm the leader of a tejano band named tortilla factory. We've been in the business 37 years and still going strong and looking forward to doing another 37 years. This is a family business -- [cheers and applause] thank you. I passed it on to my children and they will continue the legacy of tortilla factory. rich garza who is a very passionate and strong-willed individual and believes in what he is doing. I also met the band vallejo this morning. I believe in everything they are doing. I myself as a musician believe in the cultural arts, especially what the holly good neighbor plan is doing in austin. We fully support this program and I am committing my band, tortilla factor, to the cultural arts program in austin to send my musicians, we have musicians that have degrees in music, and we would like to teach and give clinics to the children to perform for them, anything we can do to help, we're going to do it 151%. And we're ready to do this any time and I want to thank you youfor your time this morning. [Applause]

Mayor Leffingwell: Thank you. Next speaker is gavino fernandez. Is marcello -- okay. Lalo castro. Okay. Manuel liscano. Gavino, you have 12 minutes.

Good afternoon, council, my name is gavino fernandez and if we have the slide I want to show the location. The east town lake neighborhood association is here to ask to you deny this. You have a process for home repairs, for programs. In this particular case, have you no process. \$125,000 And there is no process, there's no accountability, there's no transparency, and my god, it's a far cry from democracy. This council is the only council that has abused and misused your authority to use these type of funds at this amount of \$45,000 to go to a festival. All opposition to this is two -- our opposition to this is two-fold. One is the size of the event. We have -- we recently have relaxed from the holly power plant noise, we're relaxing from the old infamous aqua aquafest value and for you to use funds because of the harm this government did for running a power plant in the backyard to even further insult us by bringing in a festival that according to -- to their information, they are targeting four to five thousand people. Now, you tell me, mayor pro tem, where are we going to park four to five thousand sad people in this area. If you look at the map, the closest thing is seven-day forecast homes. [Speaking in spanish] like my grandmother used to tell you. [Speaking in spanish] abuse and misuse of your power. Oh, gavino, it has to be in the neighborhood plan. That's where we vote against it. Well, hello, holly neighborhood plan. Item number 38 for events at fiesta gardens due to limited parking the following are recommended to address impact to the neighborhood residents. Limit the number of events at the park, [inaudible] requires for parking than is available, limit the size of events that do not block streets for events like carnivals as this impacts residents along the street and impedes access for safety concerns. For larger events, require shuttle service with capital metro is purchased and required off-site parking and rides similar to other events held at auditorium shores and trails of lights. We don't get that courtesy from this government. When you have an event over here at auditorium shores, you have an officer

there protecting that neighborhood. Tonight's the neighborhood plan. This is what you put out. It was adopted. I'm ready to hear why you would do this and bring in an intrusive event to our neighborhood. I have another one. Pull it off the internet. You haven't even voted out. But you already list it as a sponsor. Is that the kind of democracy we operate on this dias? Not only that, but of all these vendors, if they can get money from all these vendors, why are you coming to east austin to tap funds made available to mitt game the harm done to the people. This event was at waterloo. It should stay at waterloo or go to auditorium shores. The only reason it went to waterloo which we met with last year is because councilmember martinez and [indiscernible] told to move it to fiesta gardens, eligible for holly mitigation funds. Final thoughts from -- the biggest concern was parking. No large lots were available and everyone parked on the street. Parking would have become a problem if turnout would have been higher. There was a lot of concern about parking, and quite honestly I haven't heard complaints from either patrons of the neighborhood. That is a flat lie because we met with him and we told him that we do not agree with this kind of activity of this size or any other activity to come into our neighborhood because there are no protection measures for our people. You are going to have four to five thousand people out there celebrating, getting drunk, dropping into a vehicle and the first thing they are going to ride into is a neighborhood. There is no buffer. Yet our community, our kids are going to be at risk because we're going to have this amount of people coming in and out. Not only that, that same weekend we have little league further down the street. We have children that are going to be in or around the area. And I have this last one on the homes. This home is still up there. It is still in our barrio. 1 Million in home repairs because -- if you get home repair for 10,000 or more, you put a lien. Yet here we're going to give \$90,000 that could build a home for homeowners in this area that they should qualify. \$90,000. That is a far cry shame. And these are austin energy funds. These aren't federal funds. These are funds that are revenue funds from austin energy. These funds should have no restrictions because the most common response that I hear from this council is we want to make sure we're not giving money away. My god, what are you going to do today? \$90,000. That's not giving money away? Without no accountability? This is another major reason, and I'll never forget that comment, councilmember cole, when the bill was at the committee at the state capitol, you said this isn't bashing, this is austin trashing. Remember? This isn't -- this is not democracy. This is a dictatorship. Because this council when you go to other neighborhoods, you deliver democracy governance. But when it comes to us, it goes to one individual and that's a place 2 individual. If he says the sky is green and it's yellow, you are going to agree that it's green. And that is the worst kind of governance that we as a community should be receiving. But you embrace that because all of you are going to vote to support this. liscano sitting over there submitted his application for roof repair. He's still waiting. mike sanders, who lives down the street, all he wanted was to have his house painted. He died waiting. And all he was asking for was \$2,000. Yet this government is going to give away \$90,000. Impact our neighborhood. I received a call from my nephew, he said, tio, east town citizens are now embarked on a boycott, pachanga fest. I said I want to get involved now. So we are embarking on a campaign to boycott not only this festival but any festival of this magnitude and this size that does not provide a safety cushion for our community. These are double standards and this is the education that our community needs to learn, that this is the kind of government that you are going to be voting on where there is no process. And I want my last question, mayor pro tem, will you educate the community what is the process to

access these funds? Thank you. [Applause]

Mayor Leffingwell: Next speaker is paul hernandez.

I hope a get an answer.

Mayor Leffingwell: Paul -- okay, I see paul is coming. Welcome. You have three minutes.

Mayor, mayor pro tem, members of the council, my name is paul hernandez. I'm a member of east town lake citizens and a founding member of el concilio, a coalition of mexican-american neighborhoods. BACK IN THE '70s, WE TOOK Issue with the same kind of congestion, with the same kind of atmosphere and with the same kind of disrespect for the people that lived in that area. Remember aqua fest? We had to chase it out. My question is -- my issues are two. One is the location and the other is the source of the money. If you are going to give away that money, take it from the general fund. It take from some other fund. Take it from the bed and hotel tax. But don't take it from the money that was supposed to go to the poor people, the low-income people that suffered for over 30 years of poison being produced by that plant. Electromagnetic fields, particles from the smokestacks, and pollution of town lake. And members of the council, a racist process was used to declare the gentlemen's agreement and for the life of me I can't see why liberals haven't changed that. You still delegate the mexican issues to the mexican -- it seems like the rest of you when it comes to us have no voice. spelman, [indiscernible] my support. Told you you didn't have the guts to do what it took the first time you ran, remember? We were sitting at a council meeting. Do you have the guts to do that now? Do you have the guts to put that money where it belongs, in the hands of those people with no strings attached so they can fix their homes, so they can live a comfortable life until they die? morrison, you are a neighborhood representative. Are you going to allow us to happen to a neighborhood all that congestion? I happen to live [indiscernible] and my street it's permit parking only. [Buzzer sounding] so thank you. I hope you really give us the consideration.

Mayor Leffingwell: Thank you, paul. [Applause] council, those are all the speakers that we have signed up so I'll entertain discussion or a motion on this item number 29. Mayor pro tem.

Martinez: Thanks, mayor. Council, as you know, these are the funds that are set aside for cultural events that have to take place in and around the area and it does take council action to allocate these funds. Just like we have on the cinco de Mayo, now we're supporting fiesta patrias and pachanga fest. The good neighbor program goes away in 2012 so hopefully you have a strategic plan in place to self-sustainable because these funds won't be available. I can assure you these events do provide cultural activities for the community. I went to the concert when alejandro played on the cafeteria stage. I believe it was at sanchez elementary, but it was an incredible experience to see the kids interacting with professional musicians. You know, but it's a comprehensive program. The good neighbor program still allocates over \$750,000 a year for home repair. That has not ceased. [Yelling from the audience]

Mayor Leffingwell: hernandez, I don't want to have to remove you from the chambers. [Inaudible]

Martinez: I don't think anybody disagrees with that. If we had more, we would allocate it.

Mayor Leffingwell: Mr. hernandez, that's enough. Please leave the chambers. [Inaudible]

Martinez: And so we'll continue to fund this program and do the home repair. In fact, we're planning a neighborhood community fair to provide all the information that we can to the community about the program. And we're also working on changing the -- the parameters and some of the restrictions of the program so that the liens aren't so intrusive on a homeowner and so that the amounts of money that is necessary to do home repairs can be increased because the cost of today's construction and repair has gone up since we imposed those limitations. These are things we're all working on. The concerns that are brought forward are not falling on deaf ears. We are listening and we will be making changes, but i certainly support this item. I think these two events are really, for me, they are really important that we continue to support this part of our community. And when you look at pachanga fest and fiesta patrias, it's live music, a family entertainment environment. I don't see why we wouldn't support this because this money is allocated for cultural arts. I couldn't see anything more appropriate. So I will make a motion that we adopt this item.

Second.

Mayor Leffingwell: Motion by mayor pro tem, seconded by councilmember cole. Further discussion? All in favor say aye. Any opposed? Passes on a vote of 7-0.

Boycott pachanga fest. [Applause]

Mayor Leffingwell: So now we'll take up -- councilmember cole, you pulled 17, 18 and 19. Is it your preference to take these separately or ether?

Cole: We can do them together. Mayor, I think carl or somebody from austin energy for a few questions.

Mayor Leffingwell: Mr. rabago.

Cole: Hello.

How can I help you, councilmember cole.

Cole: I know professor staff at austin energy and yourself personally have been working very, very hard to meet our energy efficiency goals, and I pulled these items simply because I know that my staff has been involved in attending some of your meetings, but this whole council is interested in how we are expending the stimulus funds and your efforts to make sure that we do that especially with the requirements in the low-income communities. So I thought you would just give a brief synopsis of that.

Sure. This has been a process that's been many months, almost a year now since we first received the opportunity to applying for these funds. We successfully applied becoming the only municipal electric

utility in the country that is a federal weatherization fund grant recipient, working through the texas department of housing and community affairs, who is our grantor. We've gone through the process of training potential firms. All those firms ended up being on contract teams. We did three separate trainings. We've done dozens of public awareness meetings and engagements with the community especially targeted at the neighborhoods where we see a lot of these weatherization opportunities to exist, that is the opportunity to go to homes that are priority homes because they have a high energy burden, high energy bills, they are occupied by senior citizens, by families with children, and in all cases families that have less than 200% of federal poverty level in their household income. We've gone through the selection process, we met our goals for our contracting services providers, and we are ready to -- we actually conducted our -- davis bacon required training prior to this date so that they would be ready to start work as soon as next week in delivering these services to homes. We are extremely excited about the value that we can bring to individual households and the benefit what we can bring to this community by moving rapidly through the almost \$6 million that we have. I'll close by saying that as you mentioned at the start, this is a group effort. It's a whole bunch of people at austin energy that have worked really, really hard and have been tireless in meeting the goals set for them and the expectations of this community. They've also worked with travis county and other agencies around the city, the housing folks and other people. It's been a true spirit of collaboration to get us this point and what we seek today from you is approval of the contract so we can put these contractors to work.

Cole: Thank you, carl. And the reason I pulled these items is because we were discussing the gentle balance between affordability and our need to go forward on both those bases, and one thing everybody agrees on is a solution is energy efficiency. So I think it's very important that we highlight to the community when we are actually doing that and that we are fully committed to continue that effort.

Thank you.

Cole: Move approval, mayor.

Mayor Leffingwell: We do have speakers. So if you can hold that just a second. I would also comment very briefly that it is -- i realize we have an expedited process on these three items. These are federal stimulus funds and we are under a mandate to spend this money quickly, to put this money to work quickly, would be a better choice of words, i think. And we have been specifically told by both the state and federal government that those agencies that don't put this money to work quickly are subject to reallocation. That means we could lose these funds, they could be distributed to another entity that is putting this money to work. So we are expediting the process and I appreciate your efforts on that behalf, but we are still respecting our goals in the process while we're doing it. So with that we'll go to our speakers, and speaker signed up on item 17 is david clause. David, you have three minutes.

Thank you, mayor and council. I just wanted to be here to support austin energy and to speak in favor of approving this item. I have been really impressed with synergy and how hard they've worked -- austin energy and how hard they've worked. We've been working together to coordinate with the nonprofits bond funding for home repair project to make sure that the federal and local dollars are working together to have the maximum impact for the low-income homeowners in the area. And I wanted to say that the

home repair coalitions and the nonprofits have some time pressures to get those home repair projects going and approving this will get those projects going. Austin energy has been working with us to support of our green jobs training programs. We're working to create a real-world, hands-on training opportunities in weatherization and energy auditing. And to ensure that today's at-risk youth can take advantage of the opportunities in our conversion to a green economy and austin energy has been supporting us in that effort. So thank you very much. Also I can tell you that ted roan speaking on item 19 had to leave for another meeting so he won't be able to speak today.

Mayor Leffingwell: Thank you. Speaking on item 18, and remember, we are considering 17, 18 and 19 together, is charles clotten.

Thank you, mayor, council, city manager. I'm charles cloutman with meals a wheels and more and a representative of the housing coalition. Basically I'm here to support this proposal and furthermore salute you all for your forward thinking. We have coordinated with austin energy. They have slowed their wheels enough to bring us into the process. We're going to coordinate our work with their work to where we can straighten up the house before they button it up. It's a wonderful plan. Neighborhood housing has done a wonderful job of helping us coordinate this. Basically I'm here just to salute you. You just got hammered, let me unhammer you and say thank you, thank you for your forward thinking, thank you bond funding for home repair. Thank neighborhood housing for their ability to work and to stretch and to make a new proposal fit and work, and thank austin energy for coming to meetings and slowing down and coordinating our repairs with their repairs and to where we can do this thing right. And so further I just salute you all. I thank you for your forward thinking. The people that we will serve, we will get their house repaired, put new windows in, sometimes replace their roof. We will have their houses retrofitted properly and it's because of your forward thinking that they owe and in their steady thank you. Thank you.

Mayor Leffingwell: Thank you, charles. And I understand ted roan is not in the chamber. Those are all the speakers we have on 17, 18 and 19. Councilmember cole moves approval of those. Seconded by the mayor pro tem. Any discussion? All in favor say aye. Any opposed? 17, 18 And 19 are passed on a vote of 7-0. And that brings us to our citizens communication. Very good timing here. We do have several items left on our morning agenda. Those being items 20, 29 -- excuse me, 20 and 32. I would for planning purposes we'll take up citizens communications and then we'll go into executive session. I would not anticipate we'll take up those items until about 1:30 or later. Just for planning purposes. Nothing certain. First speaker in citizen communication is rae nadler-olenick speaking on water fluoridation.

Good afternoon, mayor and councilmembers. Today some breaking news. A just released time cnn special report on the environment with fluoride third among the top ten household toxins. The report is dated april fool's day but it's not joke. With all the plastics, aerosol and lead --

Mayor Leffingwell: Didn't get any bombs or tomatoes?

Excuse me? Do I start over or what? Where am i? Okay. With all those plastics, aerosols and lead and

asbestos to come beat with, landing in the number 3 spot is a real distinction. Quoting from the report which is page 1 of your handout, quote, found in toothpaste, tap water, health hazards, neuro toxic and potentially tumorrerogenic if swallowed. Does anyone else feel cognitive disdence closing in? It's tumor properties were well known in austin during THE 50s AND 60s WHEN A cancer researcher alfred taylor exposed them repeatedly. Fluoridation had to wait until taylor retired and moved way. Quote, the american dental association advises that children under 2 not use fluoride toothpaste, unquote. The ada also advise infants under a year old get no flour ride exposure at all, impossible in a fluoride environment. Government studies support current fluoride levels in tap water but studies on long term ex spokesser and cancer are ongoing. Ongoing studies are like this one by a team of brazilian scientists reported recently in journal toxicology. What fluoride does to rats it also does to people with the economically disadvantaged suffering disproportionately. On side 2 of the handout you'll see these words: Chemicals in plastics an owner products seem harmless but mounting evidence links them to health problems and washington lacks the power to protect us. What washington actually lacks is the will to protect us. Our federal government has in fact been fluoride's chief promoter for 60 years and is the reason we're drinking it today. That's why I'm here speaking week after week. Washington's toxic legacy can and must be remedied at the local level. One final note, on wednesday, APRIL 21st, FLOUR RIDE FREE Austin will have a booth at the earth day celebration in 00 to and we hope you will join us. Thank you.

Martinez: Thank you. The next speaker is rashed islam.

Mayor leffingwell, mayor pro tem and councilmembers and city manager, my name is rashed islam and I'm here in front of you as a member of the bengali association of austin. I want to sincerely thank all of you for helping the bengali community in bringing the bengali festival to austin. We used to celebrate that and your assistance has helped us bring it in downtown austin. I want to thank you for your co-sponsoring the event, the fee waivers and also, mayor, for recording the greetings message for our community. Thank you so much. I want to thank you for your true leadership in promoting diversity in this great city that we live in and bangladesh association is a true example of that. I want to invite to you join us on april 17th as we celebrate the bengali new york festival and would request to invite your friends, family and staff so they can all join us as we celebrate the festival. Also, you know, we always, you know, get happy and assistance from you, but I want to reiterate that the bangladesh community is available to assist knew any way we can so please call on us and we look forward to seeing out APRIL 17th. Thank you.

Mayor Leffingwell: Thank you. Unfortunately I'll be out of TOWN ON THE 17th. Actually out of the country, but I'll pass that invitation on to my staff. Carol anne rose kennedy. Topic is federal cases fall on our faces, texas rangers are always strangers, travis county sheriffs can kiss my brass, et cetera. You have three minutes.

How come I didn't know that? Welcome back, council. For the next three minutes I'm also known as carol anne rose from the dead kennedy. Ascedo, are you here? I have a song and prayer for you. Dead kennedys, plural. â™ªâ™ª Please stay in austin for your lifetime, we're staying here with the sun, we got lots of rooms â™ªâ™ªâ™ªâ™ªâ™ªâ™ªâ™ª you can tell your bullets on the sidewalks so you never ever

have to work for [inaudible] please stay in austin, just say yes, you come home to us, latino men why don't you settle down, austin can be your kinder town note. there ain't no golden california and there ain't no bold dallas, texas and there ain't nobody like me we're the number one fans of the replacement of [indiscernible] play balls. And now a little prayer. Art aucevedo and any chief anywhere, god grant you the serenity to accept the things you cannot change and the brawls to change the things i can and the wisdom -- no, and the smartass to know the difference. Amen, hallelujah and praise the landlord. Thank you. Do I have any time left?

Mayor Leffingwell: 20 seconds.

Okay. I just buried another home less guy and I saved another homeless guy from dying about nine days ago. I have a dream, zero tolerance for dead homeless people, and I need art aucevedo and his team, those pitiful austin cops, I need you all's help. Don't leave, please. [Buzzer sounding] thank you.

Mayor Leffingwell: Thank you. Next speaker is -- do you want to take your flowers with you, ms. kennedy? The flowers you left on the podium. Please.

Why?

Mayor Leffingwell: We'll just have somebody else take them down.

I didn't hear you.

Mayor Leffingwell: I said somebody else will have to take them down if you don't.

Well, you know, they are for the dead homeless.

Mayor Leffingwell: Next speaker is chioma okoro. Topic is discouraging oppression and encouraging godliness among the political leaders and administrators in the city of austin. Have you three minutes.

Good afternoon, everyone. My name is chioma okoro. I'm glad to be here today. My topic says discouraging oppression here in austin and encouraging godly leaders. It's a usual topic but it is important. These days it is acknowledged among the citizens of austin that oppression is creeping in and we want to crush it as quickly as we can. There have been cases of oppression. Oppression simply means trying to misuse -- misuse power to control, inflicting hardship on another person. People that are really involved in this are people in the leadership, people who are home, leaving their home in front of parents, and sometimes among facilities where there is mentally ill people. So in other words, everyone could be involved in oppression. Either as the oppressor or the oppressed. And the people who are the victims are those who cannot financially defend themselves. And the mentally ill people, including the homeless, like carol said, most of them are dying and most of them are having problems due to oppression and the children in homes where abuse is predominant. And also minority, including single parents. So here I am peading with all of you that lead us with the name of our god to please look

into this situation of oppression at any level you belong. You cannot solve everybody's problems, but you can do the little you can and god will honor it. God chose every one of nine of you and put the responsibility on you all and trust you with this city. Little a trust from god and you need to live up to it. The message that I have here is proverb chapter 14-31 and i also have another zachariah, chapter 7 from 9 to 11. These are areas that I found that oppression is not pleasing to god at all. It hurts anybody that is involved. It creates depression, sometimes suicide. It also creates grief and fear and a sense of not being safe. Among the godly leaders of -- [buzzer sounding] ,.

Mayor Leffingwell: That is your time.

Thank you so much. I appreciate it.

Mayor Leffingwell: Next speaker is hugh simonich. Hugh simonich. Hugh is apparently not in the chambers so we'll go to nuria zaragoza. Nuria zaragoza. Topic is occupancy limits. You will have three minutes. Welcome.

Good afternoon, my name is nuria zaragoza. I am the president of only west university neighborhood association and member of campac, our planning team. I'm here to ask for help with a remodel in our neighborhood. I don't know if it's up -- this is 1915 david street after the unpermitted demolition. This site is being developed as a remodel and if the approved plans go forward, there will be a set of structures with a total of 11 bedrooms. It will have a grandfathered occupancy of 12, which is double that is allowed today, and to serve the 12 tenants, the property will have one parking spotted. All that will remain of each of the original structures will be a portion of one wall and an old pier and beam foundation which will be totally nonfunctional because it will be buried underneath a new slab foundation. This is not a remodel, not as measured by logic and not according to the criteria that city staff have consistently used over the last three years. We're not at all surprised by the owner's blatant circumvents of regulations in order to maximize his profits. [Inaudible] has accrued zoning and violation fines. He owns hundreds of others according to public records. However, we are discouraged by the kind of illogical latitude and interpretation staff has consistently demonstrated on this case. It is owners like this one that force the passing of new ordinances like the remodel ordinance and force the creation of new programs like the rental registration program. However, until city staff apply logic and integrity as a counter balance to those who will always attempt to circumvent the rules, the changes will be rendered use less. The new regulations will burden those who toll the rules in the first place while owners like mitch healy will continue to work the system. We ask you for two things today. Please stop the ongoing work on this site until the appeals are heard. And second, we ask you to facilitate a meeting with the city manager to discuss this case and the loopholes that this applicant and others like him use to degrade central austin neighborhoods. Thank you.

Mayor Leffingwell: Thank you. I have a question for mr. guernsey. I'm guessing this is sort of your purview. But for three years, at least three years, we have been working to modify and improve our remodeling ordinance to stop these loopholes and abuses. Right now in my neighborhood there's a remodeling in progress, the sign is up, says remodeling. There is one bare wall remaining. Even the

interior foundation has been replaced what. Is the status of our revision of the remodeling ordinance?

The remodel -- that is correct, mayor, the remodeling ordinance has been going i think for about three years. It should come back to you right now we would think in june. It's just has been reviewed by the design commission. A subcommittee and the planning commissionist going to review it. There is a group of planning commissioners that have actually discussed this already. After it goes to the full commission, planning commission, it will then come to the city council.

Mayor Leffingwell: So sometime in june?

My guess is sometime in june, that's correct.

Mayor Leffingwell: Okay. Thank you. Councilmember morrison.

Morrison: Thank you. Nuria, I had a question if you two don't mind coming back up. You and your assistant.

Mayor Leffingwell: You have a question for him too?

Morrison: I can probably make one up, yeah. You mentioned your request that we somehow make the work stop until the appeals are heard. Could you talk a little about what appeal you are talking about?

So the -- this case seems to be different from other cases, at least when we talked to city staff. There is a unit b, which is the accessory structure, it's over 1600 square feet, has six bedrooms and a potential occupancy of six. So this is the garage apartment. All the appeals we have attempted to file on unit b have been blocked. We filed two to the board of adjustment and one to the building and fire codes board of appeal. We have filed two more appeals on unit a and hope to affect the occupancy also in unit b to the appeal on unit amount. The appeal to the building and fire codes board of appeal, i think we haven't been notified, but I saw a letter it was scheduled for wednesday. This wednesday coming the 14th. And we have not heard yet on the statistic you was our board of adjustment interpretation application for unit a.

Morrison: Okay. guernsey, I wonder if you could speak to the issue is it in general when there's an appeal of an interpretation or something like that, do we stop work or what's the city's approach to that?

Councilmember, first she is correct, I think the building board of appeal will review -- appeal the building per tonight next wednesday. The board of adjustment has not been set because we're trying to call a special meeting in advance of their main meeting to deal with this issue. I've already spoken to the agent this morning and NOTIFIED MR. McCONE THAT ALL Construction on this site is to cease. There's nothing in writing yet to that point. And it was because of a discussion I had with nuria and some of her neighbors and our law department that we reached that decision and that is because although unit b is not subject to the appeal, unit a is subject to the appeal and the effect is on the entire property that this is a two-family residential use. And a decision was made because if you appeal the

issue of occupancy that was brought forward in the board of adjustment on what is a bedroom and what is not, it has the effect of affecting unit b. So that is why I made that decision and I don't believe the paperwork has gone out, but the applicant's agent is aware of that right now.

Morrison: Okay. And also could you just explain so we have one appeal going to the board of adjustment, one going to the building and fire code board of appeals. That's not necessarily the last stop. Either party could appeal the decision at those. Could you talk about where these appeals -- if their decisions are appealed, where they go?

The building and fire code decision if there is an agreed party, that might be brought to you. A decision of an agreed party recording the board of adjustment after exhausting reconsiderations would have to go to a district court.

Morrison: So this might eventually come in front of us or one of the aspects?

That is correct.

Morrison: I want to thank you for the point you made how unfortunate it is that when cases get pushed to the limit and interpretation and actions get pushed to that limit, we end up having to put ordinances into place to close that off and it causes -- it's a burden for everybody, which I think is just really unfortunate. And I think that -- I would like to help facilitate a conversation as you mentioned with the city manager because I think it's sort of a broader question and sort of a question of how we really want to -- what approaches we want to take and where we sit, how conservative, how aggressive we sit as a city at your staff in making interpretation to help us really -- perhaps we can do a better job of avoiding getting into these what I would call boundary cases. So thank you for coming.

Mayor Leffingwell: Incoming speaker is Alan Roddy, topic is protecting Lake Austin.

Hello, I'm Alan Roddy.

Mayor Leffingwell: You have three minutes.

Good afternoon. A year ago I came before city council and told you of the damage that continues to be done to Lake Austin and the need to protect our water supply. As an example, the damage being done to Lake Austin, I told you about the property owner who claimed not to need a permit to build a 300-foot tall metal tram in the city of Austin. This tram would have been as tall as the UT tower. This property owner also didn't need a permit to demolish an existing pool and patio and dump the spoil down the face of this 300-foot section of the Balcones rock cliff in 2007. This is the same property owner who wants to build a minimumer schitterbahn on the face of this 300-foot cliff. How many city councilmembers vote to build that on top of Mount Bonnell, elevation of 775 feet and this concrete wall will reach an elevation 805 feet. Now that you have a mental picture of this 20-foot tall retaining wall on top of Mount Bonnell, would you allow this retaining wall to be built next to Zilker Park or Auditorium Shores or Fiesta Beach? This 20-foot tall concrete retaining wall is being built on a section of the

balcones rock cliff at an elevation higher than Mount Bonnell. In researching what happened, someone who works with the city told me for the mess at 3337 Far View approaching the boards and commission is not likely to be very effective in getting any changes to the restoration because the city manager privately negotiated a special review process and restoration plan that eliminates any need to [inaudible] variances by passing boards, commissions and public comment. Only the mayor and city council can give direction to the city manager. On the city council direct to you have a special review on Far View or did you hold this special review on your own? Is it true city staff has been told not to enter any information about this restoration project into the system? At the same time you are holding these special review meetings that violates just about every chapter of the land development code, you send out code violations to 76 families of the Far View neighborhood threatening them with legal actions for code violations. That someone who has been a proud Austinite for the past 50 years, I will not allow this city council or future city councils to show such disrespect to my fellow citizens. How dare you threaten to turn off the utilities of 75 or 80-year-old Austinites for something that happened in 1975 while you allow this corruption to continue at 3337 Far View Drive. You owe the Far View families and all citizens of Austin an apology. For decade after decade we have fought environmental battle after environmental battle to protect the Texas Hill Country. [Buzzer sounding]

Mayor Leffingwell: And your time has expired. Thank you. Dealing with this for three years so I would appreciate if you would listen to this.

Mayor Leffingwell: We will. Thank you. Kenneth Snyder. Topic is Northridge Acres as a subdivision for sewer. Welcome, sir, you have three minutes.

I'm sorry I have to come up here beg to go get some help. This Northridge Acres subdivision, no one how many you people been on council, we finally got water but it's a cesspool. All green and it's going to be an epidemic if we don't get something done. I talked to Kevin Ward and water development board and H.U.D. and all. They say that they have the grant set up, all they got is somebody to sponsor it. I've been doing this for 30 years trying to get help out there. I'll probably die before it's over with. We need to take somebody to sponsor the grant to get the sewer in there. We have Austin water and I thank you for that. They are building all around, only 12 miles from here, e.t.j. of Austin. I don't know if you know much bit, it's a little hole there. 200 homes in there, there could be 300 homes easily if we had sewer. We can't do nothing with our property. We're waiting to be condemned out there eventually. That's what's going to happen. They can put trailers out there and that's the cheapest thing in the world to live in. I'm just trying to get sewer so we can live like human beings. Salamanders, spiders, spend billions of dollars on that and all we want is basic services. Dell computers call the other day, they said they would be glad to help any way they can, but I don't know if somebody was pulling my name. I didn't get the phone number which I'm working on that. But I'll go to the Travis County Commissioners court every week. I laid off about five years because the judge Biscoe said he's going to get the sewer in for us after we got the water in. And he backed off the deal. Said he wasn't going to do anything or can't identify. Dan Smith was there when he put the water in, he did real good, but when he left everything went to pot. It's mostly Hispanic. Low-income neighborhoods. Only people like me, me and my wife, I'm 60 years old, we're just trying to live to get by. I can't understand being so close to Austin and Round Rock, right in the middle. Put that office complex right next door in Northridge, they cut it in half, took it in the city. They got

apartments all over around us. And I just can't understand why we have to fight for sewer and have sewer run down the hill. We have crawdads this big, all green. And it's just a health risk. And it's going to be an outbreak if we don't get something done immediately. I know five years down the road, ten years down the road. On the computer it shows you have an urgent problem and 72 hours the problem has to be fixed one way or another. And I can't understand and I'm begging you all to do something. I live in Travis County, but of Austin and half it is in Travis and half in Williamson. I'm beg to go get help before I die. I would like to see it done. Thank you very much.

Mayor Leffingwell: Thank you. I think I'm familiar with the area.

I'm stono-

Mayor Leffingwell: It's pretty much surrounded by the city.

It's one little bitty hole. This is what they are putting in now.

Mayor Leffingwell: Will you let me talk?

Sure.

Mayor Leffingwell: Thank you. As I understand it, the city -- the normal policy for annexation, if annexation occurred, of course then the city would be obligated to put the sewer in.

That's right.

Mayor Leffingwell: But the city normally does not annex property unless it's positive cash flow for the city. In other words, the property taxes make up for the cost of services that we are providing. Let me finish. So that being said, I believe that that's the reason that the city has not annexed your part of town there, your area, and therefore has not provided these services. But I think you've raised important issue beside pure costs and I would like to have the staff look into this, look into the feasibility of the annexation here even though it may not be cost effective, it may be very environmentally effective. So we'll do that for you.

Okay. Let me tell you one other thing. When I moved out there --

Mayor Leffingwell: Very quickly because your time is up.

When I first moved out there, for the first tie years we was in the city of Austin. We paid taxes. They didn't give none of the money back.

Mayor Leffingwell: I just think because of the terrain it's costly to put the sewer in. That's all. We'll look into it. Thank you for coming.

See you next week.

Mayor Leffingwell: Okay. We'll look forward to it. Linda greene. Linda greene, topic is fluoride free health care.

Thank you everybody for being here, for putting up with me for over a year. I usually don't type out a speech but since I've written a friendly letter to my president and the first lady and it all involves you and this issue of fluoride and dillo dirt, I've decided to read that. Dear michelle and obama. I'm appealing to y'all as a widowed parent of two great 29 and 31-year-old sons who work as car valets in austin, texas. They have no health insurance. They also love to ride their bicycles, rain or shine, through mud and dust. But this is not your ordinary dirt. Last year thousands of music festival fans wall load in this mud for hours with some getting sick and others breaking out into rashes. Flies stalked the neighborhoods for weeks because this is not your ordinary mud and dirt. Our dillo dirt like that of many cities is derived of toxic city sludge comprised of heavy metals, added fluoride waste and untold amounts of pharmaceutical drugs. It is spread around our parks and sold at home depot and lowe's in big bags for cheap. The citizens of san francisco have dumped bags of their toxic sludge on the steps of city hall. I have appealed on my mayor, austin city council and austin environmental board to no avail for over a year now. Would you please watch my three-minute youtube video entitled dangerous dillo dirt, and would you please read the huffington post story titled give thanks but not for toxic sludge posted november 25, 2009. And would you please visit our grass roots guadalupe at glur ride free austin.com. And finally would you please get together with the mayors of 60% of our cities who fluoride our water, who add fluoride to our water at untold cost to our health. Show them how we can do the right thing. Real health care must start with our water and soil, with organic edouard he knows like michelle. Organic cannot have waste and sludge in the soil. Real health care begins with slow food zone organically with fluoride free water. Thank you, michelle, for planting an organic garden at the white house with your mother and daughters. And I wish you guys would please save our taxpayers a million dollars a year. It's not very much of your budget but it is untold human price for our bodies, our health, our well-being. Fluoride, as you know, has been used as a rat poison. [Buzzer sounding]

Mayor Leffingwell: Thank you, linda.

Thank you.

Mayor Leffingwell: The last speaker is mike sloan. Topic is austin energy. Welcome, mike. You have three minutes.

Start with the individual.

Mayor Leffingwell: Go ahead. [Inaudible] including increasing energy efficiency and discouraging solar regeneration such as rooftop pants during the past 15 years austin energy has struggled to increase funding. Why?

Cannot accommodate zero building and distributed generation. We have to change our business model

or if we succeed in meeting our goals, we will go bankrupt.

Austin energy's business model calls for a general fund transfer defined as a percentage of sales. More utility sales mean more money for the city budget. Under this business model, anything that reduces sales is bad. Because it reduces funding for the city. To get more of the things that citizens of austin want, austin energy needs to modernize its business model. One way, switch to a fixed general fund transfer that does not depend on increasing sales. Austin energy can then reduce use and ownership of dirty power plants while increasing funding for the most cost effective clean energy sources. This will result in less pollution, less carbon emissions, more efficiency, more solar and more local jobs. All the while reducing customers' overall electric bills and ensuring continued funding for the city budget of our great city. Knowing what to do is easy. Actually doing it is hard. Will the current city council have the right stuff to finally fix this nagging business model problem? For a more livable austin, texas, let's hope so. Well, I think roger duncan really stated it well when austin energy either needs to change its business model, not meet its city goals or go bankrupt. And it's one of those three. Now, I applaud mark ott for putting out the memo going to address this business model issue and I would just encourage the city as it's looking at the business model to strive for a new business model that's going to support city priorities as opposed to work against them as we have today. And then secondly that it be responsive to what customers want. And with the task force, there was unanimous support from every member of the task force for more efficiency and directing renewables, i suspect austin energy is going to be against it because it doesn't fit the business model. Lastly I just want to say thank you for giving me the opportunity for serving on the generation task force and i wish you great luck in dealing with these difficult issues for the city. Thank you.

Mayor Leffingwell: Thank you, mike. Those are all of our speakers for today. So without objection, the city council will go into closed session pursuant to section 071 for of the government code for consultation with legal counsel to take up two items. Item 9 concerning nathaniel , versus lee in order dough quintana and the city of austin. Item 40 concerning adam t. Evasou. Is there any objection? Hearing none, the council will now go into executive session.

Leffingwell: I want to say right now that I will not be supporting the item as it appears on the agenda. Councilmember morrison.

Morrison: Thank you, mayor. I appreciate that. I thought you said 1:30.

Leffingwell: I know announced 1:30. Councilmember morrison has the floor.

Morrison: Looks like we have some folks arriving. Announced 1:30.

Morrison: I appreciate your quick responsiveness for getting back in here. Just like the firefighters are. Anyway, this is just in summary, this is an item to approve the negotiation, execution and ard of a consultant contract to work on recruitment, policy and program, or probably more program and detail things, for the austin fire department. I mean, obviously everybody on this council embraces diversity in our city staff and I think that's a community wide value that we share. And as I understand it, previously

we have made some inroads in improving representation in our fire department and among minority and women. At this point I believe that we have an opportunity to really make some great leaps in that regard. We have made progress, but we need to make more progress and we really need to step in, as I believe, with a more concerted and focused effort. And one of the things that I've done in this-- as we've been considering this item over the past week or two, was to really look into a study that was done on a report card of underrepresented folks in fire departments across the nation. And as I read that report card and analysis, it became very clear to me that there is a world of professional expertise in recruiting, and I think that this is what this item will offer to us under the leadership of the chief, who I know is firmly committed to improving our diversity in the fire department. So we've tried to work on it internally and I appreciate the efforts that has been made and the progress made. But I think if we're going to take the big step that we really need that it's time to go with an outside, professional expert company in recruiting because we need to do something different than we have been doing in the past. With that also, I want to make sure that as we detail the programs and the scope of work in this contract that we take advantage of the expertise and experience that we have here internally. And I know that -- because I think that making sure that we carry over everything that we have to offer here into the new contracts that we're going to make the most of it. So the reason I wanted to pull this is I am going to make a motion in a minute to just approve the negotiation of the contract and ask that it go through something else before it comes back to us for consideration of the actual execution and award of it. One of the issues that has been raised has been whether or not appropriate feedback has been taken yet. Those are the concerns that I have had in terms of really being able to take advantage of the expertise and experience we have. Before I go on I wanted to invite the chief up to talk a little bit about there has been a process in terms of taking input and feedback so far, so I wonder if you could share that with us, chief.

Thank you, councilmember. There has been a process, of course, this entire right here is the communication plan that we executed throughout the last few months. And it went as far back as October when I sent a memorandum out to everyone in the fire department, and I also discussed it with all of the leadership of each one of our affinity groups, the leadership of local 975 and all of our chief officers at a leadership retreat that we had back on October 14th -- back on October 14th. And post that there were several meetings that occurred that included the input from our affinity groups and as well as some of our other stakeholders. During the ensuing months, assistant chief Richard Davis attended several of the African-American firefighters meetings to keep him up to date. He had conversations, e-mail conversations and phone conversations, with the lead of the Austin Hispanic Firefighters Association, and we have had also discussions with local 975. In fact, Bob Nix attends our executive team meetings where those discussions do take place. So I do want to acknowledge that we have asked for input, we have sought input. And the other part of it too is I just received a letter from the Austin African-American Firefighters Association addressed to me that they wanted to -- and I'll read it if I can, if I have your permission, or would you like me to get copies and --

Morrison: If you could provide a copy.

Very good, thank you. So I don't think I need to read that, but it is in support of us taking this initiative. So I think that it is important to us. And the other issue that I think is important to communicate is that

the scope of work that we have with the contractor, the very first step is holding community focus groups that take the input of not only our internal stakeholders, but also our external stakeholders. So that's the first step in developing the recruitment plan. And I think important to recognize, and I agree with you, councilmember morrison, that we don't want to discount the work that's been done and the information and the history that we have. And we don't intend to do that.

Morrison: I appreciate that. Also, there was one other question that had arisen while we were discussing this, when I've been discussing this. This is solely focused on recruitment, but I wonder if you could talk a little bit about how that's different from hiring and what our plans for a successful hiring program. The recruitment process is going to provide -- they're really intermingled. If you have a successful recruitment process -- it is important that we are getting ready to revisit our entry level process in -- we're gearing up for that right now and according to check active bargaining agreement, we will be looking for a third-party vendor, and that's according to the agreement to lead us in developing an entry level process. The other process of that is if we had that successful entry level process and we don't have minority level applicant pool, it's not going to help us no matter what your process is whenever you have 3,000 people that come in to take the process and of those 3,000, 2500 are white males, it just stands to reason by sheer numbers alone that you're not going to improve your minority pool of firefighters in the austin fire department.

Morrison: And I understand we have a class coming up. Could you talk a little bit about timing and the plans for that class?

I'd be happy to. Our intent is to have a registered established or eligibility list established by november of this year with a class to start in january of 2011. That class would be at least 100 candidates. We currently have 58 vacancies in the austin fire department, and we project that by the time the class is graduating, which wouldn't be until june of 2011, if we started in january 2011, that there will be 100 vacancies. So those vacancies out there also create -- we have to backfill those vacancies using overtime, and if we delay our process by any significant amount of time, there's a cost of about additional \$300,000 in over time per month for each -- by early spring we'll be incurring those costs. So we are really on a really tight time schedule. We're really on an aggressive time schedule in order to start to fill those vacancy and get the cadet classes going.

Morrison: Can you talk about what the impact would be if we're talking about delaying actual approval and thus starting this contract for a month?

I think that if we just -- it pushes everything back a month, the cost would be an additional \$300,000 per month.

Morrison: But would it push everything back for a month? That's the question.

If we delayed the start of this for a month, yes, because the time frame in here was to start the process with the contractor -- actually, it was the end of march. So we're a few steps behind. It takes about -- normally it about seven months to do the whole recruitment process, and get to the hiring process and

then the hiring process is about a six-month ordeal as well. Because the testing process, then there's the physical ability test, which has a 12-week or three-month prerequisite on the front of it. They'll start building in all those time frames, so the class wouldn't start until -- once we start recruiting until the time that we're starting cadet class, you know, could be as long as 13 months. Now, we're trying to be more aggressive and narrow that down so we can start our cadet class in January of 2011.

Morrison: So you would add all this up to be 13 months, but you're cutting it back to be, as you planned it here, to seven, eight months.

Right.

Morrison: Okay --

it's really tight time schedule. We've got to get out there.

Morrison: Right. Okay. And I appreciate that and I appreciate your leadership in this and I think that it's really going to be taking us to a new realm of being able to have the diversity, great improvements in diversity.

Thank you.

Morrison: And back just to one other thing. I just want to make sure I'm on the same page and understand this. This is about recruitment. The hiring process, you're expecting to go out and do for a third-party vendor to be preparing that.

That's correct.

Morrison: Do you have an idea of how much that's going to cost?

I do not have any idea how much the particular contract would cost. In the past we have used third-party vendors to prepare the test. And the whole entire process is quite costly to hire people because, I mentioned earlier about the candidate physical ability testing and it's labor intensive cialtion that 12 weeks prior to it allows candidates to practice. We work with a system of our candidates and a program called firepower, which is some strength training and it's training up for the test itself, staffing time. It could be as much as \$500,000 for the whole process.

Morrison: And we're looking at \$280,000, right, for the first year of this contract, of the recruiting contract.

The actual cost is for 18 months and the contract with the vendor for the services that they're going to provide is 130,000. The additional 150,000 we're asking you to authorize us to spend up to 150,000, and that would be for our marketing, for air time, advertising, maybe ad time on a tv program, billboards, whatever, web design for facebook or whatever the recruiting strategist is able to tell us. They're the

experts. I kind of make the analogy of that we are going to learn how to fish so that we can continue this program and we can continue to build on the program as we move forward. And I think one other comment that I would like to make is that we are willing -- no, would actually welcome the fact that we can share what we and we can share what we learn with and any of the other agencies, some of our databases that we will acquire as we go through this whole process. In fact, chief as vai do said to me earlier, he said, you know, why don't we share this with you? And I'm like, absolutely.

Morrison: One last question, I promise. That is, in terms of -- can you help me provide some context for how we figure out a monetary figure like \$150,000 for the marketing? Is that like analogous to something, some other program that we've done? How do we know it's 150 instead of 400,000 versus 50,000? Do we have some guidance on that?

I believe that it was based upon past history and some of the dollars that we had spent previously. And again, it's up to 150,000. I mean, certainly I'm sure that, you know, 400,000 would buy us glitzier ads and more time, but if we can do it in a 50,000-dollar price range, that's all we would spend.

That's good. I do appreciate your work on this, a and I want to go forward with the motion.

Leffingwell: We do have a speaker.

Morrison: Okay.

Leffingwell: And I've got another question first. We're throwing these numbers out here, 280,000, 150,000. But what the actual item obligates for this provision, for recruitment, is \$780,000, correct?

It could be up to 780,000 if we agree to execute additional --

Leffingwell: What i asked is what the item authorizes is # \$80,000.

Up to \$780,000. If we execute the additional agreement each year, which we would not do if it were not successful.

Leffingwell: Well, that's extra information. I asked you if it authorized up to \$780,000, and the answer is yes. That's what this item does.

That's correct, sir.

Leffingwell: Yeah. In addition to that, in addition to that, we know that there's going to be another consultant hired for the hiring process. In fact, that's in the contract, isn't it?

Yes, it is, sir. The third-party vendor.

Leffingwell: And when do you anticipate that coming forward? And I just heard councilmember morrison

ask you how much that would be for an estimate, but you didn't have one?

I think the answer to the question was it could be as much as \$500,000 for the entire entry level process. And I don't have an answer as to what vendor may charge us to do the testing process, which is what we would hire them to do.

Leffingwell: Okay. Councilmember shade.

Shade: I'm just curious about is it possible for this item to be -- for it to be an 18-month contract with no extensions and would that still work for the purposes of what you're trying to achieve? In other words, it would be within 18 months over you would have to come back to council for any extensions or further? Would that subject the -- have any problems?

No. Eye be happy to offer that up. We asked for the 18 months, which is initial 130,000 for the basic services, and then up to 150,000 for the advertising. And that if we want to extend that, it's not an automatic extension, we come back to council for authorization.

Shade: Okay. That's good to consider. Thank you.

Leffingwell: Councilmember spelman.

Spelman: The mayor asks a question a few months ago, but I don't think he asked it of you. I wanted to give you an opportunity to answer it. You're suggesting that this 18 month contract with options to extend downstream is going to teach us how to fish. Why don't we now know how to fish?

Because what we have done is we have relied upon firefighters to develop a strategy on how best to recruit, where are our target markets. And we've hired these firefighters to be firefighters, not recruiters. So we are asking for their expertise to develop the plan, develop the strategies, and teach us how to be that top level, top-notch recruiter.

Spelman: I don't know the individual firefighters we have in mind, but I know a fair amount of austin firefighters, and as a group they're intelligent, well motivated, very well intentioned folks. I'm guessing that's probably true of these guys. So we're talking about a group of intelligent, well motivated, well intentioned folks who know how to be good firefighters, but don't know how to be good recruiters yet.

That's exactly what has happened. And absolutely, every single one of those individuals that has worked hard at recruiting has done so with the very best intentions, trying as hard as they can. Have tried to get some additional training and some background and some information, but just have not had that top-notch, top level help in getting where we need to go. And we will use austin firefighters, uniformed firefighters, to do all the recruiting. And so we train up a cadre of folks that we can use at any time. And we intend to recruit -- we'll have to recruit heavy and hard for this first group because we're going to hire up to 1 people and maybe even more. But we want to keep our recruiting going year-

round.

Spelman: In your mind, chief, is there a viable alternative to get us to the diversity objectives we've all identified that we all agree with other than going to a third-party vendor and paying something like this kind of money for tuition and fishing?

You know, we have tried for 10 years without any significant results. And none of the individuals in the fire department -- none of us are experts in how do we recruit. How do we develop marketing. How do we develop ads? And none of us are really experts in identifying where those target markets may reside. So it's that kind of information that we will get from the experts, that's what they do.

Spelman: Hiring a marketing expert and advertising executives and something like that, that would be a more expensive option? It would not work so well?

I think that it would probably -- I'm not that versed in it, but I think that marketing and advertising is a pretty expensive venture, and they are going to help provide us their expertise in marketing and advertising for that \$130,000.

It just make more sense to do this as a third-party vendor than to hire somebody to do it in-house.

It appears to me it would. At least we are obligated to them for the 18 month contract. If we hired someone, then they're our employee and they stay with us forever.

Spelman: Mayor, with your permission I would like to ask former chief mcdonald a question.

Leffingwell: Sure.

Spelman: Michael, i know you were with the austin police department many years ago back before our diversity program and before the police department had gotten to where it is right now. We've had a conversation about this and I want to be sure I'm clear on the result of that conversation. It was your view when we talked about it a few days ago that it took the austin police department maybe a decade or so before it was able to get to point where it understood how to do this kind of recruiting, how to do this kind of hiring and get to the kind of gender and minority diversification goals that we're talking about for the fire department. Did I understand you correctly?

Yeah, that's correct. With the success that the police department has had it's hard to believe at one point they were where the fire department is now. Over a 15-year period we developed the recruiting department into what it is now, but early on we met some of the same challenges. Some of the people that we had in recruiting were well intended, but nevertheless it was not as effective. We also had resistance at the time from the union. Now we have a partnership with the unions and everything is -- everything is moving forward. But I think what was important in the conversation that I had with you is I emphasized that we did not arrive where we are at the police department overnight. Flipped a switch and they are doing as well as they are now. It took a lot of time and effort as tough and in some cases

controversial decisions that were made.

Spelman: The police department didn't go to a third-party vendor, tried to develop it themselves. And it took about 10 years before, through its own dwoapt, it was able to get to the point where it at right now?

We had some experts come in, but I don't want to characterize what we did at the police department as being the same thing as proposed today. We had to take a different approach. We didn't bring in a third party vendor to this extent, but there were other things that we had to do trie and do differently than we were egg doing in the past.

Spelman: So if sounds like we could do it the same way as the police department and it will take 10 or 15 years before we get to where we want to get or we could take this al tern testify approach that the chief is suggesting to get us to this point each in the next recruiting class in january of 2011.

That's correct. That's correct. And I guess one of the things I want to also build on with chief kerr was saying -- one of the other things that I wanted to build on as well is certainly we understand the expenditure that we're putting before council here. But you know, we have a short window here where the police department is in a position to hire probably more firefighters than they would normally get opportunity to hire because of the attrition that has taken place. And any prospects that we may have and any grant that would come forward that council would approve, this list would be whatever -- whatever eligibility list we would put together would be there for two years. So this is really a critical juncture that comes at that point. It comes at a time where some of the decisions that were made in 78 to '83 with the consent decree, many of the benefits from that we will be losing in the organization. So certainly we would like to take a little bit more time and flesh some of this out. And the bottom line is i wish we had more time, but he really feel this is at a critical juncture with the expenditure that we put in to agreeing to the collective bargaining contract that we have now. For a lot of reasons, that's why we think it's so important and we want to do everything we can and know we've made our best effort to tap into the different markets out there. And try to maybe even take advantage of some of the other cities that have met misfortune with having to layoff firefighters, how we best get them to relocate here. So often I think people think in recruiting that it all about just saying that you have job opportunities and come. And it's much, much more. Particularly for different groups that aren't familiar with the austin area or texas, and they have to uproot their family. It takes a real effort to market and say this is why you should make austin home.

Leffingwell: So dwrrur saying it's difficult to find people and take these firefighter jobs here in austin, texas at the highest paid fire department in the state of texas?

No, sir, that's not what I'm saying. Historically you will have as many as 3,000 people show up, but if you want to achieve some of the goals we're wanting to achieve and assure that you're representative of the community, I think it is going to take additional effort to diversify that pool.

Leffingwell: Have we taken advantage of that yet? I'm not an expert at recruiting, but it seems to me like

it would be a very simple matter to identify cities where firefighters have been laid off and where there is good diversity within those laid off populations and contact them. Have we tried that yet?

No. We plan to do so, but no, sir, we haven't tried it yet.

Leffingwell: But that is an additional tool that's available as a result of this last contract.

That's correct.

Leffingwell: I have one more question. It seems to me that it been has been fairly well diversified. Is that more or less correct?

No. Well, I would -- yes, probably closer to like 15, yes, sir. Close to 20 years, yes.

Leffingwell: You said it took awhile to achieve that diversity. My feeling is that 15 years ago there was a big difference in attitudes, there was a big difference in the city's, shall we say, dedication to achieving diversity. And yet we did it and we for 15 years. And it's worked successfully. And today they have a recruiting process that reaches out and creates -- continues to nourish that diverse police force. So why can't we use what other departments within our city -- I mean, we all work for the same city. Why can't we work with these other feeks to find out what they know that the fire department needs to know and not take all that time to change their process, to change hearts and minds, so to speak, build on what they've learned instead of trying to reinvent the wheel?

I tell you, one of the things that I have come to understand, certainly being in charge of public safety for the last several years and background with law enforcement, is that although there are a lot of similarities, there are a lot of differences as well. I can't tell you all the details that goes into making someone make the decision to relocate here and become a firefighter. But I can say that even in your best intentions there can be things that you're doing to miss the mark. I'll give an example with the police department years ago back during 20 years ago, I recruited getting out there. They were selling the fact that we were -- that they were -- that this was a good community, well paid, but certain things that we needed to hit upon. Everything -- everything from off-duty employment to the cost of homes or what is it -- the opportunities and school systems. There are a lot of other things that folks take into consideration, particularly those that aren't familiar with this area, that we were missing the mark on. So we had to retool and change some of that.

Leffingwell: Well, let and let's just say there's one city department that's been achieving our goals for a number of years, and they know how to do it and there's another department over here that hasn't achieved those goals and doesn't know how to do it. I just don't see why there can't be some cross pollenization between two departments of the same city.

And there will be. I mean, chief kerr and chief acevedo have been in contact and certainly we'll take advantage of whether it's the police department or our own central hr to help along those lines. It's just that we certainly believe that -- particularly in targeting those markets -- and maybe over time, because

over time the officers became great recruiters. What I'm saying, mayor, is it didn't occur right now. And with the window that we have here it would just help us to have that benefit of an expert marketer to help it.

Leffingwell: I think the more difficult part of this is not going to be in recruiting at all, it's going to be in the hiring process. And the contract not only allows it, practically mandates that you seek help in that hiring process once you've got this pool of people, converting them into a.f.d. cadets. And so we have these two things. We have new tools as a result of the new contract that we negotiated for as a city and paid money for, and we've got the same kind of knowledge in other departments of the city. I'm just at a loss to find out why we can't -- why we can't allow -- try these things and that we've already worked on them to see how they're going to work before we spend \$780,000 on a contract with an outside party. That's all I've got. Councilmember cole.

Cole: Thank you. I have like a couple of questions and a few statements. The first statement is I am well aware in this city of the issues we've had with our public safety departments in terms of diversity and recruitment. And of course, I could talk ad nauseam about the african-american situation, but I want to totally set that aside because I think right now we have a particularly egregious problem with our hiring of female firefighters and their promotion. And there has been several well-known, documented situations with female firefighters and very eg circumstances in the fire department. Because of that I respect chief kerr's courage to come before this council and ask us to take a new approach so that we make a difference. And there is no question that this council is very committed to diversity goals by there is always a question where we make those commitments that we'll put our money where our mouth is. So I feel like each saying that that we need to be fiscally sponl and that public safety ranks just as high on the citizens of austin's list as transportation. There's just no question about that. And when we talk about diversity in public safety, that's not just a lofty goal, that affects people's lives. In both the police department and the fire department. We have numerous cases that we have had to consider lawsuits and settlements that way exceed the numbers that we're looking at right now. I'm particularly disturbed that we are on such a tight time leash because I do respect going through the process and talking to but chief kerr, your testimony about it costing \$300 to delay, i would like for you to -- \$300,000 for it to delay, i would like for you to reiterate it slower so that we all get that.

Certainly. By late spring we'll have approximately -- we project we'll have approximately 100 vacancies. And if there is not people out there to fill those positions, then in order to keep our unit staffed up as we have agreed to do and as we planned to do, we have to use added time or overtime. So there would be an additional cost of about \$300,000 per month starting in the spring. So the longer we delay getting those folks that are in class out on the street and prying fire trucks, then that additional \$300,000 in over time will continue to add up. We're going to start to pay that kind of overtime come late spring. And the firefighters won't be graduating until june, that's if they're -- the traditional entry level class, they'll be graduating in june, which is six months, if we start in january. So if we delay that class just, say, a month, they won't get out until july. That's an additional month where we'll be paying that additional \$300,000 to keep our unit staffed.

Cole: Okay. So what I gather from what you just said intaiskly this is not an exact science, especially

once we make the leap that we're going outside to get some help.

That's correct.

Cole: So to me I am concerned about the issue that mayor leffingwell brought up about the additional potential \$500,000 to move in to phase 2. And also the additional extensions, because I would like more assurance that we're actually getting something for our money before we continued to authorize the expenditure of it. A and I also recognize that just because the police department was able to achieve certain diversity results, that doesn't mean that the fire department is going to be able to do that any more than it means -- because the water utilities achieves certain diversity results, that austin energy will be able to do the same thing. So because of that, I know we have a speaker, but I do intend to make the motion, which I think councilmember shade asked you earlier that you would be okay with, but I just want to verify that, that we authorize the award, negotiation and execution for only the 18 month period and then you actually have to come back before council and we see what we have and we have only optional the contract portion dealing with the hiring portion of what we're going to do. Does that work?

That absolutely works. Anything that we can do to make sure that we move forward and that our primary goal is always the service to our citizens. And by improving that, I'm absolutely fine with that. And in that first 18 months when we come back to take an extension, I would only do it because we have demonstrated success.

Cole: Thank you.

Leffingwell: Any more comments before we go to our speaker. I don't even know if he's here. Morris priest? Not in the chamber. So now we have zero speakers. The floor is open. Mayor pro tem?

Martinez: Mayor, I just wanted to make a couple of comment. I'm glad to see that the african-american firefighters are in support of this. As of yesterday they were certainly supportive, as councilmember cole mentioned, they were supportive of something taking place, as we all are. I think we all acknowledge the issues that we face in diverse phiing the fire department, but they were not supportive of necessarily this being the right thing. But I'm glad they're on board. We still have work to do because the hispanic firefighters and the local 975 firefighters, also still have some questions and have some concerns. So I think there's still time to have more input and get everybody on board. I don't think you're going to have 100% agreement all the time, and I'm not trying to achieve that. But we need to have our stakeholder groups in support of moving forward with an item like this. And having the knowledge behind that support to know what it is that we're buying in this third party vendor contract. I don't know if this is going to be the solution. And quite frankly, I have concerns about an expenditure like this. But I also know that we can't not do anything. And we have new tools in this contract that I think are going to prove to be very successful. The one specific tool about hiring precertified firefighters is one that had a tremendous impact on the police department 15 years ago. When we started meet and confer, we couldn't get to that point. For some reason we weren't able to get consensus on whether or not that was the right thing to do. I'm glad we finally have gotten there 15 years later under this collective bargaining agreement. I think that's going to prove to be huge. What I would like to do is make a motion that we authorize

negotiations, but that we -- with the direction that local 975 and the hispanic firefighter and african-american firefighters remain at the table with -- during the negotiations to get the questions to their -- the answers to their questions that still remain. And that it go to the public safety taskforce at the next available meeting for public input and then be brought back to council for authorization. And that's my motion, mayor.

Mayor Leffingwell: Motion by the mayor pro tem. Is there a second?

Morrison: I'd like to second it with a clarification.

Leffingwell: Second by councilmember morrison.

Morrison: When you say in terms of the process for including the folks in the discussion and getting their questions answered, it would be my understanding that the chief would be getting input and feedback from these folks as the negotiations get finalized.

Martinez: The other thing I would like to try to do, I don't know that we can do it, but before it comes back for complete sue execution, I would like to get as much information about what the cost is going to be for this next third-party vendor that we know we're going to have to hire to run the hiring process. That to me is also a critical component of how much money we're spending on this process. So I'd like to try to get that information before it comes back to us as well.

Leffingwell: Motion and a second. Is there further discussion? Councilmember spelman.

Spelman: I would like to ask a question of chief mcdonald if I could. Either one. Whoever goes to public safety commission meetings, if we were to pass this motion, then we would have to go through a public safety commission meeting before it would come back. When would the eitherriest date that the execution could come back to the council?

I don't think that would be until the sec meeting in may for -- second meeting in may for council. The public safety commission meets on the first mupped of the month. They just met the first monday. Do I have that right?

Spelman: So the 13th of may? Okay. That's more or less a month from now.

That's correct.

Spelman: Given the metric you were giving us a few minutes ago, that would push back the date of that class from january to february and the date of graduation from june to july. And the cost of # hundred \$300,000. Am I right?

That's correct.

Spelman: So the fiscal cost of this motion before us would be # hundred \$300,000?

That's correct.

Spelman: Cost of the item is only \$280,000.

It's the cost of the basic services. I want to make sure it's up to 150 for the advertising and marketing.

Spelman: And the first faces of the current scope of work that is outlined by the contractor that you would be negotiating with was to do what mayor pro tem martinez was suggesting we do in advance of executing the contract and at the same time of taking it to the public safety commission, the same stuff. But that would be actually after execution of the contract rather than prior to execution of the contract.

That's correct.

Spelman: Okay. Seems to me, mayor, we're accomplishing the same thing by executing this contract immediately, but saving us \$300,000. I'll be opposing the motion.

Leffingwell: Mayor pro tem.

Martinez:, I WANT TO Point out that the 300,000-dollar number is a guess. It's not a fact. We met and talked about the time lines. The time lines were to get -- in fact, you said that the plan is already done. We just need to execute. That's what you guys told me. It's done. You've already talked about the vendor. So what I'm trying to accomplish is getting everybody on board with the answers to their questions. Told me also when we met that your training time frame for recruiters would be mid summer, july and august, and ramp up the recruiting process in the fall to have the class start in january. Is that not what we discussed?

The actual timeline, the plan has to be developed from the recruiter. Again, like I said, the first step is getting thain put again from our stakeholders, having those focus group meetings. Then the plan is to have that complete completed and we start executing. And we have to still collect -- get all of our recruiters, get them trained and then get them out starting to execute that. Our plan is to have a list, a registered to hire from by the end of november. So to start a class -- again, by the beginning of november if we have a register, we still have that time frame in front of it in order to even start the class. So if the class starts in january, it will be six months.

Martinez: Correct.

I guess to answer your question, what we're saying is regardless of what day we start, what the chief has narrowed this down to is we think it will take us about seven months. So it depends on the reason we're coming up with this number on the tail end of 300 is if you start a month later, unless you do something to where you can trim this down any further, which we don't think we can do, that's why there

will be additional cost.

Right. It's an estimate, it's a guess. It is possible that we could send this to the public safety commission -- public safety commission and get the other associations on board and come back on May 13th and still start a class in January. Is that not possible? Possible?

I think that -- I have to have Byron come up. I think because of the way we post now, the earliest the public safety commission is going to meet is the beginning of May, so I believe the earliest we could bring it back to you is the 22nd.

Martinez: 13th. We can post it right now that it will be back on May 13th. It doesn't have to have approval from the public safety commission, it just has to go through them. We can post it today for May 13th.

If that's the desire. The May 22nd date was so that we could take the input from the meeting, the first of May, the first Monday in May, and then incorporate that into the contract and bring that back if the idea was a fully executable contract. So we would want to have that by the time we published it. So that would bring it to the 22nd. So other than that we would not have a fully executable document ready for you to publish by that target. It would be two weeks in advance.

Martinez: Don't you have a fully executable document today?

If there's any changes.

Martinez: Right. And I don't think anyone has given direction for changes. All we're saying is let's have some more conversation so that folks can get -- we can get the answers to the question.

The answer is yes, sir, we can put whatever you want to do. We just put that time frame in there in case there was input or changes so that we would make sure that we put that in there.

Martinez: Right. Thank you.

Leffingwell: Just to put it out there, are we losing \$300,000 by not starting the class in December instead of January? Or how about November, losing \$600,000?

Mayor, I'm not sure I understood the question. Can you repeat it or can I -- I can ask for some assistance?

Mayor Leffingwell: You said every month delay costs us \$300,000.

That's correct.

Leffingwell: If we started it in december, instead we would save \$300,000?

It would be one less month that you're spending an additional 300,000. We're not saving it. It's an additional 300,000. Because there's -- vacancies are accumulating and so the vacancies that are out there, there aren't the people to fill the seats.

Mayor Leffingwell: I'll leave that as your answer. Let me just say that I think the 300,000-dollar number, with me, does not resonate whatsoever. Councilmember shade.

Shade: Well, I guess to clarify what mayor pro tem just said, the idea would be that the contract wouldn't change, but questions -- but questions would be answered.

Martinez: Correct.

Shade: So I don't really see the benefit of that. I want to say that when i saw this on the agenda, i have the first instinct not to like outside consultants, especially when you look at this organization and you wonder why we wouldn't have the capacity on do it in-house. So I started out pretty on the fepts or negative towards this idea, but the more I've dug into it, the more that I recognize how hard it is to achieve the kind of culture change that we're talking about here in terms of the way we approach recruiting. And when I lerp more about had to go through, it resonated with me. I also talked to firefighters who were not part of recruiting, and got their perspective on it. We have an association president who is extremely focused on operations and i think very open to this idea. I think the questions that need to be answered as part of the process, but it never comfortable to have an outsider come in and give tough medicine, which is what I think we're going to be doing. This firm has a very strong reputation internationally, and general, my inclination about consultants is based on two things. One, that I've been a consultant before, and know how you pitch jobs as a consultant. And I've been a business owner who has had limited resources and has struggled sometimes with when do you need outside help and when should you do it in-house. The time that it makes the most sense to hire an outside consultant, in my opinion, is one where you have sort of a unique situation, a small window of opportunity, a discrete project with specific outcomes that to be accomplished, and that the outside objectivity is important. And it's again a discrete period of time. And we do have this unique window because of the contract that we were able to achieve just recently. We also might get this grant where we would need even more firefighters recruited, which I'm anxiously waiting for results on. So in my opinion worry in a pretty important point of inflection right now as a city with respect to how we recruit firefighters. I'm anxious to get more on the street and fill these vacancies. Appeared I think it will never be easy to have an outsider come in and help. I welcome the opportunity to do that. I don't see the benefit if we end up executing the same contract, I would hope that more stakeholders are involved than they have been to this point. I would like to make a substitute motion along the lines that councilmember cole suggested, which is that we do a 280,000-dollar contract, limit it only to the 18 months, and nothing else. And with direction that stakeholders are actively involved as we move forward. Which they would have to be or this would fail.

Cole: I'll second that.

Leffingwell: Motion by councilmember shade, seconded by councilmember cole. Any discussion of the substitute motion?

Martinez: Mayor, I just want to make one clarifying point on when you have vacancies and you're filling with overtime, if there are 100 firefighters vacant, the estimate is that for a month's salary it would cost \$300,000. But what is not being said is there is vacancy savings and it's actually cheaper to pay overtime than it is to hire a firefighter because you don't double up on benefit. So yes, it may cost us \$100,000 per month for every month delay, but when there is vacancies, we're not paying those salaries and those benefits, so there is no cost. In fact, there's a savings. Because you're paying to fill those positions through overtime.

Mayor Leffingwell: Councilmember spelman.

Spelman: It appeared as though a member of the fire department wanted to discuss that. Actually, a member of the fiscal staff wanted to discuss that.

Just a clarification on the motion. Is your motion to approve the initial amount and then have the extensions come back to council or to limit the extensions entirely?

Shade: I would eliminate the extensions entirely. You can always put out a new bid if we need additional help.

Just trying to get clarity. The only thing is once you select a firm and you've gone through that process, you usually like to try and continue to them. We could change it so that each extension would come back to council instead of being approved and that way council has the authority to do whatever they want. I'm just -- shade shea i appreciate that. I'll accept that as a good staff suggestion given how our procurement process works. That's fine. Any extension would have to come back before council, whether or not it's one or four.

Mayor Leffingwell: Just for clarification. Your motion is exactly the same as what is posted, except for the fact that instead of the city manager authorizing the extensions, it would be the city council.

Shade: That's correct.

Mayor Leffingwell: That would be a \$ 80,000-dollar contract.

Shade: No, a 280,000-dollar contract.

Mayor Leffingwell: Right, but with the option by council to go up to 780.

Shade: That would be an option.

It would be a 280,000 with each extension individually to come back to council with their own award and their own authorization. So this would not authorize that spent captured, sir. -- Expenditure, sir.

Mayor Leffingwell: So what's the difference between authorizing a 280,000-dollar contract and coming back with new additions? What's the difference between that and this?

We're only committing to 280,000. There's no expectation that they could get any more without council approval. And each extension would then have to come to council for its own authorization.

Mayor Leffingwell: I guess I'm trying to ask what the benefit is.

The benefit of having the extension option is that we don't have to go through the procurement process, we don't have to look at selecting. You have the continuity of working with a firm that you've already established rapport with and then you don't have to look at trying to train the existing staff to work with a new firm. You get some synergism in there.

Shade: Let me say that I hope there aren't any need for extensions because I believe that consulting projects should be for a discrete project and an 18 month project, given point of inflection that we are at with this current contract for recruiting certified firefighters from other cities is in front of us right now. And so the only reason why I'm agreeing to leave the extensions in there is of the fact that if there was need to extend even for any little additional amount of time that it would have to come back to council without it having to be rebid, which also costs a lot of money, if you want to extend to three months down the road, it would be much more sensible not to have to go through an entirely new process, so I'm taking pie in the sky and this is the only reason I'm agreeing to it I hope strongly that there wouldn't be a need for that. I also want to point out that one of the things that also factored into my thinking on this is that it does cost money also to take time, not disputing the \$300,000 a month, taking it off the table, but it takes a lot of staff time to go before a board and commission. It takes a lot of time from our association members and all the other people who are involved with this process. I'd rather them be focused on getting the work done that's part of the contract on time than continuing to debate this particular contract. I would much rather see them working towards the goal of getting recruitment into a better place than it was in the past. A line given to me is the idea that this has become an idea between good and very good. The good thing is that it sounds like people will be working together, whether it's because of the contract or in anticipation of a contract that is going to occur.

Mayor Leffingwell: Let me just say first and I'm going to be opposing the substitute. Sometimes public process is a little onerous. Sometimes, quite frankly, I think we might have too much of it on occasion. But this substitute motion completely eliminates any kind of process. It eliminates going to the public safety commission, it eliminates the stakeholder process that was identified in the main motion. And so for that reason I'm going to oppose the substitute and if we get to support the main. Councilmember Cole.

Cole: I want to say that I am supporting coming back to council for the extensions because I think that is when we get a report of how we're doing. And that it not just about the commitment of the funds, even though that is significant. The question is are we making a difference. And that we approach this with the same disciplines, sincerity as we do water conservation. Decide what we're going to do based on the results that we anticipated and the same way we had a detailed discussion about climate presentation. What are the carbon emissions? Are we making a difference? And as soon as you know, even after you may not have spent the 280,000, maybe after the first phase or the 130 or you sit down and talk to a couple of people that this is not going to work, then deauthorize this money. This is about just giving you a chance to do what we told you we wanted you to do.

Mayor Leffingwell: Councilmember Riley.

Riley: I am going to be supporting the motion, student motion, which is essentially authorizing us paying \$130,000 to buy some expertise to help us with minority recruitment. And that seems like a reasonable amount. And given the scale of the problem that this issue has presented for the whole community in the past. It is a very difficult problem and it's one that can make many years to address adequately, and if we can make real progress for that amount, then I think it will be worth it. I do think when it comes back to us in 18 months, that if there is a request for a renewal of a contract, we will need to see some very significant results. I'm not even sure that the council will be inclined to renew at that point because our hope is that we can make enough progress in learning how to fish over the next 18 months that we will be able to take it from there. But in any event we do expect -- we will be looking carefully to see what has been achieved over the course of the next 18 months. I am very sensitive to the concern about getting stakeholders involved in this. And if it weren't for the price tag associated with the delay, I would certainly support bringing this before the public safety commission. I wonder if there is a possibility of further communications, even based on the action we take today, is there a way that we could go ahead and have a stakeholder process that involves some more communication? And I know that when I spoke with representatives from the association about this matter, my sense was that there was an incomplete understanding about what we were getting out of -- going to get out of this contract. It seems that some more communication would really be helpful even if we do approve execution of the contract today.

Let me say that we will increase our efforts to be more inclusive. We will make sure that we have engaged participation and I promise that we will do that and we will also bring back a report to council on how we're doing. We'll give you a report card on how we're doing. And I too am hopeful that after the 18 months that we really have learned how to fish and we can carry that forward ourselves.

Riley: If I could, chief. In connection with that same report, I'm going to be interested to hear the extent to which we have succeeded in changing our -- engaging our own stakeholders and benefitting from any statements that they may wish to share with respect to how this process can be done.

Happy to do that.

Col I CONSIDER That a friendly amendment?

Mayor Leffingwell: Consider what a friendly amendment? What was your friendly amendment? I didn't hear the term.

Riley: It was a request that the department continue to have conversations with stakeholders and that when we get reports back on progress on the contract that we also hear progress on the communications with our own stakeholders.

Mayor Leffingwell: Added direction to the substitute motion, agreed to by the maker and the second. Councilmember cole.

Shade: As maker of the motion, I support that. I want to point out that is a large part of what this contract is supposed to achieve if it isn't happening, then we are not getting our money's worth.

Mayor Leffingwell: Before we vote, just for clarification, councilmember riley said we're approving 130,000. Is that the correct number that we're approving today in total?

Riley: No, mayor.

Byron johnson. What he was stating is that there were two components to the 280,000. 130,000 is a direct expenditure by the company and the 150,000 is an expenditure for advertising that is not a firm set. We don't spend it until it is done, so it's a 280,000-dollar contract, but 130 was directly to the company's expenses and that's what I --

Mayor Leffingwell: So the motion's authorization is 280,000.

Yes, sir.

Riley: Mayor, if I could clarify. If we did embark on doing this ourselves, we would still need to incur some hard costs in terms of advertising and placing ads and so on. The 150,000-dollar component is simply up to \$150,000 of expenses like those, the types of expenses we would be incurring anyway. The 130,000 is the amount we for the expert fees that these consultants will be offering. That's really the question on the table to me.

Mayor Leffingwell: I understand that's speculation, but it would also require another item to authorize that 150,000 or whatever the number was for marketing. So all I'm saying is what we're authorizing today is 280,000 in total. All in favor of the motion, say aye.

Aye.

Mayor Leffingwell: Any opposed?

No.

Mayor Leffingwell: No? Passes on a vote -- substitute motion passes on a vote of 4-3. So that being behind us, we will go on to item 32. Item number 32 was pulled for speakers. I think the first speaker is richard (indiscernible). I'm going on memory here because my computer is not working, but I believe you had signed up and you had someone donating you three minutes.

I did. And felicia who is here, but now she would like to speak.

You have up to six months.

My name is richard troxell, president of house the homeless. Councilmembers, good to see you. We are here today to report some of the results of the house the homeless january 1st health survey that we conducted at our ninth annual thermal underwear drive. We interviewed 501 people experiencing homelessness. Of those, 408 were men, 85 were women, eight reported themselves to be transgender. Average age was 45. Average years in austin, 14. Again, 50 world cup people. We asked them -- 501 people. We asked them about specific ailments, asked them if they were experiencing high blood pressure. 208 Of them we indicating they were. 84 Of them said they were experiencing diabetes. Of those, 16 were type one requiring insulin. 123 Said they had arthritis. 10 Said they had aids or hiv and 45 were experiencing ongoing seizures. We asked if anyone had any brain injuries and 83 people reported that was something they were experiencing. We also asked them did they have cancer. And again, 83 people reported they did have some type of cancer, which included prostate cancer where six people reported that.

(Indiscernible).

And three people report that they are experiencing liver cancer.

In addition, testicular cancer.

Bone cancer.

Kidney cancer.

Colon cancer.

Lymphomas.

Thyroid cancer.

Pancreatic cancer.

And hodgkins disease. We asked them if there were any diseases or conditions that were of a serious

nature. 21 People reported that they were experiencing debilitating chronic back pain.

Debilitating chronic knee pain.

11 People reported copd.

Asthma.

Eight, generalized pain, four.

Fibromyalgia, four.

Metal plates in their ankles.

Hypoglycemic.

Stroke.

Sciatica. Emphysema.

Heart problems.

Heart disease.

Intestinal hernia.

Gerd.

Newer open think. -- Neuropathy.

Severe hearing loss.

Eye injury. Degenre active joint disease.

Degenerative joint disease.

Glaucoma.

Scoliosis.

Neurological disorder.

We also asked them what other serious disease or conditions. > Apnea.

Hyper thyroid condition.

Graves disease.

Pregnant.

Walking pneumonia.

Cirrhosis.

Dizziness.

Bad feet due to circulation.

Arterial sclerosis.

Irritable bowel syndrome.

Muscle control loss.

Kidney disease.

Degenerative rheumatoid arthritis.

Disk disease.

Phlebitis.

Standing and mobility issues.

Missing digits, food.

Tendonitis.

Entertain speeds.

Hip replacement.

Broken pelvis.

Help tight advertise b.

Pacemaker.

Heart murmur.

Faucet disease.

Totally blind in one eye.

Thyroid.

Gunshot wound to the head.

Degenerative active nerve disease. Parkinson's disease.

Chronic gastritis.

Osteoporosis.

Degenerative active heart disease.

Arm amputated. We asked them if any of these conditions kept them from working and out of the 501 questioned, 241, almost 50%, said yes, these health conditions were keeping them from working. We then asked them did they ever have to stop and rest when walking before they could continue? And 330 said they had to. Then we asked them have they ever needed to sit down and been unable to locate a bench so that they could sit down? And of the 501 interviewed, 472 or 94%, said they were unable to locate a bench. Therefore whereas 501 people experiencing homelessness were surveyed exposing the fact that 241 of them have dire health conditions, severe enough to keep them from working, ranging from degenerative bone disease to chronic back pain and whereas 145 of them expressed severe shortness of breath and whereas 472 of the 501 surveyed stated they needed to sit down and yet were unable to locate a bench, we believe therefore that they should be permitted to sit down without fear of reprisal or of fear of being ticketed when presented any of the following documents or evidence which all require doctor participation. Beginning with a mobility impaired bus pass.

Documentation of medical care within the previous two week.

Do you mean notation of food stamp work health exception letter the.

Award letter from the social security administration for disability.

Documentation of receipt of active care within the previous two weeks.

A doctor's note of disability.

A letter of disability from doctors.

A letter of participation at the david powell clinic for people with hiv or aids.

A letter of participation from the community court for court ordered substance abuse treatment.

A letter of participation with the austin recovery center.

Evidence of participation in a physical or occupational therapy program.

Any person in a line to get health services.

Mayor Leffingwell: That was your time, mr. troxell. Please conclude.

Thank you, mr. mayor. In conclusion, any person using a cane, crutches or walker should be exempt and be permitted to sit. Thank you. The full survey can be found on our website at housethehomeless.org. Thank you so much.

Mayor Leffingwell: I have a question from the attorney.

It's my understanding that what this resolution is does is start the process to amend the current ordinance to allow more categories of people to sit -- sit or lie, I guess, I don't know which it is, on the benches.

Yes, it -- I'm sorry?

Mayor Leffingwell: There's three categories now of people that can -- are allowed to -- what's the proper term? Loiter?

Right now the code at 9414-e provides examples of seven exceptions to our prohibition on sitting or lying. And so it would look -- this resolution would allow a discussion of possible additional categories or expansion of what we already have in the code.

Mayor Leffingwell: Okay. troxell's discussion of even more than what's in the resolution, possibly in how that could be documented. Is it feasible for someone to have some type of identification that authorizes them to do this on a permanent or temporary basis so that other people who say may sit on a bench may have to vacate that bench or not be able to sit at it at all, benches similar to what you see on public transport a lot, these seats are reserved for people with disabilities, etcetera.

I'm not aware.

Mayor Leffingwell: You're not aware.

No. Off the top of my head I cannot give you an example of an additional category that would give the holder the right to replace a person already sitting in the place where that person wants to sit. Did I hear

your question correctly?

Mayor Leffingwell: I guess that's close enough. I'm trying to visualize how this is going to work. We're adding these additional categories of people who would be allowed to sit or lie, and how is that going to be -- how is that going to be enforced?

Well, you hit on a good point, which is this is not necessarily a legal discussion of who else is entitled to sit, but also a policy discussion of who would we like to give the right to sit. As far as enforcement, I don't know what the envisioned enforcement is for the expansion in part because we've not yet gone through the process of resolution. I think envisions of creating a list of new possible exceptions.

Mayor Leffingwell: How would an enforcement officer, say a policeman, for example, know whether a person was entitled or not under these conditions.

I don't know. I think in the most basic manner the face of the order ordinance would give a description of either certifications or something to that effect that would allow a person to show their compliance with the ordinance.

Mayor, if I might add, one issue that would be looked at is whether our code has changed to add these further exemptions. The ones that rely on official documentation there would be some discussion about whether the person had to have the do you meantation at the time of their encounter with law enforcement or whether it would be perhaps an affirmative defense to prosecution that they could later bring in official documentation showing that at the time of the alleged offense they in fact -- a federal agency said they were disabled or a doctor or hospital she had they were disabled. Those will be some of the things under direction from the council should this pass that we would look at.

Mayor Leffingwell: That makes sense. So it seems to me that one of the -- one thing that might help somewhat this problem of sitting or standing might be maybe since we have the city manager who works in that field would comment on the feasibility of additional benches, especially in the do you want area. The downtown area.

We would be more than happy to take a look at it. As a matter of fact, what we could do is we could certainly work very closely with our partners with daa since they do have a lot of jurisdiction in terms of the downtown area. And of course, other areas that this would apply to. But I think certainly working very closely with them. And we'll be more than happy to look at ways of addressing that issue.

Mayor Leffingwell: Good. I'm going to be supporting any motion to approve this item, but would like to suggest that we add direction to staff to explore that issue of additional benches as we develop the ordinance. So that's all the speakers that we have. Are there any more questions? Mayor pro tem.

Martinez: I wanted to add to your comment as the main sponsor of this motion, this resolution really just starts the ball rolling, asking for staff to come up with best possible recommendations. There are examples and suggestions listed in the resolve. David mentioned some. What we had discussed in our

meetings leading up to this resolution is if you -- if you seek services from the arch or some other nonprofit troxell's, that there could also be a registration process to have something that identifies you as containing one of the disabilities that is listed in the ordinance. If approached by an enforcement officer you could easily identify yourself as being in that provision in the ordinance when it finally done. Thank you, mayor.

Mayor Leffingwell: Motion for approval of the item. Mayor pro tem? And seconded by councilmember morrison. And friendly amendment to add that additional direction with regard to park benches accepted by the maker and the second. All in favor say aye? Any opposed? It passes on a vote of six 6 to zero with councilmember spelman off the dais. Correction, councilmember spelman votes aye. 00 zoning cases. Mr. guernsey.

Thank you, mayor and council. My name is greg guernsey, director of planning and development review department. I'd like to walk through our 00 consent items on your agenda. These are for the zoning ordinance and restrictive covenant items where the public hearings have been closed. First item I would like to offer for extent is item 41, case c-14-2009-107. This is to zone the property general office conditional overlay or go-co this is ready for consent. Item number 42 is case 814-01-0114.2. This is to zone the property planned unit development district zoning to change the condition of zone ning and this is ready for scept approval. That concludes this portion of the agenda I can offer for consent. Is there a motion to approve the consent agenda? Motion by councilmember morrison, seconded by councilmember spelman. Any discussion? All in favor say aye. Aye? Any opposed? Frt that passes by unanimous vote.

Thank you, mayor. Mayor and council, let me go on to the 2:00 items. These are zoning and neighborhood plan amendment items where the public hearings are open and there's possible action this evening. The first item I'd like to offer for consent is item number 43, case c-14-2009-0078 for the property on limerick avenue. This is to zone the property neighborhood commercial district southering. The staff is recommending a postponement of this item to your april 29th agenda. The commission will review this on april 20th. Item number 44 is case c-14-2009- this will be a discussion item. It was not recommended to you by the zoning and platting commission, and i believe you have one officer. Item 45, c 14-2009-0162. This is also a discussion item. We have speakers on this item as well. Item number 46 is case crown-2010-0001 for the property on moore's crossing boulevard. The applicant has requested an indefinite postponement of this item. There's no action required this evening. And a new notice would be required if we were to bring this back in the future. Item number 47 is case c-14-72-015 rca for the property located at 1517 east anderson lane. I understand that council may desire to postpone this item. We have been in contact with the agent of the owner and we understand that they are close to getting the signatures and they would not object to a postponement to the 29th given that council would like to consider additional information, I believe, in this case. Is that correct?

Mayor Leffingwell: News to me. Councilmember riley? Is that your request? [One moment, please, for change in captioners]

Mayor Leffingwell: So the consent agenda item for those we have yet to hold a public hearing, postpone

item 43, postpone indefinitely item 46, postpone until april 29th item 47, and to close the public hearing and approve on all three readings item number 48. Motion to approve? Motion to approve by councilmember spelman. Seconded by councilmember morrison. Discussion? All in favor aye. Opposed no. Passes on a vote of 7-0.

Thank you, mayor and council. Let me take you to your first discussion item, item number 44. This is the property located on albert road at 7201 to 7207 and 1407 matthews lane. This is in the neighborhood this is to rezone to standard single-family district. The property is at the corner of matthews and albert road. It sits on a tract of 16 acres of land. The adjacent properties to the east and west are residential uses zoned sf 2. To the north is sf-3 properties, used for duplexes and to the south are one to two-acre lots fronting along albert street that are used for residential. The property currently is on an undeveloped tract of land and was originally zoned for sf-1 co in 1999 with a conditional overlay that limits a number of driveway cuts to matthews lane to two. The zoning and platting commission's recommendation was to deny the staff recommendation of sf-2 co. The staff recommendation included a limitation on the number of driveways to matthews to 3:00. Limiting it to two driveways for single-family use and one for access to a drainage facility. There are several neighbors that have spoken in opposition to this and they are -- their comments are list understand the back of your packet. At this time I'll pause and if you have any questions, I'll be more than happy to answer them at this time.

Mayor Leffingwell: Questions for staff? Councilmember morrison.

Morrison: Could you talk a little about zap's recommendation?

I think there was concern about the access on to matthews and also in the past the lots that are further to the south along albert lane, it's a very kind of rural character. There's a lot of trees in this area and although this property would be developed under the current tree preservation ordinances, this part of austin has not changed much. There's a lot of wildlife, fauna that you would see further down albert. It's a very quiet street. It really hasn't changed much FROM THE 50s AND 60s WHEN A lot of this land was developed. These issues were brought forward by the people that went to the commission and that was considered by the commission.

Morrison: Are there any estimates you can give us on how many houses would be able to fit if it were sf-2 versus SF-1 WITH THE C Os? I know it's not necessarily a straightforward number.

I would want to pause and look at the tract.

Morrison: Especially the limit on the --

if you only had two driveway cuts on to matthews that would limit the number of driveways on matthews to probably only two houses that would actually face matthews and one with albert street. You might be able to get an additional lot that might also face albert street. The applicant, although i don't believe they actually have a subdivision application proposed and filed with my office at this time, might be able to

elaborate on the number of houses they contemplate in their presentation.

Morrison: Would there be a possibility of a configuration of sort of a cul-de-sac or private street through there so that the lots -- because it's quite a large lot and if we go to sf-2, is that a 57-50?

It's 57-50 is the min lot size. When you are dealing with lots under two acres and if you are trying to put a street in, that right-of-way would take up a great deal of land. Also you may have a situation where you might encounter more trees being removed if you tried to put in a cul-de-sac or a loop street through. So there would be an impact on -- sort of like on the character, I guess you could say, of the lot as opposed to trying to take access directly to Matthews, which is a collector street, and Albert, which is a local street.

Morrison: And also maybe you can confirm, it's my understanding there have been some discussions at Zap recently about concerns about flag lots in general. If I understand it right, it's specifically about fire safety and things like that.

I think there has been a concern with regards to fire safety by the zoning and platting commission. Basically where you have a house behind a house situation. It's come up more on lots that are further north, north of the river in the urban core where you might have an old lot in a central urban Austin neighborhood and they might be taking it from one lot into three lots, for instance, and there was concerns about that. But our fire department, you know, when they review plats, although that hasn't happened much in the past, I think they are looking at those issues now if the lots are actually being subdivide understand that manner. But it has not posed, as far as I know, an issue with firefighters trying to put out a blaze of a house behind another house.

Morrison: I think we've -- I'm sorry, I didn't mean to interrupt. Were you through?

Yes.

Morrison: I think through the discussion there was some very visible cases recently that I know some folks were contacting council and trying to get some guidance because of concerns about flag lots and safety and all. Is there any way when we do zoning to put conditions on a lot to prohibit a flag lot?

Well, this is first reading. We can certainly speak with our law department. You can certainly limit the number of units if that's a concern. That may address part of your question. That's within your purview, number of units per acre or total number of units. I'd have to think about how you -- because that's actually a requirement part of our subdivision regulations about the creation of the lot itself.

Morrison: Right. And I guess one of the things I want to be careful of is not to necessarily -- not to promote flag lots, and if we do, I want to think at least generally in terms of if we do approve a zoning, is it going to be promoting that or increasing the likelihood of more flag lots because I know they are problematic. So thank you.

Thank you.

Mayor Leffingwell: Any more questions of staff? We'll hear from the applicant's agent. Brent adams, is it?

My name is brent hammons.

Mayor Leffingwell: You will have five minutes.

To simply address the previous questions, I have a couple of layouts. Is there --

Mayor Leffingwell: We can do that.

The first layout is a black and white layout and that is a lot configuration based on the current sf 1 zoning. What we're showing is with the existing zoning we could get approximately -- or we can get seven lots on the property and there would be some flag lots on the rear lots in the back. The drive through the middle of the property is proposed to 00 social security drive. That meets all the -- access drive. That meets all the requirements for fire lane, 25-foot width, radius curvature and sight distance as it joins matthews lane and albert road. My client would likely restrict -- probably designate that as fire line and keep that clear for emergency vehicles only. The second sketch is -- the color sketch is a configuration that would show the development as a sf 2 development. Again, there are some flag lots and that would allow for a maximum of 11 lots on the tract. I'd like to also point out, you know, the property is surrounded on the north and the south sides -- I'm sorry, east and west sides by existing sf 2. Across matthews lane is existing sf-3. To the south is sf-1 that was recently changed, and immediately south of this subdivision, this street is a mobile home development as well. This lot configuration and any plat that my client would propose would continue to honor the restrictive covenant along albert road that has a 75-foot building setback. And kind of, you know, keeping that as the case, using that as a buffer for that neighborhood, you know, that we're not planning just to line houses up right up against the street like you see directly across the street. The houses and the driveways line the street. Because of that, we kind of see that, you know, this lot, unlike the other lots in the neighborhood, this lot where on the street where all this lot fronts matthews lane which is a commercial collector and therefore it should be treated differently than take interior lots that are large lots as well. One of the things, we're 100 yards from the train and that train is loud and it's somewhat detrimental when trying to build and market large single-family lots. You know, it kind of intimidates building environment. That's all I have. I'd be more than happy to answer any questions that y'all might have.

Mayor Leffingwell: Thank you. I don't have any other speakers signed up on this item number 44. Councilmember morrison.

Morrison: On that diagram you were showing us, I think you mentioned there was one flag lot?

There's two flag lots on the sf-1.

Morrison: Could you just point those out to us on each of the diagrams?

Can we switch the drawings back to the black and white drawing? The flag lots would be lot number 6, which is a flag lot that would flag and front albert road. And lot number 7 would also be a flag lot which would front matthews lane.

Morrison: Okay. And then the gray area you have drawn there is a private road so it would be a fire access.

Yes, ma'am.

Morrison: And then on sf-2?

The flag lots in this case are each of these lots in the rear of the property with the exception of this -- of this lot here.

Morrison: And the poles for each of those flag lots or all they the same pole?

Most of the poles are in the private -- private drive area. This would be a pole here. I have another sketch that shows just the lots without the green or trees if you would like me to pull that.

Morrison: I think I get it.

This lot has a flag that's along the southern property line.

Morrison: All right. So while they don't have access on to take public street, they have access on to a private street. So they would actually do their driveway off of the private street?

Yes, ma'am.

Morrison: Okay. Thank you.

Mayor Leffingwell: Anything else? The floor is open for discussion. Councilmember spelman.

Spelman: Mayor, is there somebody who could speak pore the fire department or from some of the at least safety agencies who could speak to the public safety aspects of the flag lot?

Mayor Leffingwell: I think they are all out having a drink.

Spelman: That's certainly what I would be doing. [Laughter]

Mayor Leffingwell: I don't know. We can ask. If there's a staffer from the fire department.

Councilmember spelman, it's not uncommon to have an internal private driveway. If this were, say,

zoned sf-6 and this were condominiums, you would have the minimum driveway and as long as it meant the interior turning radius uses, 25-foot inside, 50-foot outside, a fire truck could traverse the site and provide adequate protection. It's 150 feet to reach the structure so I think either one of these designs would probably address the issue of fire safety based on what I know during site plan review.

Spelman: By putting that internal driveway what they've done is cure the public fire safety.

I believe so.

Spelman: With that, mayor, I would vote approval of staff recommendation.

Mayor Leffingwell: Your motion is to close the public hearing and approve item 44 on first reading only. Is there a second?

May I ask a question, mayor.

Mayor Leffingwell: Let's get a second first. Seconded by councilmember morrison. Councilmember riley.

Riley: Greg, are there other concerns the zoning and platting commission had other than safety? I know a couple of the commissioners voted no. I wonder if --

I can go back. I don't have all the details of the exact discussion that occurred, but prior to second and third reading, I can certainly make that information available to you.

Riley: I think I will be ready to support this on first reading, but before second reading I would like some attention to the flag lot-related concerns voiced at zoning and platting commission. And I'd like to see if there is anything we could do in the ordinance that would address those concerns.

Okay. Very good.

Mayor Leffingwell: There is a firefighter here now if you would like to reiterate your question if you are not satisfied. You are good?

Riley: Greg did a fine job.

Mayor Leffingwell: Councilmember morrison.

Morrison: This is actually for Mr. Guernsey. I wonder if you could also between first and second reading - it's really sort of an offshoot of what councilmember Riley said perhaps, look into the possibility of, for instance, requiring an internal drive if there are flag zones because one of the things that makes us at peace with this is there are alternatives to just a straight pull and --

you mean a circulating and not a dead end.

Morrison: Right.

Mayor Leffingwell: Motion on the table. Further discussion? All in favor say aye. Any opposed? Passes on first reading only on a vote of 7-0. And that brings us to item 45.

That's correct. Mayor and council, item 45 is case c 14-2009-0162, for the property located at 11902 north interstate highway 35 service road southbound. This is for the aaa limousine company. The request is to change zoning on that property from limited office or lo district zoning to community commercial conditional overlay or gr-co combined district zoning. The property is an auto rental facility and specifically that rents for limousine-type services to the public. The zoning and platting commission's recommendation was to approve. The staff recommendation with several conditions, one that the auto rental be the only permitted gr use and allow other lr uses on the property. That there be no 24-hour uses permitted to site. There's a 25-foot vegetative buffer be provided along the western property line, and this would be adjacent to the existing single-family neighborhood. That the placement of new trees be placed in the 25-foot vegetative buffer as recommended by the city arborist and that there are tree preservation or tree wells for the preservation of trees to site that would be basically removing asphalt or pavement within the drip line of these existing trees. The applicant has -- had conversations with our city arborist and has agreed to some additional conditions that would modify the commission's recommendations, and those would be to include to establish a natural buffer a minimum of eight ever green or class 1 or 2 trees that are utility compatible trees that are established along the entire western perimeter of the property. And to enhance the care and learning jevity of the large oaks located in the middle of the lot a natural 10-foot radius be established and maintain along the northern and eastern portion from the tree trunks. Additionally that the natural buffer is extended to the property lines on the southern and western portions from these tree trunks. And in the situation where 10-foot buffer is allowed to be encroached upon, it's limited to no canopy and root zone impacts that would be allowed. Example would be an area used for sidewalks or parking spaces. And so these would be modifications to the zoning and platting commission's recommendation that the owner has agreed to. Also the owner in talking with my staff spoke to the 24-hour issue that their hours would to probably 8:00 a.m. That they would be closed -- normal office hours would be 00, but given the nature of the business of limousines, it would not be uncommon tore a vehicle to come back after midnight where the driver would bring the car in, park the car and then lock up and leave in their own vehicle. There is at least one neighborhood person here that I believe would like to speak to this application. And the adjacent uses to the north, the property is zoned gr-co and cs. There is an existing hertz auto rental building and office uses, to the south other offices zoned lo. To the west is a single-family neighborhood zone sf-1 and further on the east side as i mentioned along the frontage road of ih-35. I'll pause if you have any questions. The applicant's agents are here and I believe there's a neighborhood representative that would like to speak to this case.

Mayor Leffingwell: Questions of staff? We'll go to the applicant's presentation. Welcome. You have five minutes.

Good afternoon, mayor leffingwell. My name is phil mancota. I will be very brief. Today my client has been on this site for seven-plus years. What initiated the zoning change was the fact that one of his disgruntled employees started a fire and burned the structure that used to be there. And so to the best of my knowledge, I did check with code enforcement as far back as the -- february the 3rd and I was told there were no code violations at this location, even though we don't have the correct zoning. I do have numerous letters of support from the neighbors and local businesses and we actually have one of those letters of support is from the neighbor that's directly behind the subject tract. We have an existing six-foot privacy fence with a small portion of chain link, but that is a specific area where we have already -- I spoke to my client and he directed the contractor. We've already removed 25 feet of asphalt facility that used to go back to -- asphalt that will go back to the property line. This area will be naturally vegetated and the trees will be planted to create an additional did you ever. 90% Of this business is generated through phone, fax or e-mail. Drivers have been directed not to drive through the neighborhood which is one of the neighborhood's concerns. As recently as yesterday i received a call from the limousine service stating someone from the neighborhood had come up and berated them and gotten after them stating someone was driving through the neighborhood. There is another limo service two blocks away. We have no control over what they do, but my client specifically stated if any of his drivers drive through the neighborhood, they will be terminated. It's really a safety issue because the neighborhood has substandard streets with open bar ditches, no curbs and gutters. The length of the limousines make it difficult to maneuver and turn. Something similar to what y'all were talking about in the previous case with the fire trucks. Currently the site was probably about 85% impervious cover and we are reducing that. And we don't have any plans on doing any other development. To the best of my knowledge and I'm here to answer any questions you might have. Thank you.

Mayor Leffingwell: Any questions for the applicant? Councilmember riley.

Riley: I want to thank you for all the work you've done in reaching out to the neighborhood, working constructively with them. Sounds like there's been some real improvements on the property. I like the idea of taking up the asphalt and protecting the trees. I understand you've been working with our city arborist and coming up with buffer requirements with respect to those trees, and I understand there is some language now that y'all have agreed on. Is that right?

That is correct, sir. In addition to that, besides removing the asphalt, we have placed mulch around those radius areas to create an artificial tree we will during rain events for the water not only to percolate but saturate that mulched area and they've also been directed to trim on the tree closest to the interstate service road, trim all of the limbs that burned. And I'm under the impression, I was told yesterday they would be doing that work today. In addition to that, I don't believe we've ever had a complaint from anyone in the neighborhood as far as the business being there for over seven years. And the last item I want to state is in 1984, I believe it was city council directed staff to do a study on zoning up in that area, and staff -- or city council made a determination at that time that properties along the frontage road should be utilized for commercial services because that was the best location for them to be. As long as they weren't impacting the neighborhood. Thank you.

Riley: Appreciate all the applicant's work on being a good neighbor and sounds like the buffer is going

to help even more.

Mayor Leffingwell: We'll hear from folks signed up to speak on this item. Signed up against is wayne tobias. Is david segal in the chamber? You have up to six minutes.

Mayor Leffingwell, councilmembers, I'm wayne tobias representing the walnut creek association. At first impression, this should be granted, but the neighborhood considers a lot of other factors when we object to these issues. Walnut creek neighborhood is not large. It's bordered on three sides by major arterial. 35 Feet along breaker and lamar annie. And this neighborhood was laid out almost 50 years ago, many of the properties along you've at the time it was still under construction were supposed to be homes as evidenced by the size of the lots and the homes that front the road. Well, in the county zoning was virtually nonexistent. When properties along the fray were sold, there was nothing to stop any kind of business from opening. The nonconforming businesses have been there since the '70s. Ours is the last neighborhood that abuts the free. Ours is in only neighborhood in north austin i-35 corridor with no zoning buffer. This is one reason the property is re-zoned lo or lr when annexed by the city. Over the years there have been county case changed along government -- excuse me. Over the years there have been city caseworkers change along with government officials. Nothing has changed around our neighborhood that should cause a city approved zoning to change. Nonetheless, over the years there have been zoning changes. Each time the neighborhood objected specifically directing automotive related businesses, outdoor service businesses and storage businesses where external appearance of the property is not concerned to the proprietor. Currently the purchase price of the border lots is within reach of the first time investor of the business and therefore lies the predicament. To be profitable the owner will do everything they can to maximize return sometimes coming with total disregard to the surrounding environment. They take liberties pushing and sometimes crossing restrictions on building ordinances. We also notice necessary practices may be incompatible, possibly one reason you don't find an office environment next to a automotive related business t owner of the property requesting zoning tonight is no exception. The zoning and construction variations on this property have been reported a number of times over the years. The business was reported when the limo first appeared. Code enforcement responded that the limb most parking at a radio station did not substitute a business. There were only two at a time. The businesses reported again when the parking lot was extended with crushed granite all the way to the fence line. The neighbor behind the property called a board member and complained that their ac was destroyed when the backyard filled due to runoff from the property. The response from the city was they could not go on to the property without permission to inspect the violation and the neighbor should file a civil suit against the proprietor for the ac unit. The property was reported again when it started showing up on nearby zoning issues as a business. The response from the city was, according to their map, the property was zoned properly for that business. The map on the back of material clearly identifies a limo business on property zoned c-f. At that point it seemed pointless to continue reporting the zoning violations. In the meantime, without a permit or concern to adjacent neighbors or businesses, the owner paved as much of the pros as he could. When the structure burned with a permit, he cut down a damaged tree and paved all but 100 square feet of the lot. I bring this forward to show the neighborhood did not ignore the illegal operation of the businesses, also to show why the neighborhood is concerned about outdoor related businesses. How very easy it is to implement changes or have appearance detrimental to the help of the neighborhood and surrounding

businesses. Another limo service has already moved on the lot to the south of the property. After installing a driveway, right now it's dirt, limo most are parked and stored in the back. This business has been reported. With over 1200 cases pending and over 5 inspectors to cover, don't expect the case to be rescrewed any time soon. In the meantime, the business is following the same patterns exhibited by the aaa limo business. I expect it will be our next zoning case on i-35. If this type of zoning continues, we feel the future of the area can be predicted based on evidence on i-35 intersection to our south. As you approach the intersection, you find several automotive related businesses, a hotel and gas station. Just like we have. There are no offices. The next intersection is rundberg, one of the highest prostitution and drug areas in austin. We feel -- on our neighborhood roadways, the attitudes of neighbors willing to live adjacent to the businesses will have to change. If attitudes change, so do acceptable living standards. It would not take much for breaker and i-35 to become another rundberg. We also received some degradation and this seems to be a popular area for gaming businesses, three of which were evicted in the last year and on fourth under investigation. An increasing number of panhandlers find our intersection popular. Something current ordinances do not address. At a glance, it may see the limo service is not detrimental to the neighborhood, however, the zoning permits repair. Consider if a limo service moves out and a taxi service moves in, which would completely change the appearance of the business and force a change of attitudes. We respectfully request that you consider more than this property -- [buzzer sounding] -- consider the size of the lot, the environmental impact of the impervious cover --

Mayor Leffingwell: Your time is up. Please conclude.

I would like to commend the staff and zap for the work that we did in putting this together.

Mayor Leffingwell: Thank you.

Thank you.

Mayor Leffingwell: Three minutes rebuttal, phil.

Mayor and councilmembers, I'll be brief again. Historically the city allows when a structure burns and you have raw land directly underneath it with any type of topography, we have a small slope that drains back toward the neighborhood. They do allow you to come in and place asphalt there. That's just impervious cover for impervious cover so that's a nonissue. The second item he's concerned about setbacks, this particular zoning case has agreed to do a 25-foot setback even though the property directly to the north of us have a parking lot that's within 10 feet of the rear property line abutting this neighborhood. In addition to that, this air conditioning unit he's referencing, I believe if that situation did occur, it's been rectified because we do center a letter of support in the backup directly from the person that lives in that residence. The other item is we -- i believe we had agreed that we would not do any type of mechanical work or maintenance on these vehicles, and by the photographs he showed you, you can see that these aren't used cars. This is a luxury type of business where people rent limousines for special events, weddings, graduations, so i don't believe that that photograph of these homeless people is appropriate and whatever is going on down at rundberg that's outside of his neighborhood

doesn't have anything to do with this zoning case. Once again, we don't do any servicing and we'll even agree to that. Those vehicles leave, they don't even wash them there. The only thing they do is park them there. In addition that area he was concerned about us parking the vehicles in where the house used to be, that's actually closer to the highway, creating a greater buffer and creating more distance from the neighborhood. Thank you.

Mayor Leffingwell: Thank you. I've got a question for mr. guernsey. So this has been a nonconforming use there for a number of years, seven years or something like that.

There are many uses probably nonconforming. I believe this particular use is coming in to become conforming. I'm not sure what the use was prior to this use arriving at this site.

Mayor Leffingwell: This business had not operated as a --

I think it's only been there seven years.

Mayor Leffingwell: But it was at that time nonconforming? The past seven years?

The past seven years would be nonconforming.

Mayor Leffingwell: And they would still be operating as before had not the structure burned down?

Probably only because we probably would not have had any enforcement and the issue probably wouldn't have arisen because there would have been building permit request.

Mayor Leffingwell: What I'm trying to get at --

I don't believe it was a legal nonconforming use when the operation opened.

Mayor Leffingwell: Don't believe it was legal.

That's right, because an auto rental business is not permitted. The reason they are seeking the zoning request is so they can obtain a proper building permit and open a more permanent establishment and they would not have any fear of them not being a permitted use on this property.

Mayor Leffingwell: Thank you.

Also I wanted to offer one other thing, and I think the applicant offered that the repair of automobiles and the washing of these automobiles would not be part of this operation and offer that to you. There is a way that we could actually prohibit that as an accessory use auto rental that the auto rental and repair would not be done on site as accessory use to 2 principal uses auto rental. [Inaudible]

Mayor Leffingwell: So are you telling me auto washing and repairs would be accessory use so therefore

wouldn't require any additional zoning?

That wouldn't require any additional zoning when we have like yellow cab, not promoting yellow cab, but if there was a yellow cab business or taxi cab business, if they want to wash that you are service, it's not uncommon they would have that as incidental. Just li an auto dealership. You also have that with auto rental. If the owner's agent is indicating that they do not wish to do that service and have agreed to a condition that would prohibit that, there is a way that we could prohibit that as an accessory to this particular use.

Mayor Leffingwell: Okay. Gotcha. Even though they are authorized to do it, they are agreeing to a c or or whatever.

And whether that's a restrictive covenant or conditional overlay.

Mayor Leffingwell: Okay. Councilmember riley.

Riley: Greg, could you address -- there's been some discussion about the efforts that have been made in the back of the lot to provide -- to remove the asphalt to provide 25 feet back from the fence, back from the rear property line, rather, and provide protection from the trees. Do we have language that will be part of the conditions on the property that would build that into the ordinance?

Yes, that was part of the commission's recommendation. And I think what I heard and what I even spoke with the neighborhood, it looks like they have already removed some of the asphalt or pavement topping that was in that rear area already. So it's already removed today.

Riley: But as -- it would be built into the --

we would build that in as a vegetative buffer as part of the zoning ordinance so it would remain.

Riley: They couldn't add that in the future.

They couldn't without coming back to council and asking to amend that, that's correct.

Mayor Leffingwell: Councilmember spelman.

Spelman: I move to close the public hearing and adopt on first reading only the zoning and platting commission recommendation with the addition of finding some means in second and third reading of adopting greg's suggestion of prohibiting auto washing as an accessory use.

Washing and repair.

Spelman: Washing and repair. My apologize.

And is there also the desire to include the recommendations?

Spelman: I believe that was part of the zap recommendations.

Mayor Leffingwell: Additional tree protection items they've agreed to.

Those are the three items, modify the zoning and platting recommendations.

Spelman: With the addition of all those modifications, yes.

Mayor Leffingwell: Okay, so the motion is to close the public hearing and approve on first reading only the zap recommendation with the addition of the tree enhancements as agreed to by the arborist and the applicant, and also to incorporate before second reading a provision to not allow the accessory uses for auto repair and washing. Right? Second? Is there a second? I'll second. Any discussion?
Councilmember morrison.

Morrison: I think I heard the terms you've mentioned repair and washing. What about maintenance and service because there's more things you can do in terms of keeping your automobiles up, up to --

to typically repair would be repair of the vehicle. You know, so if you were fixing a flat tire or working on the motor, for instance, those would be considered repair-type items.

Morrison: What about checking the oil? And changing the oil? Is that repair?

I'm not sure if that would be qualified as repair. I do that in my own driveway at home.

Morrison: Is there auto maintenance? I want to make it broad enough because I think he said repair and maintenance. So if there's a way that we can make it as broad --

I don't know if our zoning ordinance gets that precise. We do have repair that you would normally think of if you take a vehicle to an auto repair shop and they do a tuneup or brake job or, you know, changing out your coolant, filters or fluids. Those are typical things. Auto washing would be detailing, washing it out and those types of things and those might be objectionable to the neighborhood if you had a large vacuum that was going, that may make noise that might not be acceptable to a residential property owner next door. But I probably personally would not think that just checking the oil before you drive off would be considered auto repair.

Morrison: mercado, did you have a comment on that? I see you --

I guess the reason I made that suggestion is because i have an old car hobby and so that's what I do, I tinker with cars occasionally and I'm not doing this. But I wanted to clarify something that I actually made that suggestion and not guernsey, for the record, about prohibiting those things, because we do and want to be a good neighbor and i believe he's been there for over seven years and he does own the

property, he doesn't lease it. And that is his only business there now. I have asked him to take down that sign that was up there.

Morrison: Yes, and in fact I apologize if i misspoke. I did recognize at least in my head that you were the one that made that offer and i appreciate that.

Mayor Leffingwell: Okay. Motion on the table for first reading only. Any further discussion? All in favor say aye. Any opposed say no. Passes on 6-0 with councilmember cole off the dais. And I believe that guernsey, that concludes our zoning cases for today.

Yes, that includes our zoning amendments for the day. Thank you.

Mayor Leffingwell: Thank you.

Mayor Leffingwell: So council, without objection, we'll recess this meeting of the austin city council and call to order a meeting of the austin housing finance corporation board of directors. shaw here to take us through the agenda.

Good afternoon, mr. president. My name is margaret shaw, treasurer for the corporations. We have a short agenda today, only two items. The first being approving the minutes from our march 11 meeting. The second one is to approve resolution that supports and authorizes staff's application for \$250,000 to the state to support the corporation's architectural barrier removal program. With that I'm happy to answer any questions the board may have.

Mayor Leffingwell: Your proposal is --

I'm offering both on consent.

Mayor Leffingwell: Consent agenda is approve the minutes and also approve acceptance of a \$250,000 grant. That's the consent agenda. president, it's the authorization to apply.

Mayor Leffingwell: I stand corrected.

We'll be back to accept it.

Mayor Leffingwell: Well, okay. Board member spelman moves approval of the consent agenda. Is there a second? Board member riley seconds. And is there any discussion? All those in favor please say aye. Any opposed? That passes on a vote 5-0 with councilmember morrison and cole off the guy I can't say. Dais. With that we'll adjourn this meeting of the austin housing finance corporation and we will call back to order this meeting of the austin city council. However, I believe there are no other items on our agenda that we can take up until 00 so we have a number of public hearings, council. I would suggest that we come back about 4:00. It's kind of difficult to tell how long it's going to take to get through all of

them, so without objection we stand in recess until 4:00 p.m.

Mayor Leffingwell: We are out of recess and we will begin -- we'll take up our public hearings, beginning, I believe, with an gurnies regarding item number 50.

Council, greg guernsey, planning and review. Item 50, conduct a public hear appeal, that request is withdrawn. No action is required.

Mayor Leffingwell: Council, without objection, item number 50 is withdrawn and I believe we can take up item number 49.

Good afternoon, mayor and council. George adams with the planning and development review department. Item 49 is to conduct a public hearing and consider an ordinance amending chapter 25-2, subchapter e of the city code related to design standards and mixed use. This is a group of approximately 20 amendments, most of which are clarifications or corrections to subchapter e. These were identified as consensus amendments by a group of stakeholders who have been involved with the process for the past year and a half. The planning commission recommended approval of the amendments of they also recommended the addition of one additional amendment which staff has incorporated in the draft ordinance and is amenable to. We would offer this for all three readings. It's my understanding we have one speaker signed up to speak in favor of this. Be glad to answer any questions.

Mayor Leffingwell: Questions of staff? We do have one speaker signed up. Stuart hirsh. Welcome, you have three minutes.

Mayor and council, I just want to say thank you for this set of amendments, particularly the one involving congregate care on multi-family sites that are not on corridors, increases your support to do hub housing which I know is a priority for this council. In addition I want to thank you for what you are going to do later on all the building codes. I just hope there's enough money in the budget to actually buy them for all of the inspectors and code enforcement and plan review and inspections that need them and train them and train all of us who are affected by it so when these codes go into effect they can affect the behavior of our design professionals and our contractors. So with that, I don't usually come down here to say thanks, but I wanted do that today. Thank you.

Mayor Leffingwell: Thank you, stuart. Those are all the speakers we have signed up. Council, we're open for discussion or a motion on item 4-9d. 49. Councilmember cole.

Cole: Mayor, move approval on all three readings.

Mayor Leffingwell: Councilmember cole moves to close the public hearing and seconded by councilmember spelman. All in favor say aye.

Morrison: Mayor, may i make a comment?

Mayor Leffingwell: Councilmember morrison. Almost made it.

Morrison: I want to thank staff for their work on this and I did want to point out, i appreciate there is some additional work in terms of updating the commercial design standards. I know some folks have been particularly interested in some issues like the neighborhood site design adams is going to be moving forward with pulling together some folks to work on that. I think in the summertime. So that will be terrific. And I am happy to support this motion.

Mayor Leffingwell: Yeah, and I would just say sort of echo those remarks. This is the low-hanging fruit that we pick, the consensus items, but that part is yet to go and I'll look forward to that. Anything else?

Cole: And I look forward to councilmember morrison and councilmember riley digesting this in committee.

Mayor Leffingwell: And you.

Cole: They understand it.

Mayor Leffingwell: All in favor say aye. Any opposed. Passes on a vote of 7-0. So council, if there's no objection, we can take the presentations and testimony on items 51 through 58 at the same time. Or so I'm advised by the city attorney. And then we can go through item -- we'll have a different motion for each item as we go through it. So without objection, we'll proceed to getting the briefing and testimony 51 through 58. Welcome.

Good afternoon, mayor, council, mayor pro tem. Leon varga with the planning and development review project. We are bringing you six new technical codes in the local amendments and proposing amendments to two existing technical codes for your approval. For your information, technical codes are usually updated every three years. And the intent is to stay up to date with the new technology or materials and more importantly to have safer structures. Some of the code changes we are proposing will also require higher efficiencies in order to conserve various resources. However, some of these changes mean that the associated construction costs may increase. Some increases are minimal, some are not. For an example, adoption of the 2009 iecc or international energy conservation code is estimated to add between 60 cents to 80 cents per square foot for new construction. For a new house having 2200 square feet, this equates to about \$1,320 up to \$1,760. However, the energy savings from this code will off set these costs from day one, reducing total housing costs between \$8 to up to \$13 per month. Before we begin discussion on the various codes and amendments, I want to thank our city staff, the various -- from the various departments, our technical board members, and our stakeholders. They all provided many hours of review and input on the amendments to the various codes that we have. Most of the time we agreed on the proposed technical codes and sometimes we didn't. But what you have before you today is our best effort to reach a compromise. At the same time, our intent was to make sure that we did not lessen any life safety requirements of the published codes. Thank you. We'll

go ahead and get started. With number 51, item 51. Item 51 takes us from the 2006 iecc, I'm sorry I keep using the acronyms, international energy conservation codes, to the twine international energy conservation code. The included changes reduce energy of residential and commercial buildings. These changes are in line with the city of austin policy relating to the zero energy capable homes initiative and the austin climate protection plan. Some of the highlights, this is on the residential side, the published 2009 iecc requires duct and envelope testing of homes with no provision for batch testing or sampling. This means that occupants of all homes are assured to meet our code requirements. Small volume builders are now not at a disadvantage. Additional amendments follow guidance into the zero energy task force report and climate protection plan. We're improving window and wall performance, we're increasing lighting efficacy, we're providing insulation of hot water pipe to go high use fixtures. We anticipate the annual energy reduction from less year's code -- or from the last code we adopted is 1648-kilowatt hours and that equates to about 17% total reduction over the 2006 iecc on the commercial side, the published iecc improved our enveloped efficiency. Some of the local amendments we have to that particular code will require commissioning and I'll try to explain commissioning. It's where the engineer designs a system that is balanced to provide the most efficient use of the resources in that building. And not only do we require them to design it, we ask them to certify it has been done and has met our requirements. We also have improved air barrier requirements and hvac shutoff devices. Some of you ask what does that mean. Well, we have some businesses that one of the things they like to do during the summer is open their garage doors or doors to bring in the public, bring in the fresh air. These units we've asked to be installed will now cut off that system. Moving on to item 52, that's the 2009 international property maintenance code. The ipmc provides standards for property maintenance and safety at existing buildings. Requirements of this code require maintenance of building, mechanical and electrical and plumbing systems as well as conditioned maintenance of the premises. As you can tell, we probably needed to update this particular code some time ago. The current codes are the 1994 uniform housing code and 1994 uniform code for abatement of dangerous buildings so we are definitely moving to a newer code in the 2009 international property maintenance code. Some of the highlights of this section, the scope of the ipmc includes minimum standards for maintenance of residential commercial use structures. We have requirements for security at dwelling units. The smarm alarm requirements are in parallel with the city's fire code and requirement for employee restroom faults. Item 53 and 56 are fairly similar. These are amendments to existing codes. We are currently under the 2008 electrical code and the amendments will establish minimum requirements for time limitation of application, expiration, extension, reactivation and review fee for expired permits. Moving on to item 54, this is our change from the 2003 international building code to the 2009 international building code. The ibc provides minimum requirements to safeguard the occupants of new and existing buildings and structures. Some of the highlights are we establish time limitation of permit milk provisions with the land development code and have added language to clarify or reduce permit expiration. It establishes permit expiration provisions and adds language to clarify or help reduce or eliminate expiration. We harm niced accessibility with the texas accessibility standards and response in high hazard occupancies and language to clarify sprinkler systems. The next item, 55, this is our international fire code. We're taking-going from the 2003 to the 2009 international fire code. The ifc establishing minimum requirements for providing a reasonable level of highlight and property protections from the hazards of fire, explosion and dangerous conditions in new and existing buildings. Some of the significant changes are we have an

annual permit requirement for fire protection systems to facilitate tracking and to help ensure adequate maintenance of these systems. Radio communications, capabilities within new and existing buildings of wired systems and high rise structures, clarification and coordination of building coat code for temporary tent and [inaudible] structures. Placards and signs to alert firefighters about potentially dangerous conditions including to but not limited to light weight building materials. We've clarified and coordinated requirements with the building coat for temporary tent and membrane structures and we have added additional environmental protections for fuel dispensing operations. Item 56 as I mentioned earlier is tied to the similar requirements or the amendment we made for the 2008 on item 53. Those two are related. On item 57, we're going from the 2003 uniform plumbing code to the 2009 uniform plucking code. The uniform plumbing code establishes minotaur requirements to provide safe and sanitary plumbing systems for the protection of the public health and welfare. Some of the significant changes we've added here, we're going to go to the low flush water closets, down to 1.28 gallons per flush. Commercial gray water systems, we added additional language in our plumbing code. Wastewater from bat tups, showers, laundry tubs and others shall be permitted to apply uses to water closets, irrigation industrial processes, water features and other uses after a treatment process. Additionally reclaimed and other auxiliary water systems shall be aplowed to supply uses to water urinals and floor traps answer sinks, irrigation processes and water features and other uses. Used waters, reclaimed water, recycled water or air conditioning condensate. This kind of gives you an idea of what you can do within a structure. And as an example, on item number 1, residential gray water, you'll notice that our 2003 plumbing code had no allowance and we talked about that issue, but as we discovered when we tried to go through with the 2009 plumbing code, it's not allowed by tceq so we can't move forward with that particular item. But if you have time to look through that, it talks about every one of the possibilities that we can take to utilize water and other resources. The second chart is for outside of a structure. And last but not least is our uniform mechanical code. We're going from the 2003 to 2009, and this establishes minimum requirements to provide safe and efficient heating, ventiling, refrigeration and cooling systems. My last slide is some of the highlights. I'm sure these are not as exciting as some of the others, but we allow new language to allow dropped ceiling and does not require the use of access panels. Environmental air ducts may terminator private use balconies. And that concludes our presentation. And we have a number of staff that are very technically -- they are technical experts, I'll put it that way. So the minute I start getting a little nervous or worried, you know I'm going to bail out and ask for their help, so we're ready.

Mayor Leffingwell: Okay. We have some speakers signed up on item number 51. Which we'll take you will first. First speaker is stuart hirsch again. I believe stuart has left. The next speaker is nelson knees. Nelson knees. mayor and councilmembers. Thank you for allowing me to come today. My people is nelson knees, an attorney here in town. Our firm works with -- in the development and adoption and implementation of building energy codes across -- across the nation, and generally we are very supportive of the council's actions to update the codes to the 2009 iecc. There's one provision in here that caught my eye that i discussed with richard morgan a few minutes ago, and i believe initially we may have a difference of opinion. There is one section in the 5 which has a maximum -- maximum fenestration u-factor and shgc which is a long way of saying the efficiency of the windows has a maximum amount average limitation in the current code as it stands in the -- in the council's proposal

would be to delete that. In our experience, the -- that would be a weakening amendment to the 2009 iecc, and richard believes in his estimation that it -- that the inclusion of that weakens the code. Excuse me. And he has committed to work with me and discuss it indepth in the future, but at least i did want to go on record as pointing that out to you and stating that in our -- in our 5, the elimination of that would make the code weaker. And of the jurisdictions that have adopted the 2009 iecc, we haven't seen any deletion of that provision in any of those jurisdictions. I'd be happy to take any mayor, councilmembers.

Mayor Leffingwell: Thank you. And I will be proposing after we have a motion on the table on this item 51, additional direction directing austin energy to meet with the greater austin home builders association to address three particular items of interest to them. I don't know if this is of interest to you, but to review the proposed window u-factor, to ascertain if the level of efficiency being proposed in the amendments is optimum level in terms of energy saved and cost to implement. And second, to determine if batch testing as currently allowed in our energy code should be allowed or the newly proposed code. And third, to ensure that city staff and the home builders association clearly understand the process to be followed for development of the 2012 and 2015 energy codes and described in the 2007 zero energy capable homes plan. And staff will be directed to work with the home builders association to review these items. And again, these -- assuming these items are -- the ordinance as posted with one minor modification is already passed, they will still go back and review these items and reported back to council within 60 days.

Thank you. Thank you, mr. mayor. I appreciate that. And in our review also of a few of the other amendments, while we typically find that the batch testing does have greater room for error, i believe there is individual requirement for testing of ducts and air handlers which would be a good compromise in that -- in that respect.

Mayor Leffingwell: Well, we'll have the opportunity to have those discussions.

Thank you. Thank you, mr. mayor. I appreciate it.

Cole: Excuse me, mayor, i have a question for you.

Mayor Leffingwell: Councilmember.

Cole: The amendments that you just suggested, are you going to add those as part of the future motion? I support these, I was trying to make sure that we technically --

Mayor Leffingwell: I said after a motion is on the table, I will propose a friendly amendment to add that as direction to the motion.

Cole: Okay. Thank you. So the next speaker is cyrus reed.

Sucro behalf of loan starr sierra club. It would save people money, save emissions and help meet energy demands and produce jobs. Earlier today you had a presentation about the proposed austin

energy plan. You got somewhat troubling news that the energy demand curve is going up a little more than we expected, and that's assuming that we can get to that 2015 goal. So it's very important that we move forward and we continue to adopt tighter and tighter energy codes. Austin has been a leader on this issue. We've had both in the last six months the city of waco and san antonio adopt 2009 iecc codes with local amendments. This would put us back in the lead in front of waco and san antonio, which is important. You probably know that the state itself has proposed making the 2009 iecc the state minimum codes. We would be complying a couple years early, but that's a good thing to do. [One moment, please, for change in captioners]

Mayor Leffingwell: Roy whaley, you must have gotten here too too late.

Short and sweet, roy whaley. Austin sierra club supports this and thanks you for the consideration on this and we reid just said. Thank you very much. That will make austin a better city and help us with clean air. It will help us with compliance and it's a about good move. Thanks a lot.

Mayor Leffingwell: Thanks, roy. Okay. Now that's all the speakers that we have signed up. And councilmember spelman recognized.

Spelman: Thank you, mayor. I move to close the public hearing and approve item 51 on all three readings. This is going to amend the energy code ordinance, but i would also like to add language which deletes section r 106 and part 4 from the 2006 international residential code. This is language which is superceded by the energy code, which is the bulk of item 51. The exact language for this has been provided to the I think shirley has all that. And I also -- well, I'll just leave it at that for you and provide the additional direction.

Motion by councilmember spelman, seconded by councilmember morrison, animal care services I would just offer -- and I would just offer the friendly amendment that I proposed earlier with the direction to austin energy and I'm furnish that to the clerk in writing as well. Any discussion? All in favor? Opposed? That passes by unanimous vote. -- It passes on a vote of seven to zero. We will now take up item number 52. And item number 52 has one speaker signed up. Roy whaley. Was this a mistake?

Thank you. Same remarks. Thanks again. I signed up for all of them. No need to call on me. [Laughter]

I wasn't sure I could speak on 51, sho I thought i should cover my bases.

Mayor Leffingwell: So consider yourself called on items 51 through 58. If you change your mind, let us know.

If we can put one in the bank for me at a later date on a different item, that would work great too. Thanks, y'all.

Mayor Leffingwell: So council, I'll entertain a motion on item tbum.

Spelman: Move to close the public hearing and approve item 52 on all three readings.

Mayor Leffingwell: Motion by councilmember spelman to close the public hearing, approve on all three readings. Seconded by councilmember morrison. Comments? All in favor say aye? Any opposed? It passes on a vote of seven to zero. And now we can take up item number 53. And we've already had our briefing on it. And let me make sure we don't have anybody besides roy signed up on 53. And we don't. So the floor is open for a motion on 53. Mayor pro tem.

Martinez: Mayor, is this the item where we're going to take up item 53 through 58 altogether?

Mayor Leffingwell: We had the briefing on 51 through 58 altogether, however some of these items have people signed up to speak on them. So I know it's a little trouble. We'll just make the motion separately.

Martinez: One at a time?

Mayor Leffingwell: Yes.

Martinez: I'll move that we leave the public hearing open and approve the item on first reading only.

Mayor Leffingwell: On item number 53?

Martinez: Yeah.

Mayor Leffingwell: Motion by mayor pro tem martinez to keep the public hearing open and approve on first reading only. Is dl a second to that?

Spelman: Second, mayor.

Mayor Leffingwell: Councilmember spelman seconds.

Spelman: May I add a friendly amendment to the motion as part of the second, however? The only reason that I heard from members of the dais for keeping the public hearing open and for only approving this on first reading and not on all three readings is because there is an issue with respect to reactivation of expired building permits. And I would like -- i believe some other members of the council would like to be able to leave this issue open to allow that issue to be dreesed and for -- to be addressed and for the code to be rewritten to deal with that issue.

Mayor Leffingwell: Understand. Accepted by the maker and the second? Councilmember morrison, do you accept the friendly? It wasn't a friendly, just a discussion. Go ahead.

Morrison: I have a discussion for mr. lloyd. Thank you. I just wanted to confirm with you that in order to discuss reactivation, we have to keep 53 through 58 open, and it's not just 54?

There are several codes that are dependent upon the reactivation expiration provisions that are set forth in the building code ordinance. So if council wants to leave the ordinances open for the purpose of addressing that issue, considering that issue more fully, definitely an option would be to pass on first reading, but leave it open to address that issue.

Morrison: It all of them that we have to leave open?

That's correct. All of the ordinances that involve trade permits. That would be the mechanical code, the plumbing code, the building code, the residential code, and --

Morrison: This is a good quiz for you, isn't it? Essentially all of the codes that involve trade permits. And additionally the fire code, although that does not require trade permits, it very related in other respects to the building code. So if you're going defer action on the building code, it's important as well to hold off on the fire code.

Morrison: Great. So that is 53 through 58 that we'll only be doing first reading. Thank you.

Mayor Leffingwell: So lloyd, while you're there, what is the purpose in even addressing these items today if we're going to keep the public hearing open and changes have to be made to it? Why are we being presented with these items that are still going through these changes? Maybe there's an obvious reason.

The ordinances were prepared with the reactivation provisions that councilmember spelman alluded to, and I think following posting a backup over the course of the last few days, councilmembers and stakeholders have raised issues with regard to those provisions, but the ordinances are noted before you. You certainly could simply postpone action. That would be an alternative to achieve the same objective.

Mayor Leffingwell: So we could postpone items 53 through 58.

Morrison: Mayor, i think it would be great if we could go ahead on first reading with these. I think it's going to be somewhat rudimentary, but i would like to be able to -- I have been discussing with the stakeholders and with lloyd and others some possible amendments to the reactivation code. And if we can go forward and not postpone them, then i can at least get these into the record so folks could be able to see them on backup. And so I think it would be helpful, if not just a little bit mundane.

Mayor Leffingwell: It would be a little repetitious, but we can go through it. So we are ready to vote on item number 53? First reading. And the public hearing will remain open. All in favor say aye. Any opposed? It passes on a vote of seven to zero. Now we'll go to item 54. Motion on item 54. We do have speakers on 54. Roy, but we don't have to call him again. Carol torginson. Peter torginson is here. You have six months. -- You have six minutes.

Good afternoon. My name is carol and I am here signed up in opposition to item 54, which I'm only in

opposition to part 2 of the ordinance of item 54, let me make that really clear. I'm not here in opposition to the code changes in support of the new building, international building code. I'm only here about items 25, 12, 266 through 25, 269 in the proposed ordinance. And I commend the work that's been done on all of these ordinances other than those items. Item 266, the time limitation of the application is worry some to me because it actually reduces transparency and public input from what is. Previously the case. 3 12k0 2, timeliness of application for residential building permits states that -- it refers back to section 25188 of the city code which says that if you apply for an application extension -- extension of the application, that it's subject to notification and interested parties can appeal it to a land commission. The new wording simply says that the building officer will make a decision on that extension. So it actually a reduction of a potential for public participants, and I can't in good conscience be for any change that allows less public input. Particularly in building permits and we have some connection to those. The building permits and subdivision plats and site requirements and zoning plan requirements sometimes. This is an important place to not let that right go away. On items 267 through 269, this is a big change from what was in the code before. One has to ask why do we need to have all these exceptions be put into the code. My understanding is that some of this is happening informally already, which is not good. But simply codifying the band aids that we're using to fix the problem isn't really fixing the problem. We need to figure out a piway to incentivize people to actually operate under the building permits and get the work done and be done with it and not have a problem where inspections don't get done, permits expire and then some homeowner discovers two years later that his heater wasn't inspected properly and the contractor can't be found. We need to fix the problem. And this doesn't fix the problem. It just puts more work on staff and creates more paperwork to get around what we should be doing, which is incentivizing people to do it right the fir thing. One of the things that concerns me and the way we do business in the city is we don't incentivize them to do it right. There need to be penalties for not doing it right the first time. There need to be penalties for not telling the truth on applications, penalties for things where it needs to be done right. So my message to you is if we can fix the problem to get it done right the first time, we could reduce a tremendous amount of tax load and save the taxpayers a lot of money because every time you need to do an extension it takes a lot of staff time. If we could set up a system where things get done correctly at the same time and the incentives are there to get it done the first time, we could save a lot of money an a lot of hassle and not codify band aids and duct tape fixes. Thank you for your time. Appreciate it.

Mayor Leffingwell: Thank you. Those are all of the speakers that we have signed up who -- correction. Harriston, austin board of realtors. Earl harriston? Not in the chamber. And he doesn't want to speak anyway. So those are all the speakers that we have. I'll entertain a motion on item 54.

Spelman: Mayor, I move to keep open the public hearing and approve on first reing item 54. She has raised a very good issue, which is actually consistent with the issue we've been talking about with respect to reactivation of building permits and we would like to be able to keep open our discussions of this to address that issue.

Mayor Leffingwell: Motion by councilmember spelman, seconded by councilmember morrison to leave the public hearing open and approve on first reading item 54. Any discussion? Councilmember

morrison.

Morrison: Mayor, as i had noted earlier, I've been working with some of the stakeholders and staff to try to address some of the issues that have been raised by reactivation because i think that -- there was some intent by the staff that I've come to understand in developing this reactivation idea in the code. On the other hand, it was meant to clarify things and to close some loopholes, but on the other hand I think that with additional review we found some items that didn't quite work. So I have been working with them and have actually developed some potential language which I'm not going to offer today as an amendment because I think that we need to have alt more discussion about it and make sure that we get everybody's input on this. But I would like to offer this to the clerk to get it into the record so that we might be able to post it the next time this comes up and we'll be able to make it available to the public and have some reaction to that. So I'll provide this to the clerk and I'll look forward to working with everybody on the issues that have been raised.

> Motion on the table. Any quurtsdz discussion?

Mayor Leffingwell: All in favor? Any opposed? It passes on a vote of six to zero with councilmember cole off the dais. Which takes us to item 55. No one signed to speak up except roy whaley. So we'll entertain a motion on 55.

Spelman: Mayor, move to leave open the public hearing and approve item 55 on first reading only.

Mayor Leffingwell: Motion by councilmember spelman, is there a second? I'll second. And the motion is to leave the public hearing open and approve item 55 on first reading only. Any discussion? All in favor say aye? Any opposed? It passes on a disoat of six to zero with councilmember cole off the dais. That brings us to item number 56. No speakers other than mr. whaley again. And I'll entertain a motion on item 56.

Spelman: Mayor, given that there are no speakers on item 57 other than whaley and on 58 other whaley, perhaps we could incorporate 56, 57 and 58 all into one motion.

Mayor Leffingwell: I'm certainly receptive to that. I believe councilmember morrison had objected to that. Have you withdrawn your objection? Motion by councilmember spelman to leave the public hearing open and approve on first reading items 56, 57 and 58. Is there a second? Seconded by the mayor pro tem. Any discussion? All in favor say aye. Any opposed? It passes on a vote of six to zero with councilmember cole off the dais. And that, councilmembers, confirm, city clerk, is all of the items on our agenda for today, april eighth. So without objection, we stand adjourned at 4:47 p.m.

End of Council Session Closed Caption Log